



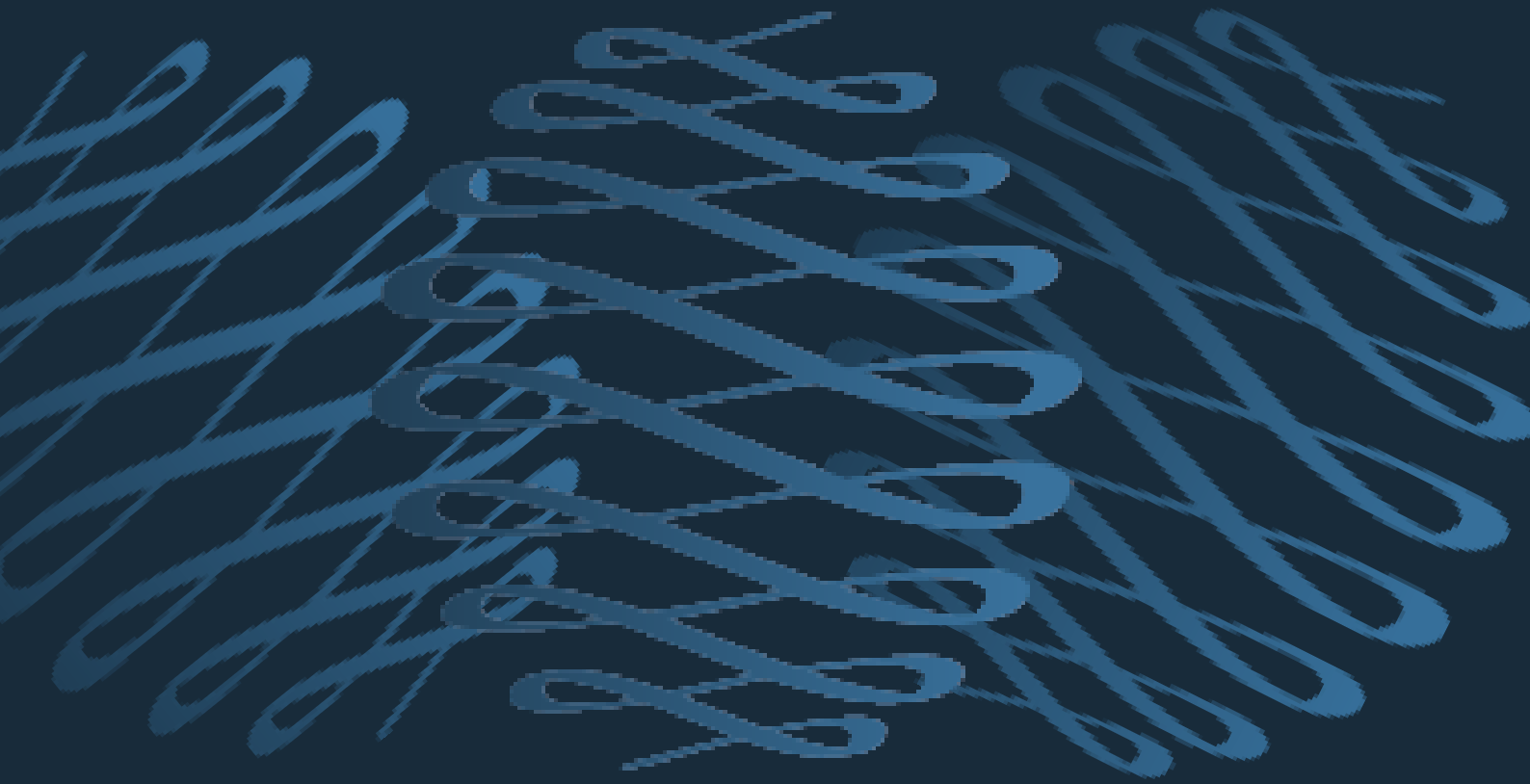
**CIDS**

GENEVA CENTER FOR  
INTERNATIONAL DISPUTE SETTLEMENT

**CIDS**

**ANNUAL REPORT**

**2023**



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## The Center

The Center for International Dispute Settlement (CIDS) was established in late 2016 as a collaborative effort between the Faculty of Law at the University of Geneva and the Graduate Institute of International and Development Studies in Geneva. Its primary objectives include providing in-depth and executive education, promoting research, and contributing to public debates and activities in the field of international dispute settlement.

Leading the CIDS is Professor Laurence Boisson de Chazournes (University of Geneva), who serves as its Director, while Mariona Cusí holds the position of MIDS Executive Director. The CIDS Council, presided over by Professor Emerita Gabrielle Kaufmann-Kohler (University of Geneva, Partner at Lévy Kaufmann-Kohler), oversees the Center's operations and is composed of several distinguished members, including His Excellency Judge Abdulqawi A. Yusuf (former President of the International Court of Justice), Professor Zachary Douglas QC (Graduate Institute), Professor Jacques de Werra (Faculty of Law, University of Geneva, Director of the Digital Law Center), Professor Joost Pauwelyn (Graduate Institute), Professor Andrea Bianchi (Graduate Institute), Lukas Siegenthaler (Sector Head for International Investments and Multinational Companies, Swiss State Secretariat for Economic Affairs (SECO)), Professor Felix Dasser (ASA President, Partner Homburger), Professor Audrey Leuba (Faculty of Law, University of Geneva), and Professor Laurence Boisson de Chazournes.

The CIDS is ultimately accountable to the Directoire, comprising representatives from the University of Geneva and the Graduate Institute, including Professors Yves Flückiger (Rector of the University of Geneva), Marie-Laure Salles (Director of the Graduate Institute), Nicolas Levrat (University of Geneva), and Mohamed Mahmoud Mohamedou (Graduate Institute).

## I. Education - The MIDS Program

The MIDS program was established in September 2008 to become the principal teaching program of the CIDS. The program is jointly organized by the Faculty of Law of the University of Geneva and the Graduate Institute of International and Development Studies, covering a wide range of international dispute settlement mechanisms, including international commercial and investment arbitration, WTO dispute settlement, mediation, proceedings before various international courts and tribunals, and legal advocacy skills. Its comprehensive coverage makes it one of the few programs worldwide that encompasses all relevant aspects of the field, recognizing the connections and similarities that exist between most methods and mechanisms of international dispute settlement.

The MIDS aims to be one of the top choices worldwide for postgraduate education in international arbitration or dispute resolution, offering full-time legal education to about 40 students annually. The program, which requires 90 ECTS credits, is designed for students who have already earned a complete law degree and are proficient in English, with most students possessing professional law experience.

The program structure is primarily elective, allowing students to pursue their specific interests in dispute settlement while ensuring that they acquire the essential knowledge of the field. The program is taught in English, with optional French courses also available.

Since its inception, the MIDS program has educated over 500 students from over 90 countries across all continents. Graduates of the program pursue careers in law firms, foreign affairs, trade or justice ministries, as legal officers in international dispute settlement institutions, international organizations, and non-governmental organizations. Some graduates also teach at various universities globally or pursue PhD studies following the MIDS.

