

**TENTATIVE COURSE SYLLABUS**  
**INTERNATIONAL COURTS AND TRIBUNALS – PRACTICE AND**  
**PROCEDURE**  
**FALL 2013**

**COURSE DESCRIPTION:** This course focuses on the content and structure of international law by examining its foundation, its status and its application. Students will be exposed to the fundamental principles governing international relations, the foundations of creating and implementing international law, and substantive topics of public and private international law. The course will also examine the practice and procedure before international courts and tribunals that emphasize international civil dispute resolution by primarily focusing on the International Court of Justice ("ICJ"). Students will examine the ICJ's history, organization, competence and role as a permanent international institution and mechanism for the pacific settlement of disputes between States. Students will also learn how a case is brought before the ICJ and how various procedural and preliminary matters such as jurisdiction, standing and admissibility are addressed before the Court. Particular attention will be paid to the jurisprudence of the ICJ and the International Centre for Settlement of Investment Disputes.

With respect to the practice component of the course, students will apply the founding and substantive rules of international law to a hypothetical, contentious case between two States before the ICJ, the primary judicial organ of the United Nations. In doing so, students will also apply the rules of procedure and style of practice before the ICJ.

Students will gain experience in researching and using the various international legal materials and sources necessary for making oral and written submissions before the ICJ. Students will also gain practical experience in drafting written memorials and pleadings for submission to the ICJ, as well as making oral arguments based on such written submissions. During the course of the semester, students will prepare a practice and a graded oral argument (approximately 10 minutes) in the form of preliminary objections and/or responses to the ICJ each arguing whether a State has standing to bring a claim on behalf of its national, which issue arises out of the hypothetical contentious case that we will use. At the end of the semester, each student will prepare a graded substantive writing assignment consisting of a memorial to the ICJ on the merits of the case. Students will also deliver a final graded oral argument regarding the same. Students will work individually and be assigned roles as applicant and respondent for their written and oral assignments. In order to gain more experience, students

may also be asked to prepare arguments opposite their assigned roles for practice purposes.

**GRADING:** Students will be graded on the merits of their individual memorial oral argument assignments, and class participation, as outlined below:

1. Oral argument on the application a bilateral investment treaty between the two contentious and hypothetical States to establish standing before the ICJ (15%).
2. Memorial section on the merits addressing (1) the sovereignty over the Windscale Islands and (2) Rydal's rejection of MDR's bid (35%). This component will be blind-graded.
3. Oral argument on the merits addressing (1) the sovereignty over the Windscale Islands and (2) Rydal's rejection of MDR's bid (35%).
4. Class participation (i.e., attendance, preparation, and contribution to the discussions in class) (15%)

Turning in an untimely written assignment or arriving late for an oral assignment will affect the grade for that particular assignment. Final numerical grades will be subject to the grading curve as outlined by the grading policies of the University of Houston Law Center.

**ABSENCES:** Students who miss more than one class...(look at University of Houston's policy).

**COURSE MATERIALS:** A course-packet will be prepared consisting of (1) seminal ICJ cases and those of other international tribunals, as applicable; (2) law review articles; (3) the UN Charter and statute and rules of the ICJ; (4) the 2010 Philip C. Jessup International Moot Court Compromis, which provides the hypothetical dispute.

**CONTACT INFORMATION:** If you have any questions or comments or want to schedule an appointment to discuss a written or oral argument assignment, please do not hesitate to contact me at (713) 758-2040. My e-mail address is [ikh@velaw.com](mailto:ikh@velaw.com).

**STUDENT COLLABORATION:** Students are free to discuss the oral and written assignments with each other. For example, discussing research sources or outlining overall written or oral arguments on a macro-level is permitted. Unless

otherwise directed, the substantive content of each student's written and oral work must be the student's own.

**TENTATIVE TOPICS TO BE DISCUSSED IN CLASS CONCERNING INTERNATIONAL LAW:**

- Introduction to the fundamental principles governing international relations, specifically the sovereign equality of all States and the obligation to peacefully settle disputes (some discussion on the use of force as it relates to pacific settlement of disputes)
- ICJ overview -- organization, competence and procedure; role of ICJ in U.N. framework; rules of court.
- State standing before the ICJ or an international tribunal on behalf of nationals, non-nationals, corporations, etc.
- Creation of international law and the sources of international law as outlined in the Statute of the ICJ (customary international law, treaties, etc.)
- Interpretation of treaties
- Breaches of international law and their consequences (international wrongful acts and State responsibility)
- Resolving territorial disputes (acquiring or losing territory under international law, with particular focus on territories previously colonized by European powers)
- Standards of investment protection (e.g., fair and equitable treatment, expropriation, etc.)

**TENTATIVE TOPICS TO BE DISCUSSED IN CLASS CONCERNING BRIEF DRAFTING AND ORAL ARGUMENTS:**

- Introduction to appellate writing techniques; discuss format and writing style of memorials.
- Advanced oral argument techniques: handling specific types of judges' questions; dealing with a cold bench and the hypothetical question
- Writing for and arguing before international tribunals such as ICJ, ICSID, etc.