



GENEVA MASTER IN  
INTERNATIONAL  
DISPUTE SETTLEMENT

ARBITRATION, WTO, ICJ, NEGOTIATION ...



2011-2012

PROGRAM



**UNIVERSITÉ  
DE GENÈVE**  
FACULTÉ DE DROIT

[www.mids.ch](http://www.mids.ch)

**THE GRADUATE INSTITUTE** | GENEVA

INSTITUT DE HAUTES ÉTUDES  
INTERNATIONALES ET DU DÉVELOPPEMENT  
GRADUATE INSTITUTE OF INTERNATIONAL  
AND DEVELOPMENT STUDIES

# Welcome



**Professor Philippe Burin**  
Director of the Graduate  
Institute for International and  
Development Studies,  
Geneva

The Graduate Institute of International and Development Studies' main teaching mission is to prepare its students to assume leadership roles in the international community. Our ambition is also to offer young and mid-career professionals the tools and knowledge they need to advance their career and increase their contribution to the many problems of our world and in that regard our partnership with the University of Geneva, particularly its Law Faculty, has proven to be highly instrumental. Between them, our two institutions have more than a dozen professors specializing in public and private international law, an exceptional density of competences that very few places in the world can match. The Master's program in international dispute settlement is an important illustration of our partnership and we have every reason to be proud of a program that corresponds so much to the role of Geneva as a world place for dispute settlement and the vocation of our Institute as a center of excellence in international studies.



**Professor  
Christian Bovet**  
Dean of Geneva  
University Law School

Geneva is well known as the home of many international organizations. In addition to being the United Nations European headquarters, it is home to the World Trade Organization, the World Intellectual Property Organization, the International Labour Organization and the International Telecommunication Union, among others. Several corporate groups - such as Hewlett-Packard, Procter&Gamble, Colgate, Caterpillar, DHL and SGS - have also chosen Geneva as their global or European base. It is therefore not surprising that our city is one of the most popular venues for arbitration proceedings as well as settlement of international disputes involving States. While offering comprehensive and strong training in all areas of law, our law school puts special emphasis on international issues. The Master of Advanced Studies in International Dispute Settlement is part of these efforts, and we believe that it provides its participants with excellent training in this exciting and constantly developing field of activity.





# WHY Participate in this program?

The past decades have seen a radical increase in international dispute settlement procedures, especially in the fields of international commerce, investment and the protection of the environment. International courts and tribunals, international arbitration and mediation are increasingly taking center-stage in the international legal and economic arena. Positions in the corresponding departments of major law firms and in international dispute settlement institutions consequently have become among the most sought-after jobs in the field of law. To succeed, candidates for these positions must distinguish themselves, which is exactly where this program will be of assistance.

Increasingly, international disputes involve both private and public international law issues. Dispute settlement mechanisms overlap, conflict, and influence each other. The times when specialization in one field was sufficient are gone. Leaders in the field must now have a solid understanding of all the major international dispute settlement tools worldwide.

Our program is designed to meet the educational needs that arise from this evolution. It teaches about dispute settlement from a holistic perspective and covers all its aspects, both private and public. It is global in terms of format and faculty. The professors are some of the most prominent experts in each field of international dispute settlement and come from the USA, South America, Asia and throughout Europe. Its structure combines the multicultural approach to legal studies in Continental Europe with the interactive teaching method of the United States and the small-group tutorial system of Oxford and Cambridge. Class size is kept relatively small (about 35-40 students) to ensure maximum interaction between faculty and students.

Our program also reflects the fact that Geneva is home to over 200 international organizations and UN agencies. It therefore maintains many interactions with institutions such as the WTO or WIPO. Students also have opportunities for networking with practitioners in career events, conferences, and visits to international dispute resolution institutions such as the WTO Appellate Body, the ICJ in The Hague and the ICC in Paris. Internships can also be arranged for students.

