

wo-master Advanced  
Studies in International  
Dispute Settlement and  
Arbitration

Leiden University

10 January 2018

## Table of Contents

<b>1</b>	<b>Executive Summary</b>	<b>3</b>
<b>2</b>	<b>Introduction</b>	<b>5</b>
<b>3</b>	<b>Programme</b>	<b>7</b>
	3.1 General	7
	3.2 Institution	7
	3.3 Programme	7
<b>4</b>	<b>Assessment</b>	<b>8</b>
	4.1 Intended learning outcomes: Standard 1	8
	4.2 Teaching-learning environment: Standard 2	10
	4.3 Assessment: Standard 3	13
	4.4 Graduation guarantee and financial provisions: Standard 4	15
	4.5 Conclusion	15
	4.6 Recommendations for further improvement	15
	4.7 Sector classification	16
<b>5</b>	<b>Overview</b>	<b>17</b>
	<b>Annex 1 – Panel</b>	<b>18</b>
	<b>Annex 2 – Site Visit</b>	<b>20</b>
	<b>Annex 3 – Documents</b>	<b>22</b>
	<b>Annex 4 – Abbreviations</b>	<b>24</b>

# 1 Executive Summary

The Accreditation Organisation of the Netherlands and Flanders (NVAO) received a request for an initial accreditation procedure, including programme documents, regarding a proposed wo-master Advanced Studies in International Dispute Settlement and Arbitration at Leiden University. NVAO convened an expert panel, which studied the information available and discussed the proposed programme with representatives of the institution and the programme during a site visit.

## *Standard 1. Intended learning outcomes*

The master's programme in International Dispute Settlement and Arbitration will enable students to gain in-depth knowledge of the role and function of international dispute settlement in international law, including international commercial law. The programme distinguishes itself from similar national and international master's programmes by focusing on public international law and by also addressing less formal dispute settlement methods, such as negotiation, mediation, conciliation and arbitration, and by using the status of The Hague/Leiden as a dispute resolution hub. The programme aims to combine an academic orientation with a practice-oriented approach. The advanced nature of the programme is evident from its specialist character and its fast pace. Graduates will be able to work as a legal professional in an international environment, or to conduct further independent academic research, for example, as a PhD researcher. The links with both the academic community and the professional field are strong and provide a good basis for this advanced master's programme. The intended learning outcomes meet the standard.

## *Standard 2. Teaching-learning environment*

The programme consists of three core courses and five supplementary courses. Students complete the programme by writing a thesis. The programme is skilfully designed to avoid overlaps in coverage of courses and provides a comprehensive coverage. The programme has both academic and professional perspectives and provides a solid background and level of practical skills that are useful. The panel has made a few suggestions on the sequence and titles of courses, expecting that this will strengthen the programme even more. The advanced and intensive nature of the programme makes it necessary to select highly qualified students for admission. The panel advises including the requirement that applicants must have completed a legal degree including a course on international law. The panel appreciates the possibilities offered to part-time students, in line with the needs of the professional field.

Characteristic of the advanced master's programme is its small-scale teaching with an intensive interaction between students and lecturers and the use of various and diverse teaching methods, including moot-courts. The student group is expected to consist of a maximum of forty students. The teaching staff is relatively small, but highly qualified and experienced. The core team will have access to other staff to implement the programme successfully, both academics and professionals from practice. The infrastructure, the facilities and support structure are extensive. The programme uses its alumni and guest lecturers from relevant organisations to help students build a useful network. The quality of the programme will be monitored by the Quality Assurance System Standing Committee and the Quality Assurance Manager for the Advanced Studies Programmes. Summing up, the panel concludes that the curriculum, staff and programme-specific services and facilities

will provide a stimulating teaching-learning environment, enabling incoming students to achieve the intended learning outcomes. The teaching-learning environment meets the standard.

*Standard 3. Assessment*

The panel has found evidence of an accessible and transparent approach to assessment . The different methods of assessment conform to accepted national and international standards. The panel advises that using identical exam questions over the years be avoided. Students will be given a clear indication of the test at the beginning of a course and receive extensive feedback in exam review sessions after the exam. The panel advises to use the full marking scale when grading exams. The panel appreciates that grading is done anonymously as much as possible, and that for the thesis a system of double grading is in place. Guest supervisors from professional practice are always seconded by a fulltime member of staff.

The Examination Board monitors and guarantees the quality of assessment and is clearly up to its task. Because the Examination Board is organised jointly for all advanced master's programmes, it has built up considerable experience institutionally. The panel is assured that the quality assurance of the assessment system is well organised. The assessment system meets the standard.

*Standard 4. Graduation guarantee and financial provisions*

Leiden University guarantees that the financial resources available for the programme are sufficient in order for admitted students to complete the programme. It is anticipated that the programme will be able to attract sufficient numbers of quality students required for financial sustainability and market reputation. The panel agrees that the expected intake numbers seem realistic. The graduation guarantee and financial provisions meet the standard.

Given these considerations, the panel advises NVAO to take a positive decision regarding the quality of the proposed programme wo-master Advanced Studies in International Dispute Settlement and Arbitration at Leiden University.

