



MIDS - GENEVA LL.M.
IN INTERNATIONAL
DISPUTE SETTLEMENT



**UNIVERSITÉ
DE GENÈVE**
FACULTÉ DE DROIT

www.mids.ch



THE
**GRADUATE
INSTITUTE
GENEVA**

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



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Introduction

This Annual Report reviews the performance of the MIDS program during the academic year 2012-2013, including the demography of the students, classes taught and specific events.

The purview of the MIDS encompasses the study of international commercial arbitration, international investment arbitration, WTO dispute settlement, negotiation and mediation, proceedings before the ICJ and various other international courts and tribunals. Its broad scope makes it the only program in the world that covers all relevant aspects of the field, thereby acknowledging the interrelations and similarities that exist between most methods and mechanisms of international dispute settlement.

The MIDS is designed for students who hold a first complete law degree and have a good command of the English language. Most students already have professional experience in law at the time of enrolling, some to a significant extent. Graduates from the program head for careers in the arbitration or international law departments of law firms, in the foreign affairs, trade or justice ministries, as in-house counsel in large companies, or as legal officers in international dispute settlement institutions, international organizations and non-governmental organizations. Some pursue a Ph.D. after the MIDS.

The MIDS aims at ranking among the first three choices worldwide for students seeking postgraduate education in international arbitration or international dispute resolution. MIDS graduates have been hired as associates or interns by law firms such as Allen & Overy (Paris), Akin Gump (Geneva), Curtis Mallet-Prevost Colt & Mosle (New York), Derains & Gharavi (Paris), Hanotiau & van den Berg (Brussels), Freshfields Bruckhaus Deringer (Paris, New York), Jones Day (Paris), King & Spalding (Houston), Lalive (Geneva), Python & Peter (Geneva), Schellenberg Wittmer (Geneva), Shearman & Sterling (Paris, Singapore), Sidley Austin (Geneva), White & Case (Washington DC), WilmerHale (London); and by institutions such as the, the European Commission, the World Trade Organization, the World Intellectual Property Organization, the International Court of Justice, the International Chamber of Commerce, the American Arbitration Association, and the Dubai International Arbitration Center. Other MIDS graduates work in Ministries of Justice, Energy, and Foreign Affairs, NGOs and in various business sectors.



“I loved the discussions with my incredibly good classmates and the general spirit of eagerness to learn which has been present during the whole year. Not to mention the diversity of nationalities and all the advantages that entails. It helps to really understand the respective cultures, to get used to being in a truly transnational environment. It is an astonishing experience if you thought you were international before.”



Program Overview

The Geneva LL.M. in International Dispute Settlement (MIDS) was launched in September 2008 under the joint aegis of the Law Faculty of the University of Geneva and the Graduate Institute of International and Development Studies.

The MIDS covers international dispute settlement broadly speaking, including international commercial, investment and sports arbitration, WTO dispute settlement, proceedings before the International Court of Justice, negotiation and mediation.

The program provides full-time postgraduate legal education to 35-40 students per year. It carries 65 ECTS credits. Students are admitted for one academic year of study in residence (September through June), typically followed by up to two months of research and drafting of a thesis. About one fourth of the students benefit from a full scholarship arranged by the program.

The structure of the program is largely elective, offering students latitude to pursue their specific interests in dispute settlement while keeping within parameters set to ensure the acquisition of the indispensable knowledge in the field. The program is in English, with the possibility to take optional courses in French.

The LL.M. gathers students from all over the world. In 2008-2009, the program accounted for 26 students from 19 different countries. In 2009-2010, the 35 students were originally from 27 different countries. In 2010-2011, there were 39 students again coming from 27 countries. In 2011-2012, 39 students hailed from 29 countries. This 2012-2013 class had 37 students (32 regular students and 5 students doing the MIDS over the course of two years) with 26 different nationalities.

The MIDS faculty includes experts carefully selected from among the best-known and most respected academics and practitioners in the field of dispute settlement worldwide.