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

### 1. Governance

- Program Director: Prof. Laurence Boisson de Chazournes
- MIDS Committee:
  - Prof. Laurence Boisson de Chazournes

- Prof. Zachary Douglas
- Prof. Jacques de Werra (since June 2022)
- Prof. Marcelo Kohen (until September 2022)
- Prof. Joost Pauwelyn (since October 2022)
- Executive Director: Ms. Mariona Cusí
- Program Coordinator: Ms. Christine Taets (until August 2023)
- Academic and Educational Technology Manager: Ms. Callie Cunningham (Academic Program Manager since August 2023)
- Junior Administrative Assistant: Ms. Pylyka Bun Sodany
- Administrative Assistant: Ms. Nolwenn Marchaland (since November 2023)
- Lecturers:
  - Dr. Lorenzo Palestini
  - Dr. Alfredo Crosato (until July 2023)
  - Dr. Rukmini Das (from September 2023)

## 2. Curriculum

The program is composed of the following core components:

- Two semester-long **General Courses**, providing the framework for the courses taught in the program and a comprehensive overview of international dispute settlement. During the first semester, the General Course focuses on the following:
  - The core questions of the organization of international arbitration, both commercial and investment, and tools to critically assess its normative and institutional framework. In this regard, the course focuses on the following topics:
    - Institutional and normative environment of international arbitration;
    - Consenting to commercial arbitration, including arbitrability and the separability of the arbitration agreement;
    - Consenting to investment arbitration, with a focus on the core requirements of having a qualifying investor and investment;

- Arbitrator selection and duties;
  - The powers of the arbitral tribunal, with a focus on interim measures; and
  - Annulment and recognition/enforcement of the arbitration award.
- The main characteristics of the diplomatic and judicial mechanisms tasked with resolving disputes that involve at least one State. Topics covered during this part of the course include:
    - Matters of jurisdiction and admissibility as well as substantive law issues (*inter alia*, State responsibility, sovereignty issues);
    - The International Court of Justice, inter-state arbitration, the WTO dispute settlement mechanism and other devices such as those established in regional trade agreements or referred to in the United Nations Convention on the Law of the Sea (UNCLOS); and
    - Issues arising from the multiplication of disputes and dispute settlement mechanisms.

During the second semester, the General Course focuses on international legal proceedings, with particular emphasis on:

- The arbitral proceedings, in particular by encouraging students to appraise critically both conceptual and pragmatic aspects of the proceedings, with focus on the following topics:
  - The arbitration agreement in commercial arbitration: governing law and questions of extension and incorporation by reference;
  - The arbitration agreement in investment arbitration: formation, governing law and the impact of EU law on its validity;
  - The distinction between jurisdiction and admissibility: the case of shareholder claims in investment arbitration;
  - Jurisdiction, admissibility, merits: contract and treaty claims in investment arbitration;
  - Public policy in commercial and investment arbitration: corruption, fraud and the plea of illegality; and
  - After the decision: sovereign immunity and arbitration.
- Focus during the spring semester's public part of the General Course is given to proceedings before the ICJ and other dispute settlement mechanisms. Building on what the students learned in the first semester in relation notably to jurisdiction and admissibility, the spring semester's course also addresses a number of incidental

proceedings, applicable law (including the sources of international law) and evidence, and lastly, addresses the end of the dispute settlement process and post-adjudication phases.

This part of the General Course was taught by Professor Mamadou Hebié for the 2022-2023 academic year.

- Two semester-long **Tutorials**, focusing on the topics and outlines taught during the General Courses. Tutorials take the form of weekly interactions between one of the MIDS lecturers and a group of 10 students. Tutorials serve two different purposes:
  - To provide students with an opportunity to revisit and further delve into the key concepts addressed in the general course; and
  - To discuss different research papers that will have been prepared in advance by a different student and presented during each tutorial session.

Students are expected to participate actively during tutorials, not only in the discussions of the issues covered by the general courses, but also on the research papers presented by their classmates.

- 12 to 14 **Intensive Courses** that vary from year to year and are taught by visiting professors. Each course consists of nine hours of class, spread over two or 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. Students are offered 12 to 14 courses out of which the requirement is to take 8, the average number of courses followed by a MIDS student being 10.

During the 2023 civil year, the following courses were offered:

- The PCA and its Contribution to the Evolution of International Dispute Settlement with Brooks Daly  
While arbitration is most often thought of as an alternative to litigation in national courts, the PCA was founded in 1899 to provide an alternative to war. From its beginnings in the settlement of inter-state disputes to its diverse modern activity, this course examines how the PCA has contributed to, and been transformed by, the dispute settlement needs of the international community.
- WTO Dispute Settlement with Gabrielle Marceau  
This course focuses on how the dispute settlement mechanism of the WTO operates from a legal, political and diplomatic perspective. In reviewing the procedural steps of

actual disputes, including the use of experts, the retaliation stage, together with alternative means of settling disputes, the students are able to better understand how States and other international actors can address international economic tensions resulting from societal choices, while pursuing the WTO goals of both fighting illegitimate protectionism and protecting legitimate public policy objectives. It also helps understand the context of the suspension of the Appellate Body's activities and the calls for specific or general reforms in the WTO, and its dispute settlement system.

- Reform of Investor-State Dispute Settlement with Gabrielle Kaufmann-Kohler  
At the same time as it grew exponentially, investment arbitration started attracting increasingly vocal criticism especially about the lack of transparency, consistency and legitimacy. This course seeks to understand where investment arbitration comes from, what the profound reasons for the current critiques and concerns are, and why they are raised now. It then focuses on the reform initiatives that are presently ongoing, be it through treaty drafting, rules amendments by institutions, such as ICSID, and most importantly through the UNCITRAL reform process. Should investment arbitration be abolished in favor of national courts, or mediation? Should it be replaced by an investment court? Or supplemented by a permanent appellate mechanism? Should it be simply improved? How? Answering these questions will allow to reflect on the purpose of international dispute settlement and on how to design a workable and fair justice system.
- International Arbitration in Latin America with Eduardo Silva Romero  
The increasing number of arbitrations involving Latin American parties has raised many important issues in respect of the development and clarification of investment and commercial arbitration. This course identifies the specificities and similarities of arbitration in Latin America compared to the general transnational trends, and intends to show international arbitration from a different standpoint.
- Fundamentals of Investment Treaty Arbitration with Georgios Petrochilos:  
This nine-hour foundational course covers the following: 1) Who is entitled to bring an investment-treaty claim, against whom, and in respect of what types of claims/counterclaims; 2) The main arbitral fora in which such claims can be brought; and the considerations to take into account in selecting or opposing a forum; 3) Obstacles to the admissibility of claims and counterclaims; and 4) The principal causes of action in investment-treaty claims (expropriation, fair and equitable treatment, full protection and security, discrimination, MFN).



- International Courts and Tribunals and Provisional Measures with Marcelo Kohen  
Provisional measures raise several difficult questions for the judges and arbitrators having to decide on their request. This is true not only with regard to the conditions to be met in order to indicate them, but also with regard to the impact the decision may have in the following steps of the procedure (jurisdiction, merits). This intensive course critically assesses the case law of inter-state courts and tribunals as well as that of investor-states arbitration.
- Contract Law in International Commercial Arbitration with Patricia Saiz  
Every dispute that gives rise to a commercial arbitration arises out of a contract and calls for the tribunal to apply and interpret such contract. How do arbitrators deal with contract issues? Taught by an experienced arbitration practitioner, member of the ICC International Court of Arbitration and professor of international commercial and investment arbitration, this course reviews topics that are recurrent before arbitral tribunals, including interpretation, default and termination, liability, waivers and limitations to liability, force majeure and changed circumstances, and damages.
- International Commercial Arbitration in the UK with Stavros Brekoulakis  
London has been traditionally one of the most important, and arguably the most popular, arbitration centre worldwide, with more than 5,000 arbitration cases being recorded annually. This course examines the fundamental theoretical concepts and legal framework for international commercial arbitration in the UK. While attention is focused on UK arbitration law and practice, discussion includes comparative references to other major arbitration jurisdictions as well as international arbitration instruments, including the 1958 New York Convention, and arbitration rules of the major arbitration institutions.
- French Law in International Arbitration: Law, practice and annulment of international arbitral awards with Maximin de Fontmichel  
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. As French arbitration law still inspires new legal frameworks and is being used by practitioners throughout the world, this course introduces the students to that French heritage, from the rules governing the arbitral agreement to the rules applicable to

the arbitral award, and discusses today's international commercial arbitration law and practice in France.

