# 2022 **SEOUL ACADEMY OF INTERNATIONAL LAW**



# 2022 SEOUL ACADEMY OF INTERNATIONAL LAW

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#### **COURSE INFORMATION**



#### **Date & Venue**

**Date** July 4 (Mon.) - July 15 (Fri.), 2022

Venue Korea Diplomacy Center (Seoul, Republic of Korea)

#### **Program Objectives**

The Seoul Academy of International Law (SAIL) is a training program organized by the Center for International Law (CIL) at the Korea National Diplomatic Academy (KNDA) of the Ministry of Foreign Affairs of the Republic of Korea. It provides courses lectured by prominent scholars and practitioners in the field of international law to the participants from Asia and the Pacific region. The objective of the program is to promote greater understanding on the current trends in international law among those involved in international law practice. In an effort to establish the rule of law in the region on a more solid basis, the SAIL aims, in particular:

- To enhance the participants' understanding about international law
- To promote exchanges of views on contemporary international law
- To strengthen future cooperation and networks between the participants and the ROK
- To facilitate sharing knowledge in participating countries' foreign policies relating to current international legal issues

#### **Participants**

28 participants from 19 countries in Asia and the Pacific: Bangladesh, Brunei, Cambodia, Fiji, Indonesia, Japan, Kazakhstan, Laos, Malaysia, Mongolia, Nepal, New Zealand, Papua New Guinea, Sri Lanka, Timor-Leste, Türkiye, Uzbekistan, Vietnam, and Republic of Korea

#### **Course Information**

Lecturers and Courses

<b>Prof. Benedict Kingsbury</b> Professor, New York University	Global Governance and International Law		
Prof. Akio Shimizu Professor, Waseda University	International Trade Law		
<b>Prof. Dapo Akande</b> Professor, University of Oxford	Settlement of International Disputes and International Criminal Law		
Judge Jin-Hyun Paik Professor, Seoul National University Judge, International Tribunal for the Law of the Sea	Law of the Sea		
<b>Prof. Jutta Brunnée</b> Professor, University of Toronto	International Environmental Law		
<b>Prof. Nohyoung Park</b> Professor, Korea University	Cybersecurity and International Law		
<b>Mr. Steven Solomon</b> Principal Legal Officer, World Health Organization	Global Health Law and the WHO		
Amb. Won-soo Kim Rector, GAFC, Kyung Hee University Former Under Secretary-General of the UN	UN and International Law		
Mr. Raphaël Gonçalves Alves Legal Advisor, ICRC Regional Delegation for East Asia Mr. David Michael Maizlish Head, ICRC Mission in Seoul	New Technology and International Humanitarian Law		

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**CURRICULUM** 



#### **Global Governance and International Law**

**Prof. Benedict Kingsbury**Professor, New York University

The 'foreign office' model has dominated in international law since the 19th century - each state's government defines and pursues the state's interests, represented solely by government ministers and diplomats. They interact with other states organized the same way, to make treaties, establish custom, etc. By the 1990s a second model - the 'global governance' model - had become important. It saw international organizations as important actors (not just forums), recognized that states have many component parts which influence international arrangements (e.g. central banks), took account of increasing roles of private governance (e.g. standardization bodies and global sports bodies) and state-private hybrid institutions, and embraced some core values (e.g. humanitarian and environmental) even if these were not emanating from governments. Along with this went a legal focus on accountability, transparency, participation, international courts, and uptake of international arrangements by national regulators, courts, and cities. This model coincided with a period of North Atlantic dominance and met with suspicion about whose interests were being advanced and who made the new rules. Nonetheless it persists, and is a vital part of the work of an international lawyer, in fields ranging from health, trade, climate, to space, digital development, and oceans law. These lectures explore and critique the global governance model in international law.

