



GENEVA MASTER IN
INTERNATIONAL
DISPUTE SETTLEMENT

ARBITRATION, WTO, ICJ, NEGOTIATION ...



2010-2011

PROGRAM



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

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 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 >

OR BY WRITING TO:

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Graduate Institute of International and Development Studies, Geneva

The Graduate Institute of International and Development Studies is a new Institute generated by a merger between the Graduate Institute of International Studies (HEI) and the Graduate Institute of Development Studies (IUED). It 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 hosts several research centers, including the Centre for Banking and Financial Law, the Centre for European Legal Studies and the Art Law Centre, and offers a wide variety of academic courses covering all areas of law, with a strong focus on international and comparative law. Among others, it offers a program of transnational law that attracts students from some thirty countries to Geneva each year and has been selected by the German Academic Exchange Service as part of its European Excellency Program, alongside a program run by the Oxford law faculty.

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.



Directors of the Program

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Shearman & Sterling's international
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Gabrielle MARCEAU

*Counselor to the Cabinet of the
Director-General of the WTO;
Associate Professor at Geneva
University*

Robert MNOOKIN

*Professor at Harvard University;
Director of the Harvard
Negotiation Research Project
and Chair of the Program on
Negotiation*

William W. PARK

*Professor at Boston University;
President of the LCIA*

Jan PAULSSON

*Professor at the University of Miami;
Co-Head of the international
arbitration group at Freshfields
Bruckhaus Deringer; Vice President
of the ICC International Court of
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*Former Judge at the International
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Brigitte STERN

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Albert Jan VAN DEN BERG

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





The Geneva Master in International Dispute Settlement 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 (strictly equivalent to an 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 drawn from a list of about 25 classes relating to international dispute settlement.
- Weekly tutorials held in small groups.
- A two-day practical seminar on advocacy in arbitration offered by the Foundation for International Arbitration Advocacy.
- A workshop on financial damage analysis.
- A workshop on legal writing.
- Visits to international dispute settlement institutions.
- Certain students participate in an international moot court competition (such as the Vis International Arbitration Moot or the ELSA Moot on WTO Law).
- Several high-profile lectures specifically organized for the program.
- A joint two- to three-day academic event with the LL.M. program in international arbitration of Miami Law School.
- Access to major local conferences and colloquia.
- Students write two short essays and a 40-50 page master thesis.
- Career events with practitioners working in law firms and international organizations.



GENERAL Courses



The groundwork of the curriculum consists of two general courses, which provide a comprehensive overview of international dispute settlement. Each of these general courses runs throughout one semester at four hours per week. 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 during the first semester. 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.

Prof. Brigitte Stern, Professor of Law at the University of Paris I, Panthéon-Sorbonne.

Dr. Sebastien 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 must take eight intensive courses.

2010-2011 COURSES

1. ICSID ARBITRATION



Prof. Emmanuel Gaillard, Professor of Law at the University of Paris XII; Chair of Shearman & Sterling's international arbitration practice; Chair of the International Arbitration Institute.

In recent years, the number of investment disputes has risen dramatically and ICSID is the international arbitration mechanism par excellence in this field. Acquaintance with the regime and case law of ICSID arbitration has now become indispensable for anyone seeking to have a full picture of arbitration.

2. NEGOTIATION



Prof. Robert Mnookin, Harvard University; Director, Harvard Negotiation Research Project and chair, Program on Negotiation.

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 to the Cabinet of the Director-General of the WTO; Associate Professor of Law at 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 of Law at Boston University; President of the London Court of International Arbitration.

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 of the ICC International Court of Arbitration; Honorary Professor at the University of Fribourg.

The International Court of Arbitration of the International Chamber of Commerce is one of the most important and best known institutions of arbitration and other forms of alternative dispute resolution. 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.

6. INTERNATIONAL MEDIATION: UNDERLYING DYNAMICS



Prof. Daniel L. Shapiro, Director of the Harvard International Negotiation Program.

Some of the greatest challenges of mediators (and negotiators too) are not around rational problem-solving but relate to dealing with emotions and identity-based divisions. This course seeks to address these psychological dimensions. Students taking this course will be provided with theoretical frameworks and practical tools to understand and address such underlying issues.



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



Prof. Pierre-Marie Dupuy, Professor of Law at the 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.

8. INVESTMENT ARBITRATION IN LATIN AMERICA AND THE DEVELOPMENT OF INTERNATIONAL LAW



Prof. Francisco Orrego Vicuña, Professor of Law at the University of Chile; former President of the World Bank Administrative Tribunal; former President of the Institut de droit international.

