



## UNSW Course Outline

# LAWS8082 Peaceful Settlement of International Disputes - 2024

Published on the 25 Aug 2024

## General Course Information

Course Code : LAWS8082

Year : 2024

Term : Term 3

Teaching Period : T3

Is a multi-term course? : No

Faculty : Faculty of Law and Justice

Academic Unit : School of Global and Public Law

Delivery Mode : In Person

Delivery Format : Standard

Delivery Location : Kensington

Campus : Sydney

Study Level : Postgraduate

Units of Credit : 6

### Useful Links

[Handbook Class Timetable](#)

## Course Details & Outcomes

### Course Description

This course will focus on the international settlement of disputes as governed by established principles of public international law. It examines the obligations of states to peacefully settle disputes in accordance with the UN Charter and the types of disputes that arise within the

international system. It then focuses on the types of dispute resolution mechanisms including non-binding mechanisms (eg negotiation, mediation), international courts (in particular the International Court of Justice), arbitration, claims commissions and specialist adjudicative bodies (like ITLOS and WTO) that are now available for these inter-state disputes.

Peaceful Settlement of International Disputes is one of the postgraduate elective subjects for law. It fits within the International Law, Dispute Resolution and Human Rights and Social Justice streams of the LLM and is an approved elective for the Master (and Graduate Diploma) in International Law and International Relations, the Master (and Graduate Diploma) in International Law and Security, the Master (and Graduate Diploma) in Human Rights Law and Policy and the Master (and Graduate Diploma) in Dispute Resolution.

### **Main Topics**

- Obligations in international law to settle disputes peacefully, including obligations contained in the United Nations Charter and specific international agreements
- The institutional and ad hoc mechanisms available for state-state dispute settlement, including conciliation, good offices, mediation, fact finding, inquiry, and adjudication
- The role of non-state actors in international disputes
- Case studies of selected disputes and institutions, including the settlement of trade disputes in the World Trade Organisation and the 2000 Tokyo Women's Tribunal
- Systemic issues in international dispute settlement

# Course Learning Outcomes

| Course Learning Outcomes   |
|--|
| CLO1 : Demonstrate high-level knowledge and understanding of the processes of the peaceful settlement of international disputes, including the practice and procedure of key international institutions. (PLO 1a, 2a)  |
| CLO2 : Engage in and communicate complex critical analysis of nature of international disputes and the mechanisms for their resolution. (PLO 1a, 2a, 3a, 3b)   |
| CLO3 : Demonstrate an awareness of ethical and political as well as legal issues in the peaceful settlement of international disputes (PLO 1a, 2a, 2b)   |
| CLO4 : Investigate and adopt appropriate research methodologies and produce written and verbally-delivered research that identifies, analyses and synthesises legal and non-legal issues impacting on the peaceful settlement of international disputes. (PLO 1b, 2b, 3a, 3b, 4) |

| Course Learning Outcomes   | Assessment Item   |
|--|---|
| CLO1 : Demonstrate high-level knowledge and understanding of the processes of the peaceful settlement of international disputes, including the practice and procedure of key international institutions. (PLO 1a, 2a)  | <ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Research Essay</li> <li>• Take Home Exam</li> </ul> |
| CLO2 : Engage in and communicate complex critical analysis of nature of international disputes and the mechanisms for their resolution. (PLO 1a, 2a, 3a, 3b)   | <ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Research Essay</li> <li>• Take Home Exam</li> </ul> |
| CLO3 : Demonstrate an awareness of ethical and political as well as legal issues in the peaceful settlement of international disputes (PLO 1a, 2a, 2b)   | <ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Research Essay</li> <li>• Take Home Exam</li> </ul> |
| CLO4 : Investigate and adopt appropriate research methodologies and produce written and verbally-delivered research that identifies, analyses and synthesises legal and non-legal issues impacting on the peaceful settlement of international disputes. (PLO 1b, 2b, 3a, 3b, 4) | <ul style="list-style-type: none"> <li>• Class Participation</li> <li>• Research Essay</li> <li>• Take Home Exam</li> </ul> |

## Learning and Teaching Technologies

Moodle - Learning Management System

## Additional Course Information

The classes, readings, other learning materials and assessment tasks are intended to equip students to meet the learning outcomes of the course.