**Unit 1** What is the 'Global Governance' Model in International Law?

Unit 2 Case Studies: Elon Musk's Satellites, Crypto Currencies, Gender (Eligibility in Women's Events in Global Sports)

**Unit 3** Global Governance and the Law of the Future: The Good, the Bad, and the Ugly

#### **International Trade Law**

**Prof. Akio Shimizu**Professor, Waseda University

This course focuses on law and regulation of international trade with special emphasis on the rise and fall of multilateral trading system. The observation starts with provisional application of the General Agreement on Tariffs and Trade (GATT) from 1947 and includes the establishment of the World Trade Organization (WTO) in 1995 as well as proliferation of regional trade agreements. Legal problems in substance and procedures that arose in the process will be discussed. Some WTO dispute settlement cases are also introduced. The WTO Ministerial Meeting held in June 2022 is considered to examine what awaits in the future.

Unit 1 Rise and fall of the Multilateral Trade System I

Unit 2 Rise and fall of the Multilateral Trade System II

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**CURRICULUM** 



#### **Settlement of International Disputes and International Criminal Law**

# **Prof. Dapo Akande**Professor, University of Oxford

These lectures will examine two different topics: (i) the methods by which states can resolve their disputes peacefully, and (ii) international criminal law.

The first two lectures will examine diplomatic methods of dispute settlement as well as adjudication. The lectures will provide an overview of diplomatic methods of dispute settlement but there will be a particular focus on adjudication and on the law and procedure of the International Court of Justice (ICJ). The lectures will cover: (a) the distinction between diplomatic methods of dispute settlement and adjudication; (b) the jurisdiction of the ICJ to hear and determine contentious cases; (c) the rules regarding admissibility of claims at the ICJ; (d) provisional measures at the ICJ; (e) intervention by third states in cases at the Court; and (f) an examination of the advisory jurisdiction of the Court.

The third lecture will consider International Criminal Law. The lecture will comprise a historical introduction to international criminal law, providing an overview of the relevant international tribunals established to prosecute international crimes and of the jurisdiction of domestic courts to prosecute such crimes. The lecture will then examine the definitions of the core international crimes and focus on the jurisdiction of the International Criminal Court.

Unit 1 Settlement of International Disputes 1Unit 2 Settlement of International Disputes 2

**Unit 3** International Criminal Law

#### Law of the Sea

Judge Jin-Hyun Paik

Professor, Seoul National University

Judge, International Tribunal for the Law of the Sea

This course examines some of the major issues in the law of the sea. In particular, it will address how the legal regime of the exclusive economic zone (EEZ) has evolved and been applied.

The first session will deal with how Part V of the UNCLOS was negotiated at the Third UN Conference on the Law of the Sea; key concepts and principles such as *sui generis* regime, sovereign rights and duty of due regard; EEZ fisheries regime.

The second session will examine how the provisions of Part V have been applied by international courts and tribunals. It will analyze several cases decided by ITLOS, ICJ and Arbitral Tribunals such as M/V "Saiga" Case, M/V "Virginia G" Case, "Enrica Lexie" Incident Case, South China Sea Case, Alleged Violation of Sovereign Rights in the Caribbean Sea, and Advisory Opinion on IUU Fishing. It will also address some controversial issues relating to EEZ and the future prospects.

Students are expected to familiarize themselves with the legal regime of EEZ by reading Part V of the UNCLOS, textbooks on the law of the sea and the judgements of international courts and tribunals in the above cases, which are available at the websites of ITLOS, ICJ and PCA.

**Unit 1** Exclusive Economic Zone I∶ Law and Institution

**Unit 2** Exclusive Economic Zone II: Cases and Prospects

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**CURRICULUM** 



#### **International Environmental Law**

# **Prof. Jutta Brunnée**Professor, University of Toronto

This course will provide an introduction to international environmental law, providing students with an understanding of both limitations and possibilities of legal approaches to international environmental protection. Key questions, pursued throughout, include: What "tools" are available to international environmental law as a branch of public international law? What are the particular challenges to be met by international environmental law in modern international society and in tackling transboundary and global issues? In addition to an understanding of these questions, students will acquire knowledge of: the most relevant customary rules and emerging principles of international environmental law; the basic structure and process of international environmental agreements; the role of international courts and tribunals.

**Unit 1** Rules & Principles of International Environmental Law

**Unit 2** Multilateral Environmental Agreements

**Unit 3** Case Study: International Law and Climate Change

#### **Cybersecurity and International Law**

**Prof. Nohyoung Park**Professor, Korea University

Cyberspace is a newly found domain for both military and non-military uses. States have tried to regulate their activities in cyberspace under international law. Since the third UNGGE agreed to the applicability of international law, including the UN Charter, to the use of ICTs by States in 2013, States have tried to agree to how international law applies to cyberspace primarily in the United Nations.