The Hague, 10 January 2018

On behalf of the Initial Accreditation panel convened to assess the wo-master Advanced Studies in International Dispute Settlement and Arbitration at Leiden University,

Prof. Elaine Mak  
(chair)

dr. Marianne van der weiden  
(secretary)

## 2 Introduction

NVAO received a request for an initial accreditation procedure including programme documents regarding a proposed wo-master Advanced Studies in International Dispute Settlement and Arbitration (IDSA). The request was received on 19 July 2017 from Leiden University.

An initial accreditation procedure is required when a recognised institution wants to offer a programme and award a recognised bachelor or master's degree. To a certain extent, initial accreditation demands a different approach to the accreditation procedure for programmes already being offered. Initial accreditation is in fact an *ex ante* assessment of a programme, and a programme becomes subject to the normal accreditation procedures once initial accreditation has been granted.

To assess the programme, the NVAO convened an international panel of experts:

- Prof. Elaine Mak, Professor of Jurisprudence, School of Law, Utrecht University, Netherlands (*chair*);
- Prof. Loukas Mistelis, Clive M Schmitthoff Professor of Transnational Commercial Law and Arbitration, and Director, School of International Arbitration, Centre for Commercial Law Studies, Queen Mary University of London, UK;
- Prof. Attila Tanzi, Chair of International Law, School of Law, University of Bologna, Italy;
- Diana van Wanrooij, LL.B., master student, School of Law, Tilburg University, Netherlands (*student member*).

On behalf of the NVAO, Michèle Wera MA, policy advisor, was responsible for the process coordination and dr. Marianne van der Weiden acted as the panel's secretary.

Details of the panel members' expertise are given in Annex 1 (Composition of the panel). All panel members and the secretary signed a statement of independence and confidentiality.

The initial accreditation procedure for the new wo-master Advanced Studies in International Dispute Settlement and Arbitration was combined with the initial accreditation procedure for the new wo-master Advanced Studies in Global and European Labour Law. The chair, student member, process coordinator and secretary were shared for both procedures, while two experts were specifically invited for each programme. During the site visit all four experts took part in the various interview sessions, concentrating on their specific programme in the general sessions and, of course, in the meetings with programme management and teaching staff.

The panel has based its assessment on the standards and criteria described in the NVAO Initial Accreditation Framework (Stcrt. 2014, nr 36791).

The panel members prepared the assessment by analysing the documents provided by the institution (Annex 3: Documents reviewed) and formulating the issues and questions they wished to raise during the site visit. These questions were shared by e-mail before the preparatory meeting. The panel organised a preparatory meeting on 23 November 2017, i.e. at the beginning of the site visit. During this meeting, the panel members discussed their

first impressions and formulated questions for the various groups to be met during the site visit.

The site visit took place on 23 and 24 November 2017 at Leiden University. During this visit, the panel was able to discuss the formulated questions and to gather additional information during several sessions (Annex 2: Schedule of the site visit). Afterwards, the panel discussed the findings and considerations and pronounced its preliminary assessments per theme and standard. At the end of the site visit, the initial findings were presented to the institution.

Based on the findings, considerations and conclusions the secretary wrote a draft advisory report that was first presented to the panel members. After the panel members had commented on the draft report, the chair endorsed the report on 17 December 2017. On 19 December 2017 the advisory report was sent to the institution, which was given the opportunity to respond to any factual inaccuracies in the report. Leiden University replied on 22 December 2017. Subsequently the final report was endorsed by the panel chair. The panel composed its advice fully independently and offered it to NVAO on 10 January 2018.

## 3 Programme

### 3.1 General

Institution	: Leiden University
Programme	: Advanced Studies in International Dispute Settlement and Arbitration
Level	: post-academic master
Orientation	: academic (wo)
Degree	: LLM
Location	: Leiden
Study Load (EC)	: 60 EC
Mode of study	: full-time and part-time
Field of Study	: Law (as confirmed by the panel)

### 3.2 Institution

Leiden University is a research university, founded in 1575, offering approximately fifty academic bachelor's and a hundred academic master's programmes to 25,800 students. The university employs over 5,500 staff members and is organised in seven faculties, six of which are based in Leiden. The seventh, Faculty of Governance and Global Affairs, is located in The Hague.

### 3.3 Programme

The master's programme of Advanced Studies in International Dispute Settlement and Arbitration is a small scale, English language programme, aimed at excellent international and Dutch students, who already have obtained a master's degree in law. The programme is attractive for those who have already had several years of experience in practice, as well as for newly graduated students. The number of procedures which enable states, international organisations and non-state actors to settle their international legal disputes has increased. While the docket of the International Court of Justice in The Hague is well filled, there is a spectacular rise in settling disputes through arbitration and non-legal dispute settlement methods. The curriculum has grown from the sub-track 'International Dispute Settlement' in the Master of Advanced Studies in Public International Law. The programme comprises 60 EC and can be studied either full-time (one year) or part-time (two years).