If you are interested in a legal career with the top law firms, international organizations, justice or trade ministries of national governments, or as members of the judiciary handling international cases, if you have the ambition of working on high-stakes disputes, or if you are interested in gaining a thorough understanding of international dispute settlement and pursue an academic career in it, then this program is for you.

## CONTACT US

Further information on the program may be obtained from:  
< [www.mids.ch](http://www.mids.ch) >

### OR BY WRITING TO:

Geneva Master in International  
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## Graduate Institute of International and Development Studies, Geneva

The Graduate Institute of International and Development Studies (HEID) is a private foundation, receiving financial support from the Swiss Confederation and the Canton of Geneva.

The Institute's mission is to provide independent and rigorous analyses of contemporary global issues. At the crossroads of international relations and development studies, it pursues this mission through:

- Graduate degree-granting education
- Research and expertise
- Executive education
- Public debate

English-French instruction, a cosmopolitan faculty and student body (over 100 nationalities), substantial student financial support (scholarships and part-time jobs) and a worldwide student exchange network are the attributes which make this institute unique on the international academic scene.

## Geneva University Law School

The University of Geneva, founded by Jean Calvin in 1559, is Switzerland's second-largest university. It was ranked number one generalist university in continental Europe by Newsweek's "Top 100 Global Universities" in 2006 and is a member of the League of European Research Universities, which includes academic institutions such as Amsterdam, Cambridge, Heidelberg, Helsinki and Milan.

The University's law school has an ongoing student and professor exchange program with Harvard Law School and is also part of the Strategic Alliance of Research Faculties of Law, together with twelve other prestigious European law schools. The law school offers a wide variety of academic courses covering all areas of law, with a strong focus on international and comparative law.

Benefiting from its strategic location in one of the world's main arbitration venues with a long tradition in dispute settlement, the law school has developed a recognized area of expertise in international arbitration and alternative dispute resolution incorporating research projects, conferences and seminars.

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The Graduate Institute and the Law School are further engaged in the field of international dispute settlement by being home to the *Journal of International Dispute Settlement*.

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## Directors of the Program

### Board of Directors

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**Albert Jan VAN DEN BERG**

*Professor, Erasmus University  
Rotterdam; Hanotiau &  
van den Berg*





# COURSE of study

The Geneva Master in International Dispute Settlement (MIDS) is a one-year full-time graduate degree program providing the opportunity of an in-depth and high-profile study of international dispute settlement from a broad range of perspectives. The program covers all current approaches to the subject-matter, including private and public international law, and delves into today's relevant fields, such as commercial and investment arbitration, WTO dispute resolution and proceedings before the ICJ.

Students are admitted for one academic year of study in residence (September through June), typically followed by up to two months of independent research and writing, leading to the degree of Master of Advanced Study in Law / LL.M. The structure of our largely elective program is such that it offers students sufficient latitude to pursue their specific interests in dispute settlement while keeping within parameters that we set to ensure the acquisition of the indispensable knowledge in the field. A typical curriculum includes:

- Two general courses providing a comprehensive overview of international dispute settlement.
- At least eight intensive courses from a choice of 14 courses.
- Two optional courses from a list of about 25 classes relating to international dispute settlement, international law and business law.
- Weekly tutorials held in small groups.
- Intensive biweekly training in legal writing.
- Workshops in advocacy in arbitration (run by the Foundation for International Arbitration Advocacy), financial damage analysis and mediation.
- A three-day academic retreat.
- Site visits to international dispute settlement institutions.
- Attendance of 4-5 major academic conferences and symposia.
- Several high-profile lectures specifically organized for the program.
- Joint debating event with the LL.M. program in international arbitration of Miami Law School.
- Students write two short essays and a 40-50 page master thesis.
- Career events with practitioners working in law firms.



# GENERAL Courses



The groundwork of the curriculum consists of two general courses, which provide a comprehensive overview of international dispute settlement. The first course held during the first semester sets the stage and explains the different mechanisms for resolving international disputes. The second course discusses the main procedural issues that arise in international legal proceedings.