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, which comprise state of necessity, contract and treaty claims, fair and equitable treatment, the most favored nation clause, termination of treaties, provisional measures and protection of indirect investments.

9. DUE PROCESS, HUMAN RIGHTS AND INTERNATIONAL DISPUTE SETTLEMENT



Lucius Caflisch, Honorary Professor at the Graduate Institute of International and Development Studies; former judge at the European Court of Human Rights; member of the International Law Commission.

At least half of the case-law of the European Court of Human Rights concerns due process, more precisely the right to a fair trial secured by Article 6 of the European Convention on Human Rights. This provision has considerably affected due process as practiced in international dispute settlement in Europe and in other parts of the world.

10. CONTRATS D'ETATS



Prof. Jean-Michel Jacquet, Professor of Law at the Graduate Institute of International and Development Studies; General Editor of *Le 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.



11. DISPUTE SYSTEMS DESIGN



Prof. Robert C. Bordone, Thaddeus R. Beal Clinical Professor of Law at Harvard Law School; Director of the Harvard Negotiation and Mediation Clinical Program.

Implicitly or explicitly, every institution and organization has a system for managing disputes. After an overview of various dispute resolution processes and a thorough introduction to the basics of dispute systems design, the course will offer for critique several case studies of dispute systems design in practice.

12. ARBITRATION IN CHINA



Prof. Lu Song, Associate Professor at 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.

13. SPORTS ARBITRATION



Dr. Antonio Rigozzi, Lecturer at the University of Neuchâtel; Partner in 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 ASPECTS OF DISPUTE SETTLEMENT



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

For those interested in looking beyond positive law and the technicalities of international dispute settlement mechanisms, this course seeks to bring together different branches and topics of current legal theory, and apply them to developments in the field of dispute resolution. The students will move from studying purely philosophical authors to traditional legal theorists to practicing lawyers with a philosophical inclination.



CLINICAL TRAINING

optional courses, tutorials...

Clinical training

Oliver Wendell Holmes, the memorable US Supreme Court judge, wrote that “the life of the law has not been logic: it has been experience”. At the MIDS, we believe in this dictum and have therefore included in our curriculum several workshops, which consist of practical training in international dispute settlement procedures.

Our clinical instructors take our students through, for instance, the nuts and bolts of legal writing and the financial aspects of damage analysis. And the partnership with the FIAA ensures that our students have access to the best training available in international arbitration advocacy.

Optional courses

In addition to the general and intensive courses, students take a choice of three optional courses drawn from a list of about 25 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.

Courses not on the list may be chosen with prior approval of the Program Director. This also applies to courses in the field of international relations, political sciences, economics and history.

As a rule, each optional course runs for two hours per week during one semester.

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.





Moot Court Competitions

We send teams of our best students to represent us in international moot court competitions, such as the Vis International Arbitration Moot, the ICC Mediation Competition, the Jessup International Law Moot or the ELSA Moot on WTO Law.

International Exchange with Miami Law School

The MIDS program includes a joint two- to three-day academic event with the LL.M. program in international arbitration of Miami Law School. This event comprises workshops, student presentations, debates and a variety of networking events.

Conferences and Visits to Institutions

Students are offered a choice of academic and practitioners' conferences, as well as 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, about six 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. Students are therefore 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, as well as representatives of international organizations. A limited number of internships are also arranged for those students who may need it.

Language

The bulk of the curriculum and every mandatory part of it takes place in English. As French is the second language of international law, our students are offered the possibility of learning and 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 2010, 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 30 to 35 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);
- A curriculum vitae;
- A personal statement explaining the applicant's interest in the program;
- Two letters of recommendation;

- Photocopies of relevant degrees and diplomas, with an officially certified translation when not in English, French, German, Italian or Spanish;
- Photocopies 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 theses 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 Master's program upon receipt and will be neither returned to the applicant nor forwarded to other schools or agencies.

We accept applications sent by mail to our standard contact address or through our online submission system, available at www.mids.ch/applications.

Application Deadline

For the 2010-2011 program, the deadline for applications is set to February 1st, 2010.

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

Communicating with the Applications 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 2010-11 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 17'000 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 for the degree. However, our funds are limited. We therefore ask students wishing to apply for financial aid to first make timely efforts to obtain grants 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.



IMPORTANT DATES TO CONSIDER FOR THE 2010-11 PROGRAM



- October 15th, 2009: First day that we will accept applications for the entering class of 2010
- February 1st, 2010: Application deadline
- March, 2010: Decisions on applications will be made mid-to late March 2010
- September 13th, 2010: First day of class
- June 3rd, 2011: Last day of class
- June 17th, 2011: Last day of Spring exam session

FURTHER INFORMATION AND CONTACT

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