



Faculdade de Direito  
Universidade de São Paulo

**COURSE PROGRAM**  
**DIN0442 - DISPUTE SETTLEMENT**  
**SEMESTER 2/2023**

**PROFESSOR:** Prof. Dr. Alberto do Amaral Junior  
Associate Professor at the Faculty of Law / USP

**TEACHING ASSISTANTS:** Thiago Sete  
Master's student of Public International Law  
Tiago Megale  
PhD's student of Public International Law

**DAY AND HOUR:** on Fridays, from 7:15 am to 9 am  
(starts on 11/08/2023; ends on 15/12/2023)

**MOODLE:** <https://edisciplinas.usp.br/acessar/>

## **PRESENTATION OF THE COURSE**

The Course describes all kinds of current peaceful dispute settlement mechanisms between States, at a diplomatic, political and legal level and analyzes the role of the international organizations, either through institutional mechanisms or through the action of their officials, as a forum (GATT) and as a provider of new kinds of peaceful dispute settlement mechanisms (their highest officials, especially the UN Secretary General). Part of the course will be devoted to developing the students' Legal Hermeneutics.

The classes are composed of 3 moments: 1) Explanation by the Professor; 2) Presentation of a dynamic material (videos, conferences etc); 3) Case study debated by the class and monitored by the Teaching Assistants.

## **EVALUATION**

The final grade of the student will be composed of:

1. **Oral participation in classes:** 25% of the final grade.



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The oral presentation of students in classes is encouraged to provide a space for the collective construction of learning. In this sense, students' proactive participation in the debates of the proposed cases will also be scored, which will occur during the semester of the course.

2. **Moot Court | Dynamics:** 25% of the final grade.

At the end of the course, the teaching assistants will provide a hypothetical case to the students, to spur the students on the judicial procedures. Students are expected to develop (i) writing memos, which shall be delivered through Moodle by 11:59 pm on November 15th; (ii) oral presentation of their arguments at the last class, to take place on November 17th.

3. **Exam at the end of the course:** 50% of the final grade.

At the end of the course, a reflective test will be proposed about the concepts and learning gained during the semester. Students will have to think critically about the proposed theme, which will be released and explained in the last class (date will be confirmed soon, but probably on December 1st).

### **TEACHING ASSISTANTS DUTIES**

The Teaching Assistants will help on the classes on the discussions of the bibliography and on the case studies, as well as assist the students during the course on any doubt on the themes or the schedule.

Besides, they will present about three or four questions to engage the discussions in every class regarding the main themes of the course.

### **BASIC & COMPLEMENTARY BIBLIOGRAPHY**

AMARAL JUNIOR, Alberto do. *Curso de Direito Internacional Público*. 4. ed. São Paulo: Atlas, 2013.

LOPES, José Reinaldo de Lima. *Curso de filosofia do direito: o direito como prática*. São Paulo: Atlas, 2021

DWORKIN, Ronald. *Justice for Hedgehogs*. Cambridge, Mass.: Belknap Press of Harvard University Press, 2011.

### **RECOMMENDED BIBLIOGRAPHY**

TBC with the professor

### **CASES FOR DEBATE**



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1. ICJ<sup>1</sup>, 1949 - Corfu Channel (United Kingdom of Great Britain and Northern Ireland v. Albania).
2. ICJ, 1993 - Gabčíkovo-Nagymaros Project (Hungary v. Slovakia).
3. ICTY<sup>2</sup>, 1997 – Prosecutor v. Tadic.
4. IACHR<sup>3</sup>, 2006 - Ximenes Lopes Vs. Brasil.
5. IACHR, 2018 - Poblete Vilches et al V. Chile.
6. IACHR, 2018 - Cuscul Pivaral et al V. Guatemala.
7. ICJ, 2010 - Pulp Mills on the River Uruguay (Argentina v. Uruguay).
8. WTO<sup>4</sup>, 1998, DS58: United States — Import Prohibition of Certain Shrimp and Shrimp Products.
9. WTO, 2001, DS135 - European Communities — Measures Affecting Asbestos and Products Containing Asbestos.
10. WTO, 2005, DS332: Brazil — Measures Affecting Imports of Retreaded Tyres.

## OBSERVATIONS

- Classes and activities of this discipline will be carried out preferably in English.
- All materials used during all the course are or will be available on Moodle.