# Assessments

## Assessment Structure

| Assessment Item                                      | Weight | Relevant Dates   |
|--|--------|--|
| Class Participation<br>Assessment Format: Individual | 10%    | Start Date: Week 1<br>Due Date: Week 10                          |
| Research Essay<br>Assessment Format: Individual      | 30%    | Start Date: Week 1<br>Due Date: 28/10/2024 05:00 PM              |
| Take Home Exam<br>Assessment Format: Individual      | 60%    | Start Date: 15/11/2024 05:00 PM<br>Due Date: 25/11/2024 05:00 PM |

## Assessment Details

### Class Participation

#### Assessment Overview

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

#### Course Learning Outcomes

- CL01 : Demonstrate high-level knowledge and understanding of the processes of the peaceful settlement of international disputes, including the practice and procedure of key international institutions. (PLO 1a, 2a)
- CL02 : Engage in and communicate complex critical analysis of nature of international disputes and the mechanisms for their resolution. (PLO 1a, 2a, 3a, 3b)
- CL03 : Demonstrate an awareness of ethical and political as well as legal issues in the peaceful settlement of international disputes (PLO 1a, 2a, 2b)
- CL04 : Investigate and adopt appropriate research methodologies and produce written and verbally-delivered research that identifies, analyses and synthesises legal and non-legal issues impacting on the peaceful settlement of international disputes. (PLO 1b, 2b, 3a, 3b, 4)

#### Detailed Assessment Description

Assessable class participation is designed to:

- encourage preparation for class;
- encourage students to learn, think, analyse, reflect upon, and evaluate, course material **prior to covering that content in class**;
- assist students to develop the capacity to think clearly and to present oral arguments; and
- develop collaborative and group learning skills.

These criteria will be adopted for use in this course to assess student participation in each class - the extent and quality of **voluntary contributions to class discussion**.

For each session of 8 classes scheduled for this course, a mark will be given for the level of

contribution that each student makes to the learning in the class.

Students are expected to arrive at class having **read all set materials** (see the list of Required Readings on Moodle) and be prepared to discuss them in class - whether by answering questions or asking them (to extend understanding of the assigned readings, not as a substitute for doing the reading).

#### Assessment information

Class participation is assessed in every session.

#### Assignment submission Turnitin type

Not Applicable

#### Generative AI Permission Level

**No Assistance**

This assessment is designed for you to complete without the use of any generative AI. You are not permitted to use any generative AI tools, software or service to search for or generate information or answers.

For more information on Generative AI and permitted use please see [here](#).

## **Research Essay**

#### Assessment Overview

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

#### Course Learning Outcomes

- CL01 : Demonstrate high-level knowledge and understanding of the processes of the peaceful settlement of international disputes, including the practice and procedure of key international institutions. (PLO 1a, 2a)
- CL02 : Engage in and communicate complex critical analysis of nature of international disputes and the mechanisms for their resolution. (PLO 1a, 2a, 3a, 3b)
- CL03 : Demonstrate an awareness of ethical and political as well as legal issues in the peaceful settlement of international disputes (PLO 1a, 2a, 2b)
- CL04 : Investigate and adopt appropriate research methodologies and produce written and verbally-delivered research that identifies, analyses and synthesises legal and non-legal issues impacting on the peaceful settlement of international disputes. (PLO 1b, 2b, 3a, 3b, 4)

#### Detailed Assessment Description

The Research Essay assessment:

- provides considerable opportunity for students to develop critical legal thinking, for student

- reflection, and for deep learning on selected elements of the course subject matter;
- facilitates students developing independent research skills, as well as demonstrating advanced writing and comprehension ability; and
- builds skills of legal analysis and professional communication.

The Research Essay requires a close review of a specific international court or tribunal and an analysis of a jurisdictional issue presented and the reasoning behind the decision, as well as consideration of the dispute settlement strategy and broader setting of the case in international dispute settlement.

### Assessment Length

Maximum 2,500 words

### Assessment information

The Research Essay requires the student to critically analyse a **decision on jurisdiction and/or admissibility** from a recent case arising before an international court or tribunal, including to assess why the issue of jurisdiction and/or admissibility arose, and discuss how the issue of jurisdiction and/or admissibility was resolved by the court or tribunal.

To assist students in best planning their studies the assignment is **available from the beginning of term** - this facilitates students commencing this work in concert with undertaking the required reading in good time for classes. See the Moodle page for details, including the assignment document and assessment rubric.

### Assignment submission Turnitin type

This assignment is submitted through Turnitin and students do not see Turnitin similarity reports.

### Generative AI Permission Level

#### **Simple Editing Assistance**

In completing this assessment, you are permitted to use standard editing and referencing functions in the software you use to complete your assessment. These functions are described below. You must not use any functions that generate or paraphrase passages of text or other media, whether based on your own work or not.

If your Convenor has concerns that your submission contains passages of AI-generated text or media, you may be asked to account for your work. If you are unable to satisfactorily demonstrate your understanding of your submission you may be referred to UNSW Conduct & Integrity Office for investigation for academic misconduct and possible penalties.

For more information on Generative AI and permitted use please see [here](#).

