



COURSE UNIT (MODULE) DESCRIPTION

| Course unit (module) title | Code |
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| INTERNATIONAL DISPUTE RESOLUTION | |

| Lecturer(s) | Department(s) |
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| Coordinator: assist. dr. Inga Martinkutė Other(s): assoc. prof. dr. Eglė Zemlytė | Vilnius University, Faculty of Law, Department of Public Law Saulėtekio av. 9, Building 1, LT-10222, Vilnius, 405 room, phone (8 5) 2366175, e-mail: vtkatedra@tf.vu.lt |
| Study cycle Second | Type of the course unit (module) Compulsory |

| Mode of delivery | Course unit delivery period | Language(s) of instruction |
|------------------|-----------------------------|----------------------------|
| Face-to-face | 2 (spring) semester | English |

| Requirements for students | |
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| Pre-requisites: Public International Law course; a very good command of English | Co-requisites (if any): none |

| Number of credits allocated | Total student's workload | Contact hours | Self-study hours |
|-----------------------------|--------------------------|---------------|------------------|
| 10 | 268 | 48 | 220 |

| Purpose of the course unit (module): programme competences to be developed | | |
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| Students should obtain profound knowledge about international dispute resolution and different dispute resolution avenues. The unit provides a strong theoretical framework for international dispute resolution and teaches practical strategies for their resolution, in particular provides students with foundational knowledge about different international institutions and forums for dispute resolution as well as various procedures applied by them. The aim of the course is to provide students with the necessary knowledge, skills and tools for effective participation and party representation in international disputes. Students will be able to analyze international case law, critically assess the perspectives of the case and frame their opinions within legal terms. | | |

| Learning outcomes of the course unit (module) | Teaching and learning methods | Assessment methods |
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| Students will gain in-depth legal knowledge on international dispute resolution and will be able to situate and evaluate disputes in the legal, economic and political context. | An interactive method of teaching during lectures and seminars (oral presentation, cooperative learning methods, including discussion forums, the analysis of problematic issues, case studies), individual studies (analysis of the relevant legal framework, policy and case-law, reading of academic literature). | Participation in class activities and moot court case; drafting procedural document with individual contribution; final examination (open book). |
| Students will be able to identify, compare and analyse different avenues and institutions for the resolution of international disputes. | An interactive method of teaching during lectures and seminars (oral presentation, cooperative learning methods, including discussion forums, the analysis of problematic issues, case studies), individual studies (analysis of the relevant legal framework, policy and case-law, reading of academic literature) | Participation in class activities and moot court case; drafting procedural document with individual contribution; final examination (open book). |
| Students will gain systematic and practical understanding of the international procedure for dispute resolution, will be able to explicate the advantages and disadvantages of various international institutions and applicable rules | An interactive method of teaching during lectures and seminars (oral presentation, cooperative learning methods, including discussion forums, the analysis of problematic issues, case studies), individual studies (analysis of the relevant legal framework, policy and case-law, reading of academic literature) | Participation in class activities and moot court case; drafting procedural document with individual contribution; final examination (open book). |

