

Recent Case Law of International Courts

Course Description

Contact

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Course description

Cases before international courts raise fascinating, often highly political issues and shape the future development of international law. In this course, we will critically analyse some of the most important judgments issued in recent years by the International Court of Justice, the European Court of Human Rights, the Inter-American Court of Human Rights and selected UN treaty bodies.

Each double lesson will be devoted to a detailed analysis of one or several cases decided by an international court. The cases will cover the following subject areas:

1. Use of force
2. Self-determination
3. Climate change
4. Extraterritorial application of human rights treaties
5. Attribution of conduct and norm conflict
6. Human rights and states' margin of appreciation

Prerequisites

A basic knowledge of public international law is indispensable.

Number of participants

Due to the interactive nature of the course, the number of participants is limited to 22. In order to participate, please book the corresponding module, following the instructions of the University of Zurich and its Faculty of Law. Mobility students should turn to the Mobility Office for guidance. Once you have secured a spot via the module booking tool, please inform Nils Reimann of your intended participation and make sure to attend the first class on Wednesday, 20 September 2023.

Course objectives

At the end of the course, students should have a thorough understanding of the most pressing challenges facing international law today. In addition, they should have a good understanding of the role and functioning of the courts covered in the course, in particular their jurisdiction. Finally, the course aims at developing the skill to critically read and analyse judgments of international courts in an effective manner.

Course format

After the introductory class there will be 12 two-hour sessions devoted to the analysis of the cases. Preparation and active student participation are key to the success of this course. Students are expected to read the judgments and to contribute actively to class by giving a presentation (see below) and taking part in the discussions.

Moodle

Course materials, additional information and a tool to assign presentation topics will be provided via the online learning platform Moodle. Moodle runs on ETH infrastructure and students can log in using their UZH account. We will enrol students in our Moodle course once they have booked the respective module and got in touch with us. First-time users will have to accept Moodle's terms and conditions first. Please do this here: <https://moodle-app2.let.ethz.ch>

Assessment

Oral exam (15 minutes) at the end of the semester:

- Students can choose one subject area (out of the six subject areas) that they do not want to be examined on.
- At least one exam question will relate to the subject area on which the student presented.
- The other exam questions may relate to the remaining four subject areas.

Short presentation (maximum 7 minutes) in class:

- The topic of the presentation can be chosen from a list of topics at the beginning of the semester via Moodle.
- If a student gives a good presentation, this may be taken into account by rounding up the overall mark. There will be no rounding down of the mark based on the presentation.

Both assessments are mandatory, as is regular attendance.

Reading

You are expected to read the judgments and decisions assigned for the respective session. For links to the full text of the judgments please refer to the 'Syllabus' posted on Moodle. While some of the judgments are long, one of the objectives of the course is to develop the skill to read court decisions in an efficient manner by quickly identifying the most relevant issues and sections. In addition, students are encouraged to do their own research before the sessions and identify and read relevant secondary materials (journal articles, case commentaries, blog posts etc.).

For textbooks on public international law in general, see for example:

- Malcolm N. Shaw, *International Law*, 9th ed., Cambridge 2021
- James Crawford, *Brownlie's Principles of Public International Law*, 9th ed., Oxford 2019
- Malcolm Evans (ed.), *International Law*, 5th ed., Oxford 2018
- Paola Gaeta, Jorge E. Viñuales, Salvatore Zappalá, *Cassese's International Law*, 3rd ed., Oxford 2020

Please make sure that you have the texts of the international treaties that are relevant to the cases discussed with you in class. You can either print these off from the internet or use a collection of international law documents, such as:

- Malcolm Evans (ed.), *Blackstone's International Law Documents*, 15th ed., Oxford 2021
- Ian Brownlie (ed.), *Basic Documents in International Law*, 6th ed., Oxford 2009