This course will examine the developments of international law governing cybersecurity mainly in the United Nations and certain specific rules of international law applying to cyberspace.

**Unit 1** The Developments of International Law Governing Cybersecurity

**Unit 2** Certain Specific Rules of International Law Applying to Cyberspace

#### **Global Health Law and the WHO**

Mr. Steven Solomon
Principal Legal Officer, World Health Organization

Covid-19 has propelled Global Health Law onto the front pages, as key elements, such as the International Health Regulations and a possible new Pandemic Treaty, are being assessed and debated by both stakeholders and the global public. But what exactly is Global Health Law? Where is WHO positioned within it? And what lies ahead for this body of international law? This two day course will examine these questions and more, and will invite students on the second day to consider and present positions on the implications of a new pandemic treaty on national sovereignty.

**Unit 1** Global Health Law and the WHO in a Nutshell, 1946 to 2020

**Unit 2** Global Health Law and the WHO in Transition

#### **UN and International Law**

Amb. Won-soo Kim
Rector, GAFC, Kyung Hee University
Former Under Secretary-General of the UN

This course will examine where we stand in international law and norm making at the United Nations, how it evolves and where it will and should go. For the past 77 years since its inception, the UN has not only led the norm making in key aspects of international relations, but also has expanded its role as a normative custodian and increasingly as an enforcer in international justice and accountability, though with ups and downs.

This examination of the UN's normative work will be focused on three pillars of the core mandates of the UN: 1) peace and security, 2) sustainable development and 3) human rights and justice.

**Unit 1** Overview, Peace and Security

**Unit 2** Sustainable Development, Human Right and Justice

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#### **New Technology and International Humanitarian Law**

#### Mr. David Michael Maizlish Head, ICRC Mission in Seoul

The overall objective of the course is to introduce basics of international humanitarian law (IHL) and to prepare participants for forthcoming discussions on specific aspects of IHL including those applicable to new technology in warfare.

This course will examine the historic and philosophical origins, main sources, and basic principles of IHL.

Unit 1 Basics of IHL

# Mr. Raphaël Gonçalves Alves Legal Advisor, ICRC Regional Delegation for East Asia

The course's overall objective is to introduce the scope of application of IHL and fundamental IHL rules, notably the rules governing the conduct of hostilities and those protecting civilians and detainees. With this in mind, the course will examine how these rules apply and can be adapted to challenges and trends impacting contemporary armed conflicts, particularly the urbanization of warfare and the emergence of new technologies of warfare, including cyber operations and artificial intelligence weapon systems. The course will end with some considerations related to the implementation of IHL.

This course will examine:

- (1) The scope of application of IHL (with a focus on the classification of Armed Conflicts);
- (2) The rules governing the conduct of hostilities;
- (3) The protection of civilians and detainees;
- (4) Urban warfare;
- (5) New technologies of warfare; Implementation of IHL

