



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.



Faculdade de Direito  
Universidade de São Paulo

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: 25% of the final grade.**

At the end of the course, a hypothetical case will be given to be judged by the students, in order to simulate international judicial procedures. Students are expected to develop (i) writing memos, which should be sent to monitors by november 28th; as well as develop oral support of their arguments during the class of the discipline, to take place on December 1st.

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**



Faculdade de Direito  
Universidade de São Paulo

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. IACHR<sup>2</sup>, 2006 - Ximenes Lopes Vs. Brasil.
4. IACHR, 2018 - Poblete Vilches et al V. Chile.
5. WTO<sup>3</sup>, 1998, DS58: United States — Import Prohibition of Certain Shrimp and Shrimp Products.
6. ECHR<sup>4</sup>, 1994, Lopez Ostra v Spain.
7. ICJ, 2010 - Pulp Mills on the River Uruguay (Argentina v. Uruguay).
8. WTO, 2001, DS135 - European Communities — Measures Affecting Asbestos and Products Containing Asbestos.

## 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 7 | Day 27/10/2023

Reading to be informed

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

The decision is on Moodle.

Video to be informed

### CLASS 8 | Day 10/11/2023

Reading to be informed

Case: ECHR, 1994 - Lopez Ostra v Spain

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

<sup>2</sup> Inter-American Court of Human Rights

<sup>3</sup> WTO - World Trade Organization

<sup>4</sup> ECHR - European Court of Human Rights



Faculdade de Direito  
Universidade de São Paulo

The decision is on Moodle.

Video to be informed

### **CLASS 9 | Day 17/11/2023**

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 10 | Day 24/11/2023**

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

### **CLASS 11 | Day 01/12/2023**

**MOOT COURT**

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

**Final Test**