- EU Law and International Arbitration with George Bermann

For some time, the European Union and International Arbitration legal orders enjoyed a peaceful coexistence, each operating in its own sphere and according to its own "first principles." That has radically changed over the last decade or so. The difficulties began with the so-called intra-EU bilateral investment treaties which the EU came to view as interfering with the "autonomy" of EU law, as defined by the EU. Although the intra-EU BITS are on the road to dissolution, there remain related issues under both the Energy Charter Treaty and the ICSID Convention. More generally, the notion of "EU public policy" has grown to the point that it now is challenging international arbitration, both commercial and investment. Other areas of conflict, such as the compatibility with EU law of judicial and arbitral "anti-suit" injunctions, have arisen. Finally, the EU is playing a leading role in the reform of the international investment law and arbitration architecture, championing in particular the creation of a "multilateral investment court," a proposal that many countries around the world disfavor. With the Lisbon Treaty, amending the governing treaties of the EU, the EU has acquired exclusive competence, vis-a-vis the Member States over the field of investor protection, and a whole new generation of international investment agreements, starting with the CETA Agreement with Canada, is entering into force. These treaties clearly reflect the EU's vision of what the investment law and arbitration picture should look like going forward. The course covers all these aspects -- and others -- of the European Union/international arbitration interface.

- ICC Arbitration with Alexander Fessas

The International Court of Arbitration is the world's most preferred arbitral institution. Its unique set of rules and practices have been applied to more than 27,000 disputes since 1923. Students taking ICC Arbitration are offered a practical overview of the ICC arbitration process and its specificities. This course runs for 18 hours, and culminates in a two-day visit at the ICC headquarters in Paris.

- The Arbitration Agreement in International Commercial Arbitration with Sébastien Besson

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.

- The New York Convention of 1958 with Albert Jan van den Berg

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 course obtain a unique insight into the application of the Convention and into the great challenges it faces to keep current with the world of arbitration as it has evolved since 1958. See also his website: [www.newyorkconvention.org](http://www.newyorkconvention.org)

- Ethics in International Arbitration with Catherine Rogers

This course explores the professional obligations of the primary participants in international arbitration—arbitrators, lawyers, experts, institutions, tribunal secretaries, and third-party funders. Despite international arbitration’s impressive growth and obvious maturation in recent years, many unanswered questions remain about the applicable ethical duties and professional conduct of these participants in arbitral processes. During this highly interactive course, students develop practical, conceptual, and theoretical frameworks for resolving ethical questions that arise in their practice, and an ability to anticipate the conduct-related issues that may affect their clients’ rights and their professional obligations.

- At least two semester-long **optional courses**. Students are given the option to select from a list of international law related courses offered in the regular program curricula of the Graduate Institute and the Faculty of Law of the University of Geneva. The MIDS further guides and helps students through the registration formalities in place both at IHEID and UNIGE and liaises with the relevant administration or course professor as required.
- A series of clinical **workshops**, with the objective of giving students hands-on training designed to develop practical skills necessary for the practice of international dispute settlement. Workshops offered focus on legal writing skills, commercial mediation, financial damage analysis, and arbitration and witness examination advocacy.
- An **academic retreat** where students participate in a commercial arbitration moot exercise for two days, culminating in hearings before an arbitral tribunal consisting of practitioners in the field of international arbitration. The primary objective of this exercise is to enhance skills in

analyzing facts and evidence, constructing legal arguments, developing strategies, practicing oral advocacy, and collaborating effectively in a time-constrained, high-pressure environment.

- **Seminars** organized by the MIDS on new developments in international dispute settlement and on the work of key international organizations and arbitral institutions.
- **Lectures** with well-known academics and practitioners. These lectures are organized by the CIDS and open to the public. They usually gather a large number of students, practitioners, and academics from Switzerland and France.
- Students need to attend one or two **conferences** organized by external actors on topics related to international dispute settlement. These conferences are held in Switzerland or abroad, and students are given a choice to select from various options. Some of the conferences that are usually offered as part of the MIDS program include: ASA conferences, BIICL Investment Treaty Forum and WTO conferences, ICC Annual Meetings, Milan Chamber of Arbitration Annual Conference, and the University of Neuchâtel conference, among others. The MIDS organizes all travel, accommodation and logistics related to its students' participation in these conferences.
- **Site visits** to dispute settlement institutions in Paris, The Hague, and Geneva. Travel, accommodation and logistics are all covered and organized by the MIDS for its students.
- A master's **thesis** presenting an original argument that is well substantiated. The thesis is due the first week of August of each academic year. Students are able to choose their supervisors amongst the faculty members of the MIDS and count with the support of the MIDS Lecturers throughout the preparation period.

A fulfilling educational journey encompasses more than just academic knowledge. It also requires a conducive environment, friends to share experiences and perspectives with, as well as opportunities to enjoy a year away from work obligations. It is also crucial for students to establish connections for their future endeavors. To fulfill these requirements, MIDS organizes various **social events**, including welcome and farewell cocktails. These gatherings are attended by significant personalities from the international dispute settlement community in Geneva, which additionally facilitates networking opportunities.

### *MIDS Online Section*

With its Online Section, the MIDS sought not only to respond to the needs brought by the Covid-19 pandemic, but also to be at the forefront of the educational offering in the field of international dispute settlement.

The curriculum of the Online Section is similar to the traditional program in residence. Only its pedagogy was adapted to incorporate innovative teaching formats and technologies inspired by the best practices developed in recent years, in order to adapt to the specificities of distance learning. Online students had access to carefully edited recordings of courses taking place in Geneva, as well as separate sessions organized with each of the professors remotely to facilitate discussions and enhance learning opportunities. For some workshops, seminars as well as the academic retreat, the online students benefited from fully separate and carefully designed programs.

However, the MIDS was designed for maximum efficiency and results with in person participation. As per the CIDS decision taken the previous year, the 2022-2023 academic year was the last to offer students the possibility to undertake the MIDS remotely.

The students taking the MIDS online were in their second year during the 2022-2023 program.

### 3. Academic years in 2023

#### Academic year 2022-2023 – Spring semester:

The MIDS conducted the academic year in a hybrid manner (in person for students admitted on-campus and remotely for students admitted to the second year of the Online Program).

#### *Students*

##### **On-campus students:**

August Adamowicz (Poland)

Sashia Diandra Anindita (Indonesia)

Aparna N (India)

Christopher Awodimila (Nigeria)

Naranzaya Batdulam (Mongolia)

Nicolo Filippo Bertolo (Italy)

Quentin Chadanian (France)

Pragya Choudhary (India)

Mario Drago (Peru)

Luigi Gasparrelli (Italy)

Adam Geele (UK, Somalia)

Elizabeth Jane Hackney (Australia)

Henry Ho (UK)

Laura Jaroslavsky Consoli (Argentina)

Gabriele Miscia (Italy)

Moein Naderi (Iran)

Escipion Oliveira (Dominican Republic,  
Belgium)

Ana Karina Parra (Ecuador)

João Marcos Piovezan (Brazil)

Sneha Poddar (India)

Lakshana R (India)

Shaurya Rai (India)

Anooksha Ratra (India)

Gabriela Rodriguez Gonzalez (Paraguay)

Sanskriti Sharma (India)

Alefiyah Shipchandler (India)

Aditya Suresh (India)

Trishna Menon (India)	Arianna Arce (Costa Rica)
Khaterine Michel Tecson (Philippines)	Won-Youb Choi (Republic of Korea)
Evgeny Voronin (Russia)	Adnan Jaafar (Egypt)
Siming Wang (China)	Vahid Rezadoost (Iran)
Malgorzata Zukrowska (Poland)	Luis Miguel Soares (Portugal)
<b>Online students (second year):</b>	Tadas Varapnickas (Lithuania)

### *Courses and activities:*

During the 2022-2023 spring semester, students followed the **general course** with professors Zachary Douglas and Mamadou Hebié, who taught the private and public part of that course respectively. Lorenzo Palestini and Alfredo Crosato were in charge of the **tutorials** during the semester.