Launched 2008

Joint program – Law Faculty
and Graduate Institute

Covers IDS “across the board”

One year

65 ECTS credits

35-40 students each year

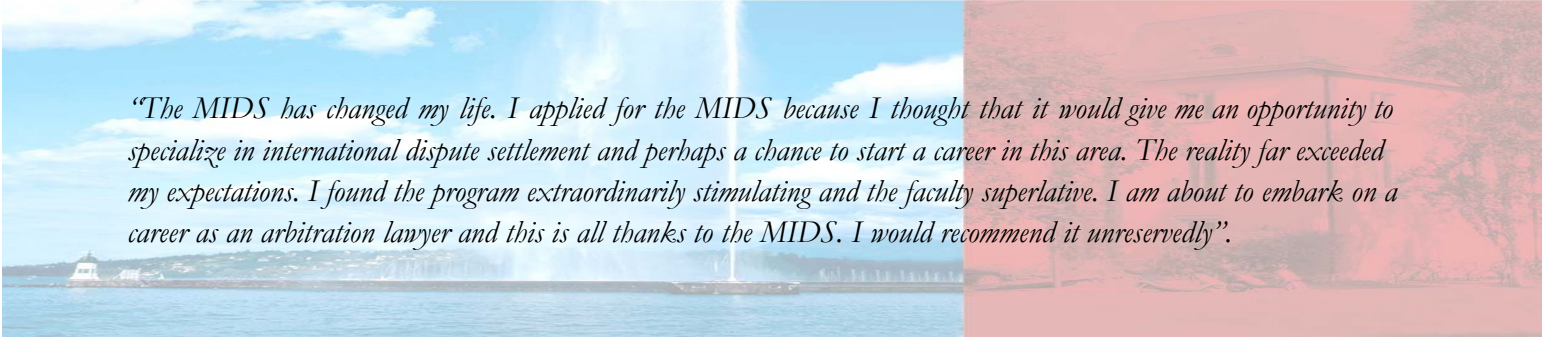
1/3 of students obtain
scholarship through program

Largely elective curriculum

In English with optional
courses in French

International student body

Internationally acclaimed
faculty



“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”.



Curriculum

The program's main building blocks are:

Two semester-long **general courses** providing a comprehensive overview of international dispute settlement. The first general course deals with the organization of international dispute settlement: which disputes correspond to which dispute resolution mechanisms, and how these mechanisms operate. The second general course reviews the main procedural issues that arise in these proceedings, with an eye for comparisons and contrasts. The general courses are accompanied by weekly "Oxbridge" style **tutorials** held in small groups.

A choice of semester-long **optional courses** drawn from a list of classes offered in the regular master program curricula of the Graduate Institute and the Law Faculty. These courses revolve broadly around international dispute settlement.

A choice of **intensive courses**. Each course consists of nine hours of class spread over two to three days. These courses focus on a specific dispute settlement mechanism or explore in depth a particular topic. Intensive courses typically elaborate on matters addressed more briefly in the general courses.

Clinical workshops in legal writing, arbitration advocacy, financial damages analysis and mediation.

Academic retreat. The purpose of our academic retreat is to develop skills in analyzing facts and evidence, building a strategy, construing a legal argumentation, practicing oral advocacy and working in a team, all with limited time and with the related pressure.

Attendance of a variety of **conferences, colloquia, seminars** and **lectures**.

Site visits to dispute settlement institutions.

Completion of writing requirements, which include two short **essays** and a 40-50 page **thesis**.



The 2012-2013 Edition of the MIDS

Program Administration

Program Director	Gabrielle Kaufmann-Kohler (Geneva Law Faculty)
Program Committee	Laurence Boisson de Chazournes (Geneva Law Faculty) Zachary Douglas (Graduate Institute) Gabrielle Kaufmann-Kohler (Geneva Law Faculty) Marcelo Kohen (Graduate Institute)
Executive Director	Michal Sela, until December 2012 Diego Gutierrez, from January 2013
Lecturers	Michele Potestà (Graduate Institute) Makane Mbengue (Geneva Law Faculty), until January 2013 Mamadou Hébié (Graduate Institute), from February 2013
Student Secretariat	Evelyne Bryden
Administrative Officer	Antonella Ghio

Professors

The new professors and those returning to teach at the MIDS during the 2012-2013 academic year were: **Emmanuel Gaillard** (Sciences Po Paris; Shearman & Sterling); **Karim Hafez** (American University, Cairo; Hafez Law Firm); **Alain Pellet** (Paris Ouest - Nanterre La Défense); **Lu Song** (China Foreign Affairs University); **Eduardo Silva Romero** (Sciences Po Paris; Dechert); **Jacques de Werra** (Geneva Law Faculty).



