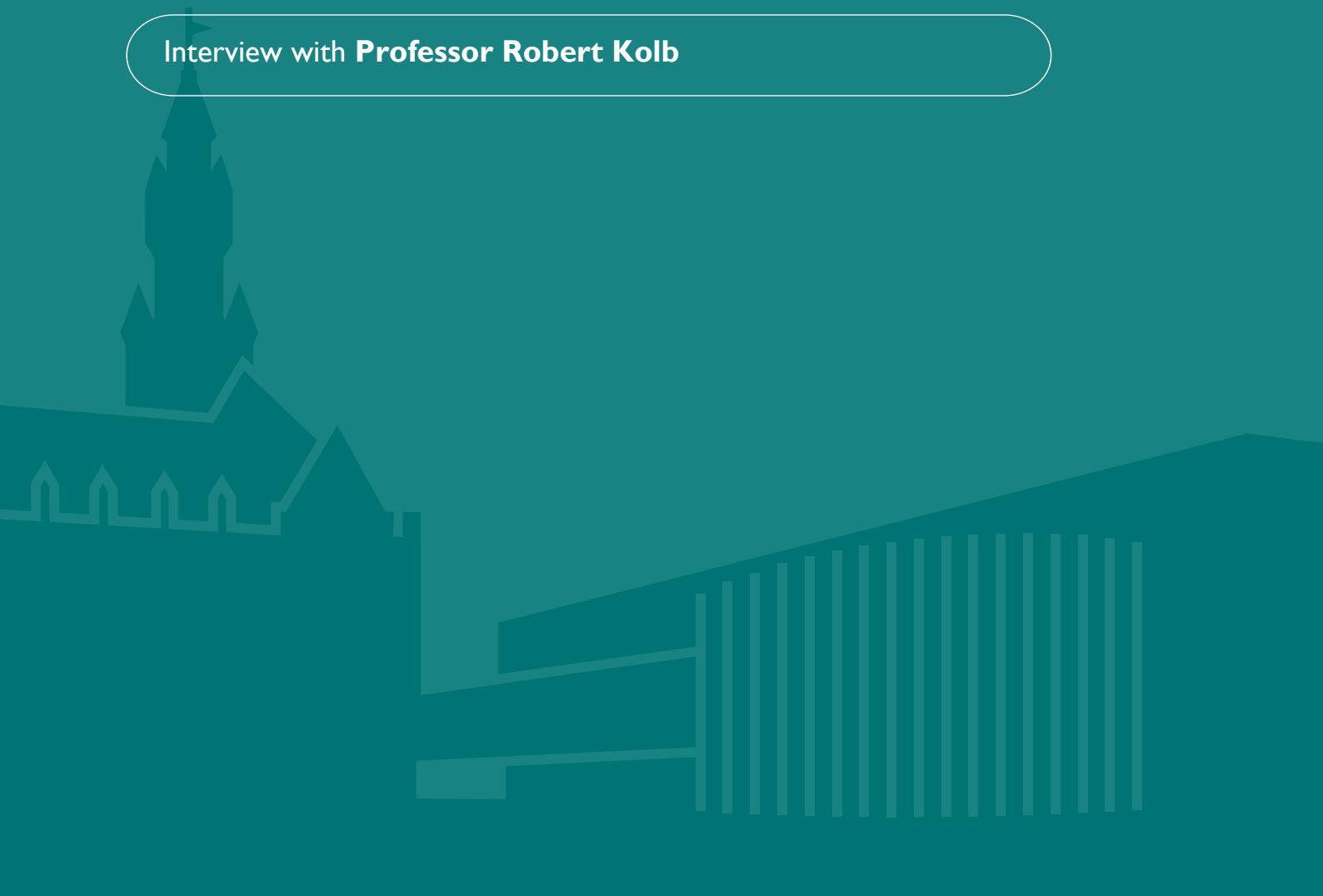




BRILL ■ NIJHOFF

A general outlook on international law as a body of private law and public law

Interview with **Professor Robert Kolb**



In his course for The Hague Academy of International Law, Professor Robert Kolb explored the topic 'International law as a body of private law and public law.*' The course is now published by Brill in the *Collected Courses of The Hague Academy of International Law - Recueil des cours*.

Robert Kolb is Professor of Public Law at the University of Geneva. Previously, he was a lecturer at the Graduate Institute of International and Development Studies, Geneva, the University of Bern and the University of Neuchâtel. He also taught at the Geneva Academy of International Humanitarian Law and Human Rights and the Catholic University of Milan.

Can you tell us a little bit about the course and its focus?

Yes, so it's a general account of public international law in a specific way which has never been attempted before anywhere else. I explored the idea that there is a law of private interest and a separate law of public or common interest that is co-substantive with any legal order that exists anywhere. I looked at how these notions can be applied throughout the body of public international law, in all the main areas.

To do this, I looked through a particular lens, that of the structural areas which include the relations between international and internal law, the question of the subject of the law, responsibility and the peaceful settlement of disputes. I also included laws surrounding warfare, common spaces and the use of force. There is also an element on human rights for those who are particularly interested in that field.

Why is the subject matter of the course particularly relevant today?

Well, I designed the course in such a way as to give a general outlook on international law. It's very useful for those who wish to get a general grasp of this body of law and to understand its intricate nature.

However, my course is not just abstract. Within the coursework I included concrete examples covering every type of private and public law, and showed how they work in practice.

Can you give us an example of an interesting case that you covered?

Yes, there is a doctrine known as the *Lex Specialis*, which relates to the interpretation of laws and explores the extent to which the doctrine applies to international law. In other words, how far can you derogate from general rules of international law? I explored the idea that the more one can derogate from a law, the more of a private matter it becomes, because it's not possible to derogate from public law. For example, you can't simply decide you don't want to pay your taxes anymore.

Is there anything surprising about the content of the course?

Everything about this course is surprising and unexpected because no one has ever pursued these lines of inquiry before! The seed was planted in my mind many years ago when I was a student. The idea has blossomed and has become a recurring area of interest throughout my academic life.

I struggled with its content and I had to reflect and go deep into the subject matter in order to shape it. In my opinion, when you encounter difficulty mastering something, the satisfaction at the end is far greater.

Kolb, R., 'Le droit international comme corps de droit privé et de droit public,' *Collected Courses of The Hague Academy of International Law – Recueil de cours* [419] (2021, Brill)