**Unit 1** Application of IHL

Unit 2 Modern Warfare and IHL

#### **Lecture Timetable**

Lecture limetable								
WEEK 1	7/4 (Mon)	7/5 (Tue)	7/6 (Wed)	7/7 (Thu)	7/8 (Fri)			
09:30 - 11:30	Opening Ceremony & Orientation	Law of the Sea (1) Judge Jin-Hyun Paik		Law of the Sea (2) Judge Jin-Hyun Paik	Field Trip			
13:00 - 15:00	UN and International Law (1) Amb. Won-soo Kim	Settlement of International Disputes (1) Prof. Dapo Akande	Settlement of International Disputes (2) Prof. Dapo Akande	International Criminal Law Prof. Dapo Akande				
15:15 - 17:15		UN and International Law (2)	Global Health Law and the WHO (1)	Global Health Law and the WHO (2)				
		Amb. Won-soo Kim	Mr. Steven Solomon	Mr. Steven Solomon				
WEEK 2	7/11 (Mon)	7/12 (Tue)	7/13 (Wed)	7/14 (Thu)	7/15 (Fri)			
09:30 - 11:30	Global Governance and International Law (1)	Global Governance and International Law (2)	Global Governance and International Law (3)	Cybersecurity and International Law (1)	Cybersecurity and International Law (2)			
	Prof. Benedict Kingsbury	Prof. Benedict Kingsbury	Prof. Benedict Kingsbury	Prof. Nohyoung Park	Prof. Nohyoung Park			
13:00 - 15:00	International Environmental Law (1)	International Environmental Law (2)	International Environmental Law (3)	New Technology and International Humanitarian Law (1)	New Technology and International Humanitarian Law (2)			
	Prof. Jutta Brunnée	Prof. Jutta Brunnée	Prof. Jutta Brunnée	Mr. David Michael Maizlish, Mr. Raphaël Gonçalves Alves	Mr. Raphaël Gonçalves Alves			
15:15 - 17:15		International Trade Law (1) Prof. Akio Shimizu	International Trade Law (2) Prof. Akio Shimizu		Closing Ceremony			

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LECTURERS

#### **LECTURERS**





Professor Benedict Kingsbury, originally from New Zealand, is Vice Dean of New York University (NYU) Law School, and Director of the Institute for International Law and Justice (IILJ). He served as co-editor in Chief of the American Journal of International Law, and is a convener of the Oxford University Press Law and Global Governance book series. His edited works in that series include Megaregulation Contested: Global Economic Governance After TPP (2019, 700 pages), and Global Hybrid and Private Governance (forthcoming), as well as the earlier Governance by Indicators: Global Power through Quantification and Rankings. He has written on history of international law, indigenous peoples issues, inter-state and investment arbitration, the United Nations and global environmental issues. At NYU he teaches courses on advanced international law, global data law, infrastructure, rights and regulation, and law and global governance. He will deliver the Lauterpacht Lectures at Cambridge University in November 2022.





Akio Shimizu is a scholar of international law with special areas of interest in international trade and the WTO dispute settlement procedures. He served as a panelist in Brazil-Aircraft, GSP and GMO cases at the WTO. His publication includes a textbook in international economic law and numerous articles in related fields. He taught law at Otaru University of Commerce in Hokkaido for 13 years and for 28 years at Waseda University in Tokyo and was invited to teach fast track law school courses at University of Pennsylvania, Duke University, Santa Clara University in US. He graduated from Waseda University (BA in Law and LL.M.) and from Yale Law School (LL.M.).

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Dapo Akande is Professor of Public International Law at the University of Oxford and a barrister at Essex Court Chambers, London. From January 2023, he will be a Member of the United Nations International Law Commission. Professor Akande has held visiting professorships in the US, Europe and Australia, including at Yale Law School. He is a generalist international lawyer who has worked across many areas, including the law of international organizations, the law of armed conflict, international criminal law, the law relating to cyber operations, international dispute settlement. He is one of the authors of the Oppenheim's International Law: The United Nations (2017, OUP) which was awarded the Certificate of Merit by the American Society of International Law, and an editor of the Oxford Guide to International Humanitarian Law (2020). Professor Akande is one of the editors of the scholarly blog - EJIL: Talk! and has served on the editorial boards of several leading international law journals including the American Journal of International Law, the European Journal of International Law and the African Journal of International and Comparative Law. He has acted as advocate, counsel or adviser in cases before international tribunals, including the International Court of Justice, the International Tribunal for the Law of the Sea, the European Court of Human Rights, the International Criminal Court and the World Trade Organization panels. He has also acted as a consultant/advisor in cases in national courts, including the UK Supreme Court. Professor Akande regularly provides advice on international law issues to states, international organizations and civil society organizations. He sits on several boards and advisory committees for governments and scholarly societies including the Advisory Committee on International Law of the United States State Department, the UK Ministry of Defence AI Ethics Advisory Panel, the ICRC's Global Advisory Board on Digital Threats During Conflict and the Rhodes Trust.