The “regulars” teaching each year are: **Laurence Boisson de Chazournes** (Geneva Law Faculty); **Zachary Douglas** (Graduate Institute); **Jean-Michel Jacquet** (Graduate Institute); **Gabrielle Kaufmann-Kohler** (Geneva Law Faculty); **Marcelo Kohen** (Graduate Institute); **Gabrielle Marceau** (WTO and Geneva Law Faculty); **Robert Mnookin** (Harvard Law School); **William Park** (Boston University); **Antonio Rigozzi** (University of Neuchâtel); **Brigitte Stern** (University of Paris-Sorbonne I); **Pierre Tercier** (University of Fribourg); **Thomas Schultz** (Graduate Institute).

Lecturers

Dr. Makane Mbengue, Lecturer at the MIDS since the launch of the program in 2008, was appointed professor at the Geneva Law Faculty. He thus left the MIDS in January 2013 and was replaced by Dr. Mamadou Hébié. The MIDS was most privileged to benefit from the expertise and outstanding teaching skills of Prof. Mbengue. Five classes of MIDS students, Faculty and the MIDS staff will remember him dearly for his enthusiasm and motivating approach. The Program Committee and the Director are indebted for his outstanding contribution to the success of the MIDS in its early years and for his relentless dedication.

Dr. Mamadou Hébié joined the MIDS in the course of the academic year. He comes with a strong background in public international law and an impressive curriculum. In addition to a PhD from the Graduate Institute, he holds an LL.M. in International Law from Harvard Law School, another LL.M. in International Humanitarian Law and Human Rights from the Geneva Academy of Humanitarian Law and Human Rights, and a Masters in International Law from the Graduate Institute, where he was awarded the prestigious Mariano Garcia Rubio Prize for the best Master thesis in international law. His expertise is highly valued by students and Faculty.

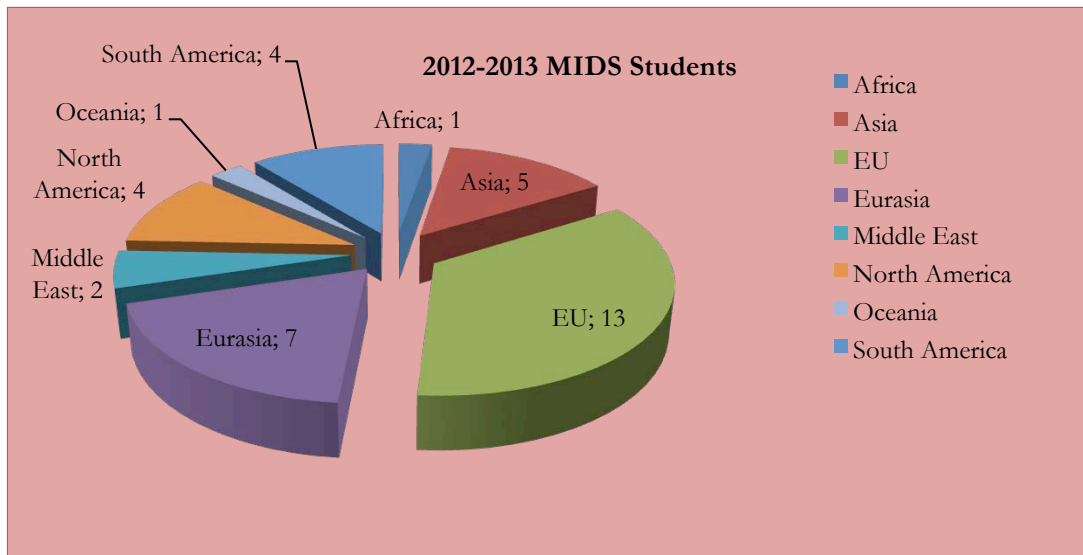
Executive Director

Ms. Michal Sela left the executive responsibility for the MIDS administration in December 2012 and was replaced by Mr. Diego Gutierrez, who has pursued studies in Political Science at the University of Barcelona, in Economic Law at the University of Deusto (Spain) and in International Relations at the Graduate Institute of International and Development Studies in Geneva. Most importantly for our purposes, he previously held a similar executive position for the LL.M. in International Economic Law and Policy (IELPO) at the University of Barcelona, a very successful program. Mr. Gutierrez has started putting his expertise in academic management to good use to allow the MIDS to keep up the quality standards and successfully face forthcoming challenges linked to increased competition and the continued pursuit of excellence.