## 1. FIRST GENERAL COURSE: THE ORGANIZATION OF INTERNATIONAL DISPUTE SETTLEMENT



**Prof. Laurence Boisson de Chazournes**, Professor of Law at the University of Geneva.

**Prof. Gabrielle Kaufmann-Kohler**, Professor of Law at the University of Geneva.

What types of situations give rise to disputes in the international arena? How are these different disputes settled? What dispute resolution mechanisms are available? The course will focus on investment and commercial arbitration, ICJ and WTO dispute settlement procedures as well as on certain other contemporary dispute settlement mechanisms. The main characteristics of each dispute settlement institution and procedure will be examined, with emphasis put on the types of disputes that can be brought before each one as well as other relevant issues of jurisdiction.

## 2. SECOND GENERAL COURSE: INTERNATIONAL LEGAL PROCEEDINGS

This course covers the main procedural issues arising in the international legal proceedings examined in the first general course. As the procedures in the different dispute resolution processes raise similar issues (e.g. jurisdiction, provisional remedies, equal treatment, evidence, enforcement), this course reviews these aspects with an eye to comparisons and contrasts.



**Prof. Marcelo Kohen**, Professor of Law at the Graduate Institute of International and Development Studies.



**Prof. Joost Pauwelyn**, Professor of Law at the Graduate Institute of International and Development Studies.



**Dr. Sébastien Besson**, Partner in Python & Peter, Lecturer at the University of Geneva.



# INTENSIVE Courses



The intensive courses provide an opportunity to go into the details of the topics addressed briefly in the general course, to focus on a specialized dispute settlement mechanism, to study a specific issue that arises in different dispute settlement settings, or to reflect on matters of legal theory or philosophical aspects of dispute settlement. Such courses will in principle consist of nine hours of class taught over two or three days. Student pick eight of the following courses.

## 2011-2012 COURSES

### 1. INVESTMENT ARBITRATION



**Prof. Jan Paulsson**, Professor, Miami School of Law; Centennial Professor, London School of Economics; President, ICCA; Judge and Past President, World Bank Administrative Tribunal; Past President, LCIA.

In recent years, the number of investment disputes has risen dramatically, making investment arbitration one of the most interesting and challenging fields of international dispute settlement. Building on the general courses, the intensive course *Investment Arbitration*, taught by one of the leading practitioners and scholars in the field, will offer students timely and hands-on insights into some of the most current issues in investment arbitration.

### 2. NEGOTIATION



**Prof. Robert Mnookin**, Professor, Harvard University; Chair, Harvard Program on Negotiation; Director, Harvard Negotiation Research Project.

Most lawyers, whatever their specialty, spend a significant part of their time negotiating. Business lawyers negotiate many terms of documents that shape commercial transactions. With respect to disputes, parties, and their lawyers, bargain in the shadow of the law both before suits are filed, and during a litigation or arbitration process, whether in a domestic or international forum. This course introduces the students to the theory and practice of negotiation.





### 3. WTO DISPUTE SETTLEMENT



**Prof. Gabrielle Marceau**, Counselor, Legal Affairs Division of the WTO; Associate Professor, Geneva University.

Through an examination of the dispute settlement system underpinning the WTO, this course focuses on how the WTO really operates from a legal, political and diplomatic perspective. Replacing the WTO in the broad institutional context of international economic relations, it will consider some of the major substantive issues that are addressed in the WTO, such as agriculture, subsidies, standards and regional trade agreements.

### 4. ARBITRATION IN THE UNITED STATES



**Prof. William Park**, Professor, Boston University; President, LCIA.

Students taking *Arbitration in the United States* have the opportunity to participate in analytical discussions of the law and practice of international arbitration from a comparative perspective. Beyond offering a critical insight into the American approach to arbitration, this course will shed new light on broader issues of dispute resolution through engaging in interactions with Professor Park.

### 5. ICC ARBITRATION



**Prof. Pierre Tercier**, Honorary Chairman, ICC International Court of Arbitration; Honorary Professor, University of Fribourg.