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| Students will be able to critically analyse international case law and practice. | An interactive method of teaching during lectures and seminars (oral presentation, cooperative learning methods, including discussion forums, the analysis of problematic issues, case studies), individual studies (analysis of the relevant legal framework, policy and case-law, reading of academic literature) | Participation in class activities and moot court case; drafting procedural document with individual contribution; final examination (open book). |
| Students will be able to model and assess different dispute resolution strategies for international disputes | An interactive method of teaching during lectures and seminars (oral presentation, cooperative learning methods, including discussion forums, the analysis of problematic issues, case studies), individual studies (analysis of the relevant legal framework, policy and case-law, reading of academic literature) | Participation in class activities and moot court case; drafting procedural document with individual contribution; final examination (open book). |
| Students will be able to analyse and interpret the trends in the doctrine and practice of the international dispute resolution. | An interactive method of teaching during lectures and seminars (oral presentation, cooperative learning methods, including discussion forums, the analysis of problematic issues, case studies), individual studies (analysis of the relevant legal framework, policy and case-law, reading of academic literature) | Participation in class activities; final examination (open book). |
| Students will be able to apply their knowledge to practical situations, analyse hypothetical cases, to consult and give recommendations for problems related to international dispute resolution. | An interactive method of teaching during lectures and seminars (oral presentation, cooperative learning methods, including discussion forums, the analysis of problematic issues, case studies), individual studies (analysis of the relevant legal framework, policy and case-law, reading of academic literature) | Participation in class activities and moot court case; drafting procedural document with individual contribution; final examination (open book). |
| Students will be able to improve teamwork skills by applying ethical values and moral sensibility in respect to cultural and social diversity. | An interactive method of teaching during seminars (oral presentation, cooperative learning methods, including discussion forums, the analysis of problematic issues, case studies) | Participation in class activities and moot court case (open book). |
| Students will communicate orally and in writing contributing to the specialist discussion, providing their own insights and reasoning their opinions. | An interactive method of teaching during seminars (oral presentation, cooperative learning methods, including discussion forums, the analysis of problematic issues, case studies), individual studies (analysis of the relevant legal framework, policy and case-law, reading of academic literature) | Participation in class activities and moot court case; drafting of procedural document with individual contribution; final examination (open book). |
| Students will be able to draft procedural documents and participate efficiently in the international dispute. | An interactive method of teaching during lectures and seminars (oral presentation, cooperative learning methods, including discussion forums, the analysis of problematic issues, case studies), individual studies (analysis of the relevant legal framework, policy and case-law, reading of academic literature) | Participation in class activities and moot court case; drafting of procedural document with individual contribution. |

| Content: breakdown of the topics | Contact hours | | | | | | Self-study: hours and assignments | | |
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| | Lectures | Consultations | Seminars | Practical sessions | Laboratory activities | Internship/work placement | Contact hours | Self-study hours | Assignments |
| 1. Introduction and overview of international dispute resolution. Legal, economic and political context. Historical evolution and contemporary trends. | 3 | | 2 | | | | 5 | 20 | Analysis of the relevant legal framework and case-law, reading of academic literature, preparation of presentations |

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| 2. International Court of Justice. Institution, jurisdiction, process and practice. | 3 | 2 | | | 5 | 20 | Assignments; analysis of the relevant legal framework and case-law, reading of academic literature |
| 3. Case law of the International Court of Justice | 3 | 2 | | | 5 | 20 | Analysis of the relevant legal framework and case-law, preparation of group project; reading of academic literature |
| 4. International Criminal Court. International environmental disputes. Other methods of peaceful settlement of disputes. | 3 | 2 | | | 5 | 22 | Group assignments; preparation of group project; analysis of the relevant legal framework and case-law, reading of academic literature |
| 5. Investment arbitration and other economic disputes. Problems and reforms. | 3 | 2 | | | 5 | 22 | Group assignments; preparation of group project; analysis of the relevant legal framework and case-law, reading of academic literature |
| 6. International arbitration, main institutions, applicable law. | 2 | 2 | | | 4 | 22 | Group assignments; preparation of group project; analysis of the relevant legal framework and case-law, reading of academic literature |
| 7. Arbitration agreement. Arbitrability. Competence-competence. | 4 | 2 | | | 6 | 22 | Group assignments; preparation of group project; analysis of the relevant legal framework and case-law, reading of academic literature |
| 8. The initiation of international procedure. The constitution of the tribunal. Arbitration procedure, interim measures, evidence. | 4 | 2 | | | 6 | 22 | Group assignments; preparation of group project; analysis of the relevant legal framework and case-law, reading of academic literature |
| 9. The award, annulment, recognition and enforcement of arbitral awards | 2 | 2 | | | 4 | 22 | Group assignments; preparation of group project; analysis of the relevant legal framework and case-law, reading of academic literature |
| 10. International moot court case | | | 3 | | 3 | 28 | Analysis of the relevant legal framework and case-law, reading of academic literature, drafting of procedural document, preparation for presentation |
| Total | | 27 | 21 | | 48 | 220 | |