Jin-Hyun Paik is Judge of International Tribunal for the Law of the Sea (ITLOS) in Hamburg, Germany since 2009 and served as its President from 2017 to 2020. He is currently President of the Special Chamber of ITLOS in the case concerning the Delimitation of the Maritime Boundary between Mauritius and Maldives in the Indian Ocean. Judge Paik was Arbitrator in the "Enrica Lexie" Incident Case (Italy v. India) at the Permanent Court of Arbitration (PCA). He currently serves as President of the Arbitral Tribunal in Dispute concerning Coastal State's Rights in the Black Sea, Sea of Azov, and Kerch Strait (Ukraine v. the Russian Federation). He is also Professor of International Law at Seoul National University in Korea and was Dean of its Graduate School of International Studies (GSIS).

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LECTURERS LECTURERS





Dean, University Professor & James Marshall Tory Dean's Chair, University of Toronto. Dean Brunnée's teaching and research interests are in the areas of Public International Law, International Environmental Law and International Legal Theory. She has published extensively in each of these areas. Dean Brunnée is co-author of International Climate Change Law (OUP 2017), which was awarded the American Society of International Law's 2018 Certificate of Merit "in a specialized area of international law" and was recently translated into Korean, and of Legitimacy and Legality in International Law: An Interactional Account (CUP 2010), which was awarded the American Society of International Law's 2011 Certificate of Merit "for preeminent contribution to creative scholarship." In 1998-99, she was the "Scholar-in-Residence" in the Legal Bureau of the Canadian Department of Foreign Affairs and International Trade, advising, inter alia, on matters under the Biodiversity and Climate Change Conventions. She has served on the Board of Editors of the American Journal of International Law (2006-16). She was elected Fellow of the Royal Society of Canada in 2013, and Associate of the Institut de Droit International in 2017. In 2019, she delivered a course on "Procedure and Substance in International Environmental Law" at the Hague Academy of International Law. In 2020, Dean Brunnée was appointed University Professor, the University of Toronto's highest and most distinguished academic rank.





Nohyoung Park is a professor of law at Korea University Law School since September 1990. His original specialty is international economic law focusing on the WTO, but he has also been studying cybersecurity and data privacy, and negotiation and mediation. He has advised governments and businesses on various international legal matters, including by participating in the negotiation of the Korea-Chile free trade agreement, Korean first FTA, and by attending the meetings of the 4th and 5th UNGGEs in information security between 2014 and 2017. He graduated from College of Law, Korea University (LL.B., 1981), Graduate School, Korea University (LL.M., 1983), Harvard Law School (LL.M., 1985), and University of Cambridge (Ph.D. in International Law, 1990). He was awarded the honorary doctoral degree in law by the Far Eastern Federal University in Vladivostok, Russia in October 2018.

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LECTURERS LECTURERS





Steven Solomon is Principal Legal Officer at the World Health Organization in Geneva, Switzerland, where he leads the Legal Office's team on International, Constitutional and Global Health Law matters (ICH). He focuses on governance and international health law matters, with a particular emphasis recently on matters related to international and institutional aspects of the Covid-19 response. He served as the WHO legal adviser to the negotiations which led to the 2011 Pandemic Influenza Preparedness (PIP) Framework. Prior to joining WHO, Steven served as Deputy Legal Counselor at the United States Mission to United Nations Organizations in Geneva, negotiating a variety of human rights and humanitarian law instruments. He was an attorney with the State Department for several years before that handling multilateral negotiations related to the control of conventional weapons as well as international humanitarian law. After law school, before joining the State Department, Steven was a lawyer in private practice at the Washington, D.C. law firm of Williams & Connolly. He also worked on Capitol Hill. Steven has written widely on matters pertaining to international law, including global health and humanitarian law matters.





Kim Won-soo is the former Under Secretary-General and the High Representative for Disarmament of the United Nations. As the Korean diplomat, he served as the Secretary to the ROK (Republic of Korea) President for Foreign Affairs and Trade as well as for International Security at the Blue House. He also served as the Director General for Policy Planning and Ambassador for Regional Cooperation at the Ministry of Foreign Affairs. He is now the Chair of the International Advisory Board of the Future Consensus Institute (Yeosijae) and the Chair Professor of the Incheon National University in Korea as well as the member of the Group of Eminent Persons for the Comprehensive Nuclear Test Ban Treaty (CTBTO).