The International Court of Arbitration of the ICC is one of the most important and best known institutions of arbitration. Its unique set of procedures have been applied to more than 15'000 disputes since their adoption. Students taking *ICC Arbitration* are offered a concrete review of the ICC arbitration process and its specificities. This course runs for 18 hours, half of which are taught on the premises of the ICC in Paris.



## 6. THE NEW YORK CONVENTION OF 1958



**Prof. Albert Jan van den Berg**, Professor, Erasmus University, Rotterdam; Partner, Hanotiau & van den Berg; General Editor, *Yearbook Commercial Arbitration*.

The New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958 is the single most important legal text in international commercial arbitration, as it defines the international currency of international arbitration agreements and arbitral awards. Students taking *The New York Convention of 1958* have the opportunity of a unique insight into the workings in practice of the Convention and into the great challenges it faces to keep current with the world of arbitration as it has evolved since 1958. Indeed, since the publication in 1981 of his classical treatise “The New York Arbitration Convention of 1958: Towards a Uniform Judicial Interpretation”, Professor Albert Jan van den Berg is widely recognized as *the* expert worldwide on the topic.

## 7. ARBITRATION IN CHINA



**Prof. Lu Song**, Associate Professor, China Foreign Affairs University, Beijing.

In China, arbitration is marked by Confucianism, which promotes a spirit of consensus often considered at odds with the very notion of arbitration, and by certain significant but largely ignored specificities, such as the prohibition of ad hoc arbitration and of foreign arbitration institutions, and the fact that only about half of the awards rendered are effectively enforced. Students taking *Arbitration in China* will have the opportunity to understand this distinctiveness and get insights into the Chinese law and practice of arbitration.

## 8. THE POWER OF THE INTERNATIONAL JUDGE OR ARBITRATOR TO INTERPRET THE FACTS AND THE LAW



**Prof. Pierre-Marie Dupuy**, Professor, Graduate Institute of International and Development Studies.

In every international adjudication process, the judge or arbitrator does essentially two things: establishing the facts and applying the law. These processes involve an element of interpretation. The international judge or arbitrator selects and interprets the facts in a process that plays a key role that is often underestimated by outside observers. The application of the law equally requires interpretation which raises its own issues. This course examines the extent and limits of the power of interpretation vested in the international judge or arbitrator.

## 9. THE DEFINITION OF INVESTMENT



**Prof. Brigitte Stern**, Honorary Professor, University Paris I Sorbonne; Associate Member, Institute of International Law.

This course will review various approaches to the definition of investment, mainly but not exclusively in relation to ICSID arbitration. Regard will be had to the distinction between the objective approach, based on the *Salini* test, and the subjective approach; to the question if all economic operations defined as investments are protected investments; and to whether the definition of a protected investment is a question of jurisdiction or merits.



## 10. EVIDENCE IN INTERNATIONAL COMMERCIAL ARBITRATION



**Prof. George A. Bermann**, Walter Gellhorn Professor and Jean Monnet Professor, Columbia Law School.

Access to evidence is a crucial and potentially outcome-determinative aspect of International commercial arbitration. Yet differences among ground rules and practices abound. Institutional and other rules help narrow the gap, but panels enjoy wide discretion, including on discovery and privilege. This course examines both the fault lines and the trends in this area.

## 11. CONTRATS D'ÉTATS



**Prof. Jean-Michel Jacquet**, Professor, Graduate Institute of International and Development Studies; General Editor, *Journal du droit international*.

Most foreign direct investment projects are based on a contract between the investor and the host state. Such contracts raise a number of specific issues that have direct consequences on international dispute settlement procedures. This course provides opportunities to discuss the key concepts of state contracts and their consequences on international investment dispute settlement. It is taught in French.

## 12. INVESTMENT ARBITRATION IN LATIN AMERICA



**Prof. Raúl E. Vinuesa**, Professor, University of Buenos Aires; Member, Institute of International Law.

The increasing number of arbitrations involving investments in Latin America has raised many important issues in respect of the development and clarification of international law. This course will identify and discuss such issues.

