

International Law and Domestic Law

- The different character and function of international and national law
- Monism and dualism
 - The significance of national law in international law
 - The significance of international law in national law

Incorporation of international law

- Automatic standing incorporation
- Legislative ad hoc incorporation
 - Statutory ad hoc incorporation
 - Automatic ad hoc incorporation
- Consistent interpretation
- The rank of international law in national law
- Self-executing treaties

National examples

- **The French Constitution**

Article 55.

Treaties or agreements duly ratified or approved shall, upon publication, prevail over Acts of Parliament, subject, with respect to each agreement or treaty, to its application by the other party.

- **The US Constitution**

Article 6

.... This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. ...

Explain the system of your own country to the person besides you!

- Do you have explicit rules on the relationship between int'l law and domestic law? Where?
- Do national courts use international law in their interpretation of national law?
- What is the rank of international law?

The interaction between international and national law

- Human rights law
- International criminal law
- International investment law
- International trade
- International maritime law
- Intellectual property rights
- International environmental law

New perspectives on international law

- National and international networks
- Global administrative law
- The constitutionalisation of international law
- How should international and national organs interact?

Case Study

Question 2 of the exam for the Spring of 2008,
available at:

http://www.uio.no/studier/emner/jus/jus/JUR5540/oppgaver/exam_JUR5540_public_international_law_v08.html