



SOUTH ASIAN UNIVERSITY

**Faculty of Legal Studies**

**LLM**

**Winter Semester (Fourth Semester) 2024**

**Course Information**

**Part I**

<b>Course Title</b>	International Dispute Settlement
<b>Course Code</b>	LW035
<b>Course Instructor</b>	Prof. Ravindra Pratap
<b>Course Duration</b>	One semester
<b>Course Units</b>	4
<b>Medium of Instruction</b>	English
<b>Prerequisites</b>	Nil
<b>Precursors</b>	Nil
<b>Equivalent Courses</b>	N/A

**Part II**

**Course Description**

International disputes in some form have always been discernible in international relations. But it is only recently that international dispute settlement has emerged as a field of study. This is mainly because most of the international dispute settlement decisions have come in the recent decades (indeed only naturally for the vast expansion of international courts and tribunals in the post-cold war era). Some of these decisions have critically involved South Asian countries and significantly determined the nature and extent of their rights and obligations concerning a variety of dispute settlement issues, including constitution, composition and jurisdiction of, representation before and provisional measures by international courts and tribunals. These consequences only add to those that arise from the existence or aggravation of other South Asian differences, situations and/or disputes concerning a wide array of subjects, such as water sharing and human rights, and call for a response consistently with the obligation of states to settle their disputes by peaceful means and without endangering international peace and security and justice. To the extent that international dispute settlement critically bears on international peace and security, it becomes important for the student to understand its processes, working and potential. This course therefore endeavours to study international dispute settlement with special reference to South Asian countries.

**Course Aim**

The aim of the course is to help the student develop a learning approach that combines critical thought and applied knowledge to the study of international dispute settlement.

### **Course Objectives**

The objectives of the course are to enable the student to understand the principles, procedures, and institutions of international dispute settlement and apply to the solution of a dispute the principles of law that regulate the process of its settlement.

### **Course Outcomes**

Successful completion of the course should enable the student to appreciate the events that give rise to an international dispute, distinguish international disputes from other disputes, locate the sources of the obligation to settle international disputes peacefully, know the factors influencing the choice of an international dispute settlement process, demonstrate a required knowledge of that process, apply that knowledge to the solution of the dispute, discern the decisive reasoning, comprehend the making of judgments/awards, understand the complexities of compliance and enforcement of judgments/awards, and propose necessary improvements on the procedure(s).

### **Course outline**

1. Introduction
  2. Negotiation and consultations
  3. Good offices and mediation
  4. Enquiry and conciliation
  5. Arbitration
- [Mid-Term Examinations]
6. Judicial settlement
  7. UN Security Council and regional arrangements
  8. Appraisal

### **Course syllabus**

#### **Week 1**

**Introduction: Context of and considerations in the emergence and settlement of international disputes; perspectives.**

#### Required Readings

UN Charter, Preamble, Articles 1, 2 and 33.

Tomy Koh, 'International Law and the Peaceful Resolution of Disputes: Asian Perspectives, Contributions, and Challenges' (2011) 1 Asian JIL 57.

#### Supplementary Readings

The Indus Waters Treaty, 1960, Article IX.

Agreement between Sri Lanka and India on the Boundary in the Gulf of Mannar and the Bay of Bengal between the two Countries and Related Matters, 1976, Article 5.

Treaty Between the Government of the People's Republic of Bangladesh and the Government of the Republic of India on Sharing of the Ganga/Ganges Waters at Farakka, 1996, Article VII.

John Collier and Vaughan Lowe (2000) *The Settlement of Disputes in International Law: Institutions and Procedures* (London: OUP) Introduction.

### Further Readings

Manila Declaration on the Peaceful Settlement of International Disputes, 1982.

*Obligations Concerning Negotiations Relating to the Cessation of Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v India)*, Jurisdiction of the Court and the Admissibility of the Application, ICJ Judgment of 5 October 2016.

Karen J Alter, *The New Terrain of International Law: Courts, Politics and Rights* (Princeton 2014) Chapter 2.

Rodman R Bundy, 'Asian Perspective on Inter-State Litigation' (2014) in Natalie Klein (ed) *Litigating International Law Disputes: Weighing the Options* (Cambridge: CUP) 148.

Emma Condon et al (2009) *Resource Disputes in South Asia: Water Scarcity and the Potential for Interstate Conflict* (Madison: University of Wisconsin) 1–3.

Eric de Brabandere, 'International Dispute Settlement—From Practice to Legal Discipline' (2018) *Leiden Journal of International Law* 459.

