

RESEARCH CLINIC

General information

Supervisor:	Otto Spijkers
Title of clinic:	Lawfare
Number of students:	Maximum of 12 students
Major (<i>if applicable and approved by the Major Convener</i>):	International Justice
(Pre)requisites (<i>if applicable</i>):	Basic understanding of international law

Research context

For the purpose of this clinic, 'Lawfare' is understood as the act of instituting legal proceedings before an international dispute settlement mechanism by a relatively small and less powerful State to defend its interests against more powerful States. Because all States are formally equal in these judicial proceedings, a small State may prefer this to more political or military means of dispute settlement, where there is no such equality. Lawfare is usually initiated unilaterally – without the consent of the more powerful State – and is done primarily to influence public opinion and to mobilize support from other States and the international community as a whole. Whether lawfare is a positive or negative phenomenon is hotly debated. Some people believe lawfare is a positive thing, and should be encouraged, for it is clearly preferable to actual warfare. Others believe lawfare is an abusive and disingenuous use of the international legal institutions and procedures, and must be considered a form of manipulation or exploitation of the international legal system intended to supplement military and political objectives legally, politically, and through propaganda. It can also be studied in an objective way. The role for scholars is then to better understand this phenomenon, not to either categorically embrace or reject it.

Students' tasks and activities

Students will be asked to choose one of the currently pending cases before international dispute mechanisms, and examine whether the case can be labeled as lawfare, and what the added value might be of such a frame. Because the clinic is concentrated in one block only, we will have regular meetings – once a week - in which we discuss these proceedings based on the research done by the students. The Clinic is planned for block 1 of academic year 2024-2025.