Using generative AI to conduct research or to organise your argument is not prohibited but is not encouraged. We note that the output from generative AI tools is often incorrect and almost always more superficial than is required to achieve a passing grade. Moreover, any substantive errors in the assessment, such as inappropriate references or incorrect statements, will be regarded negatively by the marker, just as they would if not generated by AI.

**You should limit your use of AI to simple editorial assistance, such as standard editing and referencing functions in word processing software in the creation of your submission.**

You must not use any functions that generate or paraphrase passages of text, whether based on your own work or not. If your marker or Turnitin identify the use of generative AI in the text of your assessment submission, including the use of paraphrasing software, your assessment may be referred to the Student Integrity team for investigation.

## **Take Home Exam**

### **Assessment Overview**

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

### **Course Learning Outcomes**

- CL01 : Demonstrate high-level knowledge and understanding of the processes of the peaceful settlement of international disputes, including the practice and procedure of key international institutions. (PLO 1a, 2a)
- CL02 : Engage in and communicate complex critical analysis of nature of international disputes and the mechanisms for their resolution. (PLO 1a, 2a, 3a, 3b)
- CL03 : Demonstrate an awareness of ethical and political as well as legal issues in the peaceful settlement of international disputes (PLO 1a, 2a, 2b)
- CL04 : Investigate and adopt appropriate research methodologies and produce written and verbally-delivered research that identifies, analyses and synthesises legal and non-legal issues impacting on the peaceful settlement of international disputes. (PLO 1b, 2b, 3a, 3b, 4)

### **Detailed Assessment Description**

The focus of the Take Home Exam assessment is on students demonstrating high-level knowledge and understanding of international dispute settlement processes.

Students will be required to provide their analyses of complex problem scenarios and options presented for dispute settlement, critically analysing the legal, ethical, and political, dimensions involved.

The Take Home Exam provides further opportunity for students to reflect their research expertise and develop reflective legal thinking and deep learning.

### **Assessment Length**

Maximum 3,500 words

### **Assessment information**

Students will be required to provide their analyses of complex problem scenarios and options presented for dispute settlement, critically analysing the legal, ethical, and political, dimensions involved.

The timeframe allowed for the exam is substantially more than should be required to complete it. This longer period is allowed so that students have time to complete the take-home exam in between other commitments including other assessments, work, child care, elder care, and so on.

Instructions for the take home exam (**without the questions**) will be available earlier in the term to afford students an opportunity to peruse and consider these well ahead of when the exam is released.

### **Assignment submission Turnitin type**

This assignment is submitted through Turnitin and students do not see Turnitin similarity reports.

### **Generative AI Permission Level**

#### **Simple Editing Assistance**

In completing this assessment, you are permitted to use standard editing and referencing functions in the software you use to complete your assessment. These functions are described below. You must not use any functions that generate or paraphrase passages of text or other media, whether based on your own work or not.

If your Convenor has concerns that your submission contains passages of AI-generated text or media, you may be asked to account for your work. If you are unable to satisfactorily demonstrate your understanding of your submission you may be referred to UNSW Conduct & Integrity Office for investigation for academic misconduct and possible penalties. For more information on Generative AI and permitted use please see [here](#).

Using generative AI to conduct research or to organise your argument is not prohibited but is not encouraged. We note that the output from generative AI tools is often incorrect and almost

always more superficial than is required to achieve a passing grade. Moreover, any substantive errors in the assessment, such as inappropriate references or incorrect statements, will be regarded negatively by the marker, just as they would if not generated by AI.

**You should limit your use of AI to simple editorial assistance, such as standard editing and referencing functions in word processing software in the creation of your submission.**

You must not use any functions that generate or paraphrase passages of text, whether based on your own work or not. If your marker or Turnitin identify the use of generative AI in the text of your assessment submission, including the use of paraphrasing software, your assessment may be referred to the Student Integrity team for investigation.

## General Assessment Information

For further information on generative AI use in the Faculty of Law & Justice, please review the section titled 'Academic Honesty and Plagiarism' under the 'Other Useful Information' tab.

### Grading Basis

Standard

## Course Schedule

| Teaching Week/Module                 | Activity Type | Content  |
|--------------------------------------|---------------|--|
| Week 1 : 9 September - 15 September  | Seminar       | Topics: Introduction/Overview; History and Today's Proliferation; Negotiation and Mediation                    |
| Week 2 : 16 September - 22 September | Seminar       | Topics: Inquiry and Conciliation; Through and Within International Organisations; International Arbitration    |
| Week 3 : 23 September - 29 September | Seminar       | Topics: International Court of Justice; Dispute Settlement under UNCLOS  |
| Week 4 : 30 September - 6 October    | Seminar       | Topics: Dispute Settlement under the WTO; Investor-State Dispute Settlement; Mixed Claim Commissions           |
| Week 5 : 7 October - 13 October      | Seminar       | Topics: International Criminal Court; Human Rights Courts and Committees; International Commercial Arbitration |
| Week 8 : 28 October - 3 November     | Seminar       | Topics: The Role of Judges; Advocates, Experts, Witnesses; Third Parties and Intervention                      |
| Week 9 : 4 November - 10 November    | Seminar       | Topics: Interim Measures; Advisory Opinions; Revision, Appeal, Interpretation                                  |
| Week 10 : 11 November - 17 November  | Seminar       | Topics: Reparations; Compliance and Enforcement; Review, Reflections and Conclusion                            |

## Attendance Requirements

Please see information about attendance requirements in **Law & Justice Assessment Procedure and Student Information** located in the Other Useful Information tab in the Academic Information field.