### **Week 2**

**Negotiation and Consultations: Scope and content; particular considerations in specific regimes—relation to the principle of good faith; assessment.**

### Required Readings

UN Charter, Article 33.

Agreement between the Government of India and the Government of the Islamic Republic of Pakistan on Bilateral Relations (Shimla Agreement), 1972, para 1 (ii).

*India – Anti-dumping Measures on Batteries from Bangladesh, Notification of Mutually Satisfactory Solution*, WT/DS306/3 (23 February 2006).

### Supplementary Readings

United Nations Convention on the Law of the Sea, 1982, Article 283.

UNGA Res. 53/101 Principles and Guidelines for International Negotiations, 20 January 1999.

Agreement on South Asian Free Trade Area, 2004, Article 20 (1).

Agreement between the Government of the Republic of India and the Government of the People's Republic of Bangladesh Concerning the Demarcation of the Land Boundary Between India and Bangladesh and Related Matters, 1974, Article, 4.

Treaty of Commerce Between the Republic of India and the Royal Kingdom of Afghanistan, 1950, Article 17.

J G Merrills (2011) *International Dispute Settlement* (Cambridge: CUP) Chapters 1 and 2.

I William Zartman, 'Conflict Resolution and Negotiation' (2009) in Jacob Bercovitch, Victor Kremenyuk, and I William Zartman (eds), *The SAGE Handbook of Conflict Resolution* (London: SAGE) 322.

### Further Readings

Convention on the Pacific Settlement of Disputes, 1899, Title II.

WTO Understanding on Rules and Procedures Governing the Settlement of Disputes, 1994, Article 4.

Rome Statute of the International Criminal Court, 1998, Article 97.

*Obligation to Negotiate Access to the Pacific Ocean (Bolivia v Chile), Preliminary Objection*, ICJ Judgment of 24 September 2015.

Charles Manga Fombad, 'Consultation and Negotiation in the Pacific Settlement of International Disputes' (1989) 1 AFJICL 707.

### **Week 3**

**Good Offices and Mediation: Scope and content, particular considerations in specific regimes—non-state actors; UN Mission in Nepal, evaluation.**

### Required Readings

UN Charter, Article 33.

UN SC Resolution 1740, 23 January 2007 (United Nations Political Mission in Nepal).

### Supplementary Readings

WTO Understanding on Rules and Procedures Governing the Settlement of Disputes, 1994, Article 5.

UNGA Res. 68/303, Strengthening the Role of Mediation in the Peaceful Settlement of Disputes, 13 August 2014.

UNGA Res. 2790 (XXVI), United Nations assistance to East Pakistan refugees through the United Nations focal point and the United Nations humanitarian assistance to East Pakistan, 6 December 1971.

Jacob Bercovitch, 'Mediation and Conflict Resolution' (2009), in Jacob Bercovitch, Victor Kremenyuk, and I William Zartman (eds), *The SAGE Handbook of Conflict Resolution* (SAGE 2009) 340.

### Further Readings

Convention on the Law of Non-navigational Uses of International Watercourses, 1997, Article 33.

ICOM-WIPO Mediation Rules, 2007.

Practice Direction on Mediation, United Nations Dispute Tribunal, 2012.

Article 5 of the Dispute Settlement Understanding, Communication from the Director-General, WT/DSB/25 (17 July 2001).

Manfred Lachs, 'International Law, Mediation, and Negotiation' in Arthur S Lall, *Multilateral Negotiation and Mediation: Instruments and Methods* (Pergamon Press 1985) 183.

United Nations Office of Legal Affairs, *Handbook on the Peaceful Resolution of Disputes between States* (United Nations 1992) Chapter II, C and D.

Niranjan D Gulhati, *Indus Water Treaty: An Exercise in International Mediation* (Allied Publishers 1973).

#### **Week 4**

**Enquiry and Conciliation: Forms of basis; international fact-finding, terms of reference, evidence; preparatory to settlement, Fact-Finding Mission on Myanmar; quasi-judicial settlement.**

#### Required Readings

UN Charter, Article 33.

Report of the Detailed Findings of the Independent International Fact-Finding Mission on Myanmar, A/HRC/39.CRP 2, 17 September 2018.

#### Supplementary Readings

United Nations Model Rules for the Conciliation of Disputes between States, 1995.

The Indus Waters Treaty, 1960, Articles VIII and IX.

Statute of the Indo-Bangladesh Joint Rivers Commission, 1972.

Agreement on South Asian Free Trade Area, 2004, Article 20 (7).

