

# **International Dispute Settlement and Global Justice**

*(Fall 2024; Tuesday 14:00–17:00)*

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## **Course Description**

The goal of this course is to enhance students' understanding of international dispute settlement and the achievement of global justice. Following a comparison of various methods and means of dispute settlement, the course will focus on the role of international law and international legal proceedings in settling international disputes and promoting global justice. This course will look specifically at important cases at the International Court of Justice (ICJ), the International Tribunal for the Law of the Sea (ITLOS), and the International Criminal Court (ICC). Students will be asked to define and assess the role, potential, and limitations of international law and its institutions in international relations throughout the course.

## **Readings**

\* John Merrills and Eric De Brabandere, Merrills' International Dispute Settlement, 7th edition (Cambridge University Press, 2022)

\* Robert Cryer, Darryl Robinson, and Sergey Vasiliev, An Introduction to International Criminal Law and Procedure, 4th edition (Cambridge University Press, 2019)

Merrills' International Dispute Settlement and An Introduction to International Criminal Law and Procedure (the books with an asterisk (\*)) will be used as basic references for the course. Students are expected to complete the assigned readings each week.

## **References**

John Collier and Vaughan Lowe, The Settlement of Disputes in International Law: Institutions and Procedures (Oxford University Press, 2000)

William Zartman (ed.), Peacemaking in International Conflict: Methods and Techniques (USIP Press, 2007)

Laurence Boisson de Chazournes, Marcelo G. Kohen, and Jorge E. Vinuales (eds.), Diplomatic and Judicial Means of Dispute Settlement (Martinus Nijhoff Publishers, 2013)

Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (eds), Leashing the Dogs of War: Conflict Management in a Divided World (USIP Press, 2007)

Natalie Klein (ed.), Litigating International Law Disputes: Weighing the Options (Cambridge University Press, 2014)

Patibandla Chandrasekhara Rao and Philippe Gautier, The International Tribunal for the Law of the Sea: Law, Practice, and Procedure (Edward Elgar Publishing, 2018)

Carsten Stahn, A Critical Introduction to International Criminal Law (Cambridge University Press, 2018)

Beth Van Schaack and Ronald C. Slye, International Criminal Law and Its Enforcement: Cases and Materials, 4th edition (Foundation Press, 2019)

William A. Schabas, An Introduction to the International Criminal Court, 6th edition (Cambridge University Press, 2020)

Jan Klabbers, International Law, 3rd edition (Cambridge University Press, 2021)

Alexander Orakhelashvili, Akehurst's Modern Introduction to International Law, Ninth Edition (Routledge, 2022)

Lori Fisler Damrosch and Sean D. Murphy, International Law: Cases and Materials, 7th edition (West Academic Publishing, 2019)

Malcolm D. Evans, International Law, 5th edition (Oxford University Press, 2018)

Malcolm N. Shaw, International Law, 9th edition (Cambridge University Press, 2021)

Malcolm D. Evans, Blackstone's International Law Documents, Fifteenth Edition (Oxford University Press, 2021)

Students are encouraged, but not required, to refer to references listed in this syllabus and such materials and websites as the Journal of International Dispute Settlement, the Journal of International Criminal Justice, the SIPRI Yearbook, the Strategic Survey (IISS), and the International Crisis Group ([www.crisisgroup.org](http://www.crisisgroup.org)) for updated knowledge of ongoing conflicts, disputes, and crimes around the world.

All the relevant materials relating to case studies can be found on the websites of the International Court of Justice ([www.icj-cij.org](http://www.icj-cij.org)), the International Tribunal for the Law of the Sea ([www.itlos.org](http://www.itlos.org)), the International Criminal Court ([www.icc-cpi.int](http://www.icc-cpi.int)), the ICC Legal Tools Database ([www.legal-tools.org](http://www.legal-tools.org)), and the International Crimes Database ([www.internationalcrimesdatabase.org](http://www.internationalcrimesdatabase.org)).