## 13. SPORTS ARBITRATION



**Prof. Antonio Rigozzi**, Professor extraordinarius, University of Neuchâtel; Partner, Lévy Kaufmann-Kohler.

Switzerland hosts most major international sports federations and organizations, including the International Olympic Committee and the Court of Arbitration for Sports (CAS), which acts as the world's highest sports tribunal for most kinds of disputes between athletes/clubs and sports governing bodies. CAS also administers commercial arbitrations in sports matters and a specific arbitration procedure for the Olympic Games. Students taking *Sports Arbitration* are introduced to these different procedures and have the opportunity to discuss their specificity, including the impact on the rights of athletes.

## 14. PHILOSOPHICAL QUESTIONS IN INTERNATIONAL ARBITRATION



**Dr. Thomas Schultz**, Senior Lecturer (Maître d'enseignement et de recherche), Geneva University; Managing Editor, *Journal of International Dispute Settlement*.

For those interested in looking beyond black-letter law, this course reflects on some of the philosophical underpinnings and implications of international arbitration. It will broach themes such as the functions of international arbitration, the existence of an arbitral legal order, the relationships between arbitration and the rule of law and the roles of an international arbitrator.



# CLINICAL TRAINING

optional courses, tutorials...

## Clinical training

We believe that our students deserve to get more from us than knowledge and a thorough understanding of international dispute settlement. Our mission includes making sure that our students are trained in the skills that they will need to put this knowledge and understanding to good use in real life. Our curriculum therefore includes a series of clinical workshops, which will allow our students to improve their writing skills, without which even the best lawyer is useless, to expand their oral advocacy abilities, bring them to the state of the art in settlement techniques, and provide them eye-openers for the work of financial expert witnesses, which is crucial whenever dealing with matters of quantum.

## Optional courses

In addition to the general and intensive courses and the clinical workshops, students take a choice of two term-long, weekly optional courses drawn from a list of more than 30 classes relating to international dispute settlement or in neighboring fields. These classes are drawn from the regular curricula of the Graduate Institute and Law School.

An even broader course offer, including classes in international relations, political science, economics and history is available to the students, on condition of prior approval by the Program Director.

## Tutorials

Inspired by the Oxford tutorial system, we organize weekly interactions between a tutor and a group of about a dozen students. They provide the opportunity of revisiting and illustrating the key concepts addressed in the two general courses. During tutorials, students also present essays, which are commented upon by the tutor and the class, in lively discussions that often branch out of the original topic.





### **Academic Retreat**

Each year, we take our students on a 2-3 day academic retreat in a picturesque, often idyllic outback setting. Various academic activities are organized during this break in the normal teaching schedule, such as a mini-moot court, debating, workshops and pleading exercises.

### **Conferences and Site Visits to Institutions**

Students are offered a choice of academic and practitioners' conferences, as well as site visits to dispute settlement organizations, such as the ICJ in the Hague, the ICC in Paris and the WTO in Geneva.

### **Lectures and Seminars**

During a typical year, a number of distinguished speakers are invited to give a lecturer or a seminar on a current topic of international dispute settlement.

### **Writing**

We believe in the value of legal writing skills. Therefore, in addition to participating in the legal writing workshop, students are required to write two essays and a substantial but succinct final thesis. The thesis is drafted during the summer following the end of the residential period.

### **Career planning**

Each year, we organize a series of career events with partners of law firms specialized in international arbitration or international law in general.

High-profile internships are also arranged for our best students.

### **Language**

The bulk of the curriculum and all its mandatory parts take place in English. As French is the second language of international law, our students are offered the possibility of improving their language skills by taking courses taught in this language and by attending French and legal French courses.





## APPLICATION INFORMATION

### Academic and Language Requirements

To be considered for the program, applicants must have received, or expect to receive by the summer of 2011, a first complete law degree (such as a Bologna Master's degree, a J.D. or an LL.B.) or another academic qualification deemed equivalent by the Program Directors.

