1. **Title of the module**

LAWS8110 (LW811) - International Commercial Arbitration

1. **School or partner institution which will be responsible for management of the module**

Kent Law School

1. **The level of the module (Level 4, Level 5, Level 6 or Level 7)**

Level 7

1. **The number of credits and the ECTS value which the module represents**

20 credits (10 ECTS)

1. **Which term(s) the module is to be taught in (or other teaching pattern)**

Autumn or spring

1. **Prerequisite and co-requisite modules**

None

1. **The programmes of study to which the module contributes**

LLM in (Specialisation); LLM in Law; PG Diploma in (Specialisation); PG Certificate in Law

1. **The intended subject specific learning outcomes.  
   On successfully completing the module students will be able to:**
   1. Demonstrate knowledge of the underlying concepts and principles associated with the study of international commercial arbitration;
   2. Demonstrate a factual and conceptual knowledge base, with some appreciation of the breadth of the field of international dispute resolution and the relevant terminology;
   3. Draft, evaluate and interpret arbitration and other dispute resolution clauses;
   4. Demonstrate knowledge and critical understanding of the well-established principles of alternative dispute resolution;
   5. Apply underlying concepts and principles of arbitration and ADR where appropriate in real life scenarios an employment context;
   6. Demonstrate knowledge of the main arbitration conventions and national laws relevant to the regulation of international commercial arbitration;
   7. Critically understand the shortcomings of the international regime of recognition and enforcement of arbitral wards;
   8. Demonstrate an understanding of the limits of their knowledge, and how this influences analyses and interpretations.
2. **The intended generic learning outcomes.  
   On successfully completing the module students will be able to:**
   1. Conduct independent research which informs a sustained and complex argument;
   2. Present complex arguments in writing and/or orally;
   3. Appreciate that juridical problems can only be fully understood through interdisciplinary research methods;
   4. Use electronic data bases for original legal research – e.g. carry out online, subject specific journal searches;
   5. Make proper use of the library resources by way of law reports, articles and monographs and textbooks.
3. **A synopsis of the curriculum**

The aim of the module is to focus on the theoretical, institutional and practical aspects of modern international commercial arbitration. This would involve a close examination of the ad hoc systems and the main institutional structures (e.g., ICC, ICSID, WIPO, Iran-US Claims Tribunal, and PCA). The module covers current issues and developments relating to international commercial arbitration including: arbitral jurisdiction; applicable procedural and substantive laws; the status and role of arbitration agreements; the conduct of arbitral proceedings; the arbitral award; challenge, recognition and enforcement of award; and online arbitration/online dispute resolution (ODR). The English Arbitration Act 1996 and the UNCITRAL Rules as well as the UNCITRAL Model Law will be examined closely. The course will also critically examine the relationship between international commercial arbitration and international development law as well as aspects of the international commercial arbitration concerning sovereign states in oil and gas disputes. Comparative study will be made of the emerging commercial arbitration legislation and international arbitral practice of certain developing states such as Nigeria, India and China. The course also aims to provide an appreciation of the similarities and contrasts between the work of international arbitral institutions and the work of international courts such as the International Court of Justice in commercial and economic matters.

1. **Reading list (Indicative list, current at time of publication. Reading lists will be published annually)**

* Alvarez, G.A. & Reisman W.M., The Reasons Requirement in International Investment Arbitration: Critical Case Studies (Martinus Nijhoff Publishers, 2008).
* Berger, K P., Private Dispute Resolution in International Business: Negotiation, Mediation, Arbitration (3rd ed., Kluwer Law International, 2015).
* Buhring-Uhle C., Arbitration and Mediation in International Business (2nd revised ed, Kluwer Law Interantional, 2006)
* Dezalay, Y. and Bryant, G.G., Dealing in Virtue: International Commercial Arbitration and the Construction of A Transnational Legal Order (2nd ed., The University of Chicago Press, 1998).
* Dowling-Hussey, A. & Dunne, D., Arbitration Law (Round Hall, 31 Oct 2008).
* Marshall, E.A., Gill: The Law of Arbitration (4th revises ed., Sweet & Maxwell, 2001).
* Marcel, F. & Ly, F., Drafting International Contracts (Bril- Nijhoff, 2006).
* Redfern, A. & Hunter, M., Law and Practice of International Commercial Arbitration (6th ed., 2015).