The following **intensive courses** took place during the second half of the 2022-2023 MIDS academic year:

- Contract Law in International Commercial Arbitration with Patricia Saiz
- The PCA and its Contribution to the Evolution of International Dispute Settlement with Brooks Daly
- WTO Dispute Settlement with Gabrielle Marceau
- Reform of Investor-State Dispute Settlement with Gabrielle Kaufmann-Kohler
- French Law on International Commercial Arbitration with Maximin de Fontmichel
- EU Law and International Arbitration with George Bermann
- International Arbitration in Latin America with Eduardo Silva Romero
- Fundamentals of Investment Treaty Arbitration with Georgios Petrochilos
- International Commercial Arbitration in the UK with Stavros Brekoulakis
- International Courts and Tribunals and Provisional Measures with Marcelo Kohen

All courses were organized in person in Geneva. The courses were recorded and the material was then prepared for online students. Separate and remote sessions with each of the professors were organized for the online students.

Out of the courses offered by the Graduate Institute and the Faculty of Law of the University of Geneva, the MIDS students chose to pursue the following **optional courses**:

- Current Issues of International Law Through the Case Law of International Courts with Makane Moïse Mbengue (UNIGE);

- Internet, Technology and International Law with Thomas Schultz (IHEID);
- International Investment Law with Dolores Bentolila, Michele Potestà and Nathalie Bernasconi (IHEID);
- International Intellectual Property Law with Jacques de Werra (UNIGE).

Several of the MIDS **workshops** for the 2022-2023 academic year were organized during the spring semester. In particular, the students benefitted of the following workshops during this period:

- Mediation Workshop with Brigit Sambeth (20-22 February 2023):  
Brigit Sambeth took students through the nuts and bolts of mediation: When should parties settle? When are they ready to do so? How to bring them to a settlement through a facilitated interest based negotiation? What is the context and how does the mediation process unfold? These are some of the key questions in mediation; they require special skills, which are too often ignored by counsel and arbitrators alike, much to the detriment of the parties.
- FIAA workshop (14 and 15 April 2023):  
Through a combination of lectures, demonstrations, and, most importantly, small group learning-by-doing exercises, MIDS students had a unique opportunity to learn and put into practice critically important advocacy skills and techniques, with the objective of improving their oral advocacy skills, with particular focus on witness examination in international arbitration. The workshop was led by David Roney with the help of well-known practitioners in the field:
  - o Robert Colvin, Freshfields Bruckhaus Deringer LLP (London)
  - o Marc-Olivier Langlois, King & Spalding LLP (Paris)
  - o Mounia Larbaoui, White & Case LLP (Paris)
  - o Anusha Madhusudhan, Aarna Law (Dublin)
  - o Matei Purice, Freshfields Bruckhaus Deringer LLP (Paris and Dubai)
  - o Kabir Bhalla, King & Spalding (London)

To make this workshop possible, the MIDS organized the travel for all faculty members and organized coffee breaks, lunches and networking dinners with the faculty and students participating in the workshop.

As part of their curriculum at the MIDS, students also benefited from a visit and session with WIPO's Arbitration and Mediation Center (17 February 2023), a visit and session at the WTO (27 April 2023), as well as the following **seminars**:

- A Q&A session with star arbitrator Felix Dasser was organized in Geneva for students and was followed by a cocktail where students had the opportunity to further engage in informal discussions with the speaker. The event took place on 28 February 2023.
- A seminar on the “Statute of the Administrative Tribunal” with Pablo Sandonato (2 March 2023).
- MIDS – LALIVE Training Seminar on 26 April 2023. Hosted by the law firm, this session includes a practical training seminar on international arbitration, with a particular focus on commercial arbitration. Through this half-day seminar, LALIVE’s lawyers, including partner and counsel, provide the students with not only practical training, but also their views and advice, based on their first-hand experience. The training was followed by a cocktail offered by the firm.

The MIDS also organized its traditional **study trip** to The Hague on 8 to 10 March 2023. The trip included sessions at the ICJ and the PCA, as well as an official visit of the Peace Palace. H.E. Judge Yusuf was present to lead the session at the ICJ and answer questions from the students. Students were also welcomed at the Iran-US Claims Tribunal by its President, Professor Nicholas Michel and benefited from a session with several staff members of the Tribunal. To promote networking and closer relations between current and former students, the MIDS organized a cocktail at a local café.

Students were also able to attend **external conferences**. In this regard, MIDS students had the opportunity to attend the Thirty Ninth International Trade Forum Public Conference on “Energy Disputes in ISDS” in London on 21 April.

The MIDS further organized **social events** throughout the academic year. For the spring semester, students were able to benefit from the following:

- o Dinner at the invitation of Prof. Boisson de Chazournes on 5 May; and
- o MIDS end-of-year and cocktail party on 12 June. For this event, the MIDS rented out a food truck that was then parked in front of the Villa Moynier for the exclusive use of the MIDS students and faculty members in attendance.

## **Academic year 2022-2023 – Fall semester:**

### *Students*

Ritika AJITSARIA (India)

Smriti BHASKAR (India)

Juan Felipe BAENE LOMBANA (Colombia)

Luis Eduardo BRUGAL BRAVO (Dominican Republic)

Jan Aleksander BALDYGA (Poland)

Batuhan BETIN (Switzerland, Turkey)

Daniela CARVALHO MEIRA (Brazil)



Juan Andrés CASTILLO LÜCHAU (Colombia,  
Germany)

Letizia CECCARELLI (Italy)

Amelia Kate CINA (New Zealand)

Mrinalika DEVARAPALLI (India)

Kiai Lusweti GACHANJA (Kenya)

Robin GROVER (India)

Hardik JAIN (India)

Elif KAPISIZ (Turkey)

Aastha KAUSHAL (India)

Sameep KHANAL (Nepal)

Zhijie LIAO (China)

Anushree MALAVIYA (India)

Mario René MÉRIDA PICHARDO (Guatemala)

Saniya MIRANI (India)

Clara Ingrid Angelika MÜLLER (Germany)

Chandana MURALI (India)

Bianca Isabella ORTIZ (Philippines)

Ulucan ÖZTÜRK (Turkey)

Siddhi Vijaykumar PARADKAR (India)

Yuliia PAVLOVA (Ukraine)

Quentin Daniel PITHOIS (France)

Luis Enrique SERRANO NIKOLAUS (Paraguay)

Yash Shrirang SHIRALKAR (India)

Emma SHTEGMAN (Russia)

Parmeet SINGH (India)

Meher TANDON (India)

María Rosario TEJADA (Argentina)

Queralt VIDAL SALA (Spain)

Huan ZHANG (China)

### Courses and activities:

During the 2023-2024 autumn semester, students followed the **General Course** with professors Laurence Boisson de Chazournes and Thomas Schultz, who taught the public and private part of that course respectively. Lorenzo Palestini and Rukmini Das were in charge of the **tutorials** during the semester.

As part of the public part of the General Course, the MIDS also organized two seminars for the students:

- Seminar on Dispute Settlement Under UNCLOS and Jurisdiction Ratione Materiae with Prof. Tullio Treves (30 October 2023); and
- Seminar on WTO Dispute Settlement Fundamentals with Makane Moïse Mbengue (20 November 2023).