No classes are scheduled on a public holiday.

## General Schedule Information

As indicated in the course schedule, the class will run over **8 sessions of 3 hours each**, each addressing multiple topics.

This structure of classes is intended to assist with student attention to choosing a case for their research essay, and confirming that choice in good time (see also the assessment information for this course).

## Course Resources

### Prescribed Resources

The prescribed text for this course is **Yoshifumi Tanaka, *The Peaceful Settlement of International Disputes* (Cambridge University Press, 2018)**.

The text is an essential resource for every student and is available from the UNSW Bookshop as a paperback or as a digital version. (Only very limited hard copies are available from the UNSW Library.)

In addition to the text, each class has **Required Readings**, which are available via the Leganto list on the Moodle page. These cover additional issues not covered in the text, and are also essential to a sufficient grasp of the subject matter for this course unit.

### Recommended Resources

Further Recommended Readings are also listed on Moodle, along with some online resources.

## Staff Details

| Position | Name          | Email | Location | Phone | Availability            | Equitable Learning Services Contact | Primary Contact |
|----------|---------------|-------|----------|-------|-------------------------|-------------------------------------|-----------------|
| Lecturer | Carolyn Evans |       |          |       | Contact by email please | Yes                                 | Yes             |

# Other Useful Information

## Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the [UNSW Student Code of Conduct Website](#).

## UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#). This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at [Assessment & Exam Information](#).

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact [Student Services via The Nucleus Hub](#) for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit [Handbook](#) for information.

## Academic Honesty and Plagiarism

As a student at UNSW you are expected to display [academic integrity](#) in your work and interactions. Where a student breaches the [UNSW Student Code](#) with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the [Working with Academic Integrity](#) module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

## Generative AI

Using generative AI to conduct research or to organise your argument is not prohibited but is not encouraged. We note that the output from generative AI tools is often incorrect and almost always more superficial than is required to achieve a passing grade. Moreover, any substantive errors in the assessment, such as inappropriate references or incorrect statements, will be regarded negatively by the marker, just as they would if not generated by AI. You should limit your use of AI to simple editorial assistance, such as standard editing and referencing functions in word processing software in the creation of your submission. You must not use any functions that generate or paraphrase passages of text, whether based on your own work or not. If your marker or Turnitin identify the use of generative AI in the text of your assessment submission, including the use of paraphrasing software, your assessment may be referred to the Student Integrity team for investigation. Please go to the link for further information about [referencing and acknowledging the use of artificial intelligence tools](#).

## Prohibition on use of translation apps

With limited exceptions for language study, the course of study and assessment in Australian universities must be in English (Higher Education Standard Framework (Threshold Standards) 2021 1.5 6(c)).

In Law & Justice many classes have assessable class participation. This must be in English. **Use of a translation device to assist with contributions to class discussion is not allowed.** Similar prohibitions apply to use of any other generative text app that is not specifically permitted by the class teacher. However, use of translation software to assist a student to understand material outside of class, or to assist with preparation for assessment is generally permitted.

Further considerations apply to LLB and JD students. International lawyers who seek to be admitted in NSW must satisfy an English proficiency test. That test is expressed as equivalent to IELTS scores of 7.0 -8.0 across the tests. It is assumed that UNSW graduates are at or above those levels of English proficiency. Use of translation apps can impede the attainment of that level of proficiency. Students should avoid behaviours that put them at risk of breach of legal

requirements which can have significant consequences, including potential consequences for your admission as a lawyer.

## Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#).

### Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW [Current Students](#) page.

### Feedback

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up, then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

## Faculty-specific Information

### Additional support for students

- Student support: <https://www.student.unsw.edu.au/support>
- Academic Skills and Support: <https://student.unsw.edu.au/academic-skills>
- Student Wellbeing, Health and Safety: <https://student.unsw.edu.au/wellbeing>
- Equitable Learning Services: <https://student.unsw.edu.au/els>
- UNSW IT Service Centre: <https://www.myit.unsw.edu.au>

## Course improvement

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

## School Contact Information

Please contact [Nucleus Student Hub](#) for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.