Expert Determination on Points of Difference referred by the Government of Pakistan under the Provisions of the Indus Waters Treaty, Executive Summary, 12 February 2007.

Treaty between His Majesty's Government of Nepal and the Government of India Concerning the Integrated Development of the Mahakali Barrage Including Sarada Barage, Tanakpur Barage, and Pancheshwar Project, Barrage, 1996, Article 9.

J G Merrills (2011) *International Dispute Settlement* (Cambridge: CUP) Chapter 3.

#### Further Readings

UNGA Res. 49/53, Declaration on Fact-finding by the United Nations in the Field of the Maintenance of International Peace and Security, 9 December 1991.

United Nations Convention on the Law of the Sea, 1982, Article 284.

Convention on the Settlement of Investment Disputes Between States and Nationals of Other States, 1965, Articles 28–35.

Optional Rules for Fact-Finding Commissions of Enquiry, Permanent Court of Arbitration, 1997.

United Nations Commission on International Trade Law, Conciliation Rules, 1980.

*Timor Sea Conciliation (Timor-Leste v. Australia)*, Report and Recommendations, 09 May 2018.

Thomas M Franck and Laurence D Cherkis, 'The Problem of Fact-Finding in International Disputes' (1967) 18 *Case Western Reserve Law Review* 1483.

M L Marasinghe, 'The Use of Conciliation for Dispute Settlement' (1980) 29 *ICLQ* (1980) 389.

## **Week 5**

**Arbitration: Forms of basis, constitutional considerations, jurisdiction and admissibility, applicable law, inherent power, assessment.**

### Required Readings

UN Charter, Article 33.

United Nations Convention on the Law of the Sea, 1982, Article 287.

Arbitration Rules, Permanent Court of Arbitration, 2012, Articles 6, 23.

*The Court of Arbitration Constituted in Accordance with the Indus Waters Treaty, 1960, Award on the Competence of the Court*, 6 July 2023.

### Supplementary Readings

Convention on the Settlement of Investment Disputes Between States and Nationals of Other States, 1965, Articles 36–55.

ICC Arbitration Rules, 2012, Article 6.

UNCITRAL Arbitration Rules, 2010, Article 23.

The Indus Waters Treaty, 1960, Article IX.

SAARC Arbitration Rules, 2009, Article 21.

Agreement between the Government of the Republic of India and the Government of Nepal for the Promotion and Protection of Investments, 2011, Article 9 (3).

*The Bay of Bengal Maritime Boundary Arbitration between the People's Republic of Bangladesh and The Republic of India (Bangladesh v India)*, Award of the Arbitral Tribunal, Permanent Court of Arbitration, dated 07 July 2014.

Nigel Blackaby et al. (2015) *Redfern and Hunter on International Arbitration* (London: OUP) Chapter 5.

### Further Readings

WTO Understanding on the Rules and Procedures Governing the Settlement of Disputes, 1994, Article 25.

Optional Rules for Arbitrating Disputes between two parties of which only one is a State, Permanent Court of Arbitration, 1993.

*Asian Agricultural Products Ltd. v Republic of Sri Lanka*, ICSID Case No. ARB/87/3, Final Award, dated 21 June 1990.

*The Indo-Pakistan Boundary (Rann of Kutch) between India and Pakistan (India, Pakistan)* XVII Reports of the International Arbitral Awards, 19 February 1968) 1.

Laurent Gouiffès and Melissa Ordonez, 'Jurisdiction and Admissibility: Are We Any Closer to a Line in the Sand?' (2015) 31 *Arbitration International* 107.

Ravindra Pratap, 'India-Bangladesh Maritime Boundary Award' (2015) *LAWASIA Journal* 1.

## **Week 6**

**Arbitration: Provisional measures: *prima facie* jurisdiction; preservation of rights, interpretation of rights, particular considerations, assessment.**

### Required Readings

Arbitration Rules, Permanent Court of Arbitration, 2012, Article 26.

United Nations Convention on the Law of the Sea, 1982, Article 290.

*In the Matter of an Arbitration concerning "the Enrica Lexie Incident" (Italy v. India)*, Permanent Court of Arbitration, Provisional Measures Order, 29 April 2016.

### Supplementary Readings

ICC Arbitration Rules, 2012, Article 28.

Convention on the Settlement of Investment Disputes Between States and Nationals of Other States, 1965, Article 47.

SAARC Arbitration Rules, 2009, Article 26.

