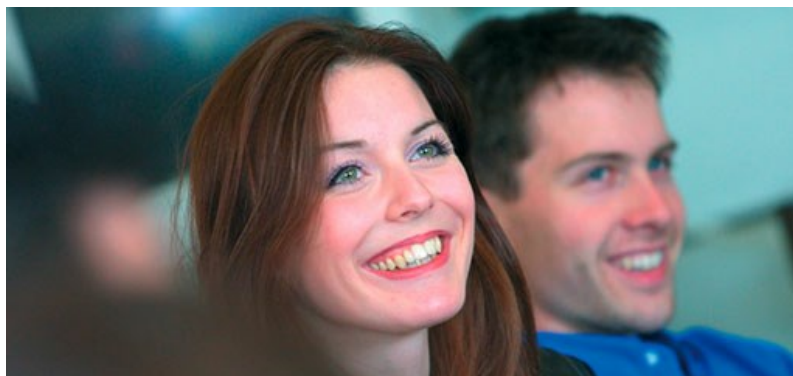


## LLM Comparative International Commercial Arbitration



Module leader: [N. Jansen Calamita \(/staff/profiles/law/calamita-n-jansen.aspx\)](/staff/profiles/law/calamita-n-jansen.aspx)

Teaching and assessment (2014): Semester 1, Exam - 3hrs

### Module description:

International commercial arbitration is the most widely used method for the settlement of disputes concerning international economic transactions, whether between private parties or between a private party and a State entity. Arbitration is a consensual dispute resolution process based upon the agreement of the parties. It is private, in the sense that it is not part of the State system of justice, and it leads to a final and binding decision that will be given execution by the courts.

This module addresses the essential features of this process. Using a comparative approach, students will familiarize themselves with the core principles of international commercial arbitration as reflected in international conventions (e.g., the New York Convention and ICSID Convention), national law (esp., the UNCITRAL Model Law on International Commercial Arbitration), arbitral rules (e.g., UNCITRAL ICC and ICSID), and national court decisions.

This module will enable students to evaluate critically the rules, policies and principles of international commercial arbitration and investor-State arbitration. Students will also develop the ability to identify and resolve legal arguments arising in such disputes. This option especially complements other options such as International Investment Law and Policy and International and Comparative Oil and Gas Law.

### Seminar topics:

- The juridical nature of arbitration
- Sources of law and rules in international commercial arbitration, especially the UNCITRAL Model Law on International Commercial Arbitration
- The legal character of the arbitration agreement
- The role and powers of the arbitral tribunal
- The process of arbitration and the conduct of hearings
- The jurisdiction of the courts in relation to arbitration
- The nature of arbitral awards
- Issues arising in connection with the challenge and enforcement of international arbitral awards