

Syllabus

for course at advanced level

Advanced International Arbitration

Avancerad Internationell Skiljedomsrätt

15.0 Higher Education

Credits

15.0 ECTS credits

Course code:	JU678M
Valid from:	Spring 2017
Date of approval:	2015-02-16
Changed:	2016-09-14
Department	Department of Law
Main field:	International Commercial Arbitration
Specialisation:	A1F - Second cycle, has second-cycle course/s as entry requirements

Decision

Approved by the Education Committee (delegation) on 16 February 2015.

Revised by decision of the Education Committee (delegation) on 14 September 2016.

Prerequisites and special admittance requirements

Students must be accepted to the Master of Laws Programme in International Commercial Arbitration Law and have satisfactorily completed the requirements in the programme's first course International Commercial Arbitration Law.

Course structure

Examination code	Name	Higher Education Credits
0100	Advanced International Arbitration	15

Course content

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

The purpose of the course is to give an advanced and extensive knowledge within this area of law, with regard to its substantive and procedural aspects, as well as more advanced understanding of its methodology and theory. This course builds upon the basic knowledge have obtained in the first course of the programme.

This course prepares students to conduct scholarly research and aims to provide students with a advanced understanding of legal scholarly methods and theories, as well as complex problems, research developments and trends within international arbitration law. In relation to the initial compulsory course in the master programme this course is more advanced in both the substance and methodological aspects, and addresses new and controversial developments, issues and research trends in this dynamic area of law.

The content of this course consists of advanced scholarly studies of the legal framework and principles that are relevant within international arbitration law. This course will also address international investment arbitration, as well as relevant issues relating to state and state-owned enterprises as parties in international arbitration. The course will also address new and sometimes controversial legal developments, (for example, international ethical regulations, "third-party funding", analyzing and balancing of the interest of society and private parties, mass claims, and complex arbitration involving multiparty), which demands critical analysis

of competing interests and policies. The course will also address the academic debate of the underlying legal

theory and basis of international arbitration, which affects both the academic and the practical aspects of this area of law.

In this course students will work with advanced and complex problems within international arbitration law from a research perspective and by applying appropriate scholarly methodology. By studying complex and controversial problems from a scholarly perspective, students will develop their ability to plan and conduct their own research.

The instruction in this course has particular emphasis on methodological issues. Instruction in international arbitration methodology and scholarship will be given throughout the course. The course also includes advanced seminars which involve an advanced scholarly level to provide knowledge and insights in contemporary problems, trends and research developments within international arbitration law. As part of the seminar series researchers will be invited to present new and on-going research projects. Particular focus will be put on topics which are the subject for current debates in arbitration doctrine as well as issues which relate to the students selected topics for their theses.

This course further aims to develop students' perspectives on law, in terms of both applying and researching the law. The aim is to help students to develop as a researcher with the ability to independently and critically conduct research with a good understanding of the scholarly methods used within international arbitration law. Furthermore, students will strengthen their ability to identify and formulate research questions, to engage in legal reasoning in a structured, reflective, and analytical manner with respect to the a research topic. This will develop students legal scholarship methodology and theoretical knowledge. During the course students shall author an essay where scholarly research questions will be identify and the methodology will be discuss. In accordance with this advanced course's progressive level of difficulty, students' awareness and use of methodology will reflect their increasing knowledge of legal methods in international arbitration. Students will develop both their capacity to make reasoned limitations in the research inquiries of their research project, and the ability to identify the need to obtain further information and knowledge, as well as the need for further research within the subject. The course shall also develop students' awareness about the complexities of research as well as the need to pay attention to the ethical and social aspects of various problems and solutions.

Learning outcomes

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

- demonstrate advanced knowledge and understanding of the theories and methodologies of international arbitration law,
- demonstrate the ability to critically examine and evaluate a variety of arguments involved in scholarly debates and current legal developments in the field of international arbitration law,
- to critically and systematically identify, formulate, analyse and evaluate complex scholarly legal issues and problems within international arbitration law, including with limited information, and to be able to conduct scholarly research and contribute to the development of international arbitration law,
- demonstrate the ability to identify and critical analyse ethical and social aspects in the area of international arbitration law,
- demonstrate the ability to identify the need for obtaining further knowledge and to take responsibility for developing knowledge.

Education

Instruction consists of mainly lectures, seminars, and group tutorials.

Active participation in 80 per cent of the schedule instruction 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

Assessment is based on the students' submitted written work and active participation in the seminars, lectures and tutorials. When student work has been done in a group, the individual performance will be assessed through questions at a seminar.

Course grades are determined based on a combination of the individual's performance in each of the different

elements of the course. To pass the course all the learning outcomes for the course must be fulfilled.

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 16 January 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.