

## MODULE DESCRIPTOR

<b>MODULE TITLE</b>	INTERNATIONAL COMMERCIAL MEDIATION		
<b>MODULE CODE</b>	LA4608 (L7)	<b>CREDIT VALUE</b>	20 UK CREDITS / <u>10 ECTS</u>
<b>SCHOOL</b>	SCHOOL OF LAW		

### MODULE AIMS

The module is designed to offer comparative analysis of both the law and practice of mediation at national (e.g. United Kingdom, Mauritius, USA), regional (e.g. European Union, African Union), transnational and international levels. It aims to explore the theoretical, practical and ethical problems relating to international commercial mediation. Sessions concentrate on practical mediation exercises in an international commercial context covering the entire procedure, from advising the client on the use of mediation, through the actual procedure itself, through to drafting settlement agreements. Students will develop a systematic understanding of the role of the mediator in national, regional and international commercial disputes and will focus on the necessary skills and techniques of a successful mediation through role play exercises. Successful completion of this module can also provide a stepping stone for students to become involved in international alternative dispute resolution (ADR). Students who successfully complete this module will gain accredited mediator status as this module is approved by the Civil Mediation Council, the recognised authority in the United Kingdom for civil and commercial mediation.

### MODULE CONTENT

**Indicative syllabus content:**

- The theory and practice of mediation and conflict in the context of international commercial mediation.
- An analytical comparison of the use of mediation at national (e.g. United Kingdom, Mauritius, USA), regionally (e.g. European Union, African Union), transnationally and internationally.
- Key mediation skills:
  - The role of the mediator.
  - Dealing with caucus and conference sessions.
  - Ethics and practice of mediation through role-plays.
  - Interviewing and negotiation by way of practical experience of mediation from a client/lawyer perspective through role-plays.

### INTENDED LEARNING OUTCOMES

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

1. Discuss the appropriateness of mediation for the resolution of national and transnational commercial disputes.
2. Understand the requirements for a valid mediation agreement and appreciate the pros and cons of different mediation procedures and processes at national, regional, transnational and international levels.
3. Understand the key skills required for successful resolution of international commercial disputes using mediation and adopt problem-solving strategies to a range of situations and complex problems.
4. Critically assess and offer comparative analysis of mediation practice and procedures at national, regional, transnational and international levels.
5. Research, critically evaluate and present well-structured arguments in written and oral work.

### TEACHING METHODS

A student's ability to demonstrate the techniques applicable to the mediation process will be assessed by their oral performance in a practical assessment. A student's ability to articulate an understanding of the mediation process from a mediator's point of view will be assessed by way of a written portfolio.

Students will be directed to pre workshop preparation which will involve extensive research and reading, to consider and critically analyse topics set in advance, and specific questions arising out of those topics. Students will be expected to prepare answers to those issues, to be presented to and discussed with the workshop tutor and group. In addition to skills of analysis and research, students will be expected to develop and apply skills of analytical discussion, oral expression and writing. To enhance learning, students will also

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engage with other students and staff in activities to consider and critically analyse particular sources and engage in discussion leading to development of these skills.

Students will learn by way of interactive workshops and independent research, and will practice and develop the relevant skills and attributes by way of role-plays in a supportive environment.

The workshops will be delivered on-campus in a teaching block. A comprehensive virtual learning environment platform will provide supplementary materials for supporting learning, assessment and feedback and be the vehicle for the interactive workbooks.

The portfolio will reflect on the progression that students have made in either real life situations/experiences, or in relation to the role plays considered in workshops. The reflection will be informed by a critical analysis of the theory of mediation and the professional ethic elements.

The practical skill will comprise a role play mediation, demonstrating the skills of a mediator.

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## **ASSESSMENT METHODS**

This module is assessed through one Written Exam and one Practical Skills.