## **Course Schedule (Weekly)**

### ***Week 1 (Sep. 3) International Dispute Settlement: Principles and Concepts***

This session will be devoted to meeting one another, gaining an understanding of the basic concepts and principles to be utilized in the course, and setting expectations for students.

- Reading: Merrills' International Dispute Settlement, Ch. 1 (pp. 1-37).
- References: John Collier and Vaughan Lowe, The Settlement of Disputes in International Law: Institutions and Procedures (Oxford University Press, 2000), Ch. 1 (pp. 1-16); Natalie Klein (ed.), Litigating International Law Disputes: Weighing the Options (Cambridge University Press, 2014), Chs. 1-2 (pp. 3-41); Laurence Boisson de Chazournes, Marcelo G. Kohen, and Jorge E. Vinuales (eds.), Diplomatic and Judicial Means of Dispute Settlement

(Martinus Nijhoff Publishers, 2013), Ch. 2 (pp. 13-24).

***Week 2 (Sep. 10) Diplomatic Methods 1: Negotiation and Mediation***

- Reading: Merrills' International Dispute Settlement, Chs. 2-3 (pp. 38-83).
- References: William Zartman (ed.), Peacemaking in International Conflict: Methods and Techniques (USIP Press, 2007), Chs. 3-4 (pp. 111-194); Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (eds.), Leashing the Dogs of War: Conflict Management in a Divided World (USIP Press, 2007), Ch. 25 (pp. 437-454).

***Week 3 (Sep. 17) Diplomatic Methods 2: Inquiry and Conciliation***

- Reading: Merrills' International Dispute Settlement, Chs. 4-5 (pp. 84-131).
- References: John Collier and Vaughan Lowe, The Settlement of Disputes in International Law: Institutions and Procedures (Oxford University Press, 2000), pp. 24- 27, 29-31; Catherine Harwood, The Roles and Functions of Atrocity-Related United Nations Commissions of Inquiry in the International Legal Order: Navigating between Principle and Pragmatism (Brill, 2020).

***Week 4 (Sep. 24) Arbitration***

- Reading: Merrills' International Dispute Settlement, Chs. 6-7 (pp. 132-193).
- References: William Zartman (ed.), Peacemaking in International Conflict: Methods and Techniques (USIP Press, 2007), Ch. 5 (pp. 195-226); John Collier and Vaughan Lowe, The Settlement of Disputes in International Law: Institutions and Procedures (Oxford University Press, 2000), Ch. 4 (pp. 59-83).

***Week 5 (Oct. 1) International Court of Justice (ICJ) 1: Organization and Procedure***

- Reading: Merrills' International Dispute Settlement, Ch. 8 (pp. 194-230).
- References: John Collier and Vaughan Lowe, The Settlement of Disputes in International Law: Institutions and Procedures (Oxford University Press, 2000), Ch. 7 (pp. 124-185).

***Week 6 (Oct. 8) International Court of Justice (ICJ) 2: The Work of the Court***

- Reading: Merrills' International Dispute Settlement, Ch. 9 (pp. 231-260).
- References: John Collier and Vaughan Lowe, The Settlement of Disputes in International Law: Institutions and Procedures (Oxford University Press, 2000), Ch. 7 (pp. 124-185).

***Week 7 (Oct. 15) UNCLOS Dispute Settlement System and International Tribunal for the***

## *Law of the Sea*

- Reading: Merrills' International Dispute Settlement, Ch. 10 (pp. 261-309).
- References: John Collier and Vaughan Lowe, The Settlement of Disputes in International Law: Institutions and Procedures (Oxford University Press, 2000), Ch. 5 (pp. 84-95); Natalie Klein (ed.), Litigating International Law Disputes: Weighing the Options (Cambridge University Press, 2014), Ch. 12 (pp. 260-283); Patibandla Chandrasekhara Rao, International Tribunal for the Law of the Sea (ITLOS), in Max Planck Encyclopedias of International Law (2011); Patibandla Chandrasekhara Rao and Philippe Gautier, The International Tribunal for the Law of the Sea: Law, Practice, and Procedure (Edward Elgar Publishing, 2018).