| Assessment strategy | Weight, percentage | Assessment period | Assessment criteria |
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| Participation in class activities and moot court case | 30% | During the semester | <p>Students will be expected to demonstrate both the knowledge gained during the course as well as their abilities to apply it in a given situation. The assessment of participation in class activities may amount up to three points and consists of:</p> <ul style="list-style-type: none"> - individual or group presentation of assigned topics (capability to critically assess the issues, to identify the most significant features, tendencies and developments related to the particular topic, to provide orally clear arguments in support of their points made in a logical, coherent and structured manner); - individual or group practical exercises (the comprehensive analysis of practical situations while reviewing regulatory cases, relevant case law and preparing for moot exercises); - participation in discussions (capability to provide correct answers to questions, formulate problems and suggest (search for) solutions, offer thoughtful critical remarks, and contribute to other participants' ideas). |
| Procedural document with individual contribution | 30% | During the semester | Students will participate in the international moot court case, where every student will have an opportunity to draft some procedural documents. These procedural documents will be evaluated for up to three points based on: |

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| | | | <ul style="list-style-type: none"> - work content (comprehensive problem analysis, proper source application, critical analytical thinking, conclusion/recommendation formulation); - work structure and style (clear structural parts, scientific language style, exact wording, source references, proper and ethical citation use); - work presentation (concentrated work presentation, adhesive scientific language, the use of informative visual aids); - efficient and active participation in discussion, answering to questions, contribution to other participants' ideas. |
| Final examination | 40% | At the end of the course | <p>The final examination will be open book and in writing. The examination questions will reflect topics discussed in the lectures and seminars and may consist of short essay and / or practical problem. The assessment will be based on the student's capability to write in a clear, structured, logical manner, to ground his/her arguments on relevant legal provisions and case-law, to analyse possibly different opinions of the academic debate, to provide his/her own insights and to base them on his/her own reasonable and convincing argumentation. The assessment criteria are the following:</p> <p>3 - 4 points: from excellent to good knowledge and abilities. The question is fully answered and the arguments provided are complete, clear, coherent and persuasive, with correct references to the applicable legal sources. The answer is well-structured and the ideas are easy to follow.</p> <p>1 - 2 points: from good to average knowledge and abilities. The arguments provided in the answer to the question show a good level of knowledge of the student, but the arguments are incomplete, not clearly structured, there are some mistakes or some points are missing or are imprecise.</p> <p>Up to 1 point: knowledge and abilities are below average, but they still meet minimum requirements. The answer to the question consists of basic ideas, the arguments are mentioned, but not developed, major mistakes as regards the legal assessment are present.</p> <p>0 points: failure to meet minimum requirements. The answer to the question misses the point or are completely underdeveloped.</p> |

| Author | Year of publication | Title | Issue of a periodical or volume of a publication | Publishing place and house or web link |
|--|---------------------|--|--|---|
| Compulsory reading | | | | |
| Collier, John Greenwood, & Lowe, Vaughan | 2000 | The Settlement of Disputes in International Law | | Oxford University Press |
| Akehurst, Michael Barton, and Orakhelashvili, Alexander | 2019 | Modern Introduction to International Law | | Routledge |
| Tanaka, Yoshifumi | 2018 | The Peaceful Settlement of International Disputes | | Cambridge University Press |
| Lowe, Vaughan | 2007 | International Law | | Oxford University Press |
| Blackaby, Nigel; Partasides, Constantine; Redfern, Alan; Hunter, J. Martin | 2009 | Redfern and Hunter on International Arbitration | | Oxford University Press |
| Crawford, James | 2012 | Brownlie's Principles of Public International Law | | Oxford University Press |
| | | The International Court of Justice, the Statute, the Rules of Court, Cases | | https://www.icj-cij.org/ |

