

## Merrills' International Dispute Settlement

The fully revised seventh edition of this successful textbook explains the legal and diplomatic methods and organisations used to solve international disputes, how they work and when they are used. It looks at diplomatic (negotiation, mediation, inquiry and conciliation) and legal methods (arbitration, judicial settlement). It uses many, up-to-date examples of each method in practice to place the theory of how the law works in real-life situations, demonstrating the strengths and weaknesses of different methods when they are used. Fully updated throughout, the seventh edition includes a new introduction explaining the common principles of international dispute settlement and a chapter on investor–state arbitration, as well as recommended further readings at the end of each chapter. It is an essential resource for advanced undergraduate and postgraduate courses on international dispute settlement.

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# Merrills' International Dispute Settlement

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Seventh edition

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## Preface

Professor John G. Merrills sadly passed away in 2018. I had the opportunity to meet Professor Merrills on several occasions, and remember him as an inspiring scholar and lecturer, and considerate colleague. He was Emeritus Professor at the University of Sheffield, and author of, amongst others, this seminal book. This text has been my own international dispute settlement bible for many years, in my teaching of international dispute settlement at Leiden University and elsewhere. Professor Merrills last updated this important textbook in 2016, and I am truly honoured to have been asked to take charge of this new edition.

The writing of a new edition of an existing textbook is a challenge, but one that I have gladly accepted and taken on. This seventh edition is rightly entitled 'Merrills' International Dispute Settlement'. In revising the text, I have not only sought to provide an update on the evolutions which had taken place since the last edition, but I have also, and perhaps most importantly, tried to maintain and be faithful to the approach adopted by Professor Merrills. It has not been my ambition, for that reason, to completely overhaul the structure and approach adopted in this book, with the risk of otherwise transforming it into a completely new text which would have been too remote from the original intention of Professor Merrills. I have approached the new edition above all as an update and revision of Professor Merrills' work, not my own book on international dispute settlement.

I have therefore decided not to move away from the 'institutional' approach adopted by Professor Merrills, and thus left the configuration of the book largely unaltered. I have also retained his approach to not include sections on international courts and tribunals which are technically not concerned with dispute settlement. The overall objective of this book is to look at international dispute settlement; it is not a textbook on international courts and tribunals generally.

That being said, I have taken into account the feedback organised by Cambridge University Press from colleagues around the world who use this book as the main textbook for their courses, and have also been inspired by my own use of the book over the past decade. I have therefore decided to make some additions and modifications to the text. Readers will notice that a general introductory chapter has been added, containing a discussion of the principles of dispute settlement and an introduction to



the various categories of dispute settlement methods. Another new chapter covers disputes between states and non-state entities in the field of investor-state arbitration. While the focus of the book has generally been on inter-state dispute settlement, I have found it difficult not to engage with the increased use of investor-state arbitration, especially in light of the fact that most courses on international dispute settlement now cover this topic. However, while several additions have been made to this new edition, I have decided as a matter of principle to limit the removal of Professor Merrills' original work. I have found that most of the existing paragraphs remain highly relevant, though certain parts, notably the role of international organisations in international dispute settlement and the final chapter on 'Trends and Prospects', required updating and some limited deletions.

Structurally, I have made only a few changes in light of my general approach mentioned above. Subheadings were added to make it easier for readers to directly locate one specific aspect, all headings were numbered to clarify the overall structure of the book, and a 'Further Reading' section was added to the end of each chapter.

Revising this textbook, which was one of the first texts on international dispute settlement, has been an immense honour and pleasure, despite the practical limitations I have run into in light of the first year of the Covid-19 pandemic, during which this new edition has been drafted and finalised. But I have not written in intellectual isolation, and hence wish to thank several people who have contributed, in various capacities, to the revision of this book.

First of all, I wish to thank Niamh McCormack and Samantha Tirthdas for research and editorial assistance. My thanks also go to several colleagues at the Grotius Centre for International Legal Studies and elsewhere for having shared their thoughts on the new edition of this book, and for having carefully reviewed some chapters and offered their comments and suggestions: Laurence Boisson de Chazournes, Mamadou Hébié, Larissa van den Herik, Sebastian Lopez Escarcena, Anna Marhold, Brian McGarry and Cecily Rose.

Last but not least, in revising the textbook, I have benefitted much from having co-taught for almost a decade the course of International Dispute Settlement at Leiden University with the late Professor Hugh Thirlway, who passed away in 2019. Notably the newly drafted first chapter's structure has been based on how Professor Thirlway and I used to introduce International Dispute Settlement to our LL.M. students. I will always remain much indebted to Professor Thirlway for his mentoring, counsel and friendship.

**Eric De Brabandere**  
*Ghent (Belgium), 19 March 2021*

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