

Contents

| | |
|---|-----------|
| Introduction and General Presentation | 1 |
| 1. Objectives | 1 |
| 2. User's guide | 2 |
| 3. Methodology | 4 |
| 4. Some advice on how to deal with practical cases | 5 |
| 5. Acknowledgments | 7 |
| 6. Feedback | 7 |
| General recommended reading | 7 |
| | |
| Part I: CASES | 9 |
| | |
| Chapter 1 | |
| Subjects of Public International Law: States and International Organisations | 11 |
| General plan: how to solve cases relating to subjects of international law | 12 |
| The State and its constitutive elements | 14 |
| Case 1.1 | 14 |
| International organisations | 14 |
| Case 1.2 | 14 |
| Case 1.3 | 15 |
| Recommended reading on subjects of public international law | 16 |
| | |
| Chapter 2 | |
| Diplomatic Protection | 17 |
| General plan to solve diplomatic protection cases, based on the ILC's Draft Articles on Diplomatic Protection from 2006 | 18 |
| Case 2.1 | 19 |
| Case 2.2 | 19 |
| Case 2.3 | 20 |
| Case 2.4 | 21 |
| Case 2.5 | 22 |
| Recommended reading on diplomatic protection | 23 |
| | |
| Chapter 3 | |
| Treaty Law | 25 |
| General plan to solve treaty law cases based on the Vienna Convention on the Law of Treaties 1969 | 26 |
| Applicability of the Vienna Convention on the Law of Treaties (VCLT) | 27 |
| Case 3.1 | 27 |
| Reservations | 28 |
| Case 3.2 | 28 |
| Case 3.3 | 29 |
| Competence to conclude treaties | 30 |
| Case 3.4 | 30 |

| | |
|---|-----------|
| ‘Pathologies’ of treaties: invalidity, termination and suspension | 31 |
| Case 3.5 | 31 |
| Case 3.6 | 32 |
| Case 3.7 | 33 |
| Case 3.8 | 34 |
| Case 3.9 | 35 |
| Case 3.10 | 37 |
| Recommended reading on treaty law | 38 |
| | |
| Chapter 4 | |
| Responsibility of States for Internationally Wrongful Acts | 41 |
| General plan to solve State responsibility cases based on the ILC Articles on Responsibility of States for Internationally Wrongful Acts (2001) (SRA) | 42 |
| Attribution and violation of an international obligation | 44 |
| Case 4.1 | 44 |
| Case 4.2 | 44 |
| Case 4.3 | 45 |
| Case 4.4 | 47 |
| Case 4.5 | 48 |
| Case 4.6 | 49 |
| Circumstances precluding wrongfulness | 50 |
| Case 4.7 | 50 |
| Case 4.8 | 51 |
| Case 4.9 | 52 |
| Case 4.10 | 53 |
| Recommended reading on State responsibility | 54 |
| | |
| Chapter 5 | |
| International Dispute Settlement: The International Court of Justice | 57 |
| General plan to solve questions related to the competence of the International Court of Justice to judge <i>contentious</i> cases | 58 |
| General plan to solve questions related to the competence of the International Court of Justice to pronounce upon <i>advisory opinions</i> | 59 |
| Issues of personal jurisdiction | 60 |
| Case 5.1 | 60 |
| Case 5.2 | 60 |
| Forms of consent: reservations to optional clause declarations | 61 |
| Case 5.3 | 61 |
| Case 5.4 | 62 |
| Case 5.5 | 63 |
| Other forms of consent | 64 |
| Case 5.6 | 64 |
| Case 5.7 | 64 |
| Case 5.8 | 65 |
| Issues of admissibility | 66 |
| Case 5.9 | 66 |
| Advisory opinions | 67 |

