MODULE **DESCRIPTOR**

MODULE TITLE	**INTERNATIONAL COMMERCIAL ARBRITRATION**		
MODULE CODE	LA4605 [L7]	**CREDIT VALUE**	10 ECTS
SCHOOL	SCHOOL OF LAW		

MODULE **AIMS**

The module aims to explore the role and regulation of arbitration as a method of dispute resolution, adopting a comparative approach and highlighting contrasting approaches to regulation. Students will obtain a thorough understanding of the role and significance of private institutions, national laws and international instruments in providing a framework for arbitration. A particular focus is examination of the ways in which arbitration remains embedded in national legal systems, and a critical assessment of its potential as a 'supra-national' system of dispute resolution. Students will be encouraged to undertake a critical comparison of contrasting national and institutional rules and to consider whether the 1958 New York Convention is still fit for purpose. In the national law context, the principal comparisons will be between English law and the UNCITRAL Model Law. At the institutional level, comparison will be made of contrasting provisions selected from the rules of the principal arbitral institutions (e.g. ICC, LCIA).

Successful completion of this module can also provide a stepping stone for students to become involved in international alternative dispute resolution (ADR). This module is recognised by the Chartered Institute of Arbitrators, therefore students who successfully complete this module will be eligible to apply to become Associates of the Chartered Institute of Arbitrators, allowing them to use the post-nominal letters ACIArb.

This module cannot be taken by students who have studied, or are studying, LA4926 Private International Law in Business.

MODULE **CONTENT**

• Comparison of dispute resolution procedures; arbitration as a method of dispute resolution: advantages and disadvantages; fundamental principles of the international arbitration process;
• The UNCITRAL Model Law and Arbitration Rules
• Legal framework: the arbitration agreement, arbitral institutions, national laws, international soft law and international conventions; arbitration rules: time-limited, institutional, industry standards, industry schemes and ad hoc agreements
• The agreement to arbitrate: validity under the New York Convention 1958 and national laws
• Separability and competence-competence
• The importance of the seat.
• The lex arbitri
• Appointment of arbitrators
• Obligations and powers of arbitrators, independence and neutrality, ethics
• Responsibilities and obligations of the parties;
• Arbitral proceedings: 1) Documents only and oral hearings
                2) Managing the arbitration process: communications, preliminary meeting, interlocutory matters, dealing with factual and opinion evidence and disclosure of documents including introduction to the IBA Guidelines;
                3) Presenting the claim and the defence: alternative methods;
                4) Procedure at a typical hearing, including contrasting common and civil law jurisdictions;
                5) Costs and interest: alternative approaches in different jurisdictions
• Enforcement of the arbitration agreement: declining jurisdiction; anti-suit injunction;
• The award and challenges to the award
• Enforcement of arbitral awards

INTENDED **LEARNING OUTCOMES**

On successful completion of this module a student will be able to:

1.	Discuss the appropriateness of arbitration for the resolution of a particular dispute
2.	Understand the requirements for a valid arbitration agreement and appreciate the pros and cons of different arbitral seats, and assess critically the ways in which they intervene in the process of arbitration
3.	Understand the role of arbitral institutions, the competition between them and the role of the lex arbitri and be able to identify the relevant law
4.	Critically assess both the effectiveness of provisional measures in international arbitration and the success of the New York Convention 1958 in promoting the enforceability of arbitral awards
5.	Research, critically evaluate and present well-structured arguments in written and oral work.

TEACHING **METHODS**

For campus provision: Preparation for the workshops will involve extensive research and reading, to consider and critically analyse the set topics and the discussion questions, set in advance, arising from those topics. Students are expected to prepare answers to the discussion questions and present these to, and discuss with, the workshop tutor and workshop group members. In addition to the skills of analysis and research, students are expected to develop and apply skills of analytical discussion, oral expression and writing. Students will engage with other students and staff in online activities, and synchronous and asynchronous workshops, to consider and critically analyse particular sources and engage in discussion leading to development of these skills. The workshops also give students the opportunity to synthesise in a more dynamic way the independent learning already undertaken and apply principles from various themes covered in the workshop activity sheets.One workshop may be run online, two weeks before the module starts, to introduce students to module themes and principles in advance of the campus-sessions. The final workshop will take place two-weeks before the submission deadline for coursework and run as a revision session.

For distance learning: preparation for the online workshops will involve extensive research and reading, to consider and critically analyse the set topics and the discussion questions, set in advance, arising from those topics. Students are expected to prepare answers to the discussion questions and present these to, and discuss with, the workshop tutor and group in the context of synchronous and / or asynchronous discussions. In addition to the skills of analysis and research, students are expected to develop and apply skills of analytical discussion, oral expression and writing. Students will engage with other students and staff in online activities, and synchronous and asynchronous workshops, to consider and critically analyse particular sources and engage in discussion leading to development of these skills. The synchronous and asynchronous workshops also give students the opportunity to synthesise in a more dynamic way the independent learning already undertaken and apply principles from various themes covered in the workshop activity sheets. The final workshop will take place two-weeks before the submission deadline for coursework and run as a revision session.

ASSESSMENT **METHODS**

This module is assessed through an essay (75%) and a presentation/online activity/essay plan (25%).