



MIDS - GENEVA LL.M.
IN INTERNATIONAL
DISPUTE SETTLEMENT

ARBITRATION, WTO, ICJ, NEGOTIATION ...



2013-2014

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 Burrin
Director of the Graduate
Institute for International
and Development
Studies, Geneva

The main teaching mission of the Graduate Institute of International and Development Studies 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 competencies that very few places in the world can match. The LL.M. 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 well 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
Christine Chappuis**
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 LL.M. in International Dispute Settlement (MIDS) 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.



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 at 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.

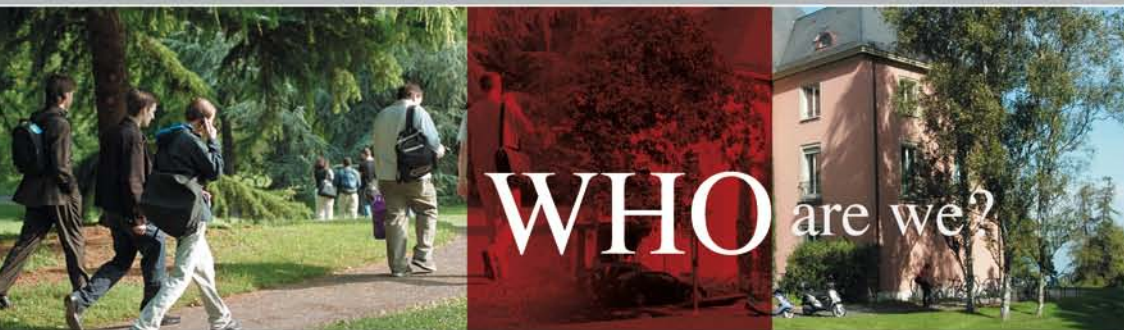
CONTACT US

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 (IHEID) is a private foundation, receiving financial support from the Swiss government 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 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 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.

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*, published by Oxford University Press.

Program Committee

Gabrielle KAUFMANN-KOHLER
Professor, University of Geneva
Program Director

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Professor, University of Geneva

Zachary DOUGLAS
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Graduate Institute

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Institute; Member, Institute
of International Law; former
Member, WTO Appellate Body

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Court of Arbitration

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Robert MNOOKIN
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Chair, Harvard Program on
Negotiation; Director, Harvard

Negotiation Research Project

William W. PARK
Professor, Boston University;
President, LCIA

Jan PAULSSON
Professor, Miami School of Law;
Centennial Professor, London
School of Economics; President,
ICCA; Judge and Past President,
World Bank Administrative
Tribunal; former President, LCIA

Francisco REZEK
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Pierre TERCIER
Honorary Chairman, ICC
International Court of Arbitration;
Honorary Professor, University
of Fribourg

Albert Jan VAN DEN BERG
Professor, Erasmus University
Rotterdam; Hanotiau
& van den Berg





COURSE of study



GENERAL Courses



The Geneva LL.M. in International Dispute Settlement (MIDS) is a one-year full-time graduate degree program providing an opportunity for 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 acquiring indispensable knowledge in the field within set parameters. A typical curriculum includes:

- Two general courses providing a comprehensive overview of international dispute settlement.
- At least eight intensive courses from a choice of 15.
- Two optional courses from a list of 20 to 30 classes relating to international dispute settlement, international law and business law.
- Weekly tutorials held in small groups.
- Intensive training in legal writing.
- Clinical workshops in advocacy in arbitration (operated by the Foundation for International Arbitration Advocacy), financial damage analysis and mediation.
- A two-day academic retreat.
- Site visits to international dispute settlement institutions.
- Attendance at 3-4 major academic conferences and symposia.
- Various high-profile lectures and seminars.
- Two short essays and a 40-50 page master thesis.
- Career events with practitioners working in law firms.

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 discusses the main procedural issues that arise in international legal proceedings.

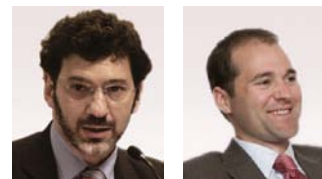
1. FIRST GENERAL COURSE: THE ORGANIZATION OF INTERNATIONAL DISPUTE SETTLEMENT



Prof. Laurence Boisson de Chazournes, Professor, University of Geneva.
Prof. Gabrielle Kaufmann-Kohler, Professor, 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



Prof. Marcelo Kohen, Professor, Graduate Institute of International and Development Studies.
Prof. Zachary Douglas, Associate Professor, Graduate Institute of International and Development Studies.

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.



INTENSIVE Courses



Intensive courses, most of which are taught by visiting professors, provide an opportunity to go into the details of various topics in international dispute settlement. Such courses in principle consist of nine hours of class taught over two or three days. Students pick eight of the following courses.

2013-2014 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, this intensive course, 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 this field.

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. 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 has 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.

