

## LAWS90022 International Dispute Resolution

<b>Credit Points:</b>	12.5
<b>Level:</b>	9 (Graduate/Postgraduate)
<b>Dates &amp; Locations:</b>	2015, Parkville This subject commences in the following study period/s: March, Parkville - Taught on campus.
<b>Time Commitment:</b>	Contact Hours: The total class time is between 24 and 26 hours. Total Time Commitment: The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.
<b>Prerequisites:</b>	None
<b>Corequisites:</b>	None
<b>Recommended Background Knowledge:</b>	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.
<b>Non Allowed Subjects:</b>	None
<b>Core Participation Requirements:</b>	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis and critique of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and to critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact the Disability Liaison Unit: <a href="http://www.services.unimelb.edu.au/disability/">www.services.unimelb.edu.au/disability/</a>
<b>Contact:</b>	For more information: Email: <a href="mailto:law-masters@unimelb.edu.au">law-masters@unimelb.edu.au</a> ( <a href="mailto:law-masters@unimelb.edu.au">mailto:law-masters@unimelb.edu.au</a> ) Phone: +61 3 8344 6190 Website: <a href="http://www.law.unimelb.edu.au/masters">www.law.unimelb.edu.au/masters</a> ( <a href="http://www.law.unimelb.edu.au/masters">http://www.law.unimelb.edu.au/masters</a> )
<b>Subject Overview:</b>	International dispute resolution has increased dramatically in recent years, with the emergence of complex mechanisms for resolving disputes between states and between states and other actors, including international organisations, corporations, and persons. Older mechanisms, such as the International Court of Justice (ICJ) continue to play an important role in resolving key disputes. Through analysis of classic case law and doctrine, as well as recent cases, the student will acquire advanced knowledge of non-adjudicatory procedures (eg, mediation), arbitration, and judicial settlement in international law. Moreover, this course will explore specialised rules for resolving injury by States to foreign nationals, including foreign investors. The lecturer for this course has appeared before international courts and tribunals on behalf of numerous governments and private actors, has served as the US agent to the Iran-US Claims Tribunal, and is presently a professor of international law and member of the UN International Law Commission.  Principal topics include:

	<ul style="list-style-type: none"> <li># The international obligation to settle disputes</li> <li># Non-adjudicatory procedures, such as negotiation, mediation, and conciliation</li> <li># International arbitration, including establishing the arbitral body, typical procedural rules, and salient problems</li> <li># The International Court of Justice, including its formation, contentious/advisory jurisdiction, and ancillary issues</li> <li># Other international courts and tribunals</li> <li># Remedying injury to aliens and foreign investors, including key substantive standards (national treatment, most-favoured-nation treatment) and procedural rules (continuous nationality, exhaustion of local remedies)</li> <li># Contemporary cases of significance in this field.</li> </ul>
<b>Learning Outcomes:</b>	<p>A student who has successfully completed this subject will:</p> <ul style="list-style-type: none"> <li># Be able to investigate, analyse, and critically reflect on the complex system of international dispute resolution, including the strengths and weaknesses of the system</li> <li># Acquire a strong foundation in the core elements by which international courts and tribunals are created and the typical procedural rules by which they operate</li> <li># Be conversant regarding key recent cases of the International Court of Justice, the International Centre for the Settlement of Investment Disputes, the Permanent Court of Arbitration, and other tribunals</li> <li># Be highly knowledgeable about the types of treaties that are central to this field, including the statutes of pertinent tribunals, bilateral investment treaties, and treaties on enforcement of international arbitral awards</li> <li># Be equipped to apply knowledge about past practice in handling disputes concerning injury to aliens (including investors) to contemporary disputes</li> <li># Have a sophisticated appreciation of the political dimension of international dispute resolution.</li> </ul>
<b>Assessment:</b>	Take-home examination (100%) (1-4 May)
<b>Prescribed Texts:</b>	Core subject materials will be provided free of charge to all students. Some subjects require further texts to be purchased. Details regarding any prescribed texts will be provided prior to the commencement of the subject.
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Links to further information:</b>	<a href="http://www.law.unimelb.edu.au/subject/LAWS90022/2015">www.law.unimelb.edu.au/subject/LAWS90022/2015</a>
<b>Notes:</b>	This subject has a quota of 30 students. Please refer to the website <a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format">www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format</a> ( <a href="http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format">http://www.law.unimelb.edu.au/masters/courses-and-subjects/subjects/subject-timing-and-format</a> ) for further information about the management of subject quotas and waitlists.