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| | | The UN Handbook on Peaceful Settlement of Disputes | | http://legal.un.org/cod/books/HandbookOnPSD.pdf |
| | | Draft articles on Responsibility of States for Internationally Wrongful Acts, with commentaries, 2001 | | https://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf |
| | | ICSID, Convention, Cases | | https://icsid.worldbank.org/ |
| | | Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958) | | https://uncitral.un.org/en/texts/arbitration/conventions/foreign_arbitral_awards |
| | | IBA Rules on the Taking of Evidence in International Arbitration | | https://www.ibanet.org/Document/Default.aspx?DocumentUid=68336C49-4106-46BF-A1C6-A8F0880444DC |
| | | GAR Guide to Advocacy | | https://globalarbitrationreview.com/guide/the-guide-advocacy/fourth-edition/article/case-strategy-and-preparation-effective-advocacy |
| Recommended reading | | | | |
| Klein, Natalie (ed) | 2014 | Litigating International Law Disputes: Weighing the Options | | Cambridge: Cambridge University Press |
| Shaw, Malcolm | 2017 | International Law | | Cambridge University Press |
| d'Aspremont, Jean | 2016 | The International Court of Justice and the Irony of System-Design | | Journal of International Dispute Settlement, https://ssrn.com/abstract=2930661 |
| Sands, Philippe et all | 2018 | Principles of International Environmental Law | | Cambridge University Press |
| Tams, Christian | 2015 | Meta-Custom and the Court: A Study in Judicial Law-Making | 14 | The Law & Practice of International Courts and Tribunals, http://booksandjournals.brillonline.com/content/journals/10.1163/15718034-12341285 |
| Brownlie, Ian | 2009 | The Peaceful Settlement of International Disputes | 8.2 | Chinese Journal of International Law |
| Bercovitch, Jacob, Victor Kremenyuk, and I. William Zartman (eds) | 2009 | The SAGE Handbook of Conflict Resolution | | Thousand Oaks, CA: SAGE |
| Merrills, John Graham. | 2017 | International Dispute Settlement | | New York: Cambridge University Press |
| Zartman, I. William; Rasmussen, J. Lewis (eds) | 2007 | Peacemaking in International Conflict: Methods and Techniques | | Washington, DC: United States Institute for Peace |
| Reisman, W. Michael | 2012 | The Diversity of Contemporary International Dispute Resolution: Functions and Policies | 3.1 | Journal of International Dispute Settlement |
| Lew, Julian DM, Mistelis, Loukas A, Kröll, Stefan M | 2003 | Comparative International Commercial Arbitration | | Kluwer Law International |
| Hollis, Duncan | 2017 | Sources and Interpretation Theories: An Interdependent | | Oxford University Press |

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| | | Relationship ^c in the Oxford Handbook on the Sources of International Law | | |
| | | The Journal of International Dispute Settlement | | Oxford University Press |
| | | The Law & Practice of International Courts and Tribunals | | Brill Nijhoff |
| | | ICSID Review – Foreign Investment Law Journal | | Oxford University Press |
| | | Arbitration International | | Oxford University Press |
| | | Investment Arbitration Reporter | | https://www.iareporter.com |
| | | Jus Mundi | | https://jusmundi.com/en/ |
| | | Investor-State Law Guide | | https://www.investorstatelawguide.com/ |
| | | Italaw | | https://www.italaw.com/ |
| | | UNCTAD, Investor-State Dispute Settlement | | https://unctad.org/system/files/official-document/diaeia2013d2_en.pdf |
| | | Peace Palace Library, Settlement of International Disputes | | https://www.peacepalacelibrary.nl/research-guides/settlement-of-international-disputes/ |
| | | Courts and Tribunals, the UN Audiovisual Library on International Law | | https://legal.un.org/avl/ls/courtsandtribunals.html |
| | | The IBA Guidelines on Party Representation in International Arbitration | | https://www.ibanet.org/Article/NewDetail.aspx?ArticleUId=0E1DDF95-3B62-4CE5-BE98-75BC03353E4E |