



Course and Examination Fact Sheet: Spring Semester 2021

8,381: International Dispute Settlement

ECTS credits: 4

Overview examination/s

(binding regulations see below)

Central - Written examination (100%, 90 mins.)

Examination time: inter-term break

Attached courses

Timetable -- Language -- Lecturer

[8,381,1.00 International Dispute Settlement](#) -- Englisch -- [von der Decken Kerstin](#)

Course information

Course prerequisites

Students must have a basic knowledge of public international law (by having attended the lecture "public international law" before, for example).

Learning objectives

Students will have an in-depth knowledge of the various means of solving international disputes. They will be able to analyse cases in order to decide which means are the most appropriate to solve the underlying disputes.

Course content

According to Art 2 No. 3 of the UN-Charter, States have the obligation to settle their disputes by peaceful means. They do no longer have the right to use force to pursue their interests. Art. 33 of the UN-Charter contains a list of the means that States may employ to settle their disputes. The lecture presents these various means of peaceful settlement of disputes. There are two broad categories of means available: diplomatic means, which end with a non-legally binding proposal, and legal means, which end with a legally binding decision - either by an arbitral tribunal, an international court or a court-like institution. The lecture presents and discusses all these means by looking at their functioning as well as their positive and negative aspects. The lecture connects the transfer of knowledge with the analysis of several practical examples and case studies.

Course structure

The lecture will take place on four consecutive days during the break. It will be composed of four different parts:

- I. Diplomatic Dispute Settlement: Notification, Consultation, Negotiation, Good Offices, Mediation, Inquiry and Conciliation
- II. Legal Dispute Settlement: Arbitration
- III. Legal Dispute Settlement: Judicial Dispute Settlement I (International Court of Justice)
- IV. Legal Dispute Settlement: Judicial Dispute Settlement II (other international courts/court-like institutions)

Course literature

Mandatory reading: J.G. Merrills, International Dispute Settlement, 6th edition, 2017

Complementary Reading: Hanspeter Neuhold, The Law of International Conflict. Force, Intervention and Peaceful Dispute Settlement, 2016 (Chapter 5 - for a brief overview only); Yoshifumi Tanaka, The Peaceful Settlement of International Disputes,



Cambridge University Press, 2018 (the whole book - only for those who are especially interested in international dispute settlement, or would like to write a master thesis on the topic).

Additional course information

A "Reader" containing all the relevant legal texts will be available and will be made accessible on Canvas.

- HSG-students taking part in the central exam, however, will need the "Reader" during the exam. Therefore, it will be **NECESSARY TO BUY THE PRINTED VERSION OF THE "READER" BEFOREHAND AND BRING IT TO CLASS!!!** The "Reader" may be bought at the "Skriptenkommission".
- Exchange students, who stay in St. Gallen for this spring semester only and who, therefore, take part in the decentral exam do not necessarily need the printed version, but may use the online version of the "Reader".

The slides presented during the course will be made available on Canvas. It is advisable to print them out / have them available during classes in order to make annotations.

Due to the corona crisis, only 24 students may be present in the teaching room. If more than 24 students enrol in this class, I will ask whether some students prefer to follow the classes exclusively online. If there are not enough students who prefer to attend the classes online, we will have to decide by drawing lots. It will be possible to follow all classes via zoom. The classes will be recorded and made available for 30 days.

In the case of the President's Board having to implement new directives due to the SARS-CoV-2 pandemic in Spring Semester 2021, the course information listed above will be changed as follows:

- The course is entirely conducted online via the platform zoom;
- The recordings of the course are available for 30 days;
- The lecturer informs via StudyNet on the changed implementation modalities of the course;

The examination information listed below would be changed as follows:

- There are no changes necessary to the examination information, i.e. HSG students will write a central written exam, and exchange students, who stay in St. Gallen for this spring semester only, will write a paper.

Examination information

Examination sub part/s

1. Examination sub part (1/1)

Examination time and form

Central - Written examination (100%, 90 mins.)

Examination time: inter-term break

Remark

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Examination-aid rule

Extended Closed Book for Examinations in Law

The use of aids is limited. Any additional aids permitted must be listed exhaustively in the section "Supplementary aids". The following generally applies:

- For this examination, all pocket calculators of the Texas Instruments TI-30 series and mono- or bilingual dictionaries (no subject-specific dictionaries) without marginal notes are admissible. All other pocket calculators models as well as electronic dictionaries are inadmissible.
- In addition, any type of communication is inadmissible, as are all electronic devices that can be programmed and enable communication, such as notebooks, tablets, PDAs, mobiles and so on.