| | |
|--|------------|
| Case 5.10 | 67 |
| Recommended reading on the International Court of Justice | 68 |
| Chapter 6 | |
| Use of Force | 71 |
| General plan to solve cases on the use or threat of use of force | 72 |
| Article 2 paragraph 4 of the UN Charter | 73 |
| Case 6.1 | 73 |
| Case 6.2 | 73 |
| Article 51 of the UN Charter | 74 |
| Case 6.3 | 74 |
| Case 6.4 | 75 |
| Case 6.5 | 76 |
| Chapter VII of the UN Charter | 77 |
| Case 6.6 | 77 |
| Case 6.7 | 79 |
| Recommended reading on the use of force | 80 |
| Chapter 7 | |
| Interconnected Cases | 81 |
| Case 7.1 | 81 |
| Case 7.2 | 84 |
| Case 7.3 | 86 |
| Case 7.4 | 88 |
| Case 7.5 | 91 |
| Case 7.6 | 93 |
| Case 7.7 | 95 |
| Case 7.8 | 98 |
| Case 7.9 | 101 |
| Case 7.10 | 103 |
| Case 7.11 | 105 |
| Chapter 8 | |
| Specialised Branches of International Law | 109 |
| International human rights law | 109 |
| Case 8.1 | 109 |
| Case 8.2 | 110 |
| Case 8.3 | 112 |
| Recommended reading on international human rights law | 113 |
| International refugee law | 113 |
| Case 8.4 | 113 |
| Case 8.5 | 114 |
| Case 8.6 | 115 |
| Recommended reading on international refugee law | 116 |
| International humanitarian law | 117 |
| Case 8.7 | 117 |
| Case 8.8 | 118 |

| | |
|--|------------|
| Case 8.9 | 120 |
| Recommended reading on international humanitarian law | 120 |
| International criminal law | 121 |
| Case 8.10 | 121 |
| Case 8.11 | 122 |
| Case 8.12 | 122 |
| Recommended reading on international criminal law | 123 |
| International environmental law | 124 |
| Case 8.13 | 124 |
| Case 8.14 | 125 |
| Recommended reading on international environmental law | 125 |
| | |
| Part II: SUGGESTED SOLUTIONS | 127 |
| | |
| Chapter 1 | |
| SUGGESTED SOLUTIONS | |
| Subjects of Public International Law: | |
| States and International Organisations | 129 |
| SUGGESTED SOLUTIONS | |
| The State and its constitutive elements | 129 |
| Case 1.1 | 129 |
| SUGGESTED SOLUTIONS | |
| International Organisations | 132 |
| Case 1.2 | 132 |
| Case 1.3 | 134 |
| | |
| Chapter 2 | |
| SUGGESTED SOLUTIONS | |
| Diplomatic Protection | 137 |
| Case 2.1 | 137 |
| Case 2.2 | 140 |
| Case 2.3 | 143 |
| Case 2.4 | 146 |
| Case 2.5 | 149 |
| | |
| Chapter 3 | |
| SUGGESTED SOLUTIONS | |
| Treaty Law | 155 |
| SUGGESTED SOLUTIONS | |
| Applicability of the Vienna Convention on the Law of Treaties (VCLT) | 155 |
| Case 3.1 | 155 |
| SUGGESTED SOLUTIONS | |
| Reservations | 158 |
| Case 3.2 | 158 |
| Case 3.3 | 162 |

| | |
|---|-----|
| SUGGESTED SOLUTIONS | |
| Competence to conclude treaties | 166 |
| Case 3.4 | 166 |
| Situation (a) | 166 |
| Situation (b) | 167 |
| SUGGESTED SOLUTIONS | |
| ‘Pathologies’ of treaties: invalidity, termination and suspension | 169 |
| Case 3.5 | 169 |
| Case 3.6 | 172 |
| Case 3.7 | 177 |
| Case 3.8 | 179 |
| Case 3.9 | 182 |
| Case 3.10 | 185 |

