





5.00 credits

30.0 h

Q2

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| Teacher(s) | d'Argent Pierre ;Gautier Philippe ; |
| Language : | English |
| Place of the course | Louvain-la-Neuve |
| Main themes | <p>The course examines the following topics:</p> <ul style="list-style-type: none"> - history and principles - diplomatic means (negotiation, good offices, mediation, enquiry, conciliation) - inter State arbitration (with an overview of the US/Iran arbitral tribunal, the UN Compensation Commission (Irak-Koweït) and ICSID arbitration) - International court of Justice - International tribunal for the law of the sea - WTO dispute settlement mechanism - international criminal courts (TPIY, TPIR, ICC) - settlement of disputes of international organizations and administrative tribunals - selected topics (implementation of judgments, experts and witnesses, proliferation of international tribunals and fragmentation of international law) |
| Learning outcomes | |
| Evaluation methods | Students present a written exam consisting in a practical exercise (casus) and two questions covering specific issues which have been addressed during the lectures. Students may bring texts and documents at the exam (but not the summary of the lectures) |
| Teaching methods | The lectures are practice-oriented and are focused on the existing international jurisprudence. Active participation of students is encouraged. Power-point presentation is used. |
| Content | <p>In an international legal order where there is no mandatory recourse to an international judge, the existence of mechanisms for the settlement of disputes is particularly relevant to ensure that international rights and obligations are complied with. In this respect, it may be noted that, for the past 30 years, an increasing number of cases have been submitted to international courts and tribunals. In this context, the objective of this course is to provide students with an in-depth knowledge of the different mechanisms available in international law for the settlement of disputes, of the scope of jurisdiction of international courts and tribunals, and of the procedural rules applicable to cases brought before them.</p> <p>The course examines the following topics:</p> <ul style="list-style-type: none"> - history and principles - diplomatic means (negotiation, good offices, mediation, enquiry, conciliation) - inter State arbitration (with an overview of the US/Iran arbitral tribunal, the UN Compensation Commission (Irak-Koweït) and ICSID arbitration) - International court of Justice - International tribunal for the law of the sea - WTO dispute settlement mechanism - international criminal courts (TPIY, TPIR, ICC) - settlement of disputes of international organizations and administrative tribunals - selected topics (implementation of judgments, experts and witnesses, proliferation of international tribunals and fragmentation of international law) |
| Inline resources | The lectures are practice-oriented and are focused on the existing international jurisprudence. Active participation of students is encouraged. Power-point presentation is used. |

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| Bibliography | <p>J. Merrills, International Dispute Settlement, Cambridge University Press, 1998; Manual on International Courts and Tribunals, Ph. Sands (edit.), Butterworths, 1999, 346; S. Torres Bernardez, 'Are Prior Negotiations a General Condition for Judicial Settlement by the International Court of Justice?', Liber Amicorum Judge José Maria Ruda, Kluwer, 2000, pp. 507-525; L. Caflisch, « Cent ans de règlement pacifique des différends interétatiques », RCADI, 2001, vol. 288, pp. 245-467 ; C. Santuli, Droit du contentieux international, LGDJ/ Montchrestien, 2005; S. Rosenne, The Law and Practice of the International Court (1920-2005), 4 vols, Brill, 2006; S. Rosenne, Interpretation, Revision and Other Recourse from International Judgments and Awards, 2007; Ph. Gautier, "Urgent Proceedings before the International Tribunal for the Law of the Sea," <i>Issues in Legal Scholarship</i>; Vol. 8; Issue 1, The Berkeley Electronic Press, 2009; (http://www.bepress.com/ils/iss11/art5); Ph. Gautier, 'The Settlement of Disputes', in The IMLI Manual on International Maritime Law, Vol. I, D. Attard (general ed.), Oxford, 2014, pp. 533-576; Ph. Gautier, 'The Contribution of the International Tribunal for the Law of the Sea to the Rule of Law', in G. De Baere and J. Wouters (eds.), The Contribution of International and Supranational Courts to the Rule of Law, Edward Elgar, 2015; pp. 203-222.</p> |
| Other infos | See Moodle page of the course. |
| Faculty or entity in charge | BUDR |

| Programmes containing this learning unit (UE) | | | | |
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| Program title | Acronym | Credits | Prerequisite | Learning outcomes |
| Advanced Master in European Law | DREU2MC | 5 | |  |
| Master [120] in Law | DROI2M | 5 | |  |
| Advanced Master in International Law | DRIN2MC | 5 | |  |
| Master [120] in Law (shift schedule) | DRHD2M | 5 | |  |