

MODULE DESCRIPTOR

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

MODULE AIMS

This 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.

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.
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TEACHING METHODS

This module is organised into 2-hour weekly seminars. During each seminar, the tutor will deliver a short presentation and facilitate a discussion of critical issues within the said topic led by the students, either working in groups or individually. Some topics may be divided between two Seminars. Students will be expected to have independently researched the issues for discussion in each seminar and to come to seminars prepared to respond and participate in an open and active critical discussion.

ASSESSMENT METHODS

This module is assessed through a portfolio and a practical assessment.