

Peaceful Settlement of Disputes in International Law (B001358)

Course size *(nominal values; actual values may depend on programme)*

Credits 4.0 **Study time 120 h**

Course offerings and teaching methods in academic year 2023-2024

A (semester 2)	English	Gent	lecture
			peer teaching

Lecturers in academic year 2023-2024

Angelet, Nicolas	RE22	lecturer-in-charge
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Offered in the following programmes in 2023-2024

	crdts	offering
Master of Science in Teaching in Social Sciences(main subject Laws)	4	A
Master of Laws in Laws	4	A
Master of Laws in International and European Law(main subject International and Human Rights Law)	4	A
Master of Laws in International and European Law(main subject International and National Legal Orders)	4	A
Master of Laws in International and European Law	4	A
Exchange Programme in Law	4	A

Teaching languages

English

Keywords

public international law, international relations, peaceful settlement of disputes between States, United Nations, International Court of Justice, arbitration

Position of the course

The aim of this course is to offer the students insight into the way international law works in practice. To this end students will analyse a concrete and ongoing international legal procedure (normally an inter-State dispute), with a view to identifying the applicable rules of international law and applying them to the case at hand.

Contents

The course consists of a limited number of ex cathedra lectures (including possible guest lectures) in which students are introduced to the peaceful settlement of disputes in international law. These introductory lectures also serve to explain to students the aim and object of the module and to prepare students for the second part of the course, where they are divided into groups and are asked to examine a concrete and ongoing international legal dispute (e.g. a case pending before the International Court of Justice or a pending arbitral case). Students will either act as 'counsel' for a party to the dispute concerned, or as judge/arbitrator. Students acting as counsel will prepare a written memorial dealing with the merits of the case and/or, where appropriate, the admissibility thereof, and will present their arguments in a pleading session. Students acting as judges/arbiters will bring a presentation on the case concerned and will prepare a written judgment/award after the oral pleadings. The pleading sessions are followed by group discussions.

Initial competences

- To have a basic knowledge of international law (such as basic knowledge on sources of international law, treaty law, subjects of international law, international responsibility, settlement of disputes).

- To be capable to engage in independent research of legal and other sources.
- To possess good English oral and writing skills.

Final competences

- 1 Having insight into the way public international law and international dispute settlement operate
- 2 Becoming familiar with fundamental questions of admissibility and jurisdiction in the context of judicial dispute settlement
- 3 Using primary and secondary sources of international law and applying them to specific cases
- 4 Knowing different case studies pertaining to topical questions of public international law
- 5 The capacity for critical thinking on actualities in relation to international law.
- 6 The capacity to write a structured paper on an international legal dispute
- 7 Having attention for topical questions of international law.

Conditions for credit contract

Access to this course unit via a credit contract is unrestricted: the student takes into consideration the conditions mentioned in 'Starting Competences'

Conditions for exam contract

This course unit cannot be taken via an exam contract

Teaching methods

Seminar, Lecture, Peer teaching

Extra information on the teaching methods

- **Lectures:** the (diplomatic and esp. judicial) means of dispute settlement in international law are explained during the introductory classes and possible guest lectures
- **Tutorials: guided exercises:** students are divided in groups and work on pending international legal procedures (e.g., inter-State procedures pending before the International Court of Justice). Students acting as counsel prepare written memorials as well as oral pleadings. Students acting as judge provide an introductory presentation of the case concerned and write a judgment after the pleadings. Pleadings are followed by group discussions.
- **Microteaching:** students prepare a case (written document) as counsel or judge and present this in class.

Learning materials and price

Handouts of powerpoint presentations as well as additional course materials made available on Ufora.

No cost involved

References

Specific references will be given to the students individually (depending on their case).

James Crawford, *Brownlie's Principles of Public International Law* (Oxford: OUP) (2018; 9th ed.).

Malcolm D. Evans, *International Law* (Cambridge: CUP)(2018; 5th ed.).

E. De Brabandere & J.G. Merrills, *Merrill's International Dispute Settlement* (Cambridge: CUP)(2022; 7th ed.)

Y. Tanaka, *The Peaceful Settlement of Disputes* (Cambridge: CUP) (2018)

Course content-related study coaching

- Individual guidance for preparing the paper and oral presentation
- feedback following the oral pleadings as well as feedback on the written exercise.
- Minerva (powerpoint presentations, general written guidelines for the presentation of the case-study, emails).

Assessment moments

continuous assessment

Examination methods in case of periodic assessment during the first examination period

Examination methods in case of periodic assessment during the second examination period

Examination methods in case of permanent assessment

Skills test, Participation, Assignment

Possibilities of retake in case of permanent assessment

examination during the second examination period is possible

Extra information on the examination methods

Students are evaluated on the basis of their written memorials or judgments/awards and on the basis of the oral presentations and pleadings (content and style), as well as their contribution to group discussions. Students are evaluated on the basis of their insight in the functioning of public international law, their capacity to analyse actual problems in international law and their capacity to substantiate their analysis.

Calculation of the examination mark

Evaluation written memorials/judgments: 50%, evaluation oral presentation 40%, class participation 10%

Retake: 50% written memorials/judgments and 50% oral presentation

Facilities for Working Students

Work students are not obliged to participate in every class.