*Tethyan Copper v Pakistan Tethyan Copper Company Pty Limited v Islamic Republic of Pakistan*, ICSID Case no. ARB/12/1, Decision on Claimant's Request for Provisional Measures dated 13 December 2012.

Cameron A Miles, *Provisional Measures before International Court and Tribunals* (Cambridge University Press 2017) Chapter V.

### Further Readings

UNCITRAL Arbitration Rules, 2010, Article 26.

*Saipem S.p.A. v The People's Republic of Bangladesh*, ICSID Case no. ARB/05/07, Decision on jurisdiction and recommendation on provisional measures dated 21 March 2007.

L Collins, 'Provisional and Protective Measures in International Litigation' (1992) 234 *Hague Recueil* 9.

Michael Dunmore, 'Interim Measures by Arbitral Tribunals: The Enforceability Conundrum' (2012) 8 *Asian International Arbitration Journal* 222.

Ravindra Pratap, 'Provisional Measures and the *Enrica Lexie* Case' (2018) 16 *Law and Practice of International Courts and Tribunals* 413.

## **Week 7**

**Arbitration: Compliance and enforcement: Award, remedies, forum, means of enforcement, role of domestic courts, evaluation.**

### Required Readings

Arbitration Rules, Permanent Court of Arbitration, 2012, Article 34.

WTO Understanding on the Rules and Procedures Governing the Settlement of Disputes, 1994, Articles 21.1(c) and 22.6.

*Kandla Export Corporation and Another v. M/S OCI Corporation and Another*, Judgment of the Supreme Court of India, dated 07 February 2018.

### Supplementary Readings

Convention on the Settlement of Investment Disputes Between States and Nationals of Other States, 1965, Articles 53–55.

Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958.

ICC Arbitration Rules, 2012, Articles 34 and 41.

*European Communities – Conditions for the Granting of Tariff Preferences to Developing Countries*, Arbitration under Article 21.3(c) of the Understanding on Rules and Procedures Governing the Settlement of Disputes, Award of the Arbitrator John Lockhart, WT/DS246/14 (20 September 2004).

Nigel Blackaby et al, *Redfern and Hunter on International Arbitration* (OUP 2015) Chapter 11.

### Further Readings

UNCITRAL Arbitration Rules, 2010, Article 34.

The Arbitration and Conciliation Act, 1996, Sections 44–52.

The Arbitration and Conciliation (Amendment) Act, 2015.

*White Industries Australia Ltd. v Republic of India*, UNCITRAL Final Award, 30 November 2011.

Anees Jillani, ‘Recognition and Enforcement of Foreign Arbitral Awards in Pakistan’ (1998) 37 ICLQ 926.

Herbert Kronke et al, *Recognition and Enforcement of Foreign Arbitral Awards: A Global Commentary on the New York Convention* (Kluwer 2010).

### **Weeks 8 and 9**

**Judicial Settlement: Jurisdiction and admissibility, bases; consent, significance and operation, cognate and contending considerations; evidence; remedies; evaluation.**

### Required Readings

Statute of the International Court of Justice, Articles 34, 36 and 60.

WTO Understanding on the Rules and Procedures Governing the Settlement of Disputes, 1994, Articles 4, 11 and 17.

United Nations Convention on the Law of the Sea, 1982, Articles 287–288, 295.



*Dispute Concerning Delimitation of the Maritime Boundary between Mauritius and Maldives in the Indian Ocean (Mauritius/Maldives), Preliminary Objections, Judgment, ITLOS, 28 January 2021.*

### Supplementary Readings

Rome Statute of the International Criminal Court, Articles 2, 4, 5–21, 27, 87, 98, 119.

Rules of the International Court of Justice, Articles 38, 79.

Statute of the International Tribunal for the Law of the Sea, Article 21.

Agreement on South Asian Free Trade Area, 2004, Article 20 (9).

Decision on the “Prosecution’s Request for a Ruling on Jurisdiction under Article 19(3) of the Statute, International Criminal Court, Pre-Trial Chamber I, 6 September 2018.

*Obligations Concerning Negotiations Relating to the Cessation of Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v India), Jurisdiction of the Court and the Admissibility of the Application, ICJ Judgment of 5 October 2016.*

Ruth Mackenzie et al (eds) (2012) *The Manual on International Courts and Tribunals* (London: OUP) Introduction.

### Further Readings

Convention on the Settlement of Investment Disputes Between States and Nationals of Other States, 1965, Article 64.

UN SC Resolution 808, 22 February 1993 (ICTY).