The following **intensive courses** took place during the first half of the 2023-2024 MIDS academic year:

- ICC Arbitration with Alexander Fessas (Geneva, 11-13 October 2023 and Paris, 6-7 December 2023). The first half of the course took place in Geneva. For the second half, the MIDS organized a study trip to Paris, where students had the opportunity to meet with members of

the ICC secretariat for a full day of presentations and discussions at the ICC headquarters. During the second day of the trip, under the leadership of Pierre Tercier, students went to the offices of Bredin Prat, where several senior members of the law firm and other colleagues from other renowned Paris firms interacted with them and organized discussions on the topic of this intensive course. Speakers for both days included the following:

- Eleonore Toupart, Counsel, ICC International Court of Arbitration
- Sophie Varenne, Deputy Counsel, ICC International Court of Arbitration
- Greg Lourie, Counsel, ICC International Court of Arbitration
- Nicole Knebel, Deputy Counsel, ICC International Court of Arbitration
- Colleen Parker Bacquet, Counsel, ICC International Court of Arbitration
- Margarita Chatzi, Deputy Counsel, ICC International Court of Arbitration
- Ana Serra e Moura, Deputy Secretary General, ICC International Court of Arbitration; Director, ICC Dispute Resolution Services
- Marily Paralika, Partner, Fieldfisher
- Maximin de Fontmichel, Director, Master in International Arbitration and Business Law, University of Versailles-Paris Saclay
- Eduardo Silva Romero, Founding Partner, Wordstone Dispute Resolution
- Nadia Darwazeh, Managing Partner, Clyde & Co
- Tim Portwood, Partner, Bredin Prat
- Laura Fadlallah, Partner, Bredin Prat
- Giulia Carbone, Counsel, Bredin Prat
- Raed Fathallah, Partner, Bredin Prat
- Maria Kiskashi, Associate, Bredin Prat
- Roland Ziade, Partner, Global Co-Head of International Arbitration, Paris / Middle East, Linklaters
- Yves Derains, Founding Partner, Derains & Gharavi International

The MIDS further organized a dinner at a local restaurant in Paris with the different speakers and all the students to allow for further discussions and networking opportunities.

- The Arbitration Agreement in International Commercial Arbitration with Sébastien Besson (15-17 November 2023).
- Ethics in International Arbitration with Catherine Rogers (22-13 November 2023).
- The New York Convention of 1958 with Albert Jan van den Berg (19-20 December 2023).

From the courses available at the Graduate Institute and the Faculty of Law of UNIGE, the students selected the following **optional courses** during their first semester at the MIDS:

- International Environmental Law with Anne Saab (IHEID);
- WTO Law and Practice with Gabrielle Marceau (UNIGE);
- International Commercial Litigation with Gian Paolo Romano (UNIGE);
- International Trade Law with Joost Pauwelyn (IHEID);
- TradeLab International Economic Law & Development Clinic with Colette Van Der Ven and Scott Andersen (IHEID);
- Regulating the Internet with Neha Mishra (IHEID);
- Comparative Methodology: Contract Law with Thomas Kadner (UNIGE);
- International Arbitration with Thomas Schultz (UNIGE);
- Foundations of International Law with Zachary Douglas (IHEID);

During the first semester of the 2023-2024 program, MIDS students also participated in several workshops, seminars and other academic activities. In this regard, the semester included the following additional courses that were part of the MIDS curriculum:

- **Workshops:**

- o Legal Writing Workshop with David Roney and Tanya Landon (2 November and 1 December 2023)

During this workshop, students discussed the legal drafting process in international arbitration with a special emphasis on written advocacy and persuasion. The course also included practical exercises and individualized feedback on the legal submissions drafted as part of the workshop.

- o Financial Damage Analysis with Geoffrey Senogles (24-26 October 2023)

Any lawyer working in arbitration will undoubtedly have to deal with matters of quantum. For some, this can be a real challenge: critically reviewing your own expert's draft report; understanding the methodologies and findings of the other side's expert; planning cross-examination; advising your client on potential strengths and weaknesses in financial claims or defenses. The goal of this workshop was to provide students with an insight into the work of a financial expert witness and give them the tools to better understand and deal with matters of quantum in international arbitration.

- o Academic Research and Writing workshop with Lorenzo Palestini and Rukmini Das (20 October 2023)

The workshop offered practical insights for all written components of the MIDS curriculum, including the general course exams, research papers and the LL.M. thesis. The workshop relies on specific writing samples and includes short in-class exercises. The topics of avoiding plagiarism and using proper citation techniques will also be covered.

- **Additional seminars:**

- o ASA Seminar on Careers and Networking (19 October 2023).

This seminar focused on careers and career perspectives in international arbitration institutions such as ASA, as well as on how to effectively network at events.

- o MLL Seminar – MIDS Career Talk (1 November 2023).

Hosted by MLL, this seminar featured several MIDS alumni from different co-horts currently based in Geneva or close-by. The alumni presented on their careers after the MIDS, the challenges faced and were available to speak candidly with the students on challenges ahead and opportunities to grasp during and after the MIDS.

- o Schellenberg Wittmer Seminar with Sebastian Coulon Bauer, Anna Kozmenko, Quentin Chadanian and Veronica Bulatova (29 November 2023).

This seminar focused on the practical aspects of working with experts and witnesses in international arbitration. Schellenberg's lawyers also shared real-life experiences and provided the students with practical insights and actionable takeaways for the life after the MIDS. The session was followed by a cocktail that was also attended by other lawyers in the firm with a view of providing an additional networking opportunity to the MIDS students.

- o ASA Seminar on Swiss Arbitration Procedures (4 December 2023)

- **Academic Retreat:**

The Retreat took place at the Château de Bossey on 13-14 December 2023 and was led by Michele Potestà with the support of the MIDS staff. Over these two days, students undertook a moot exercise aimed at developing their skills in analyzing facts and evidence, building a strategy and legal arguments, as well as practicing oral advocacy skills within limited time and pressure evocative of reality. Divided into different small teams, each team worked together with a MIDS coach to prepare the oral arguments they would then present before an arbitral tribunal on the afternoon of the second day. The arbitrators present for the four different mock hearings, held on the second day of the Retreat, included:

- Bernd Ehle – Partner, LALIVE
- Joachim Knoll – Partner, LALIVE
- Lukas Innerebner – Legal Counsel, the Swiss Arbitration Association
- Dr. James F. Reardon – Senior Associate, MLL Meyerlustenberger Lachenal Froriep SA
- Tanya Landon – Partner, Sidley Austin LLP
- Giulio Palermo – Partner, Archipel
- Maria de la Colina – Of Counsel, Guglielmino Derecho Internacional
- Claudia Baró Huelmo – Senior Associate, Withersworldwide
- Zelda Hunter – Partner, White & Case
- Vanessa Liborio – Partner and Co-Leader of the Geneva office, Orrick
- Vanessa Alarcon Duvanel – Counsel, King & Spalding
- Sebastian Wuschka – Of Counsel, Luther

In addition, the MIDS also organized and hosted several public **lectures** and **social events**. In particular, the MIDS organized the following:

- A welcome day for new students on 18 September 2023: the MIDS staff welcomed the students at the Villa Moynier and held an information session to discuss the program, life at the MIDS and relevant regulations and logistics for a successful start and enjoyment of the program. The students then enjoyed a brown-bag lunch with the staff and a member of the MIDS Alumni Association, who was also present to welcome them and introduce them to the MIDS Community.
- A visit to the IHEID and UNIGE libraries on 25 September 2023.
- The MIDS Graduation Ceremony for the 2022-2023 program on 21 September 2023. The ceremony, attended by the previous year's students, their families, as well as the new students, was followed by a cocktail at the Terrasse de la Paix.
- MIDS Lecture on "Impartiality and the Construction of Trust in Investor-State Dispute Settlement, with Stavros Brekoulakis (22 November 2023).
- The MIDS traditional dinner with the students to celebrate the tradition of the Escalade at a local fondue restaurant (18 December 2023).