Students

For the 2012-2013 edition of the MIDS program, about **200 applications** were submitted. In the end, **37 students** (32 regular students and 5 students doing the MIDS over the course of two years) enrolled, **aged 27 years on average**, representing **26 different countries**.



Of the 37 students who participated in the MIDS in 2012-2013, 10 received a scholarship thanks to the generosity of the **Hans Wilsdorf Foundation**. Financial support for the program was provided by tuition fees (CHF 25'000) and contributions in kind from the Geneva **Law Faculty** and the **Graduate Institute**.





Courses

Students attended the following courses during the 2012-2013 MIDS program:

GENERAL COURSES

The Organization of International Dispute Settlement (General Course 1)

Prof. Laurence Boisson de Chazournes, University of Geneva Law Faculty

Prof. Gabrielle Kaufmann-Kohler, University of Geneva Law Faculty

International Legal Proceedings (General Course 2)

Prof. Zachary Douglas, Graduate Institute

Prof. Marcelo Kohen, Graduate Institute

INTENSIVE COURSES

Students must choose at least eight. They are listed by descending attendance numbers.

Arbitration in the United States

William Park

Professor, Boston University; President, LCIA.

ICC Arbitration

Pierre Tercier

Honorary Chairman, ICC International Court of Arbitration; Honorary Professor, University of Fribourg.

Negotiation

Robert Mnookin

Professor, Harvard University; Chair, Harvard Program on Negotiation; Director, Harvard Negotiation Research Project.

WTO Dispute Settlement

Gabrielle Marceau

Counselor, Legal Affairs Division of the WTO; Associate Professor, University of Geneva.

ICSID Arbitration

Emmanuel Gaillard

Professor, Sciences Po Paris; Chair of Shearman & Sterling's international arbitration practice; Chair of the International Arbitration Institute.

The Definition of Investment

Brigitte Stern

Honorary Professor, University Paris 1 Panthéon-Sorbonne; Associate Member, Institute of International Law.



Sports Arbitration

Antonio Rigozzi

Professor, University of Neuchâtel; Partner, Lévy Kaufmann-Kohler.

Arbitration in China

Lu Song

Associate Professor, China Foreign Affairs University, Beijing.

International Arbitration in the Arab Countries

Karim Hafez

Visiting Professor, American University in Cairo; Partner, Hafez law firm.

Philosophical Questions in International Arbitration

Thomas Schultz

Senior Lecturer University of Geneva; SNF Ambizione Fellow, Graduate Institute of International and Development Studies; Managing Editor, Journal of International Dispute Settlement.

The Case Law of the ICJ in ICSID Arbitrations

Alain Pellet

Professor Paris Ouest – Nanterre La Défense; Member and former President of the International Law Commission; President of the Société française pour le droit international.

International Arbitration in Latin America

Eduardo Silva Romero

Professor of International Law, Rosario University, Bogotá; Lecturer on International Arbitration and International Contracts, Sciences Po Paris; Partner, Dechert LLP.

Arbitration and Alternative Resolution of Intellectual Property Disputes

Jacques de Werra

Professor, University of Geneva.

The French Law of International Commercial Arbitration (in French)

Jean-Michel Jacquet

Honorary Professor, Graduate Institute of International and Development Studies.



“The MIDS program felt mostly like an academic family: a place where many life lessons were learnt, where support was available every step of the way, where ambitions, goals and passions were shared, where life-long friends were made, where one learnt to find their way in the working world with as much ease and comfort as a baby bird would take to fly away from its nest.”



OPTIONAL COURSES

Students must choose two or, if they take three clinical workshops, one. Optional courses are drawn from a list of classes offered in the regular master curricula of the Graduate Institute and the Law Faculty. The courses listed below are those that MIDS students chose in 2012-2013 listed by descending MIDS attendance numbers.