### ***Week 8 (Oct. 22) International Criminal Courts and Tribunals: The Aims, Objectives, and Justifications***

- Reading: Robert Cryer, Darryl Robinson, and Sergey Vasiliev, An Introduction to International Criminal Law and Procedure, 4th edition (Cambridge University Press, 2019), Chs. 1-2 (pp. 1-46).
- References: Carsten Stahn, A Critical Introduction to International Criminal Law (Cambridge University Press, 2018), Ch. 3 (pp. 159-268); Beth Van Schaack and Ronald C. Slye, International Criminal Law and Its Enforcement: Cases and Materials, 4th edition (Foundation Press, 2019), Ch. 1 (pp. 5-32); Laurence Boisson de Chazournes, Marcelo G. Kohen, and Jorge E. Vinuales (eds.), Diplomatic and Judicial Means of Dispute Settlement (Martinus Nijhoff Publishers, 2013), Chs. 3-4 (pp. 25-60).

### ***Week 9 (Oct. 29) International Criminal Court (ICC): Jurisdiction and Procedure***

- Reading: Robert Cryer, Darryl Robinson, and Sergey Vasiliev, An Introduction to International Criminal Law and Procedure, 4th edition (Cambridge University Press, 2019), Ch. 8 (pp. 144-172).
- References: Beth Van Schaack and Ronald C. Slye, International Criminal Law and Its Enforcement: Cases and Materials, 4th edition (Foundation Press, 2019), Ch. 5 (pp. 189-263); William A. Schabas, An Introduction to the International Criminal Court, 6th edition (Cambridge University Press, 2020).

### ***Week 10 (Nov. 5) Students' Case Presentation 1***

### ***Week 11 (Nov. 12) Students' Case Presentation 2***

### ***Week 12 (Nov. 19) Students' Case Presentation 2***

### ***Week 13 (Nov. 26) International and Regional Institutions***

- Reading: Merrills' International Dispute Settlement, Chs. 12-13 (pp. 347-412).
- References: Malcolm D. Evans, International Law, 5th edition (Oxford University Press, 2018), pp. 563-569; Malcolm N. Shaw, International Law, 9th edition (Cambridge University Press, 2021), pp. 892-900.

***Week 14 (Dec. 3) Trends and Prospects, and Wrap-Up Discussions***

- Reading: Merrills' International Dispute Settlement, Ch. 14 (pp. 413-438); Tom Dannenbaum, "A Special Tribunal for the Crime of Aggression?", *Journal of International Criminal Justice*, Vol. 20, Issue 4 (September 2022), pp. 859-874; Robert Cryer, Darryl Robinson, and Sergey Vasiliev, An Introduction to International Criminal Law and Procedure, 4th edition (Cambridge University Press, 2019), Ch. 23 (pp. 550-559).
- References: Natalie Klein (ed.), Litigating International Law Disputes: Weighing the Options (Cambridge University Press, 2014), Ch. 20 (pp. 460-471); *Just Security* series, "Prosecuting the Crime of Aggression Against Ukraine," <https://www.justsecurity.org/tag/u-n-general-assembly-and-international-criminal-tribunal-for-aggression-against-ukraine/>

***Week 15 (Dec. 10) Final Exam***

**Course Requirements**

Grading for the course will be based on the following three elements:

*1) Attendance and informed participation in class discussion (20%)*

Students are expected to attend all classes, do all required readings and as much of the recommended readings as possible in advance, participate actively in class discussion, and make valuable contributions.

*2) Case presentation (40%)*

For case study (weeks 10–12), students will be required to choose one case from the case list the professor provides during the semester for their presentation, and they must consult with the professor in advance regarding their choice of case. In their presentation, students are expected to address, among others, factual background, legal issues, claims and arguments of the parties, and reasoning and decisions of international courts and tribunals, as well as their own assessment.

*3) In-class final examination (40%)*

The Final Examination will be held at the end of the semester.

### **Office Hours**

Wednesday afternoon, from 2:00 to 4:00 p.m. (If students have other classes or activities at this time, an alternative appointment can be arranged.)