Upon their arrival to the MIDS in September 2023, the students were also able to choose which **external conferences** they would like to participate in as part of their MIDS curriculum. During the autumn semester, students were able to attend the following conferences:

- ICC Arbitration Conference on “Damages in Arbitration and their Quantification” (Geneva, 14 September 2023);
- ASA Town Hall on “Conflicts of Interest and Disclosure” (Bern, 29 September 2023);
- ASA below 40 – Fall Seminar on “ASA below 40 is Global” (Zurich, 27 October 2023);
- London British Institute of International and Comparative Law (BIICL) “40<sup>th</sup> ITF Public Conference: Territory in International Investment Law” (London, 10 November 2023);
- Milan Chamber of Arbitration Annual Conference on “Economics in Arbitration” (Milan, 24 November 2023); and
- 43<sup>rd</sup> ICC Institute of World Business Law Annual Conference on “Good Faith in International Arbitration: A Versatile Chameleon” (Paris, 28 November 2023).

## 4. Career services

### Career services overview

In addition to organizing the program and supporting its students throughout their time in Geneva, the MIDS also supports its students in landing a job or an internship after completing the program. The MIDS career services are designed to help students to successfully enter the international dispute settlement market, whether it be in an international law firm, arbitral institution, international organization, international court, or company.

Career services start from day one and accompany students throughout their studies. The MIDS provides workshops and individual meetings with its Executive Director and Career Advisor, Mariona Cusí, on career planning, assistance with drafting CVs and cover letters, professional development of social media presence, networking skills coaching, mock interviews, and after-interview debriefing sessions. These individual meetings are scheduled at the request of students throughout the academic year and their time as MIDS students.

MIDS students are introduced to the career services on presentation day and have an individual meeting with the MIDS staff during their first week to discuss their expectations for the program and their career prospects after the MIDS. This helps the MIDS staff better understand each student's career goals and develop an individual approach for career counseling and training sessions.

In addition, the MIDS also organizes a workshop on drafting CVs and cover letters, professional social media presence, networking skills, job interviews, and strategic career planning. On 5 October 2023, Thomás Navarro Blakemore and Mariona Cusí conducted the career services workshop for the 2023-2024 academic year.

During the program, the MIDS shares with its students relevant job and internship opportunities. For key partners and selected law firms, the MIDS also liaises with the selection committees, including to further provide insight on its students and promote the recruitment of MIDS candidates that fit the desired profile. On average, around 80% of each year's students are offered a job or an internship opportunity after the MIDS.

Throughout the MIDS academic year, students also have access to numerous networking events where they can apply the skills acquired through MIDS workshops and individual career counseling and training sessions. MIDS staff also accompany students to the external conferences offered as part of the curriculum and are available to help students meet and network with other participants.

The MIDS Career Advisor also follows up with recent graduates to further assist them achieve their career objectives, when required. In this regard, the MIDS continues to share interesting job opportunities with its recent graduates when partner or known law firms, institutions and international organization get in touch to hire specific profiles or a MIDS graduate.

### **Internships part of the MIDS curriculum**

The MIDS offers the possibility to substitute one optional course in its mandatory curriculum with an internship experience at a law firm and/or an institution working on international dispute settlement during the year following the students' MIDS course work. Students that choose to pursue this option are supported by the MIDS staff, who will not only offer linked career advice, but also support the students in the administration steps required to renew their student status and residency permit. Should the internship take place abroad, the MIDS also guides the students in the creation, signature and follow-up involved in a convention de stages, as well as visa procedures and OCPM procedures when leaving Switzerland.

### **MIDS mentoring program**

In 2023, the MIDS continued its Mentorship Program, offering students the possibility to be paired with a mentor from a pool of recent alumni. This program aims at providing students with academic and career guidance and has been highly appreciated by both mentors and mentees. In this regard, the MIDS career advisor worked with the MIDS Alumni Association to select the mentors amongst MIDS recent graduates and match them to current students interested in the mentorship program.

## 5. Student support

The MIDS program offers tailored support to its students from their admission until their successful graduation of the program.

Admitted students are supported by the MIDS staff throughout the admission and scholarship allocation process. In addition, upon receiving the admission letter, the MIDS offers a comprehensive welcome guide to incoming students, which includes essential information such as program details, preparation for arrival in Geneva, visa and residency permit requirements, accommodation options (with priority allocation for a limited number of MIDS students at selected student residences), health insurance requirements, and a to-do list for a smooth transition into the program. Additionally, the welcome guide provides students with a list of suggested summer readings for those who wish to refresh their knowledge of public or private international law before the start of the academic year.

At the beginning of the program in September, students receive a tailored course guide for that particular academic year. The course guide includes detailed information on the following issues:

- Curriculum requirements;
- Schedules and academic calendar;
- Detailed information on the different courses and activities offered at the MIDS;
- MIDS procedures and policies;
- A first overview on job and internship opportunities;
- Student services;
- IT and facilities;
- Other requirements and advice for newcomers in Geneva; and
- Important contacts during their stay in Geneva.

To further assist students, the MIDS staff prepares welcome gifts (i.e. umbrella, water bottle, lanyard, and cloth bag), individual business cards, name tags for use in class, and the relevant student cards for UNIGE and IHEID. Students have access to IHEID and UNIGE platforms and IT services, as well as the MIDS Moodle Platform. The staff manages the MIDS calendar, which includes all relevant information related to MIDS courses, such as course times, venues, deadlines, and reading materials.

Furthermore, the MIDS provides an individual follow-up with students on their thesis, tutorial research papers, and academic advice by the MIDS Lecturers. The Lecturers also organize mock exams for the General Course and review sessions to help students prepare for the upcoming exams. In 2023, these review sessions took place in December.



## 6. Alumni

The alumni are at the core of the MIDS reputation and success story. The MIDS has trained over 530 students representing over 90 nationalities, of which an average of over 60% originate from emerging and developing countries. Now working all over the world in law firms, international arbitral institutions and tribunals, international organizations, governments, universities and companies, these alumni are at the heart of the MIDS.

The MIDS Alumni Association, led by its Executive Committee, and founded in 2021, works together with the MIDS staff to achieve its main objectives to maintain and reinforce the links between the MIDS alumni, represent their interests and contribute to disseminating the reputation of the program.

The MIDS, with the help of the Alumni Association, also encourages its former students to contribute towards an Alumni Scholarship to cover part of the tuition fees of an outstanding candidate in need of financial support to come to study at the MIDS.

In addition, every year, the MIDS sponsors and hosts an Annual Alumni Event. In this regard, the Alumni Association's Executive Committee and the MIDS, prepare and organize a full one-day conference, featuring MIDS alumni as speakers and open to the public in Geneva. The 2023 event was part of the MIDS 15<sup>th</sup> anniversary celebrations.

## 7. Partnerships

The MIDS has fostered relationships with several partners over the years, including with law firms, international institutions and organizations, charitable foundations and other universities. In 2023, the MIDS partners included:

- Lévy Kaufmann-Kohler:

Lévy Kaufmann-Kohler has been a significant partner of MIDS since it was launched in 2008. The MIDS not only has close ties to the firm but also to individual members. The partnership offers various academic opportunities and activities, including intensive courses taught by key members of the firm. These courses include "Reform of Investor-State Dispute Settlement" taught by Prof. Gabrielle Kaufmann-Kohler, "The Arbitration Agreement in International Commercial Arbitration" taught by Prof. Sébastien Besson, and "Investment Arbitration in Action" taught by Dr. Michele Potestà and Ms. Ann Catherine Kettlewell from ICSID. Dr. Michele Potestà also leads and co-organizes the MIDS Academic Retreat. Additionally, the firm

recruits two interns each academic year for a 6-month internship after completing the MIDS courses as part of their studies and program in Geneva. Lévy Kaufmann-Kohler also generously provides a full scholarship every academic year, covering both the MIDS tuition fees and living expenses in Geneva.

