



Recent Case Law of International Courts

Course Description Fall Semester 2024

Prof. Helen Keller and Dr. Viktoriya Gurash

The course consists of twelve main lectures, taking place on selected Wednesdays, from 10:15 to 12:00; for the room, see the *Vorlesungsverzeichnis* online.

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, International Tribunal for the Law of the Sea, the European Court of Human Rights, the Inter-American Court of Human Rights and the UN treaty bodies. Each double lesson will be devoted to a detailed analysis of cases decided by an international court/body.

The course will cover the following subject areas:

1. Contentious Jurisdiction of the International Court of Justice
2. Extraterritorial Application of Human Rights Treaties
3. Climate Change
4. Use of Force and Provisional Measures
5. Reparations
6. Human Rights and States' Margin of Appreciation

Prerequisites

Basic knowledge of public international law is required for the participation in the course.

Number of participants

The maximum number of students for this course is 22. Places are assigned during the allocation period. The admitted participants are informed via e-mail at the end of the allocation period. Students without assignment are placed on a waiting list. Participants who could not be considered in the first place will be informed immediately when they move up (during the move up period). General information on the course registration procedure can be found here: <https://www.students.uzh.ch/en/booking/hs22.html>.

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 international courts and bodies 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 & Readings

Course attendance is *mandatory*, and active participation plays a role for determining the final grade. For every lecture, we will provide suggested readings, which typically include judgments and decisions of international courts, blogposts and academic articles on the topic. Students are expected to complete the assigned reading *prior* to the lecture, in order to be able



to take part in the discussions and to obtain a more detailed knowledge and critical view on the matters at hand.

Students are encouraged to do their own research before each session as well as to identify and read relevant secondary materials (case summaries, journal articles, case commentaries, etc.). For textbooks on public international law in general, see for example:

- Anders Henriksen, *International Law* (4th ed., OUP 2023)
- Malcolm N. Shaw, *International Law* (9th ed., CUP 2021)
- James Crawford, *Brownlie's Principles of Public International Law* (9th ed., OUP 2019)
- Malcolm Evans (ed.), *International Law* (6th ed., OUP 2024)

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 have them on your laptop, print these off from the Internet or use a collection of international law documents, such as:

- Malcolm Evans (ed.), *Blackstone's International Law Documents* (16th ed., OUP 2024)
- Ian Brownlie (ed.), *Basic Documents in International Law* (6th ed., OUP 2009)

Assessment

The course evaluation will consist of a mandatory presentation during one of the lectures and a take-home exam. The exam will count for 2/3 of the grade.

The presentation will count for 1/3 of the grade. The duration of the presentations shall be 10 minutes (strict limit); students shall provide a critical legal analysis and concise presentation of the given topic. There will be no more than 2 presentations per lecture.

The take-home exam will take place on 16-18 December 2024.

Moodle

The slides, as well as the suggested readings and any additional materials and information 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 enroll students in our Moodle course once their participation in the course is confirmed. First-time users will have to accept Moodle's terms and conditions first. Please do this here:

<https://moodle-app2.let.ethz.ch/auth/shibboleth/login.php>.

Contact

For any questions or difficulties related to the course, please write to Pranav Ganesan: pranav.ganesan@ius.uzh.ch