Courses	Semester	EC
Principles of International Law and International Dispute Settlement	1	10
International Judicial and Arbitral Proceedings	1	10
Negotiation and Mediation	1	5
Legal Writing, Advocacy and Litigation Techniques	1	5
International Arbitration in Public International Law	2	5
The Law, Ethics and Politics of International Dispute Settlement	2	5
International Commercial Arbitration and Litigation	2	5
International Investment Law and Arbitration	2	5
Master Thesis	2	10
Total		60

## 4 Assessment

### 4.1 Intended learning outcomes: Standard 1

*The intended learning outcomes of the programme have been concretised with regard to content, level and orientation; they meet international requirements.*

#### *Findings*

The description in the application dossier indicates that the master's programme in International Dispute Settlement and Arbitration is primarily focused on deepening and widening the knowledge in the field of international dispute settlement in an international context. The programme has organically grown out of a sub-track of the advanced master's programme in Public International Law. The programme intends to educate a new generation of international lawyers who have a firm background in and knowledge of a specific field of law (in this case international dispute settlement in public international law), yet are not alien to dispute settlement mechanisms in other related fields. Graduates of this programme will therefore at the same time have knowledge of dispute settlement in international commercial law. This meets the need in practice of students trained in various forms of international litigation. Special attention will also be given to other less formal dispute settlement methods than judicial settlement and arbitration, which regularly take place in commercial or international law disputes, such as mediation and negotiation. The programme also focuses on the specific complexity of the role of various key players in the dispute settlement sector, such as states, international organisations, private companies, judges, arbitrators and Non-Governmental Organisations (NGOs). The panel finds that the programme's focus on international dispute settlement in public international law, while also providing education in commercial law arbitration, is an added value.

The area of international dispute settlement is complex because it is multi-layered, covering diplomatic dispute settlement mechanisms (negotiations, mediation, enquiry, fact-finding, conciliation) and legal mechanisms (arbitration and courts and tribunals). As mentioned above, it is also legally interdisciplinary, combining the truly international dispute settlement mechanisms with hybrid forms, including elements and practices of international commercial dispute settlement. The complexity of this field requires specialist knowledge. The specific knowledge and insights that students will gain are formulated in the programme's objectives. These objectives closely tie in with the themes of the research programme 'Exploring the Frontiers of International Law'. The programme will also draw on input from professionals working in the field of international dispute settlement, thus linking 'the law in the books' to 'the law in practice'. The new programme can use the proximity of The Hague with its many relevant organisations (such as the Permanent Court of Arbitration (PCA) and other courts and tribunals). The panel feels that this is a positive asset.

The intended learning outcomes are listed in the application dossier as follows:

1. Basic and overarching knowledge of the principles of international dispute settlement;
2. Specialist knowledge of specific areas of law relating to international dispute settlement, the strengths and weaknesses of the mechanisms, the relation between national and international mechanisms, and the roles and functions of the various actors;
3. Research abilities, leading to innovative solutions to challenges in the area of international dispute settlement;



4. Presentation of knowledge, both orally and in writing, using English as the working language;
5. Application of knowledge, either as a legal professional or as a PhD researcher;
6. Working environment: capable of working both independently and in a team, in an international, multicultural and multidisciplinary environment;
7. ICT skills, in order to access relevant databases and websites;
8. Keeping up knowledge, continually updating his or her knowledge and abilities by properly using and updating the research skills and sources taught in the programme.

The panel considers these learning objectives to be relevant, but notes that learning outcomes regarding arbitration are not adequately represented in the programme documentation. Arbitration can be made more explicit or prominent, given that at least fifty per cent of the courses has a substantial arbitration component. The panel feels that the additional focus on arbitration makes good sense: the programme is predominantly a public international law programme, and tries to distinguish itself from similar international master's programmes in the field of dispute resolution (such as the Master International Dispute Settlement in Geneva) by addressing specifically negotiation, mediation, conciliation and commercial arbitration. The reference to 'arbitration' in the title emphasises the Leiden expertise, especially of the Grotius Centre for International Legal Studies, relates well to the status of The Hague/Leiden as a dispute resolution hub (see above) and will contribute to a positive benchmark on the international educational market.

The programme is at the advanced master's level. Incoming students must have completed a (law) degree at master's level, teaching and training will be more intensive and will immediately start at a higher level than regular master's programmes. The panel recognises the advanced nature of the programme.

The programme aims to combine an academic orientation with a practice-oriented approach. Upon completion of the programme, the advanced master's graduate will have acquired the skills to address complex legal questions in the field of international dispute settlement. On this basis, the graduate will be able to work with and within a variety of legal systems as a legal professional in an international environment, or to conduct further independent academic research, for example, as a PhD researcher. Leiden University is a research-intensive university, promoting the interaction between research and teaching. In the programme, a combination of research and transfer of knowledge methodology will be used and theoretical knowledge will be consistently linked to concrete situations and legal cases derived from practice. The panel applauds this approach.

Experts in the field (law firms, international dispute settlement institutions, universities and international professional organisations) were consulted in the design phase of the programme. They endorsed the need for an advanced master's programme in international dispute settlement and arbitration. They confirmed that graduates will be able to apply the acquired skills immediately after graduating, either in the specialised field of international dispute settlement or in positions for lawyers with a more general international background. They generally approved the range of subjects to be addressed. The panel appreciates the programme staff's close connection with the professional field and the continued involvement of legal professionals in an Advisory Board of the programme.

### *Considerations*

The intended learning outcomes are set out clearly. Adding explicit references in the intended learning outcomes to arbitration, will ensure that they fully cover the aims of the programme. The fact that the programme focuses on international dispute settlement in public international law, while also providing education in commercial law arbitration, is an added value. The programme further distinguishes itself internationally from other programmes in international dispute settlement, by making full use of the status of The Hague/Leiden as a dispute resolution hub. The advanced nature of the master's programme, which requires among the admission criteria having already completed a master that offers entry to legal practice, makes it easier to ensure a more in-depth approach. The hybrid theoretical/practical perspective of the programme seems ideal to provide students a good margin of flexibility in choosing their future careers. The links with both the academic community and the professional field are strong and provide a good basis for this advanced master's programme.

