

PLANO DE ENSINO

ANO E SEMESTRE

2018/1

PROFESSOR(ES)					
AZIZ TUFFI SALIBA E LUCAS CARLOS LIMA					
CÓDIGO DA DISCIPLINA					
DIR877					
TEMA					
TEMAS DE DIREITO INTERNACIONAL PÚBLICO					
SUBTEMA					
CASES OF PUBLIC INTERNATIONAL LAW					
AUTORIZA OFERTA DE MATRÍCULA NA MODALIDADE DISCIPLINA ISOLADA?					
<input checked="" type="checkbox"/> Sim <input type="checkbox"/> Não					
AUTORIZA OFERTA DE MATRÍCULA DE GRADUANDO NA MODALIDADE DISCIPLINA ELETIVA?					
<input checked="" type="checkbox"/> Sim <input type="checkbox"/> Não					
DIA DA SEMANA	HORÁRIO	CARGA HORÁRIA	CRÉDITOS	VAGAS	TIPO DA DISCIPLINA
TERÇA-FEIRA	09:00 às 12:20	60	4	20	REGULAR - PRESENCIAL
A DISCIPLINA É MINISTRADA EM IDIOMA ESTRANGEIRO: CASO SIM, QUAL IDIOMA?					
<input type="checkbox"/> Não <input checked="" type="checkbox"/> Sim Qual: Inglês					

PARTICIPAÇÃO DE PROFESSOR(ES) CONVIDADO(S)?	
<input type="checkbox"/> Sim <input checked="" type="checkbox"/> Não	
NOME(S) DO(S) PARTICIPANTE(S)	INSTITUIÇÃO

EMENTA
The objective of this course is to analyze relevant Public International Law cases from different courts and tribunals. Each week, one or two cases will be discussed at length, with special attention to the historical context, reasoning of the court and impact of the decision or advisory opinion on legal scholarship.
As all materials and discussions will be in English, a reasonable knowledge of the language is required for this course.

BIBLIOGRAFIA
ABI-SAAB, Georges. La métamorphose de la fonction juridictionnelle internationale, in <i>Unité et diversité du droit international: écrits en l'honneur du professeur Pierre-Marie Dupuy</i> , Leiden: Nijhoff, 2014.
ALTER, Karen J. <i>The new terrain of international law: courts, politics, rights</i> . Oxford: Princeton University Press, 2014.
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CANNIZZARO, Enzo. Proportionality and Margin of Appreciation in the Whaling Case: Reconciling Antithetical Doctrines? 27 <i>EJIL</i> 2017, pp. 1061–1069.
CONDORELLI, Luigi. L'autorité de la décision des juridictions internationales permanentes, in <i>S.F.D.I., Actes du Colloque de Lyon, La juridiction internationale permanente</i> , Pedone: Paris, 1987, pp. 277-313.
DE BRABANDERE, Eric. The Use of Precedent and External Case Law by the International Court of Justice and the International Tribunal for the Law of the Sea, 15 <i>The Law and Practice of international courts and tribunals</i> , 2016, pp. 24-55.
FORLATI, Serena. <i>The International Court of Justice: an arbitral tribunal or a judicial body?</i> , London: Springer, 2014.
GUILLAUME, Gilbert. The Use of Precedent by International Judges and Arbitrators, 2 <i>Journal of International Dispute Settlement</i> , 2011, pp. 5-23.
HIGGINS, Rosalyn. Respecting sovereign states and running a tight courtroom, 50 <i>The international and comparative law quarterly</i> , 2001, pp. 121-132.
LAUTERPACHT, Hersch. <i>The development of international law by the international court</i> . Cambridge: Grotius Publications, 1982.

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SIMMA, Human Rights Before the International Court of Justice: Community Interest Coming to Life? in CJ Tams and J Sloan (eds) *The Development of International Law by the International Court of Justice*, Oxford: Oxford University Press, 2013, pp. 301-325.

SPIERMANN, Ole. *International legal argument in the Permanent Court of International Justice: the rise of the international judiciary*, Cambridge: Cambridge University Press, 2005.

TEXTOS E DOCUMENTOS DISPONÍVEIS NA WEB

Cases from the International Court of Justice are available at < <http://www.icj-cij.org> >

Cases from the Permanent Court of Arbitration are available at < <https://pca-cpa.org/en/cases/> >

INFORMAÇÕES ADICIONAIS

Cases to be examined in the course are listed below:

1. Island of Palmas (or Miangas) (The Netherlands / The United States of America)
2. S.S. Wimbledon
3. Lotus.
4. Conditions of Admission of a State to Membership in the United Nations (Article 4 of the Charter)
5. Competence of the General Assembly for the Admission of a State to the United Nations
6. Corfu Channel (United Kingdom of Great Britain and Northern Ireland v. Albania)
7. Asylum (Colombia v. Peru) and Haya de la Torre (Colombia v. Peru)
8. Rights of Nationals of the United States of America in Morocco (France v. United States of America)
9. Application of the Convention of 1902 Governing the Guardianship of Infants (Netherlands v. Sweden)
10. Arbitral Award Made by the King of Spain on 23 December 1906 (Honduras v. Nicaragua)
11. Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations
12. Oil Platforms (Islamic Republic of Iran v. United States of America)
13. Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain)
14. Legality of the Threat or Use of Nuclear Weapons
15. Accordance with international law of the unilateral declaration of independence in respect of Kosovo (Request for Advisory Opinion)
16. Jurisdictional Immunities of the State (Germany v. Italy: Greece intervening)
17. Whaling in the Antarctic (Australia v. Japan: New Zealand intervening)
18. Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v. United Kingdom) (Marshall Islands v. India) (Marshall Islands v. Pakistan)
19. The South China Sea Arbitration (The Republic of Philippines v. The People's Republic of China)