- LALIVE:

MIDS and LALIVE have been partners since the inception of the MIDS program. The partnership encompasses several critical components, including the practical training seminar on commercial arbitration organized as part of the MIDS program each year. LALIVE also commits to offering internships to approximately four or five MIDS students each year. Moreover, the law firm offers a full scholarship for one student, covering MIDS tuition fees and living expenses in Geneva for the duration of the one-year program. Lawyers from the firm also participate as arbitrators during the Academic Retreat.

- Three Crowns:

The Jan Paulsson Scholarship was founded in 2021 by Three Crowns LLP in honor of one of its founding partners. The scholarship aims to provide financial assistance to exceptional candidates from developing economies who exhibit a demonstrated financial need. The scholarship covers a significant part of the students' MIDS tuition fees. In addition to providing financial aid, the law firm is attentive to the selected students' life and progress at the MIDS. Moreover, Georgios Petrochilos, Founding Partner of the firm, teaches the MIDS intensive course on "Fundamentals of Investment Treaty Arbitration" every two years.

- Lambadarios:

Lambadarios Law Firm is a partner and collaborator of MIDS and generously provides a partial scholarship each year to support a student enrolled in the program. The scholarship, established in 2020 in memory of Epaminondas Lambadarios, is designed to assist graduates of Greek universities who wish to pursue an LL.M. in international dispute settlement to enhance their knowledge and academic studies. The scholarship covers a portion of the MIDS tuition fees and is awarded based on both social and academic criteria.

In October 2023, Lambadarios also sponsored and hosted a full-day conference in Athens on strategies and options to build a career in international arbitration as well as key trends in the development of investment law. Zachary Douglas and Mariona Cusí participated in the conference as speakers, together with a MIDS Alumna, Alexia Gkoritsa.

- Schellenberg Wittmer:

The MIDS and the Swiss law firm have a collaboration agreement that includes the selection of two interns by the firm each year from the current MIDS students. The collaboration also includes the organization of a seminar for MIDS students at the firm's offices in Geneva.

- The Permanent Court of Arbitration:

With a long-standing collaboration, the PCA selects each year a graduate student from the MIDS to join their offices as Assistant Legal Counsel for a period of 12 months. In this regard, the MIDS provides a scholarship that is given to the graduate in monthly installments during their stay at the PCA.

Out of the 2022-2023 program graduates, the PCA selected Aditya Suresh as the recipient of the MIDS-PCA Fellowship.

- The National University of Singapore:

The MIDS has a double degree program with NUS since the academic year 2017-2018. The double degree program (DDP) offers students of each institution who have completed the curriculum for either the MIDS or the NUS LL.M. with specialization in International Arbitration and Dispute Resolution to enroll in the other institution for an additional (third) semester. Upon successful completion of this additional semester, students receive both NUS LL.M. and MIDS LL.M. degrees. In September 2023, the MIDS welcomed an NUS student for one semester: Siddhi Paradkar. A second student from NUS was not able to start in September due to personal reasons and is expected at the MIDS during the first semester of 2024.

- Paris Arbitration Academy:

The MIDS sponsors a cocktail in the premises of the ICC Secretariat during the Paris Arbitration Academy each year. The cocktail is preceded by a presentation of the program by members of the MIDS staff and is organized with the support of the ICC. This cooperation with the Arbitration Academy has proven fruitful. More and more MIDS applicants are recruited from candidates who have attended the Arbitration Academy prior to their admission to the MIDS. Having completed the Academy in Paris is a good basis for the more extensive and thorough training provided by the MIDS.

## II. Conferences and other events

### 1. MIDS/CIDS-related events and conferences

The MIDS/CIDS organized several public lectures or conferences with well-known academics and practitioners. Some were part of the MIDS curriculum and offered learning and networking opportunities for the students.

The following public events were organized:

- The MIDS/CIDS, together with the Digital Law Center of the University of Geneva and MetaverseLegal organized a colloquium on **“Metaverse Dispute Resolution”** (24 March 2023). It consisted in an online research-oriented forum that brought together experienced arbitration practitioners from MetaverseLegal (a decentralized initiative dedicated to exploring the legal implications of the Metaverse), and international dispute resolution and international arbitration students with an interest in technology, web 3.0 and the metaverse, in order to explore selected legal issues arising from disputes in the metaverse and about the metaverse. After a short introduction by Prof. Jacques de Werra, Laura Azaria and Juliette Asso (both Counsel, LALIVE) made presentations on the 1st topic **“Applicable Law and Choice of Courts in Metaverse Disputes”**. The 2nd topic on **“Enforcement Issues in Metaverse Disputes”** comprised presentations by Emily Hay (Counsel, Hanotiau & van den Berg) and Pratyush Panjwani (Senior Associate, Hanotiau & van den Berg).
- MIDS/CIDS, together with the Geneva Academy of International Humanitarian Law and Human Rights organized a lecture on **“International Law Responses to Russia’s Aggression – Building an International Reparation Mechanism for Ukraine”** (18 April 2023) with Prof. Chiara Giorgetti, Professor of Law at Richmond Law School and a Senior Fellow at International Claims and Reparations Project at Columbia Law School.
- The MIDS/CIDS, together with the Geneva Water Hub organized a seminar on **“Unraveling the waves: Exploring climate Change’s impact on the law of the sea and International water law”** (14 July 2023). The seminar featured interventions by Prof. Nilufer Oral (Director of the Center for International Law, Faculty of Law, National University of Singapore and Member of the UN International Law Commission), Prof. Juan José Ruda Santolaria (Principal Professor, Department of Law, Pontificia Universidad Católica del Perú and Member of the UN International Law Commission), Prof. Patrícia Galvão Teles (Professor of International Law, Faculty of Law, Autonomous University of Lisbon and Member of the UN International Law

Commission) and Dr. Mara Tignino (Senior Lecturer, Faculty of Law, University of Geneva and Lead Legal Specialist, Geneva Water Hub) . Prof. Laurence Boisson de Chazournes and Mr. Mario Oyarzabal (Ambassador of the Argentine Republic to the Kingdom of the Netherlands and Member of the UN International Law Commission) served as Chairs for the two sessions.

- MIDS Lecture with Prof. Stavros Brekoulakis (Michael & Laura Chair in International Arbitration at National University of Singapore) on **“Impartiality and the Construction of Trust in Investor State Dispute Settlement”**(22 November 2023). The Lecture notably called for a new, and contextualised, approach which better corresponds to the fundamental value of trust in ISD.
- The CIDS and the University of Geneva organized a conference on the occasion of **the visit of the ITLOS-Nippon Foundation to the CIDS** (23-24 January 2024). For further information, see Part 3, infra.
- The MIDS/CIDS, together with the Department of International Law of the Graduate Institute, organized a Ceremony in honor of Professor Marcelo G. Kohen (19 February 2024). Professor Marcelo Kohen delivered a lectio magistralis on **“International Legality in the 21st Century”** on the occasion of the presentation of the Mélanges prepared in honour of his long and distinguished career.
- The MIDS/CIDS organized during the Paris Arbitration Week (PAW) an event on **“Digital technology in arbitration: How to prepare for the AI-driven future”** (19 March 2024). The event was hosted by the ICC. The panel discussion featured the following experts : Ashleigh Brocchieri (Expert Counsel, ICC International Court of Arbitration), Monica Crespo (Head of Product, Jus Mundi), Yuri Mantilla (Senior Associate, Freshfields Bruckhaus Deringer), Jacques de Werra (Professor, University of Geneva and MIDS Committee member). Dilara Khamitova (International Arbitration Jurist, Clyde&Co) served as moderator.

