Landmark Cases in Public International Law

Often the way we study public international law is through scattered summaries and/or excerpts of cases and articles. Rarely do we examine in-depth cases that are vital to what international law is today. In this experimental seminar, students will be given an introduction to public international law by deeply examining 12 of the most landmark cases in public international law over the last century. The substantive part of the seminar will take place over two block seminar days on Saturdays in November (tentatively on 12th November and 26th November). Additionally, we will have an introductory class of one hour on 29th October.

The class will be offered in lieu of a “Seminar Certificate” or as a “Foreign Language Certificate.” Those taking in the seminar in lieu of a “Seminar Certificate” will, in addition to a seminar paper (70% of grade), be expected to take part in class discussions (30% of grade). On the other hand, those taking the class as a “Foreign Language Certificate” are generally expected to participate in class discussions and specifically prepare for certain sub-topics (which will be clarified during our introductory class).

You can register for the seminar at the following link https://forms.office.com/r/adQSSe0V9R. The registrations will be offered on a first cum first basis and will be capped at 20 students. If they are technical difficulties, you could send me an email at amal.sethi@uni-hamburg.de.

The seminar will be conducted in person or virtually (or a combination of both), which will be announced closer to the date of the respective sessions.

Requirements

The way this seminar will take place is – unlike other seminars – you do not need to prepare presentations. The class will be divided into six groups based on the six sessions provided below.

In each of the sessions, the students in the respective groups are expected to take part in the discussions, which will be guided by certain readings and questions I will give beforehand (you, however, do not need to do any group preparation). During the sessions, I will also help structure the discussions by asking questions and adding context, and giving clarifications wherever required. The division of students into groups is just to ensure that in every session, certain students are prepared to take part in discussions. Obviously, other students can also add to the discussions during a particular session. You can choose which session you would like to participate in on a first cum-first basis via a google doc I will circulate post our introductory class on the 30th of April.

Those taking the class in lieu of a “Foreign Language Certificate” are expected to participate when their respective sub-topics are up for discussion as well as contribute moderately to other sub-topics discussions. Those taking in the seminar in lieu of a “Seminar Certificate” will, (1) have to participate in the same way as those taking the class in lieu of “Foreign Language Certificate”. Participation will comprise (30% of the grade) (this is a change from the original notification which stated 40 percent). (2) have to write a term paper. I am flexible with the topics you can write on. You can come up with a topic of your own, take my assistance in framing a topic, or alternatively ask me for suggestions on topics you can write your paper on. While my preference is that you
write in English (as the medium of discussion in the class will be English), I am open to your term paper being in German.

**Sessions and Cases Covered**

For this seminar, in addition to the actual judgments, we will be using the textbook, Landmark Cases in Public International Law by Eirik Bjorge and Cameron Miles. The relevant chapters will be provided via OpenOLAT before the respective sessions.

**12TH NOVEMBER**

**9 am – 11 am**

**Session 1**

- Factory at Chorzów (Germany v Poland) (1927–28)
- SS Lotus (France v Turkey) (1927)

**12 pm – 2 pm**

**Session 2**

- Trail Smelter (United States of America/Canada) (1938 and 1941)
- Barcelona Traction, Light and Power Company (Belgium v Spain) (1970)

**3 pm – 5 pm**

**Session 3**

- Tadic v Prosecutor (1995)

**26 NOVEMBER**

**9 am – 11 am**

**Session 1**

- Gabčíkovo-Nagymaros Project (Hungary/Slovakia) (1997)

**12 pm – 2 pm**

**Session 2**

- Vivendi v Argentina (1997–2010)
3 pm – 5 pm

Session 3

- Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (2004)
- Jurisdictional Immunities of the State (Germany v Italy; Greece intervening) (2012)

If you have any doubts email me anytime at amal.sethi@uni-hamburg.de. If I fail to reply in a sufficiently timely fashion, email me again. Really: don’t be shy.