In English	In French
International Investment Law Prof. Zachary Douglas (Institute)	Arbitrage international Prof. Gabrielle Kaufmann-Kohler (Law Faculty)
International Trade Law Prof. Gabrielle Marceau (Institute)	Droit de l'OMC Prof. Gabrielle Marceau (Law Faculty)
Corporate Responsibility in Transnational and International Law Prof. Zachary Douglas (Institute)	
WIPO and International Intellectual Property Law Prof. Edward K. Kwakwa (Institute)	
Current Issues of International Law through the Case-law of International courts and tribunals Prof. Makane Mbengue (Law Faculty)	
International Business Prof. Simon Evenett (Institute)	
Fundamentals of International Environmental Law Prof. Jorge E. Viñuales (Institute)	



“The passionate, dedicated and utmost professional professors make this program truly inspiring, enjoyable and most of all indispensable to really understand international dispute settlement.”



Additional Learning Opportunities and Events

The start of the academic year was marked by an **Opening Lecture** delivered on 26 September 2012 by **V. V. Veeder QC** (Essex Court Chambers) on “From Florence to London via Moscow and New Delhi: How and Why Arbitral Ideas Migrate”. Thereafter, the students participated throughout the year in the following events:

SEMINARS AND LECTURES. Earlier in the first semester, our students had supplemented their learning of the law of the sea in a seminar given by **Professor Tullio Treves** (University of Milan; Judge, International Tribunal for the Law of the Sea) on “Dispute Settlement Relating to the Law of the Sea”. **Professor Nicolas Michel** (University of Geneva; Graduate Institute of International and Development Studies) offered a seminar on “Inter-State Mediation”.

During the second semester students learned about "Latin America in the ICJ: recent cases" from **Judge Bernardo Sepúlveda** (Judge and Vice-President at the International Court of Justice). MIDS students also attended the Annual Lalive Lecture by **Prof. Alain Pellet** (University of Paris Ouest – Nanterre La Défense; Member and former President of the International Law Commission; President of the Société française pour le Droit international) on “La jurisprudence de la Cour internationale de justice dans les sentences CIRDI” (“ICJ cases in ICSID awards”).

Finally for the **Graduation Ceremony**, on 25 September 2013, the students heard **Mr. Jean-Claude Najjar** (former General Counsel Europe, General Electric Corp.; International Counsel at Curtis Mallet-Prevost Colt & Mosle, Paris) who shared with them ten lessons for their future careers based on his experience as in-house counsel.

ACADEMIC RETREAT. The two day retreat in February in a picturesque country setting (Jongny) was devoted to an arbitration competition similar to a moot court.



The students were divided into teams of claimants and respondents, were handed out materials from an arbitration case, and prepared oral arguments well into the night of the first day. On the second day, they made oral presentations before arbitral tribunals including Prof. Gabrielle Kaufmann-Kohler, Prof. Thomas Schultz, Prof. Makane Moïse Mbengue, Dr. Michele Potestà and Dr. Mamadou Hébié, and Mr. Brian McGarry.



CONFERENCES. The students also took part in a number of conferences, including:

- ASA Conference in Bern: “Réflexions critiques sur le chapitre 12 LDIP: le droit suisse de l’arbitrage international doit-il être révisé?”; (“Critical thoughts about Chapter 12 PILA: Must Swiss international arbitration law be revised? ”)
- University of Neuchâtel Conference “New Developments in International Commercial Arbitration 2012”;
- Berlin DIS Conference: “Organizing Arbitration Proceedings – Regulations, Options and Recommendations”;
- Paris ICC Annual Meeting: “Third-Party Funding in International Arbitration”
- ASA Annual Conference in Zurich: “Inside the Black Box: How Arbitral Tribunals Operate and Reach their Decisions”;
- London British Institute of International and Comparative Law (BIICL) – 19th Investment Treaty Forum.