- Students themselves are exclusively responsible for the procurement of aids.
- All official statutory texts in the four national languages and in the English translation by the Federal Chancellery as well as the official statutory texts of the Canton of St.Gallen are always admissible.
- Additional aids and private law text collections are only permitted if they are explicitly listed in "Supplementary aids". This is an exhaustive list. Any aids and texts of laws that are not listed are expressly inadmissible and will be collected without substitution – regardless of whether they are annotated, unannotated or annotated legal editions. The confiscation of a book (even if relevant to the examination) is no reason for an appeal or a subsequent alternative examination date.
- All admissible documents may be combined in the language and number of copies that the student wishes, unless otherwise stated under Supplementary aids.

The following preparation of legal texts is allowed:

- References to other law articles, including all names of laws and article numbers as they also appear in the admissible law texts (i.e.: art. 62 et seq. CO/art. 164 para. 1 lit. a FC/art. 25. para. 2 lit. a No 8 VAT Act/ art. 158 FC combined with art. 4 ParlA/art. 29 II FC, etc.); these references must be written in one of the national languages and/or in English.
- Annotations (i.e. underlining, circling; special symbols such as arrows, asterisks, etc.) with any type of pen, including highlighters in different colours. However, no individual letters may be marked, moreover, any other notes and comments are prohibited.
- Index: self-adhesive page markers in the margin of individual texts of law are admissible; they must only bear the marginalia, titles, articles of the relevant page (i.e.: art. 141 FC: Optional Referendum or Title 5: State Authorities or art. 5 FC).
- Print-outs and copies of legal texts that are admissible according to the course and examination fact sheet (i.e. all official statutory texts issued by the Confederation, or the admitted private collections incl. table of contents and indexes), must correspond exactly to the original; the original source must be clearly discernible.

Supplementary aids

The "Reader" which may be bought at the "Skriptenkommission"

Examination languages

Question language: English

Answer language: English

Examination content

The content of the examination are all the means of peaceful settlement of disputes. i.e. Diplomatic Dispute Settlement (Notification, Consultation, Negotiation, Good Offices, Mediation, Inquiry and Conciliation) as well as Legal Dispute Settlement (Arbitration, The International Court of Justice and other international courts/court-like institutions).

- HSG students will take part in the central written exam.
- Exchange students, who stay in St. Gallen for this spring semester only, will not take part in the central written exam. Instead, there will be a decentral exam for them. The decentral exam will consist of a paper to be written after the classes have taken place. The paper will have to be handed in at the end of the semester. All exchange students who want to take part in the decentral exam are asked to send an e-mail to kerstin.vonderdecken@unisg.ch before the last day of classes. After the last day of classes, they will receive an e-mail with the topic of the paper, the exact deadline, and all formal requirements.

Examination relevant literature

1. J.G. Merrills, International Dispute Settlement, 6th edition, 2017 (Mandatory reading)
2. Slides presented during the course (to be found on Canvas)



3. Reader

All material will be available until the end of the semester/before the exam.

Please note

Please note that only this fact sheet and the examination schedule published at the time of bidding are binding and takes precedence over other information, such as information on StudyNet (Canvas), on lecturers' websites and information in lectures etc.

Any references and links to third-party content within the fact sheet are only of a supplementary, informative nature and lie outside the area of responsibility of the University of St.Gallen.

Documents and materials are only relevant for central examinations if they are available by the end of the lecture period (CW21) at the latest. In the case of centrally organised mid-term examinations, the documents and materials up to CW 12 are relevant for testing.

Binding nature of the fact sheets:

- Course information as well as examination date (organised centrally/decentrally) and form of examination: from bidding start in CW 04 (Thursday, 28 January 2021);
- Examination information (regulations on aids, examination contents, examination literature) for decentralised examinations: in CW 12 (Monday, 22 March 2021);
- Examination information (regulations on aids, examination contents, examination literature) for centrally organised mid-term examinations: in CW 12 (Monday, 22 March 2021);
- Examination information (regulations on aids, examination contents, examination literature) for centrally organised examinations: two weeks before the end of the registration period in CW 14 (Thursday, 8 April 2021).