Applicants whose primary language is not English and who did not receive their university education in the English language must take a language proficiency test (TOEFL or IELTS). The admissions committee looks for a TOEFL score of 550 in the paper-based test, 213 in the computer-based test and 79 in the Internet-based test, or an IELTS overall score of 5.5. Applicants with at least two years of professional experience in English may request a waiver of this requirement. A passive understanding of French is an asset, though not a requirement.

In order to keep our faculty-student ratio low, we seek to enroll no more than 35 to 40 students each year, based on the strength of their record of academic or professional achievements.

### Application Materials

To apply to the program, applicants must submit a complete application file, containing:

- A completed application form (available at [www.mids.ch/applications](http://www.mids.ch/applications));
- A curriculum vitae;
- A personal statement explaining the applicant's interest in the program;
- Two letters of recommendation;

APPLICATION  
information

- Copies of relevant degrees and diplomas, with an officially certified translation when not in English, French, German, Italian or Spanish;
- Copies of official records of university examinations taken and grades obtained, with the same need for translation as above;
- The tables of contents and 10-page excerpts of the main essays written by the candidate in the course of university studies, if and where such theses exist and are available in English, French, German, Italian or Spanish;
- TOEFL or IELTS score, if applicable.

*Please do not staple or bind the pages of your application and do not send original documents, as all submitted materials become the property of the LL.M. program upon receipt and will be neither returned to the applicant nor forwarded to other schools or agencies.*

We accept applications sent by mail or e-mail to our standard contact address or through our online submission system, available at [www.mids.ch/applications](http://www.mids.ch/applications).

### Application Deadline

For the 2011-2012 program, the deadline for applications is set to February 1<sup>st</sup>, 2011.

It is the applicant's responsibility to make certain that all items are delivered to our offices on or before the application deadline.

### Communicating with the Admissions Office

A first notification will be sent to you confirming receipt of your application and a second, later on, indicating whether your application is complete. We make every effort to keep our admission process as swift as possible and therefore regret that we cannot reply to telephone, fax, or email inquiries asking us to verify receipt of application materials or confirm application status.

## TUITION, EXPENSES AND FINANCIAL AID

Tuition for 2011-12 was not set at the time of printing, but will not exceed CHF 30'000 for the year. We estimate that an average single student needs CHF 15'000 to CHF 20'000 to meet living expenses for the academic year.

Financial aid, based on the applicant's demonstrated financial need, is available for the ten-month period of residence. However, our funds are limited. We therefore ask students wishing to apply for financial aid to first make timely efforts to obtain financial aid from other sources. We only entertain requests from students demonstrating to have made best efforts to obtain scholarships in their home country or in Switzerland. For this purpose, we maintain a database, which is accessible on our website, of the principal funding sources in Switzerland and in a number of other countries.

Decisions on admission are made before and independently of those on financial aid awards.

Students may also be offered accommodation at a reduced price in Geneva.

For more information, visit [www.mids.ch/financial-aid](http://www.mids.ch/financial-aid).



## IMPORTANT DATES TO CONSIDER FOR THE 2011-12 PROGRAM



- October 15<sup>th</sup>, 2010: First day on which we will accept applications for the class of 2011
- February 1<sup>st</sup>, 2011: Application deadline
- March, 2011: Decisions on applications will be made mid-to late March 2011
- September 19<sup>th</sup>, 2011: First day of class
- June 1<sup>st</sup>, 2012: Last day of class
- June 29<sup>th</sup>, 2011: End of final examination period

*"The MIDS has changed my life. I applied for the MIDS because I thought that it would give me an opportunity to specialize in international dispute settlement and perhaps a chance to start a career in this area. The reality far exceeded my expectations. I found the program extraordinarily stimulating and the faculty superlative. I am about to embark on a career as an arbitration lawyer and this is all thanks to the MIDS. I would recommend it unreservedly for anyone interested in this area of law."*

A 2009-10 student from South Africa and Kenya, now with King & Spalding in the USA.

## FURTHER INFORMATION AND CONTACT

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