



Course and Examination Fact Sheet: Spring Semester 2022

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 and indications of the learning and teaching design

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)

All means of dispute settlement will be presented in a mixture of theory and practice. This means that every means will not only be described, but also explained with the help of examples from practice. Students will, therefore, acquire the in-depth knowledge necessary to understand each means, recognise their advantages and disadvantages, decide which means is/are suited to solve a specific dispute and to apply the means to real cases.

Furthermore, one complicated case, the Falkland/Malvinas case involving Great Britain and Argentina, will be dealt with



continuously in class, in order to show to the students how to deal with complex situations.

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.

In the case of the President's Board having to implement new directives due to the SARS-CoV-2 pandemic in SpS2022, 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 the examination aids is restricted. In addition to the principles set out in this section, other permitted examination aids must be listed exhaustively in the section "supplementary aids".

The following applies in principle:

- All calculators of the Texas Instruments TI-30 series as well as monolingual or bilingual dictionaries (not specialised dictionaries) without hand written notes are accepted. All other calculator models and electronic dictionaries are not



allowed;

- Furthermore, any kind of communication and all programmable and communication-capable electronic devices such as notebooks, tablets, mobile phones etc. are not permitted;
- The procurement of examination aids is the sole responsibility of the students;
- All official federal enactments in the four national languages and in the English translation of the Swiss Federal Chancellery as well as the official enactments of the Canton of St.Gallen are always permitted. The decrees that are required for the examination are listed under the heading "examination aids-rule";
- Additional examination aids and private collections of enactments are only permitted if they are explicitly listed in the examination aids-rule. This is an exhaustive list. Any private collections not listed are expressly prohibited and will be confiscated without substitution, regardless of whether they are commented, uncommented or annotated legal editions;
- Unless otherwise defined in the examination aids-rule, all permitted documents may be combined in any number and language.

The following preparation of the legal texts is permitted:

- References to other articles of the law, including all designations and numbers as they appear in the permitted legal texts (e.g: Art 62 ff. OR4 / Art. 164 para. 1 lit. a BV5 / Art. 25 para. 2 lit. a no. 8 MWSTG6 / Art. 158 BV in connection with Art. 4 ParlG7 / Art. 29 II BV etc.), these must be written in a national language and/or in English;
- Markings with any kind of pens including highlighters in different colours (e.g: underlining, encircling, special characters like arrows, stars, etc.). Systematic marking of individual letters is not permitted, and all other notes and comments are also prohibited;
- Registers: Self-adhesive labels in the margin of the respective legal text are permitted, but they may only be used with the marginalia, titles, articles (e.g: Art. 141 BV: Optional referendum or 5th title: Federal authorities or Art. 5 BV) of the relevant page.

Print-outs and copies of legal texts approved (i.e. all official editions or permitted private collections including tables of contents and subject indexes) must correspond 1:1 to the original; the original source must be clearly traceable.

Supplementary aids

The "Reader" available 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, all uploaded before the end of the semester)
3. Reader

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, 27 January 2022);
- Examination information (regulations on aids, examination contents, examination literature) for decentralised examinations: in CW 12 (Monday, 21 March 2022);
- Examination information (regulations on aids, examination contents, examination literature) for centrally organised mid-term examinations: in CW 12 (Monday, 21 March 2022);
- Examination information (regulations on aids, examination contents, examination literature) for centrally organised examinations: two weeks before the end of the registration period in CW 15 (Monday, 11 April 2022).