### *Conclusion*

Meets the standard.

## **4.2 Teaching-learning environment: Standard 2**

*The curriculum, staff and programme-specific services and facilities enable incoming students to achieve the intended learning outcomes.*

### *Findings*

#### Structure and contents

The programme consists of three core courses (Principles of International Law and International Dispute Settlement; International Judicial and Arbitral Proceedings; International Arbitration in Public International Law) and five supplementary courses (Negotiation and Mediation; Legal Writing, Advocacy and Litigation Techniques; The Law, Ethics and Politics of International Dispute Settlement in International Law; International Commercial Arbitration and Litigation; International Investment Law and Arbitration). The three core courses aim at providing a theoretical, practical and primary law framework, while the supplementary courses are in their own specific manner supportive and additional towards the core courses. The programme is concluded by writing a thesis.

The panel considers this to be a solid structure. The programme is skilfully designed to avoid overlaps in coverage of courses and provides a comprehensive coverage. The programme has both academic and professional perspectives and provides a solid background and level of practical skills that are useful. Although the overall design is adequate, the panel advises considering some adjustments to further strengthen the programme's coherence. The panel thinks that the sequence of courses could be slightly different and advises reconsidering the position of two courses (Legal Writing, Advocacy and Litigation Techniques; The Law, Ethics and Politics of International Dispute Settlement) that are now positioned in the middle of the programme. The programme management explained that the rationale is to have these courses after the core courses on principles and before moving into more detail on various specific fields. The aim of these courses in the middle is to have students reflect critically and take that with them to the specific courses. The staff admitted that a different place, at the end, is also defensible.

The panel believes these courses would be better placed at the end, before writing the thesis, especially the course on ethics.

Other suggestions discussed during the peer review are to consider (1) renaming course titles to give more visibility to the highly procedural approach of the programme, such as changing the title of the second course (International Judicial and Arbitral Proceedings) to Jurisdiction and Proceedings of International Courts and Tribunals; (2) shortening the title of the course The Law, Ethics and Politics of International Dispute Settlement in International Law by deleting the last three words; (3) enhancing the ethical content of this course, beyond the one session that is described in the course outline; and (4) putting a stronger emphasis on conciliation and fact-finding as part of the PCA procedures.

Students are encouraged to start thinking about a suitable thesis topic at an early stage. At the start of the programme, in September, workshops are organised on integrity and on basic notions of academic writing. Thesis working groups will be organised, which are special seminars on research methodology and possible research subjects. Throughout the writing of their thesis, students are monitored by their supervisor, both in terms of methodology and substance. The maximum class size of forty students will allow for close supervision. Any deficiencies can be found out in supervision and additional courses or support can be provided as an extracurricular service. The panel met a number of students who attended the sub-track International Dispute Settlement. They confirmed that they received much help from different staff members. They found that the staff was very supportive and had a genuine interest in the student's successful completion of the thesis.

Students of the advanced master's programme are allowed and encouraged to follow one course of another advanced master's programme of the Law Faculty at no additional cost. The panel thinks this is an elegant way to add an elective course to the fixed package of courses. The "rigidity" of the programme, where the margin of manoeuvre of students in choosing subject is limited, provides effective learning outcomes for students who already have a legal background. It allows for a more in-depth approach to the subjects in the programme. Still, allowing students to participate in one additional course from other advanced master's programmes at the Law School, allows them to expand their interests at their convenience.

#### Admission

To qualify for admission to the programme, applicants should

- hold a law degree that gives access to legal professions or, if their degree is in another field, have studied a substantial legal component in their previous studies;
- demonstrate a sufficiently high performance (grades, letters of recommendation);
- demonstrate a keen interest in the field of international dispute settlement (letter of motivation, past experience);
- show proven English language proficiency (TOEFL or IELTS, complemented by a telephone interview where appropriate).

The panel observes that, on the basis of these requirements, students taking the advanced master's programme may or may not have a legal degree. It is important to establish a sound conceptual basis and a level playing field for the advanced studies aimed at. This can partly be done by providing students with reading lists or referring them to appropriate MOOCs or summer courses, as was discussed with staff during the site visit. The panel believes, however, that a more formalised approach is preferable.

The panel recommends that a law degree should be required, and that it should be verified if a basic course on international law has been completed. The panel refers to a similar approach in the master's programme Advanced Studies in Air and Space Law. In addition, the panel advises facilitating students to redress any substantive deficiencies, not only by providing reading lists, but also by assessing the students' knowledge before the start of the programme.

The application dossier mentions the possibility of studying the advanced programme as a part-time student by spreading the courses over a two-year period. In the meetings with staff during the site visit, the panel learned that a tailor-made programme is discussed with a candidate who wishes to pursue this option. The programme staff tries to devise a realistic scheme, but does not want to be too flexible, in order to avoid that the student cannot finish everything on time. Teachers are flexible in setting dates for presentations, and think this approach works out well so far. The panel appreciates the opportunities for part-time students, having heard the interest of the professional field.