UN SC Resolution 1757, 30 May 2007 (Special Tribunal for Lebanon).

*Dispute Concerning Delimitation of the Maritime Boundary between Bangladesh and Myanmar in the Bay of Bengal, Bangladesh/Myanmar, Judgment, International Tribunal for the Law of the Sea, 14 March 2012.*

*Aerial Incident of 10 August 1999 (Pakistan v India), Jurisdiction of the Court, Judgment [2000] ICJ Rep 12.*

F A Mann, ‘The Doctrine of Jurisdiction in International Law’ (1964) 111 *Hague Recueil* 1.

L N Nguyen, ‘The UNCLOS Dispute Settlement System: What Role Can It Play in Resolving Maritime Disputes in Asia’, (2018) 8 *The Asian Journal of International Law*: 91.

## **Week 10**

**Judicial Settlement: Intervention and necessary/third parties: forms of interest and their interpretation, interplay of substance and procedure, considerations of justice; assessment.**

### Required Readings

Statute of the International Court of Justice, Article 63.

WTO Understanding on the Rules and Procedures Governing the Settlement of Disputes, 1994, Article 10.

*Jurisdictional immunities of the State (Germany v Italy), Application for Permission to Intervene, Order of 4 July 2011, ICJ Rep 494.*

### Supplementary Readings

United Nations Convention on the Law of the Sea, 1982, Article 190.

*United States – Transitional Safeguard Measure on Combed Cotton Yarn from Pakistan, WT/DS192/AB/R, Report of the WTO Appellate Body (8 October 2001).*

Yuji Iwasawa, 'Third Parties Before International Tribunals: The ICJ and the WTO' in Nisuke Ando and Edward McWhinney (eds), *Liber Amicorum Judge Shigeru Oda* (Kluwer 2002) vol 2, 871.

### Further Readings

*Case of the monetary gold removed from Rome in 1943 (Preliminary Question), Judgment of June 15<sup>th</sup>, 1954, ICJ Reports 1954, 19.*

*European Communities – Conditions for the Granting of Tariff Preferences for Developing Countries, WT/DS246/R (1 December 2003).*

Rüdiger Wolfrum, 'Intervention in the Proceedings Before the International Court of Justice and the International Tribunal for the Law of the Sea' in P Chandrasekhara Rao & Rahmatullah Khan (eds), *The International Tribunal for the Law of the Sea: Law and Practice* (Kluwer 2001) 161.

## **Week 11**

**Judicial Settlement: Provisional measures: *prima facie* jurisdiction, preservation of rights pending proceedings, interpretation of rights, considerations of justice, assessment.**

### Required Readings

Statute of the International Court of Justice, Article 41.

United Nations Convention on the Law of the Sea, 1982, Article 290.

*Jadhav Case (India v. Pakistan), Order, International Court of Justice, 18 May 2017.*

### Supplementary Readings

Rules of the International Court of Justice, Articles 73–78.

Rome Statute of the International Criminal Court, Articles 58, 59 and 92.

WTO Understanding on the Rules and Procedures Governing the Settlement of Disputes, 1994, Articles 3, 4.8 and 4.9.

*In the Matter of an Arbitration concerning "the Enrica Lexie Incident" (Italy v. India), International Tribunal for the Law of the Sea, Provisional Measures Order, 25 August 2015.*

Chester Brown, *A Common Law of International Adjudication* (Oxford University Press 2007) Chapter 4.

### Further readings

Agreement on Trade-Related Aspects of Intellectual Property Rights, 1994, Article 50.

Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade, 1994, Article 7.

*Orders to the Registrar concerning action to be taken in case of information relating to travel of suspects*, International Criminal Court, Pre-Trial Chamber II, 15 April 2015.

Shabtai Rosenne, 'Provisional Measures and Prima Facie Jurisdiction Revisited' (2002) in Nisuke Ando and Edward McWhinney (eds), *Liber Amicorum Judge Shigeru Oda* (London: Kluwer) Vol 1, 515.

### **Week 12**

**Judicial Settlement: Compliance and enforcement, judgment, remedies: forms; determination; assessment.**

### Required Readings

UN Charter, Article 94.

United Nations Convention on the Law of the Sea, 1982, Article 296.

WTO Understanding on the Rules and Procedures Governing the Settlement of Disputes, 1994, Articles 3, 21–23.

*United States – Import Prohibition of Certain Shrimp and Shrimp Products – Recourse to Article 21.5 of the DSU by Malaysia*, Report of the Appellate Body, WT/DS58/AB/RW (22 October 2001).