1. **Learning and teaching methods**

Total contact hours: 18

Private study hours: 182

Total study hours: 200

1. **Assessment methods**

13.1 Main assessment methods

Essay of no more than 4000 words (80%)

Presentation, in groups, approx. 15 minutes per group mark awarded for the group (10%)

Group work paper, 1000 words per group member, mark awarded for the paper overall (10%)

For the presentation and group work paper, the convenor will take opportunities to clarify aspects of each student’s contribution to the group, as well as their overall knowledge and understanding. Students will also have the ability to discuss any ‘free-riding’ concerns with the convenor as necessary.

13.2 Reassessment methods

Reassessment Instrument: 100% coursework

1. **Map of module learning outcomes (sections 8 & 9) to learning and teaching methods (section 12) and methods of assessment (section 13)**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Module learning outcome** | 8.1 | 8.2 | 8.3 | 8.4 | 8.5 | 8.6 | 8.7 | 8.8 | 9.1 | 9.2 | 9.3 | 9.4 | 9.5 |
| **Learning/ teaching method** |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Private Study | x | x | x | x | x | x | x | x | x | x | x | x | x |
| Lectures | x | x | x | x | x | x |  |  | x | x |  |  |  |
| Seminars |  |  | x |  |  |  | x | x | x | x | x | x | x |
| **Assessment method** |  |  |  |  |  |  |  |  |  |  |  |  |  |
| Essay (80%) | x | x | x | x | x | x | x | x | x | x | x | x | x |
| Presentation (10%) |  |  |  |  |  |  |  |  | x | x | x | x | x |
| Group work paper (10%) | x | x | x | x | x | x | x | x | x | x | x | x | x |

1. **Inclusive module design**

The School recognises and has embedded the expectations of current equality legislation, by ensuring that the module is as accessible as possible by design. Additional alternative arrangements for students with Inclusive Learning Plans (ILPs)/declared disabilities will be made on an individual basis, in consultation with the relevant policies and support services.

The inclusive practices in the guidance (see Annex B Appendix A) have been considered in order to support all students in the following areas:

**a) Accessible resources and curriculum**

1. Preference will be given to electronic resources that meet minimum accessibility standards and support the use of assistive technologies.
2. Module outlines will be made accessible at least four weeks before the module starts.
3. Prioritised reading lists will be made available sufficiently in advance to accommodate the provision of alternative formats and support those with a slow reading speed.
4. Lecture/seminar slides/outlines will be made available in electronic format in advance to allow all students to prepare (particularly students with notetaking difficulties).
5. In accordance with the KLS school-level statement on Lecture Capture, lectures will not be routinely recorded as they are heavily discussion based and may contain sensitive material. The module convenor will notify students in advance of any lectures that will not be recorded.

**b) Learning, teaching and assessment methods**

The inclusive practices in the guidance (Annex B Appendix A, section b (1) and (2)) have all been considered in order to support all students in their assessments on this module.

1. **Campus(es) or centre(s) where module will be delivered**

Canterbury

1. **Internationalisation**

International Commercial Arbitration is an inherently internationalised subject. For example, comparative study will be made of the emerging commercial arbitration legislation and international arbitral practice of certain developing states such as Nigeria, India and China. The course also aims to provide an appreciation of the similarities and contrasts between the work of international arbitral institutions and the work of international courts such as the International Court of Justice in commercial and economic matters.

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**Revision record – all revisions must be recorded in the grid and full details of the change retained in the appropriate committee records.**

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| Date approved | Major/minor revision | Start date of the delivery of revised version | Section revised | Impacts PLOs (Q6&7 cover sheet) |
| 27/01/2019 | Major | September 2019 | 1, 9, 11, 13, 14, 15 |  |
|  |  |  |  |  |

Revised FSO Jan 2018