## PROGRAM CONTENT

**TOTAL: 15 CLASSES IN THE SEMESTER**

### CLASS 1 | Day 11/08/2023

**[1st MOMENT] PRESENTATION BY PROF. ALBERTO - INTRODUCTION TO THE CLASS**

**[2<sup>nd</sup> MOMENT] DISCUSSION OF THE SYLLABUS**

AMARAL JUNIOR, Alberto do. *Curso de Direito Internacional Público*. 5. ed. São Paulo: Atlas, 2015.

- Chapter 6: A Solução Pacífica de Controvérsias.

### CLASS 2 | Day 18/08/2023

Reading to be informed

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<sup>1</sup> ICJ - International Court of Justice

<sup>2</sup> International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Former Yugoslavia since 1991

<sup>3</sup> Inter-American Court of Human Rights

<sup>4</sup> WTO – World Trade Organization



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Case: ICJ, 1949 - Corfu Channel (United Kingdom of Great Britain and Northern Ireland v. Albania)

Summary: <https://www.icj-cij.org/public/files/case-related/1/1647.pdf>

Video: background on the Corfu Channel case:  
[https://www.youtube.com/watch?v=b\\_yk2DorWvM](https://www.youtube.com/watch?v=b_yk2DorWvM)

### **CLASS 3 | Day 25/08/2023**

Reading to be informed

Case: ICJ, 1993 - Gabcikovo-Nagymaros Project (Hungary versus Slovakia)

Summary: <https://www.icj-cij.org/public/files/case-related/92/7377.pdf>

Video to be informed

### **CLASS 4 | Day 01/09/2023**

Reading to be informed

Case: ICTY, 1997 – Prosecutor v. Tadic

Summary: <http://www.internationalcrimesdatabase.org/Case/85/Tadi%C4%87/>

Video to be informed

### **CLASS 5 | Day 15/09/2023**

Reading to be informed

Case: IACHR, 2006 - Ximenes Lopes Vs. Brasil

Summary: [https://www.corteidh.or.cr/docs/casos/articulos/Seriec\\_149\\_esp.pdf](https://www.corteidh.or.cr/docs/casos/articulos/Seriec_149_esp.pdf)

Video to be informed

### **CLASS 6 | Day 22/09/2022**

Reading to be informed

Case: IACHR, 2018 - Poblete Vilches et al V. Chile

Summary: [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_349\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_349_ing.pdf)



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Video to be informed

### **CLASS 7 | Day 29/09/2023**

Reading to be informed

Case: IACHR, 2018 - Cuscul Pivaral et al V. Guatemala.

Summary: [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_359\\_esp.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_359_esp.pdf)

Video to be informed

### **CLASS 8 | Day 06/10/2023**

Reading to be informed

Case: ICJ, 2010 - Pulp Mills on the River Uruguay (Argentina v. Uruguay)

Summary: <https://www.icj-cij.org/public/files/case-related/135/15895.pdf>

Video to be informed

### **CLASS 9 | Day 20/10/2023**

Reading to be informed

Case: WTO, 1998, DS58: United States — Import Prohibition of Certain Shrimp and Shrimp Products

Summary: [https://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds58\\_e.htm](https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds58_e.htm)

Video to be informed

### **CLASS 10 | Day 27/10/2023**

Reading to be informed

Case: WTO, 2001, DS135 - European Communities — Measures Affecting Asbestos and Products Containing Asbestos

Summary: [https://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds135\\_e.htm](https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds135_e.htm)

Video to be informed



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### CLASS 11 | Day 10/11/2023

Reading to be informed

Case: WTO, 2005, DS332: Brazil — Measures Affecting Imports of Retreaded Tyres.  
Summary: [https://www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds332\\_e.htm](https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds332_e.htm)

Video to be informed

**Complementary reading:** Chapter 21. The Retreaded Tyres Case in WTO: An Important Multilateral Achievement by Brazil. In: The WTO Dispute Settlement Mechanism: a Developing Country Perspective. Amaral Junior, Alberto do, de Oliveira, Luciana Maria, Lucena Carneiro, Cristiane (Eds.). Springer. 2019.

### CLASS 12 | Day 17/11/2023

**MOOT COURT**

### CLASS 13 | Day 24/11/2023

**Possible date for the test**

### CLASS 14 | Day 01/12/2023

**Possible date for the test**

### CLASS 15 | Day 08/12/2023

**Possible date for the test**