

The Renaissance of Inter-State Applications –  
Potential and Danger of the Increased Use of Article 33 ECHR

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2020 was the year of the inter-State application. Just after the publication of my dissertation on the renaissance of this long-forgotten instrument of European human rights protection in March 2020, the trend described therein became apparent. In only three months, three new inter-State applications were lodged, increasing the awareness of the ‘golden age’<sup>1</sup> of Article 33 ECHR.

In July 2020, the Netherlands lodged an application against Russia concerning the downing of flight MH17 over the territory of Eastern Ukraine,<sup>2</sup> contributing to the numerous inter-State applications caused by the Russo-Ukrainian conflict. In August 2020, Liechtenstein sued the Czech Republic over alleged breaches of the rights of its citizens in property cases. In September 2020, Armenia lodged a request for interim measures against Azerbaijan. This inter-State application marked a sad climax to the reignition of the conflict around the region of Nagorno-Karabakh, which had already played a major role in my dissertation (being one of the mixed (armed) conflicts causing an increase in the use of inter-State applications).

Additionally, in December 2020, the European Court of Human Rights (ECtHR) decided the very first inter-State application between two EU member States (*Slovenia v. Croatia*).<sup>3</sup> Unfortunately, the Court did not address the particularities of such an ‘intra-EU complaint’, which I analyse in my dissertation, as the application was already inadmissible

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<sup>1</sup> Interview with Isabella Risini, *A ‘golden age’ of inter-state complaints?*, 16 October 2020, available at <https://voelkerrechtsblog.org/articles/a-golden-age-of-inter-state-complaints/>.

<sup>2</sup> Isabella Risini and Geir Ulfstein, ‘The Netherlands’ inter-State application against Russia six years after MH 17’, *EJIL:Talk!*, 14 August 2020, available at <https://www.ejiltalk.org/the-netherlands-inter-state-application-against-russia-six-years-after-mh-17/>.

<sup>3</sup> European Court of Human Rights (ECtHR), Application No. 54155/16, *Slovenia v. Croatia*, Decision of 18 November 2020, available at <http://hudoc.echr.coe.int/eng?i=001-206897>.