

730-443 International Dispute Settlement

Credit Points:	12.50
Level:	4 (Undergraduate)
Dates & Locations:	Seminars
Time Commitment:	Contact Hours: One 2-hour Seminar per week Total Time Commitment: 120 hours.
Prerequisites:	Legal Method and Reasoning; Principles of Public Law; Torts; Legal Theory; International Law or in each case their equivalents.
Corequisites:	None
Recommended Background Knowledge:	None
Non Allowed Subjects:	None
Core Participation Requirements:	<p><p>For the purposes of considering request for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Student Support and Engagement Policy, academic requirements for this subject are articulated in the Subject Overview, Learning Outcomes, Assessment and Generic Skills sections of this entry.</p> <p>It is University policy to take all reasonable steps to minimise the impact of disability upon academic study, and reasonable adjustments will be made to enhance a student's participation in the University's programs. Students who feel their disability may impact on meeting the requirements of this subject are encouraged to discuss this matter with a Faculty Student Adviser and Student Equity and Disability Support: http://services.unimelb.edu.au/disability</p></p>
Subject Overview:	<p>International disputes arise in the context of relations between states and a variety of different actors, including other states, intergovernmental organisations and private parties. This subject considers a number of international and ad hoc institutions created to adjudicate or arbitrate upon such disputes and places the proliferation of such institutions in theoretical context. The traditional forms of non-adversarial dispute settlement will be briefly considered, followed by a focus on the scope and operation of selected forums, which in any year will cover a number of the following:</p> <ul style="list-style-type: none"> • the United Nations Security Council and General Assembly; • the International Court of Justice; • the World Trade Organisation; • the Law of the Sea Tribunal and other forms of dispute settlement in the law of the sea; • interstate arbitral forums and ad hoc arbitrations; • mixed arbitrations (between a private party and a state), such as ICSID; • human rights bodies; and • international criminal courts. <p>Enrolment in this subject will be limited to a maximum of 30 students.</p> <p>Note: The essay in this subject is regarded as a substantial piece of legal writing.</p>
Objectives:	<p>On completion of this subject, students should be able to</p> <ol style="list-style-type: none"> (1) Appreciate and critically assess the function, scope and operation of the international courts and tribunals discussed in the course; (2) Understand the challenges and opportunities of the proliferation of international tribunals and reflect upon the existence of an international "system"; (3) Critically assess the "international judicial function" and understand the strengths and limits of formal judicial processes in the settlement of international disputes; (4) Understand the variety of informal processes available in the international arena to settle disputes; (5) Examine issues of transparency and participation by state and non-state actors in international dispute resolution and consider relevant institutional reforms.

Assessment:	Research essay of 5000 words, 100% (due end of semester). Students must attend 10/12 classes (hurdle requirement).
Prescribed Texts:	None
Breadth Options:	This subject is not available as a breadth subject.
Fees Information:	Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees
Generic Skills:	<p>On completion of the subject, students should have developed the following generic skills:</p> <ul style="list-style-type: none"> # attitudes towards knowledge that include valuing truth, openness to new ideas and ethics associated with knowledge creation and usage # the capacity for close reading and analysis of a range of sources # the capacity for critical and independent thought and reflection # the capacity to solve problems, including through the collection and evaluation of information # the capacity to communicate, both orally and in writing # the capacity to plan and manage time # intercultural sensitivity and understanding <p>In addition, on completion of the subject, students should have developed the following skills specific to the discipline of law:</p> <ul style="list-style-type: none"> # Legal research and writing (particularly in international law) # Critical analysis of materials # Dispute resolution techniques