#### Didactic approach

Characteristic of the advanced master's programme is its small-scale teaching with an intensive interaction between students and lecturers and the use of various and diverse teaching methods, including moot-courts. Academic skills and attitude are trained through a variety of research assignments and by active supervision. The independence of students increases though the course of the programme. The programme aims at developing the students' ability to work in teams and improve their intercultural skills, through class work and assignments, as well as through social activities.

The panel appreciates the well-structured course outlines, with specific credit to the inclusion of a table on skills training in every course. In addition to the scheduled class hours, students will have personal contact with the programme staff in the form of individual consultation, and are offered extra-curricular activities, programme trips and visits, one-to-one help, workshops, extra lectures and exercise groups. The panel notes that the programme staff makes good use of the experience of other advanced master's programmes in organising a stimulating and supportive teaching-learning environment.

#### Staff

On the basis of the written documentation and the meetings during the site visit, the panel finds that the core staff is highly qualified and experienced, albeit limited in size. A vacancy will be advertised shortly, for the field of international law. In addition, experienced colleagues in International Public Law can be called upon in case of shortage of staff or for specific topics. Guest lecturers will be invited as well, both academics from other institutions and professionals from The Hague, such as PCA-staff members. The list of guest lecturers will vary from year to year, depending on who is available in various tribunals. Guest lecturers will not be involved in grading papers, but will sometimes be invited to supervise a thesis student with a very specific topic. In such cases, there will always be a second supervisor from the academic core staff. The panel thinks that the insight from practice is a positive addition to the programme and advises keeping a good balance of academics and staff from professional practice. The students told the panel that guest lecturers were pitched at a high level consistently and they have good educational skills. They appreciate the presence of guest lecturer with professional expertise.

### Facilities

The infrastructure and the facilities that are available for the advanced master's students are extensive: library, working spaces, ICT facilities, digital learning environment, educational materials and classrooms. The programme makes good use of the experience gathered in other advanced master's, such as the importance of extracurricular and social activities. Dedicated staff members are available for the support of students and the logistical support of the programme. The students appreciate that the international background of their group contributes to the learning experience. They feel encouraged to organise extracurricular activities, such as study trips and social events. The staff joins them for breakfast and for special evenings such as a New Year's party.

The programme uses the many arbitration institutions in the Hague and their staff members, to help students creating a network and getting inside knowledge about these institutions. These practitioners are invited as guest lecturers and are welcomed to stay after class and have a drink and conversation with students. Alumni are invited for social events, if they are still in the Netherlands, or as guest lecturers. They can tell students about their career trajectory. Other ways of keeping in touch with alumni are the annual alumni events, Facebook and LinkedIn and the newsletter of the Grotius Centre. The panel finds that the facilities are very good. The quality of the programme will be monitored by the Quality Assurance System Standing Committee and the Quality Assurance Manager for the Advanced Studies Programmes.

### *Considerations*

The proposed set of courses is solid and comprehensive. The panel has made a few suggestions on the sequence of courses and on the need of adjusting some of the course titles, expecting that this will strengthen the programme even more. The advanced and intensive nature of the programme makes it necessary to select highly qualified students for admission. The panel advises including the requirement that applicants must have completed a legal degree including a course on international law in their previous studies. The panel appreciates the possibilities offered to part-time students, in line with the needs of the professional field. The small-scale teaching and intensive interaction among students and with lecturers will provide a stimulating teaching-learning environment. The teaching staff is relatively small, but highly qualified and experienced. They will have access to other staff to implement the programme successfully, both academics and professionals from practice. The material facilities and support structure are extensive. Summing up, the panel concludes that the curriculum, staff and programme-specific services and facilities enable incoming students to achieve the intended learning outcomes.

### *Conclusion*

Meets the standard.

## **4.3 Assessment: Standard 3**

<i>The programme has an adequate assessment system in place.</i>
--

### *Findings*

The range of assessment methods is broad: written exams, oral exams, presentations (individual or group), papers, interim short exams, moot court, and the final written thesis. The different methods of assessment are found to be consistent with best practice. Initially,

the panel wondered about the large proportion of class participation as part of the assessment, and was not sure how this would be assessed objectively. In the meeting with staff it was clarified that class participation should be interpreted as formal presentations or special assignments, such as chairing a class session. Formal grading sheets will be used to assess the student's performance. The staff admits that the current description in the course outlines is confusing, and will change this.

Students will be given a clear indication of the test at the beginning of the course. After the exam, once the results have been distributed, an exam review session will allow students to see where they went right or wrong, and to help them to better understand what was expected of them. The panel appreciates that grading is done anonymously as much as possible, and that for the thesis a system of double grading is in place. The panel supports the practice that guest supervisors from professional practice are always seconded by a fulltime member of staff.

The panel has looked into a number of exam papers submitted by students of the current sub-track International Dispute Settlement in the advanced master's programme in Public International Law. The panel notes that a substantial number of questions are the same over the years, and thinks this should be avoided. The panel found the feedback on the papers to be useful and expects that it will help students to build on in the next courses. The correlation between comments and grade could be improved by using the full marking scale (instead of 7 or 8 only) and using the comments more clearly as a justification for the grade.