Chapter 4

SUGGESTED SOLUTIONS

| | |
|---|------------|
| Responsibility of States for Internationally Wrongful Acts | 189 |
| SUGGESTED SOLUTIONS | |
| Attribution and violation of an international obligation | 189 |
| Case 4.1 | 189 |
| Case 4.2 | 192 |
| Case 4.3 | 195 |
| Case 4.4 | 198 |
| Case 4.5 | 202 |
| Case 4.6 | 205 |
| SUGGESTED SOLUTIONS | |
| Circumstances precluding wrongfulness | 208 |
| Case 4.7 | 208 |
| Case 4.8 | 211 |
| Case 4.9 | 216 |
| Case 4.10 | 219 |

Chapter 5

SUGGESTED SOLUTIONS

| | |
|---|------------|
| International Dispute Settlement: The International Court of Justice | 225 |
| SUGGESTED SOLUTIONS | |
| Issues of personal jurisdiction | 225 |
| Case 5.1 | 225 |
| Case 5.2 | 227 |
| SUGGESTED SOLUTIONS | |
| Forms of consent – reservations to optional clause declarations | 228 |
| Case 5.3 | 228 |
| Case 5.4 | 231 |
| Case 5.5 | 233 |
| SUGGESTED SOLUTIONS | |
| Other forms of consent | 237 |
| Case 5.6 | 237 |

| | |
|--|------------|
| Case 5.7 | 239 |
| Case 5.8 | 244 |
| SUGGESTED SOLUTIONS | |
| Issues of admissibility | 244 |
| Case 5.9 | 244 |
| SUGGESTED SOLUTIONS | |
| Advisory opinions | 247 |
| Case 5.10 | 247 |
| | |
| Chapter 6 | |
| SUGGESTED SOLUTIONS | |
| Use of Force | 251 |
| SUGGESTED SOLUTIONS | |
| Article 2 paragraph 4 of the UN Charter | 251 |
| Case 6.1 | 251 |
| Case 6.2 | 254 |
| SUGGESTED SOLUTIONS | |
| Article 51 of the United Nations Charter | 257 |
| Case 6.3 | 257 |
| Case 6.4 | 261 |
| Case 6.5 | 263 |
| SUGGESTED SOLUTIONS | |
| Chapter VII of the United Nations Charter | 267 |
| Case 6.6 | 267 |
| Case 6.7 | 269 |
| | |
| Chapter 7 | |
| SUGGESTED SOLUTIONS | |
| Interconnected Cases | 271 |
| Case 7.1 | 271 |
| Case 7.2 | 282 |
| Case 7.3 | 294 |
| Case 7.4 | 303 |
| Case 7.5 | 312 |
| Case 7.6 | 324 |
| Case 7.7 | 333 |
| Case 7.8 | 346 |
| Case 7.9 | 355 |
| Case 7.10 | 366 |
| Case 7.11 | 375 |
| | |
| Chapter 8 | |
| SUGGESTED SOLUTIONS | |
| Specialised Branches of International Law | 387 |
| SUGGESTED SOLUTIONS | |
| International Human Rights Law | 387 |
| Case 8.1 | 387 |

| | |
|---------------------------------|-----|
| Case 8.2 | 390 |
| Case 8.3 | 394 |
| SUGGESTED SOLUTIONS | |
| International Refugee Law | 399 |
| Case 8.4 | 399 |
| Case 8.5 | 403 |
| Case 8.6 | 407 |
| SUGGESTED SOLUTIONS | |
| International Humanitarian Law | 410 |
| Case 8.7 | 410 |
| Case 8.8 | 417 |
| Case 8.9 | 424 |
| SUGGESTED SOLUTIONS | |
| International Criminal Law | 427 |
| Case 8.10 | 427 |
| Case 8.11 | 430 |
| Case 8.12 | 433 |
| SUGGESTED SOLUTIONS | |
| International Environmental Law | 438 |
| Case 8.13 | 438 |
| Case 8.14 | 442 |

<http://www.pbookshop.com>