



## INTERNATIONAL DISPUTE SETTLEMENT

Enrollment year	2021/2022
Academic year	2021/2022
Regulations	DM270
Academic discipline	IUS/14 (EUROPEAN UNION LAW)
Department	DEPARTMENT OF POLITICAL AND SOCIAL SCIENCES
Course	WORLD POLITICS AND INTERNATIONAL RELATIONS
Curriculum	PERCORSO COMUNE
Year of study	1°
Period	2nd semester (28/02/2022 - 31/05/2022)
ECTS	6
Lesson hours	40 lesson hours
Language	English
Activity type	ORAL TEST
Teacher	RICCI CAROLA (titolare) - 4 ECTS POCAR FAUSTO - 2 ECTS
Prerequisites	Previous knowledge of Public International Law is highly recommended. A quick refresh of the relevant basic concepts will be offered at the beginning of the course.
Learning outcomes	<p>The aim of this course is to provide an overview of legal methods of dispute settlement in the field of public international law.</p> <p>At the end of this course, students should be able to : explain the foundations and the legal framework of international dispute settlement; describe the basic features of the various courts and tribunals studied in the course, including their historical origins, legal basis of establishment and composition; explain the differences between diplomatic and judicial forms of dispute settlement, and assess the advantages and disadvantages of each method; explain the facts, the procedural history, the relevant rule(s), the holding, and the reasoning of each of the assigned cases; apply legal rules on procedural issues to novel factual</p>

situations and draw analogies with existing case-law.

#### Course contents

This course provides a comprehensive introduction to international dispute settlement. It focuses on legal methods of dispute settlement (arbitration and adjudication), to the exclusion of diplomatic or non-legal forms of dispute settlement (negotiation, mediation, inquiry and conciliation) that will be anyway briefly presented. The course is primarily dedicated to the settlement of disputes between States; it is divided into four sections: it begins with an introduction to the obligation to settle peacefully international disputes and an overview of the various methods of peaceful dispute settlement, including non-judicial means, in order to distinguish the latter from the judicial proceedings brought before international courts and tribunals, to which the second part of the course is dedicated. In particular, a special focus will be given to contentious and non-contentious jurisdiction of the International Court of Justice and to arbitration in inter-State disputes. A specific part will be dedicated to the judicial punishment of international criminal responsibility before the ad hoc tribunals (ICTY and ICTR), the International Criminal Court (ICC) and the so called 'internationalised' tribunals.

The course will tackle all the theoretical issues by addressing selected dispute settlement cases that will be discussed in class, trying to offer to the students a broader vision on the phenomenon of the proliferation of international courts and tribunals and, at the same time, of the apparent decline of multilateralism in present times.

#### Teaching methods

This course will consist of lectures, class discussions, and occasional group exercises. Prior to each session, students are expected to have read the relevant section(s) of the textbook in addition to the other required readings. Students are also encouraged to delve into the recommended readings.

Interactive lectures will introduce students to basic concepts and will involve discussions of the assigned readings. Each session will also include student presentations and/or discussions of assigned cases. Students are expected to contribute actively to the class discussions.

#### Recommended or required readings

A. Obligatory course materials for attending students:

- J.G. Merills, *International Dispute Settlement*, Cambridge University Press, 6th ed., 2017: the specific chapters will be indicated on Kiro platform, within the 'Detailed Syllabus for attending students' few weeks before the beginning of the course;
- Assigned readings and case-law as indicated in the detailed syllabus, that will be made available through Kiro few weeks before the beginning of the course.

B. For non-attending students:

J.G. Merills, *International Dispute Settlement*, Cambridge University Press, 6th ed., 2017 (all chapters).

#### Assessment methods

A. For non attending students: the exam will be oral (100%). Two questions will be asked: the first one will require a more descriptive approach which could involve the reflection on disputes analysed in the textbook, while the second one will need a concise answer. The student

will be evaluated on the basis of the level of capability, accuracy acquired in explaining the foundations and the legal framework of international dispute settlement; describing the basic features of the various courts and tribunals; underlining differences between diplomatic and judicial forms of dispute settlement; explaining the main rules applied before the international courts and tribunals presenting the facts, procedural history, the relevant rule(s), the holding, and the reasoning of the main cases presented in all the chapters of the textbook; applying legal rules to novel factual situations and draw analogies with existing case-law.

B. For attending students: the exam will depend on the performance determined by both

(i) presence in class (50%). The students will be required to comment cases during classes, either individually or as members of assigned groups, as specified in the 'Detailed Syllabus' in due course, and (ii) individual oral exam (50%). Two questions will be asked: the first one will require a more descriptive approach which could involve the reflection on disputes analysed in class, while the second one will need a concise answer, showing the ability of the student to individual homework.

The student will be evaluated on the basis of the level of capability, accuracy acquired in explaining the foundations and the legal framework of international dispute settlement; describing the basic features of the various courts and tribunals; underlining differences between diplomatic and judicial forms of dispute settlement; explaining the main rules applied before the international courts and tribunals presenting the facts, procedural history, the relevant rule(s), the holding, and the reasoning of each of the main cases presented in all the chapters of the textbook; applying legal rules to novel factual situations and draw analogies with existing case-law.

#### Further information

In order to complement the theoretical study with a direct experience of international dispute settlement, if allowed by the anti-COVID 2019 rules, a study visit to the International Courts sitting in The Hague could be organised, upon availability of the hosting International Organisations. Participation will be free but at the expenses of the attending students admitted.

#### Sustainable development goals - Agenda 2030

16,17  
[\\$lbl legenda sviluppo sostenibile](#)