The Examination Board is responsible for the adherence of the rules and regulation of the advanced master's programmes, assessment and evaluation, appeals procedures, and can be called upon by the Quality Assurance System Standing Committee to convene if a formal complaint is submitted regarding any of the advanced master's programmes. Dedicated tasks allocated to the Examination Board are

- (1) thesis problems: thesis guidance problems, control/check of second reader, internal audit for theses, fraud and cheating;
- (2) internal audit within exams: e.g. checking exam questions, monitoring course evaluations;
- (3) annual report, monitoring changes to programme rules and regulations, signing and agreeing exam grades for each course, assigning examiners and monitoring their qualifications (including external examiners).

Because the Examination Board is organised jointly for all advanced master's programmes, it has built up considerable experience institutionally. The panel is assured that the quality assurance of the assessment system is well organised.

#### *Considerations*

The panel has found evidence of an accessible and transparent approach to assessment. The different methods of assessment conform to accepted standards. The panel advises that using identical exam questions over the years be avoided. Students will be well-informed in advance and will be given extensive feedback. The panel advises to use the full marking scale when grading exams. The Examination Board monitors and guarantees the quality of assessment and is clearly up to its task.

#### *Conclusion*

Meets the standard.

#### 4.4 Graduation guarantee and financial provisions: Standard 4

*The institution guarantees students that they can complete the entire curriculum and makes sufficient financial provisions available.*

##### *Findings*

Leiden University guarantees that the financial resources available for the programme are sufficient in order for admitted students to complete the programme. It is anticipated that the programme will be able to attract sufficient numbers of quality students required for financial sustainability and market reputation. The continuation of the programme is also guaranteed by the Leiden Law School, as the programme is anticipated to be one of the feeder programmes for the Graduate School. The programme will be fully financed by tuition fees. Given the support from the professional field, as evidenced in the documentation and the interview with stakeholder representatives, the panel expects that this will provide the stable and constant base that is counted on.

##### *Considerations*

The panel concludes that the embedding of the programme in the long-term plans of the Leiden Law School is good and is supported by adequate financial resources. The expected intake numbers seem realistic. The university guarantees that students can complete the entire curriculum.

##### *Conclusion*

Meets the standard.

#### 4.5 Conclusion

The panel has found that all standards meet the criteria. The intended learning outcomes (standard 1) reflect the programme's aims, especially when more explicit references in the intended learning outcomes to arbitration are added. The programme distinguishes itself internationally from similar programmes by making full use of the status of The Hague/Leiden as a dispute resolution hub. The curriculum, the teaching methods, the quality of the teaching staff and the facilities (standard 2) enable the incoming students to achieve the intended learning outcomes. The proposed set of courses is solid and comprehensive. The panel has made a few suggestions on the sequence and the titles of courses. The small-scale teaching and intensive interaction will provide a stimulating teaching-learning environment. The staff is well-qualified and the facilities are extensive. The assessment system (standard 3) is well-designed and the Examination Board is qualified and experienced. The graduation guarantee and financial provisions (standard 4) are adequate. On the basis of the outcomes per standard, the quality of the programme is assessed as positive.

#### 4.6 Recommendations for further improvement

1. Add explicit references to arbitration in the intended learning outcomes.
2. Reconsider the position of two courses (Legal Writing, Advocacy and Litigation Techniques; The Law, Ethics and Politics of International Dispute Settlement) that are now positioned in the middle of the programme.
3. Rename some course titles to give more visibility to the highly procedural approach of the programme.

4. Put a stronger emphasis on conciliation and fact-finding as part of the PCA procedures.
5. Add to the admission requirements that applicants must have completed a legal degree, including a course on international law.
6. Facilitate that any substantive deficiencies in required knowledge are addressed and assess the level of knowledge before the start of the programme.
7. Clarify that the assessment of class participation should be interpreted as assessment of class presentations.
8. Improve the assessment system by avoiding the use of identical exam questions over the years and by using the full marking scale.

#### **4.7 Sector classification**

The panel agrees with the proposed sector classification: Law.



## 5 Overview

Standard	Assessment
<p>1. <i>Intended Learning outcomes</i>  <i>The intended learning outcomes of the programme have been concretised with regard to content, level and orientation; they meet international requirements</i></p>	Meets the standard
<p>2. <i>Teaching-learning environment</i>  <i>The curriculum, staff and programme-specific services and facilities enable incoming students to achieve the intended learning outcomes.</i></p>	Meets the standard
<p>3. <i>Assessment</i>  <i>The programme has an adequate assessment system in place.</i></p>	Meets the standard
<p>4. <i>Graduation guarantee and financial provisions</i>  <i>The institution guarantees students that they can complete the entire curriculum and makes sufficient financial provisions available.</i></p>	Meets the standard
<p><b>Conclusion</b></p>	Positive

## Annex 1 – Panel

**Prof. Elaine Mak** (*chair*) has been Professor of Jurisprudence at Utrecht University since 1 June 2016, where she teaches courses on legal theory, constitutional law, and research methodology. Her research focuses on the role of institutions of government, in particular courts, under the influence of legal and societal change. She has conducted a research project on highest courts and globalisation (NWO Veni grant 2008-2011) and currently leads a research project on the development of judicial cultures in Europe (NWO Vidi grant 2016-2021). Elaine Mak holds law degrees from Rotterdam and Paris. She obtained her PhD degree at the Erasmus University Rotterdam in 2008 and from January 2014 until May 2016 was Professor of Empirical Study of Public Law as well as Director of the Erasmus Graduate School of Law. She is a member of the board of the Netherlands Association for Philosophy of Law.