## **2. MIDS 15<sup>th</sup> Anniversary and 3<sup>rd</sup> Alumni Association Annual Conference “Back to the Future” (22 September 2023).**

- To celebrate its 15<sup>th</sup> anniversary, the MIDS organized, with the Alumni Association, a full-day conference aimed to bring together the faculty, alumni, students, friends of the MIDS and more, to discuss and debate the past, present, and future of international dispute settlement. Taking into account that in the last 15 years, internal and external influences had triggered several pivotal changes in the law and practice of international dispute settlement, leading to

the recalibration of existing practices and the creation of new ones, the speakers and the public discussed the many developments which took place. 260 participants registered for the event. With several opportunities to also socialize and catch up with former classmates and friends, the event boasted a full success.

### **3. Conference on the international judicial function (8-9 February 2024)**

- This conference took place in the context of a research project of the Faculty of Law of the University of Geneva and the CIDS. For more information, See Part 3, *infra*.

## **III. Research**

Research in law, and in particular criteria for excellence in research, have over the last decades globally shifted from a service towards legal practice to a purpose in itself, seeking the advancement of knowledge and understanding. CIDS in part follows this trend but, aware of the importance of continued critical contributions by academia to the defense and development of pacific methods of dispute settlement, it also significantly engages in services to practice. The projects it conducts reflect this diversity in approaches and aims.

### **1. Current projects**

**“The International Judicial Function under Pressure: Do Courts and Tribunals Go off the Rails?”** – led by Prof. Laurence Boisson de Chazournes (MIDS and CIDS Director) and Dr. Lorenzo Palestini (Lecturer, MIDS).

The purpose of the research project is to ascertain, through mixed methods relying on qualitative analysis, whether correlations can be established between backlash and the way the judicial function is being exercised. The research project will provide an inventory of the criticisms relating to judicial overreach, as well as a catalogue of the proposed corrective devices that tighten the leash on supposedly reckless international courts and tribunals. The project started in November 2021.

In 2022, the research team completed the data collection effort, organized an online conference with Prof. Pierre Klein on the alleged blurring of the advisory and contentious functions of the International Court of Justice and held meetings with advisors to the Swiss State Secretariat for Economic Affairs (SECO) to discuss key findings based on the data collected for the WTO dispute settlement system.

In 2023, the research team assessed the collected data and organized interviews, conducted in conformity with the Chatham House Rule to guarantee the anonymity of key stakeholders involved in international dispute settlement (judges, arbitrators, government officials and civil servants). These interviews further enriched the analysis of the collected data, providing additional depth to the qualitative analysis made by the research team.

In late 2023 and early 2024, the research team organized two conferences and one seminar:

- The **seminar**, which took place on 12 December 2023 and was open to faculty and students, was titled “Reviewing the Criticisms Made against the Appellate Body in the Meetings of the Dispute Settlement Body of the WTO”. Prof. Laurence Boisson de Chazournes and Dr. Lorenzo Palestini discussed the data collection and assessment process, insofar as it related to the ongoing crisis of the WTO dispute settlement system. During the event, the discussions concerned the collected data (over 400 entries stemming mainly from statements made during meetings of the Dispute Settlement Body), as well as the informal dispute settlement reforms talks that were ongoing before the WTO.
- The first conference, which took place on 23 and 24 January 2024, was organized in the context of the **ITLOS-Nippon Foundation Visit to the CIDS**. The event was designed for the government officials enrolled in this annual capacity-building and training programme on dispute settlement under the Law of the Sea Convention (UNCLOS). In the context of this visit, the CIDS organized two presentations relating to the research project, which were titled respectively, “The International Judicial Function under Pressure – Presentation and Review of the Data Collected in the Research Project Financed by the Swiss National Science Foundation” and “Subject-matter Jurisdiction and Incidental Issues: Between Shoehorning and Salami-slicing Disputes in UNCLOS Part XV Dispute Settlement”. These two presentations were given by members of the research team, Guillaume Guez Maillard and Aditya Laddha. In addition to these topics, four other presentations, with members of the research team and guest speakers, were organized: “Exploration and Exploitation of the Deep Seabed: Pending Questions and Prospect” (Dr. Virginie Tassin-Campanella), “Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast” (Dr. Angel Horna), “The Eastern Mediterranean Initiative: a “track II” dialogue process” (Amb. Didier Pfirter and Ms Laury Haytayan) and “Stability and Finality of Maritime Boundaries and Limits in the Context of Anthropogenic Sea-Level Rise” (Dr. Lorenzo Palestini). Dr. Marco Benatar, Legal officer at ITLOS, and Ms. Laura Kreft, program coordinator

at ITLOS, expressed their interest for future collaboration between the ITLOS-Nippon Foundation and the CIDS.

- The second event was a two-day conference that took place on 8 and 9 February 2024 and was titled **“The International Judicial Function Under Pressure”**. This was an important event for which speakers from various institutions and universities had to prepare papers for an ongoing publication project. The conference involved eight speakers (Aditya Laddha, Dr. Yusra Suedi, Christian Vidal-Leon, Prof. Hsien Wu, Dr. Johannes Fahner, Dr. Marco Dimetto, Dr. Juliana Guerra and Germain Dabiré), as well as five discussants (Prof. Hélène Ruiz-Fabri, Prof. Gabrielle Marceau, Prof. Mamadou Hébié, Dr. Lorenzo Palestini and Guillaume Guez Maillard). The event was organized in four panels titled, respectively: “Judicial Function and State Consent – Overreaching or Fulfilling the Mandate?”; “Judicial Function and Economy – Too Much or Too Little?”; “Judicial Function and Standards of Review – to Judge or not to Judge?”; and “Judicial Function and Encroachment – Meddling in Someone Else’s Affair?”. The conference attracted a large and informed audience that contributed to the discussions. The presentations, as well as the introductory speeches of Prof. Laurence Boisson de Chazournes and Dr. Lorenzo Palestini, built upon and presented the findings of the research project.

**“The Domain of International Adjudication: Why Sovereign States Abandon Decision Control”** – led by Prof. Fuad Zarbiyev

This project aims to study the reasons explaining the jurisdictional commitments of States and their recourse to international courts and tribunals. States are often said to be reluctant to consent to the jurisdiction of international courts and tribunals and let the latter adjudicate their disputes, for instance because of a lack of predictability of court decisions and structural ambiguities of the applicable rules. These reasons, however, are particular manifestations of a more general phenomenon: the desire of all governments to keep control over the decisions that affect them. Yet States do make judicial commitments and voluntarily submit disputes in which they are involved to international courts and tribunals. What are the reasons that bring States to abandon decision control?

The project was completed at the end of February 2023. A monograph (under contract with Cambridge University Press) co-authored by Fuad Zarbiyev and Umut Yüksel is currently in preparation.



**“The Impact of Social Identity on Annulment Decisions among Lawyers”** – led by Prof. Fuad Zarbiyev, Prof. Thomas Schultz, and Dr. Umut Yüksel

This project aims at understanding, through quantitative, statistical analysis, the extent to which social identity plays a role in lawyers reviewing and annulling other lawyers’ decisions, here in the specific context of investment arbitration. Key question: in an ICSID ad hoc annulment committee procedure, how influenced are the committee members, when having to decide whether to annul an investment arbitration award of an ICSID tribunal, by similar social traits and by prior social experiences?

Dr. Facundo Pérez Aznar, CIDS Senior Researcher, represented the CIDS during the **UNCITRAL Working Group III meetings** in 2023.

Although the CIDS project on **“ISDS Reform”** was completed in 2020, Prof. Gabrielle Kaufmann-Kohler and Dr. Michele Potestà continued to participate as experts for Switzerland for the inter-state negotiations at UNCITRAL.