Raphaël Gonçalves Alves works for the ICRC as a regional legal adviser and is the head of the legal department of the Beijing Regional Delegation for East Asia. For the ICRC, he also worked as a legal adviser at the Paris Regional Delegation, the Headquarters in Geneva, and the Dhaka Delegation in Bangladesh. He is part of the Advisory Services of the ICRC, which supports states with national implementation of IHL. As such, he works on various IHL and Human Rights issues of interest for the ICRC. As a lawyer, he previously worked for several years in an international tax law firm based in Paris before joining a Defence team at the International Criminal Court. He holds a Master's degree in Tax and business law from the University of Paris I Panthéon-Sorbonne and a Master's degree in Human Rights and Humanitarian law from the University of Paris II Panthéon-Assas.





David Michael Maizlish is Head of the International Committee of Red Cross (ICRC) Mission in Seoul. He is a licensed attorney specializing in International Humanitarian Law. He has worked for the ICRC since 2002, including positions in the Legal Division, field assignments to Ivory Coast, Chad, Republic of Congo, and Kenya. Between 2011 and 2018 he worked at ICRC Headquarters focusing on operations in the Asia Pacific and Middle East. Prior to joining the Mission in Seoul he was based in Tokyo as the Delegate for Armed Forces for the Western Pacific where he coordinated the ICRC's activities with the national ministries of Australia, Fiji, Japan, New Zealand, and PNG and with USINDOPACOM.

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#### **CENTER FOR INTERNATIONAL LAW**

#### **CENTER FOR INTERNATIONAL LAW**

#### A Hub of International Law in East Asia

The Center for International Law of IFANS, KNDA aims to play a hub role in promoting international law in East Asia, where the role of international law assumes a growing importance in achieving regional peace and prosperity.

The Center for International Law was established in November 2013 to facilitate comprehensive and systematic research in international law, which would contribute to foreign and security policy formulation. Affiliated with the Institute of Foreign Affairs and National Security (IFANS) of the Korea National Diplomatic Academy (KNDA) of the Ministry of Foreign Affairs of the Republic of Korea, it aims to promote research activities and nurture experts in this field by connecting the government and the private sector. In East Asia, the Center aims to serve as the regional hub of international law by connecting diverse scholars, policymakers, and institutions both in Korea and other parts of the region.

#### **RESEARCH**

The Center for International Law carries out research on various issues related to international law that hold particular significance to Korean diplomacy. By conducting research on a wide array of issues, including the law of the sea, international human rights and humanitarian law, international environmental law, and peaceful settlement of disputes, the Center seeks to provide comprehensive legal and policy analysis for foreign policy-making.

#### **SYMPOSIUMS & WORKSHOPS**

The Center for International Law organizes symposiums, seminars, and workshops at various scales to facilitate discussions on issues in Korean diplomacy, with particular focus on the perspective of international law. The Center's interdisciplinary approach to various issues facilitates discussions that are not only academically extensive, but also practically meaningful. By participating in the symposiums and workshops hosted by the Center, experts from at home and abroad can engage in in depth dialogue on major issues in various fields. Among the issues that were previously covered, cyber security, transboundary environmental issues, Korean reunification, and North Korean human rights are the prominent examples.

#### **ACADEMIC & POLICY NETWORKS**

In conducting its research projects, the Center for International Law actively collaborates with many partners, widely ranging from individual scholars and policymakers to public organizations and think tanks, at national, regional, and international levels. By arranging research trips to foreign institutes and international organizations, and inviting scholars from all over the world, the Center promotes exchange of views on international law and policy collaboration with foreign experts.

#### **EDUCATION**

The Center for International Law provides international law education at various levels. It develops educational materials for KNDA's courses, designed for its diplomat candidates and other government officials. Furthermore, it provides special lectures and training programs on international law to provincial governments and public organizations in Korea. It has also set up its training program, Seoul Academy of International Law, designed to teach public international law to junior scholars and policymakers from Korea and overseas.

#### **DATABASE & PUBLICATIONS**

The Center for International Law develops database on international law. Some of its main features are the analysis of the Korean cases that are relevant to international law and international relations, and the compilation of the international law materials that hold essential policy implications for Korean diplomacy. Furthermore, the Center publishes various materials on international law, including reports on its seminars and research projects.

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