

Public International Law Autumn 2014

Responsible for the course: Cecilia M. Bailliet in collaboration with Gentian Zyberi

Syllabus: Textbook by Malcolm D Evans, *International Law* (4th Ed. Oxford 2014)

Links to relevant case law (official websites)

Permanent Court of International Justice ([PCIJ](#))

International Court of Justice ([ICJ](#))

European Court of Human Rights ([ECtHR](#))

European Court of Justice ([ECJ](#))

Inter-American Court of Human Rights ([IACtHR](#))

Useful links

UN Audiovisual Library of International Law ([AVL](#))

United Nations Treaty Collection ([UNTC](#))

Library of Congress Databases & eResources ([DeR](#))

American Society of International Law Electronic Resource Guide ([ERG](#))

International Law Blogs ([EJIL: Talk!](#); [International Law in Brief](#); [IntLawGrrls](#); [International Law Observer](#); [Opinio Juris](#), and many more)

August 25th Sources of International Law, Cecilia Bailliet

Reading: Evans, pp. 91-166

Cases: *North Sea Continental Shelf Cases* (Federal Republic of Germany v. Denmark; Federal Republic of Germany v. The Netherlands) ICJ Rep 1969 (paras. 70-83); *Military and Paramilitary Activities in and against Nicaragua* (Nicaragua v. United States) ICJ Rep 1986 (paras. 174-179, 183-186); *Legality of the Threat or Use of Nuclear Weapons* ICJ Rep 1996 (paras. 68-71); *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo* ICJ Reports 2010 (paras. 78-84).

International instruments: ICJ Statute, Article 38; Vienna Convention on the Law of the Treaties (1969), Arts. 38, 53 and 64.

September 1st Subjects of International Law, Cecilia Bailliet

Reading: Evans, pp. 201-247, 280-308

Cases: *Admission of a State to the United Nations (Charter, Art. 4)* ICJ Rep 1948 (pp. 57-65).

Instruments: [Montevideo Convention on Rights and Duties of States](#) (1933)

September 8th International Organizations, Cecilia Baillet

Reading: Evans, pp. 248-280

Cases: *Reparations for Injuries Suffered in the Service of the United Nations*, ICJ Rep 1949 174;; *Certain Expenses of the United Nations (Article 17, paragraph 2, of the Charter)*, ICJ Rep 1962 (pp. 151-181); *Legality of the Use by a State of Nuclear Weapons in Armed Conflict*, ICJ Rep 1996 (para. 25); [Kadi 3](#), Judgment of the Grand Chamber of the ECJ, 18 July 2013 (paras. 97-134).

Instruments: UNHCR Statute, ILO Constitution, UN Charter.

September 15th The Relationship between National and International Law, Gentian Zyberi

Reading: Evans, 412-442

Cases: *LaGrand* (Germany v. United States) ICJ Rep 2001 (paras. 125-127); *Avena and Other Mexican Nationals* (Mexico v. United States) ICJ Rep 2004 (paras. 111-115); ECtHR, *Broniowski v. Poland*, 22 June 2004; ECtHR, *Greens and M.T. v. the United Kingdom*, 23 November 2010; *Medellín v. Texas*, 552 U. S. (2008); *Murray v The Charming Betsy* 6 US 64, 118 (1804); *Kruger and ors v Commonwealth of Australia* reported in 118 ILR 371, 374, 377-9; C38295 *Bouzari and ors v Islamic Republic of Iran* (3 June 2004) [64]-[66] (Ontario Court of Appeal).

Instruments: Vienna Convention on the Law of Treaties (1969); National Constitutions ([Comparative Constitutions Project](#)).

September 22nd Jurisdiction, Gentian Zyberi

Reading: Evans, 309-378

Cases: *The S.S. Lotus Case* (France v. Turkey) PCIJ Reports 1927, Series A, No. 10 (pp. 5-31); *Application of the Genocide Convention* (Bosnia and Herzegovina v. Serbia and Montenegro) ICJ Rep 2007 (paras. 183-185); *Questions Relating to the Obligation to Prosecute or Extradite* (Belgium v. Senegal) ICJ Rep 2012 (paras. 71-117); ECtHR, *Banković and Others v. Belgium and Others*, 12 December 2001 (paras. 54-82).

October 6th Immunities, Gentian Zyberi

Reading: Evans, 379-411

Cases: *Arrest Warrant of 11 April 2000* (Democratic Republic of the Congo v. Belgium) ICJ Rep 2002 (paras. 45-61); *Jurisdictional Immunities of the State* (Germany v Italy, Greece intervening) ICJ Rep 2012 (paras. 121-133); ECtHR, *Stichting Mothers of Srebrenica and others v the Netherlands*, 11 June 2013 (paras. 114-170); [Ruling Dutch Supreme Court Mothers of Srebrenica](#), 13 April 2012.

Instruments: [Convention on the Privileges and Immunities of the United Nations](#) (1946); [United Nations Convention on Jurisdictional Immunities of States and Their Property](#) (2004); see generally, United Nations Treaty Collection Chapter III: Privileges and Immunities, Diplomatic and Consular Relations, etc.

October 13th International Responsibility, Gentian Zyberi

Reading: Evans, pp. 443-476

Cases: *Factory at Chorzów* (Germany v. Poland) PCIJ Rep 1928, Series A, No.17 (pp. 18-48); *Application of the Genocide Convention* (Bosnia and Herzegovina v. Serbia and Montenegro) ICJ Rep 2007 (paras. 377-458); *Questions Relating to the Obligation to Prosecute or Extradite* (Belgium v. Senegal) ICJ Rep 2012 (paras. 118-122); ECtHR, *Saddam Hussein v. Coalition Forces*, 14 March 2006; ECtHR, *Cyprus v. Turkey*, 10 May 2001 (Grand Chamber); ECtHR, *Al-Jedda v. the United Kingdom*, 7 July 2011 (Grand Chamber); IACtHR, *Case of the Río Negro Massacres v. Guatemala* (Preliminary objection, merits, reparations and costs) 4 September 2012 (paras. 245-311).

Instruments: [International Law Commission's Articles on Responsibility of States for Internationally Wrongful Acts](#) (2001); [International Law Commission's Articles on Responsibility of International Organizations](#) (2011); [Statute of the International Criminal Court](#) (1998).

October 20th Dispute Resolution, Cecilia Baillet

Reading: Evans, pp. 537-617

Case: Rainbow Warrior Arbitration France v. New Zealand, 1986 and 1990

Instruments: UN Charter, Arts. 2 (3), 33, 52 UN Declaration on Friendly Relations, UN Convention on Law of the Sea, Art. 283.

October 27th Use of Force and the Responsibility to Protect, Gentian Zyberi

Reading: Evans, pp. 618-650

Cases: *Military and Paramilitary Activities in and against Nicaragua* (Nicaragua v. United States) ICJ Rep 1986 (paras. 174-195); *Oil Platforms* (Islamic Republic of Iran v. United States of America) ICJ Rep 2003 (paras. 38-45); *Armed Activities on the Territory of the Congo* (Democratic Republic of the Congo v. Uganda) ICJ Rep 2005 (paras. 148-165).

November 3rd Third World and Feminist Perspectives in International Law, Cecilia Bailliet

Reading: Assigned Articles

November 10th Class Debate to be Assigned, Cecilia Bailliet