**Prof. Loukas Mistelis** is the Clive M Schmitthoff Professor of Transnational Commercial Law and Arbitration and Director of the School of International Arbitration, Queen Mary University of London. He has extensive experience in international arbitration practice, having been appointed as arbitrator in over 70 arbitrations. His publications include 13 books and more than 70 articles and empirical research into corporate attitudes towards international dispute resolution. He has been educated in Athens, Greece, Strasbourg, France, Hannover, Germany and Keio, Japan. He has held visiting positions at a number of universities, including the National University of Singapore, Columbia Law School, NYU Law School, Keio University, LUISS in Rome, and Catholic University in Lisbon. He is a member of the ICSID Panel of Arbitrators, a member of the Academic Committee of the Institute of Transnational Arbitration, a member of the Advisory Board of EFILA, a member of the Academic Committee of AIPN, and General Editor of the Oxford International Arbitration Law Monograph Series.

**Prof. Attila M. Tanzi** holds the chair of international law at the University of Bologna. His other current and previous appointments include: visiting professor at Queen Mary University, professor at the University of Verona, visiting professor at the University of Perugia, director of studies at the Hague Academy of International Law, member of the Permanent Court of Arbitration, conciliator at the Court of Conciliation and Arbitration of the Organization for Security and Co-operation in Europe, chairman of the Implementation Committee of the UNECE Water Convention and legal consultant to Italy's Ministry of Foreign Affairs. On several occasions, he was a member of Italy's delegation to the Sixth Committee (Legal) of the U.N. General Assembly. Professor Tanzi acts as counsel and arbitrator in inter-state cases and as arbitrator investment treaty cases. He has also acted as an expert on public international law in various proceedings. Professor Tanzi's main fields of interest are public international law, international investment law, international water law and international environmental law. His areas of research and practice include natural resources law, investment law, environmental law, dispute settlement, State responsibility and liability, jurisdictional immunities, law of international organizations.

**Diana van Wanrooij, LL.B** (*student member*) is a student in both the LLM programme in International and European Law of Tilburg University and the Master programme Law and Technology of Tilburg University. Diana van Wanrooij served as a member of the program committee of Tilburg University and as a general board member of law faculty association

Magister JFT and frequently serves as a student member on NVAO panels for the initial accreditation of higher education degree programmes in the Netherlands.

Assisting staff:

- Michèle Wera MA, policy advisor NVAO and process coordinator
- Dr. Marianne van der Weiden, secretary to the panel

*All panel members and the secretary signed a declaration of independence and confidentiality prior to the assessment process.*

## Annex 2 – Site Visit

**Date:** 23 and 24 November 2017

**Venue:** Academy Building, Rapenburg 73, 2311 GJ Leiden

### Thursday 23 November 2017

12.00 – 13.30 Preparatory panel meeting including lunch (closed meeting)

13.30 – 14.00 Short presentation both programmes & meeting with Dean

- Prof. dr. Joanne van der Leun (Dean, Leiden Law School)
- Prof.dr. Eric De Brabandere (Chair of International Dispute Settlement Law, Programme Director LL.M. Adv. IDSA, and Director Grotius Centre for International Legal Studies)
- Prof. dr. P.F. van der Heijden (Professor International Labour Law, Leiden University Law School, Director LL.M Adv. GELL)
- Prof. dr. G.J.J. Heerma van Voss (Professor of Labour Law and Chair Department of Social Law)
- Dr. B.P. ter Haar (Assistant-Professor of European and International Labour Law and Academic Coordinator LL.M Adv. GELL)
- Ms. Sheena Bruce (Head Advanced Master Programmes Coordinator)
- Ms. Martine Wierenga, LL.M. (Programme Coordinator, LL.M. Adv. IDSA)

14.00 – 14.30 Walk to Law School Building and Tour through the buildings and facilities

14.30 – 16.30 Preparatory panel meeting (continued)

16.30 – 17.15 Students and/or alumni similar Master of Laws Advanced Studies

- Ms. Erin Cronjé (student 2016/2017, LL.M. Adv. Public International Law – International Dispute Settlement Track)
- Mr. Luis Popoli (student 2016/2017, LL.M. Adv. Public International Law – International Dispute Settlement Track)
- Ms. Susana Dittrich (current student 2017/2018, LL.M. Adv. European and International Business Law)

17.30 – 18.00 Examination Board both programmes (GELL and IDSA)

- Asst. Prof. Tania Masson-Zwaan (Deputy Director of the International Institute of Air and Space Law)
- Sylvia Vink (External Exam Commission Member (Educational Advisor and Researcher ICLON))
- Morshed Mannan LL.M. Cum Laude (PhD Researcher)

18.00 – 18.30 Professional field both programmes (GELL and IDSA)

- Fred van Haasteren (former CEO of Randstad; NCP Netherlands)
- Rutger Goethart (Manager Global Public Affairs, Global Corporate Relations, Public Affairs at Heineken) – Video Skype
- Fedelma Claire Smith - Legal Counsel, Permanent Court of Arbitration, The Hague

Friday 24 November 2017

09.00 – 09.45 Programme management and designers curriculum Global and European Labour Law (GELL)

