



Summer term 2016

Cases and Developments in International Law

Lecturer: Prof. Dr. Andreas L. Paulus
Lecture Time: Monday 10 am c.t.
Room: Seminar Room of the Institute of Public International Law and European Law („Blauer Turm“, 13th floor)
Exams: No written exams, oral exams only. Dates will be announced.

Syllabus

I. Ius Ad Bellum and the Principle of Non-Intervention

- Military and Paramilitary Activities in und against Nicaragua (Nicaragua v. United States of America), Merits, Judgment. I.C.J. Reports 1986, p. 14.
- Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda), ICJ Reports 2005, p. 168
- Georgia/Russia, Independent International Fact-Finding Mission on the Conflict in South Ossetia,
http://news.bbc.co.uk/2/shared/bsp/hi/pdfs/30_09_09_iiffmgc_report.pdf
- The Legality of the Iraq-War: William H. Taft/ Todd F. Buchwald, Preemption, Iraq, and International Law, American Journal of International Law 97 (2003), 557; Iraq Inquiry, Statement by former legal Advisor in the UK Foreign Office, Sir Michael Wood, <http://www.iraqinquiry.org.uk/media/43477/wood-statement.pdf>, The National Security Strategy of the United States of America (2002),
<http://www.state.gov/documents/organization/63562.pdf>

II. The Crime of Aggression from a Public International Law Perspective

- ASIL UnBound Blog Diskussion des Beitrags von Koh & Buchwald, “The Crime of Aggression: The United States Perspective”, mit Beiträgen von Dapo Akande, Tom

Dannenbaum, Andreas Zimmermann, Nicholas Rostow,
<https://www.asil.org/blogs/introduction-symposium-koh-buchwald-“-crime-aggression-united-states-perspective”>

III. The Use of Force against non-state actors on the territory of third states and the unwilling and unable test

- Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda), Separate Opinion of Judge Simma,
- Daniel Bethlehem, Principles Relevant to the Scope of a State's Right of Self-Defense Against an Imminent or an Actual Armed Attack by Non-State Actors, American Journal of International Law 106 (2012), 1-8
- Dire Tladi, The Nonconsenting Innocent State: The Problem With Bethlehem's Principle 12, American Journal of International Law 107 (2013), 570-576
- Claus Kreß, The Fine Line Between Collective Self-Defense and Intervention by Invitation: Reflections on the Use of Force against 'IS' in Syria, <https://www.justsecurity.org/20118/claus-kreb-force-isil-syria/>;
- UNSC Resolution 2249 (2015)

IV. Ius in Bello

- Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996, p. 226
- Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, ICJ Reports 2004, p. 136
- Hassan v. The United Kingdom, ECtHR, judgment of 2014

V. Weapons

- Iran's Nuclear Program, Security Council Resolution 2231 (2015) and the Joint Comprehensive Plan of Action
- Security Council Resolution 2270 (2016) on North Korea, <http://www.un.org/press/en/2016/sc12267.doc.htm>

VI. Human Rights in Conflicts and the so-called War Against Terror

- Al-Skeini v. The United Kingdom, ECtHR, judgment of 2011
- Nada v. Switzerland, ECtHR, judgment of 2012

VII. The Torture Memos

- Committee Study of the Central Intelligence Agency's Detention and Interrogation Program
- José E. Alvarez, Torturing the Law, Case Western Reserve Journal of International Law 37 (2006), 175

VIII. War Compensation Litigation

- Eritrea-Ethiopia Arbitration, http://www.pca-cpa.org/showpaged21e.html?pag_id=1151; Litigating War: Mass Civil Injury and the Eritrea-Ethiopia Claims Commission, eds. Sean D. Murphy, Won Kidane, Thomas R. Snider (OUP 2013), 54-98
- BverfG, Varvarin-Entscheidung
- Mothers of Srebrenica, Dutch Courts
- Serdar Mohammed, UK Courts

IX. The role of parliament in the deployment of troops abroad

- Deutsche Diskussion über Parlamentsbeteiligung, und: Bundesverfassungsgericht, Urteil vom 23. September 2015 - 2 BvE 6/11
- US Amerikanische Diskussion über AUMF (Authorizations for the use of military force against terrorists), vgl.: <https://www.justsecurity.org/tag/aumf/>