### Supplementary Readings

Rome Statute of the International Criminal Court, 1998, Articles 103–11.

Statute of the International Tribunal for the Law of the Sea, Article 39.

*Avena and other Mexican Nationals (Mexico v United States of America)*, ICJ Judgment of 31 March 2004.

Joseph Sinde Warioba, 'Monitoring Compliance with and Enforcement of Binding Decisions of International Courts' (2001) 5 Max Planck Yearbook of the United Nations 41.

### Further Readings

*The Prosecutor v Omar Hassan Ahmad al Bashir, Decision on the non-compliance by the Republic of Djibouti with the request to arrest and surrender Omar Al Bashir to the Court and referring the matter to the United Nations Security Council and the Assembly of State Parties to the Rome Statute*, Pre-Trial Chamber II, International Criminal Court, ICC-02/05-01/09 (11 July 2016).

*European Communities – Anti-Dumping Duties on Imports of Cotton-Type Bed Linen from India – Recourse to Article 21.5 of the DSU by India*, Report of the Appellate Body, WT/DS141/AB/RW (8 April 2003).

Lori Fisler Damrosch, 'Enforcing International Law Through Non-Forcible Measures' (1997) 269 *Hague Recueil* 9.

### **Week 13**

#### **UN Security Council and Regional Arrangements; considerations and assessment of peace and security, relation with judicial procedure; evaluation.**

##### Required Readings

UN Charter, Articles 12, 32, 34–37, 52.

The North Atlantic Treaty, 1949, Article 1.

UNSC Res. 2041, dated 22 March 2012: "The situation in Afghanistan".

##### Supplementary Readings

Convention on Conciliation and Arbitration within OSCE, 1992.

UNSC Res. 1386, dated 20 December 2001 (UN and NATO on Afghanistan).

United Nations, *An Agenda for Peace* (United Nations 1992).

Shirley V Scott, 'Litigation Versus Dispute Resolution through Political Process' in Natalie Klein (ed), *Litigating International Law Disputes: Weighing the Options* (Cambridge University Press 2014), 24.

Rama Mani, 'Peaceful Settlement of Disputes and Conflict Prevention' (2007) in Thomas G Weiss and Sam Daws, *Oxford Handbook on the United Nations* (London: OUP) Chapter 18.

##### Further Readings

UNSC Res. 47/40, dated 21 April 1948 (Kashmir).

Hans Kelsen, 'The Settlement of Disputes by the Security Council' (1948) 2 *International Law Quarterly* 173.

Rosalyn Higgins, 'The Place of International Law in the Settlement of Disputes by the Security Council' (1970) 64 *AJIL* 1.

K V Raman (ed) (1977) *Dispute Settlement Through the United Nations* (New York: Oceana).

### **Week 14**

#### **Appraisal**

##### Required Readings

UN Basic Principles on the Independence of the Judiciary (1985).

James Crawford, 'Continuity and Discontinuity in International Dispute Settlement' (2010) 1 *Journal of International Dispute Settlement* 3.

##### Supplementary Reading

The Burgh House Principles on the Independence of International Judiciary, 2004.

Speech by Abdulqawi A Yusuf, President of the International Court of Justice, on the Occasion of the Seventy-Third Session of the United Nations General Assembly, 25 October 2018.

Georges Abi-Saab, 'Ensuring the Best Bench: Ways of Selecting Judges' in Connie Peck and Roy Lee (eds), *Increasing the Effectiveness of the International Court of Justice: Proceedings of the ICJ/UNITAR Colloquium to Celebrate the 50th Anniversary of the Court* (Martinus Nijhoff/UNITAR 1997) 166.

### Further Reading

Hague Principles on Ethical Standards for Counsel Appearing before International Courts and Tribunals, 2010.

*Prosecutor v Bemba*, Judgment Pursuant to Article 74 of the Statute, ICC, Appeals Chamber (8 June 2018).

Anne Peters, 'International Dispute Settlement: A Network of Cooperational Duties' (2003) 14 EJIL 1.

M Emilie et al, 'Against Secrecy: The Social Cost of International Dispute Settlement' (2017) 42 Yale Journal of International Law 279.

Burkhard Hess, 'The Private-Public Divide in International Dispute Resolution' (2018) 388 Hague *Recueil* 49.

### **Teaching Method**

The course will be offered using a combination of lectures and class discussions. The students are expected to prepare and debate the course materials in the class.

### **Assessment Method**

There will be two written examinations totalling 80 marks and a case study/written assignment of 20 marks.