4. 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 of 1958 on the Recognition and Enforcement of Foreign Arbitral Awards 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 obtain a unique insight into the workings 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 has been widely recognized as the worldwide expert on the topic.

5. 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.

6. 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. It will explore the distinction between the objective approach, based on the Salini test, and the subjective approach; the question if all economic operations defined as investments are protected investments; and whether the definition of a protected investment is a question of jurisdiction or merits.



7. 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.

8. THE FRENCH LAW OF INTERNATIONAL COMMERCIAL ARBITRATION



Prof. Jean-Michel Jacquet, Honorary Professor, Graduate Institute of International and Development Studies.

The French arbitration law, tradition and culture are not only among the most important frameworks for international commercial arbitration today, because Paris is a leading place for international arbitration; they are also among the intellectual factors that most profoundly shaped the world of arbitration as we know it today. This course introduces the students to that French heritage and discusses today's international commercial arbitration law and practice in France. The course is taught in French.

9. INTERNATIONAL ARBITRATION IN THE ARAB COUNTRIES



Dr. Nagla Nassar, Attorney at Law, Cairo; former advisor at WTO, ICSID, ILO.

The Arab countries are one of the regions in which arbitration is developing rapidly. This course seeks to give primarily non-Arab lawyers the insight necessary to handle arbitrations in Arab countries or with Arab parties. It starts with an overview of the arbitration laws of the main jurisdictions and the practice of the most relevant arbitral institutions including, in particular, the Cairo Center (CRCICA) and the Dubai Center. It then focuses on the special features of the dispute resolution culture in Arab countries and its impact on commercial arbitration. It also examines the incidence of Sharia law on commercial disputes. It is taught by an Egyptian specialist with many years of practice in the Arab world.

10. 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.

11. 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.

12. THE ARBITRATION AGREEMENT IN INTERNATIONAL COMMERCIAL ARBITRATION



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

The arbitration agreement is the cornerstone of international commercial arbitration. It raises many issues that in part receive divergent answers under different arbitration laws. This course explores these issues in depth, including the notion of separability of the arbitration agreement and the principle of competence-competence that play a fundamental role in the theory and practice of international commercial arbitration.

13. PHILOSOPHICAL QUESTIONS IN INTERNATIONAL ARBITRATION



Dr. Thomas Schultz, Senior Lecturer (Maître d'enseignement et de recherche), Geneva University; SNF Ambizione Fellow, Graduate Institute of International and Development Studies.

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.

14. SPORTS ARBITRATION



Prof. Antonio Rigozzi, Professor, 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.

15. INTERNATIONAL LITIGATION



Gian Paolo Romano, Associate Professor, University of Geneva.

A significant proportion of disputes arising in the global economy are still today litigated before domestic courts. This course gives an overview of the unique dimension of international litigation in the commercial context. It addresses critical jurisdictional issues, including mechanisms to handle parallel proceedings, key problems associated with recognition and enforcement of foreign decisions, as well as injunctive and other interim relief, which is often crucial in multijurisdictional litigation.



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 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 familiarize them with 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 semester-long, weekly optional courses drawn from a list of 20 to 30 classes relating to international dispute settlement or in neighboring fields. These classes are drawn from the regular curricula of the Graduate Institute and the 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. These provide the opportunity to revisit and illustrate 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

We take our students on an annual two-day academic retreat in a picturesque outback setting. Various academic activities are organized during this break in the normal teaching schedule, such as a mini-moot court, debates, workshops and pleading exercises.

Conferences and site visits

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

Each 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

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 2013, 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 79 Internet-based/550 paper-based TOEFL, 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);
- A curriculum vitae;
- A personal statement (essay) demonstrating the applicant's interest in the field of dispute settlement, including concrete examples if possible (max. 400 words);
- Two letters of recommendation from academic and/or professional teachers/supervisors;
- Copies of relevant degrees and diplomas, with an officially certified translation if not in English or French;

- Copies of official records of university examinations taken and grades obtained (transcripts), 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;
- Official 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.

Application deadline

For the 2013-2014 program, the deadline for applications February 1st, 2013.

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 notification will be sent to you confirming receipt of your application. If you do not hear back from us with two weeks of your application, it means that your application package 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 2013-14 was not set at the time of printing, but will be between CHF 25'000 and 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 principale funding sources in Switzerland and in a number of other countries.

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 2013-14 PROGRAM



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| 15 October 2012: | First day on which we will accept applications for the class of 2013-14 |
| 1 February 2013: | Application deadline |
| March 2013: | Decisions on applications will be made mid-to late March 2013 |
| 16 September 2013: | First day of class |
| 30 May 2014: | Last day of class |
| 4 August 2014: | Deadline for completion of LL.M. thesis and end of program |

“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.”

An alumna from South Africa and Kenya, now with King & Spalding in the USA.

FURTHER INFORMATION AND CONTACT

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