

Syllabus

for course at advanced level

International Commercial Arbitration

Internationell kommersiell skiljedomsrätt

30.0 Higher Education

Credits

30.0 ECTS credits

Course code: JU677M
Valid from: Autumn 2017
Date of approval: 2015-02-16
Changed: 2016-09-14
Department Department of Law

Main field: International Commercial Arbitration
Specialisation: A1N - Second cycle, has only first-cycle course/s as entry requirements

Decision

Approved by the Faculty of Law Education Committee (delegation) on 16 February 2015. Revised by decision of the Education Committee (delegation) on September the 14th 2016.

Prerequisites and special admittance requirements

Students must be admitted to the Master of Laws in International Commercial Arbitration programme.

Course structure

Examination code	Name	Higher Education Credits
0100	International Commercial Arbitration	30

Course content

This course is the initial course in the Master of Laws Programme in International Commercial Arbitration Law programme.

The purpose of the course is to give students an overview of international arbitration law with regard to the legal framework, principles and practice as well as methodology and theory. This course builds upon the basic knowledge have obtained in their law degree.

The course International Commercial Arbitration Law addresses the theoretical and methodological foundations for this area of law. Students are trained to use appropriate methods to interpret and apply the legal framework and legal principles which are found in the sources of law international commercial arbitration. The students will formulate and evaluate potential consequences of different legal solutions to complex arbitration problems. During the course the students individually and in groups carry out advanced legal study of issues and topics within the scope of international commercial arbitration law, as well as related legal areas.

At an early stage, the course will address the legal sources of international commercial arbitration and their status as binding or guiding norms: conventions, national laws, model laws, institutional rules, ethical rules, contractual rules, agreements, relevant case law applying the national and foreign laws. Additionally, the course highlights the impact of different legal cultures in an international context. Besides pure methodological questions, the course also addresses legal research strategies.

During the course the students will actively participate in an extensive mock arbitration. In connection with

this mock arbitration, the students will practice identifying and analyzing international arbitration problems, as well as creating and evaluating possible legal solutions. This will increase students' knowledge of arbitration law and also increase their understanding of core arbitration principles and methods. Furthermore, the students will receive instruction and practice in legal written and oral techniques, and discuss legal issues in groups.

The course includes an extensive and comprehensive of international commercial arbitration law. It address all significant areas of international commercial arbitration law: the arbitration legal framework, party autonomy, procedural principles, arbitration agreement, jurisdiction, choice of law, arbitral proceedings, arbitral tribunal, arbitral award, and the setting and enforcement of arbitral awards. The course lays the groundwork and prepares students for deepening their knowledge in the subsequent courses which are part of the programme.

Learning outcomes

After successful completion of the course, the student is expected to be able to:

- demonstrate knowledge and understanding of international commercial arbitration law, especially as regards to the arbitration legal framework, party autonomy, procedural principles, arbitration agreement, jurisdiction, choice of law, arbitral proceedings, arbitral tribunal, arbitral award, and the setting and enforcement of arbitral awards.
- demonstrate deeper methodological knowledge regarding international commercial arbitration law, especially comparative methodology, required for participation in research and development work or employment in some other qualified capacity,
- demonstrate insights of international commercial arbitration law system and terminology,
- show the ability to identify, formulate, evaluate and critically analyse (and tacitly, complete) arbitration issues and analyse, create and evaluate solutions to advanced and complex problems, by integrating knowledge in commercial arbitration,
- show the ability to use relevant methods to carry out legal investigations within given time limits and to present and to discuss the results in writing and orally and in dialogue with different groups of professionals.

Education

Instruction consists of mainly lectures and seminars, that are complemented with group tutorials, exercises, and a mock arbitration. Instruction in international arbitration and comparative methodology, and in legal scholarship is given throughout the course.

The course's pedagogy significantly builds upon problem-based exercises, individually and in groups, which are based on both theoretical and practical problems. The complexity of the issues and problems, and the difficulties of the exercises successively increases during the course. The seminars are based on the Socratic method and require that students are well-prepared and actively participate. Students will submit written assignments, upon which they will receive feedback.

Active participation in 80 per cent of the seminars is compulsory. In the event of special circumstances, the head of the course can grant exceptions. In this case, the student shall be responsible for completing an additional assignment.

The language of instruction is English.

Forms of examination

Examination is based on the written assignments, oral presentations, and active participation in the mock arbitration and seminars, and a written examination. When student work has been done in a group, the individual performance will be assessed through questions at a seminar.

There is no limitation in the material for the written examination, except students may not communicate with anyone during the exam.

All course requirements must be met in order to pass the course. Course grades are determined based on a combination of the individual's performance in each of the different elements of the course.

Students who initially fail the examination are given the opportunity to be assessed a second time. Students who have received a passing grade are not allowed to be assessed again in order to achieve a higher grade. Students who fail the course twice from the same examiner have the right to request a different examiner for their next examination. This, however, does not apply if there are particular reasons that a different examiner cannot be appointed.

The grading system uses a criterion-referenced scale of seven grades with passing grades of A (Excellent), B (Very good), C (Good), D (Satisfactory), or E (Sufficient). Failing grades are Fx (Insufficient) or F (Entirely

insufficient).

Grading criteria shall be made available at the latest at the beginning of the course.

Misc

Effective date

These provisions are effective from 28 August 2017.

Required reading

The reading list is established by the Faculty Education Committee. See the course website at www.jurinst.su.se for information on the required reading. The updated reading list will be available at the latest two months before the start of the course.