- Prof. dr. P.F. van der Heijden (Professor International Labour Law, Leiden University Law School, Programme Director GELL)
- Prof. dr. G.J.J. Heerma van Voss (Professor of Labour Law and Chair Department of Social Law)
- Prof. dr. E. Verhulp (Professor of Labour law University of Amsterdam)
- Dr. B.P. ter Haar (Assistant-Professor of European and International Labour Law and Academic Coordinator LL.M Adv. GELL)
- Ms. Sheena Bruce (Head Advanced Master Programmes Coordinator)

10.00 – 11.00 Teaching staff Global and European Labour Law (GELL)

- Prof. dr. B. Barentsen (Professor of Labour Law; and Professor of Labour Relations in the Public Sector)
- Prof. dr. S. Sagel (Professor of Labour Law; and Partner / Lawyer at De Brauw Blackstone Westbroek)
- Dr. Y. Erkens (Associate-Professor of Labour Law)

11.15 – 12.00 Programme management and designers curriculum International Dispute Settlement and Arbitration (IDSA)

- Prof.dr. Eric De Brabandere (Chair of International Dispute Settlement Law, Programme Director LL.M. Adv. IDSA, and Director Grotius Centre for International Legal Studies)
- Ms. Martine Wierenga, LL.M. (Programme Coordinator, LL.M. Adv. IDSA)
- Ms. Sheena Bruce (Head Advanced Master Programmes Coordinator)

12.15 – 13.15 Teaching staff International Dispute Settlement and Arbitration (IDSA)

- Prof.dr. Larissa van den Herik (Chair of Public International Law Law, Grotius Centre for International Legal Studies)
- Dr. Mamadou Hébié (Assistant Professor of Public International Law Law, Grotius Centre for International Legal Studies)
- Dr. Joe Powderly (Assistant Professor of International Law, Grotius Centre for International Legal Studies) – Skype/Video

13.15 – 15.30 Final panel meeting including lunch (closed meeting)

15.30 – 16.00 Feedback session (closed meeting)

- Prof. dr. Joanne van der Leun (Dean, Leiden Law School)
- Prof.dr. Eric De Brabandere (Chair of International Dispute Settlement Law, Programme Director LL.M. Adv. IDSA, and Director Grotius Centre for International Legal Studies)
- Ms. Martine Wierenga, LL.M. (Programme Coordinator, LL.M. Adv. IDSA)
- Ms. Sheena Bruce (Head Advanced Master Programmes Coordinator)
- Prof. dr. G.J.J. Heerma van Voss (Professor of Labour law and Chair Department of Social Law)
- Dr. B.P. ter Haar (Assistant-Professor of European and International Labour Law and Academic Coordinator LL.M Adv. GELL)

## **Annex 3 – Documents**

*Programme documents presented by the institution*

Application dossier including appendices

*Documents made available during the site visit*

### Part 1: NVAO documentation

Recent reaccreditation findings

University Mid-Term Review Reports for Advanced Master Programmes

### Part 2: Quality assurance of advanced studies programmes

Quality assurance (QA) monitoring cycle

Examples of minutes from QA standing committee

Student & alumni questionnaires / exit reports

Exam Commission Rules

Exam Commission Duties

Exam Commission Annual Report

### Part 3: Information on existing advanced studies programmes

The existing advanced masters programmes

The Meaning of the Predicate 'Advanced '

Organogram of advanced studies programmes within Leiden Law School

Advanced Master Governance

Example of an advanced studies programme course schedule (European and International Business Law programme)

Intake statistics Advanced Master Programmes

### Part 4: Study guidelines provided to advanced studies students / staff

Course and examination rules and regulations

Exam grading instructions

Exam Commission exam review requirements

Exam Rules and Regulations for Students

Peer Review Sheet

Rules of Citation for Papers and Thesis

Plagiarism information

Thesis Guidelines for students and supervisors

Thesis and paper grading criteria

Thesis second reader statement

Presentation checklist

Example of an advanced master course booklet for students pre reading

Blue Book

Library Induction materials

### Part 5: Law School services & facilities offered to advanced studies students/graduates

Pre-sessional English courses

Careers services

Careers promotion brochure

Meijers research institute and graduate school  
Alumni information  
Leiden Leadership Programme

Part 6: Course materials, exams, assessments and assessment matrix

Course materials The Law, Ethics and Politics of International Dispute Settlement in  
International Law

Course materials International Arbitration in Public International Law

## **Annex 4 – Abbreviations**

ba	bachelor
EC	European Credit
GELL	Global and European Labour Law
hbo	hoger beroepsonderwijs
IDSA	International Dispute Settlement and Arbitration
ma	master
MOOC	Massive Open Online Course
NVAO	Nederlands-Vlaamse Accreditatieorganisatie
PCA	Permanent Court of Arbitration
QA	Quality Assurance
QAS	Quality Assurance System
wo	wetenschappelijk onderwijs



The advisory report was written at the request of NVAO and is the outcome of the peer review of the programme wo-master Advanced Studies in International Dispute Settlement and Arbitration of Leiden University.

Accreditation Organisation of the Netherlands and Flanders (NVAO)  
Parkstraat 28  
P.O Box 85498 | 2508 CD DEN HAAG  
T 31 70 312 23 00  
E [info@nvao.net](mailto:info@nvao.net)  
W [www.nvao.net](http://www.nvao.net)

Aanvraagnummer 005901