WORKSHOPS. Education in the field of international dispute resolution cannot remain solely academic. The MIDS therefore again asked the **Foundation for International Arbitration Advocacy (FIAA)** to organize a two-day clinical workshop on advocacy in international arbitration. The instructors of the FIAA workshop were advocacy teachers and experienced arbitration practitioners from Europe, the USA and Canada, including Prof. James Seckinger (Notre Dame Law School), Sheila Block (Torys, Toronto), David Roney (Sidley Austin, Geneva), Brian King (Freshfields, New York), Joachim Knoll (Lalive), James Clark (Allen & Overy, Paris), James Carter (DLA Piper, London), Nicolas Bouchardie (White & Case, Paris), Marily Paralika (White & Case, Paris), Richard Power (Berwin Leighton Paisner, London), Adam Johnson (Herbert Smith, London). For many students, this workshop was the highlight of their MIDS experience. In addition, the students were offered workshops on **Financial Damage Analysis** by Geoffrey Senogles (Charles River Associates), **Legal Writing** by Ian Meakin (XXIV Barristers’ Chambers), and **Mediation** by Birgit Sambeth Glasner (Altenburger).

VISITS. The MIDS also took its students to institutional site visits, allowing them to attend hearings and to experience first-hand the operation of dispute settlement institutions. The students visited the **ICC Court of International Arbitration** in Paris, where part of the class of Prof. Pierre Tercier, Honorary President of the ICC Court, took place; the **International Court of Justice**, the **Permanent Court of Arbitration** and the **Iran-US Claims Tribunal** in The Hague; and the Mediation and Arbitration Center of **WIPO** as well as the **WTO** in Geneva.





CAREER EVENTS AND INTERNSHIPS. In order to help students plan their careers, the MIDS staged career events with practitioners in the field of international dispute settlement. Several students were able to secure positions in the wake of these events. Other internships were organized by the MIDS, primarily in arbitration departments of law firms in Geneva and abroad.

SOCIAL EVENTS. A successful study experience is not only about academic content. It also requires the right atmosphere, friends to share experiences with, and occasions to enjoy a year away from professional constraints. For the students, it is equally important to build contacts for the future and to stay connected to the program as alumni. For these purposes, the MIDS organized a number of social events, including welcome and farewell dinners, an *Escalade* evening, and several cocktail receptions. Some of them were attended by many of the key actors of the Geneva world of international dispute settlement, allowing for networking. Trips provided further opportunities to socialize and groups were taken out for drinks by faculty members at various junctures of the program.

MEDIA AND COMMUNITY. In order to increase the students' exposure to current debates in the field of international arbitration and to provide them with additional networking opportunities, they were subscribed to the *Global Arbitration Review* and *Young OGEMID*.

The MIDS is now in social media networks such as Facebook and LinkedIn. The MIDS Facebook Page shows the day to day life at MIDS, including lectures, seminars, tutorials, general and intensive courses, trips, conferences and social activities. It is a way of sharing the experience with former and prospective students and with the big family of the friends of the MIDS.



"We were really privileged to meet many of the top arbitration and public international law professionals that many people in law firms only know from books and awards."



Developments for 2013-2014

Among the new developments for 2013-2014, one may emphasize the addition to the MIDS curriculum of an intensive course on **International Litigation in National Courts**, to be taught by **Prof. Gian Paolo Romano** (Geneva Law Faculty). The legal writing workshop will now be taught by **Mr. David Roney** and **Ms. Tanya Landon** (Sidley Austin, Geneva). **Prof. Sébastien Besson** (University of Neuchâtel, Python & Peter, Geneva) will return to teach at the MIDS, this time for an intensive course on **The Arbitration Agreement in International Commercial Arbitration**.

The MIDS will prepare its European students for the European Personnel Selection Office (**EPSO**) exam through a series of workshops, in order to help them get access to the European institutions, especially to the European Commission.

Developments for 2014-2015

The brochure for the seventh MIDS edition has appeared in time for the opening lecture of this academic year. An electronic version is available on our website, www.mids.ch. Let us note the addition to the MIDS Faculty of **Prof. Laurent Aynès** (University of Paris I, Panthéon-Sorbonne) who will teach a course dealing with **Contract Law in International Commercial Arbitration**. Other professors who teach every second year will return in 2014-2015, among them **Prof. Emmanuel Gaillard**, **Lu Song** and **Eduardo Silva Romero**. And the regular ones will of course all be there as well.



“Thank you for the most incredible year of my life. I can tell you from firsthand experience that it is amazing! I truly had the time of my life and learned more than I ever thought was possible! Thank you for working so hard to make it a unique and truly one of a kind experience.”