

# LA9B9-20 International Arbitration

**22/23**

**Department**

School of Law

**Level**

Taught Postgraduate Level

**Module leader**

Velimir Zivkovic

**Credit value**

20

**Module duration**

9 weeks

**Assessment**

100% coursework

**Study location**

University of Warwick main campus, Coventry

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## Description

### Introductory description

The aim of this module is to provide students with a strong legal foundation in the law arbitration, as the most frequent mechanism for the resolution of international commercial disputes. The course provides a complete introduction to the fundamental notions of the discipline and addresses some of the challenges created by arbitration practice. Students will be expected to learn English arbitration law, but the module contains constant references to other legal systems (including the UNCITRAL Model Law on International Commercial Arbitration) and international treaties and conventions applied worldwide. This comparative approach responds to the legal diversity frequently present in arbitration practice and the influence exercised by various jurisdictions in the evolution of this law.

[Module web page](#)

### Module aims

The module will cover international arbitration as a form of dispute resolution. It does not cover the substantive issues in investment arbitration, but does discuss briefly some of the procedural issues.

### Outline syllabus

This is an indicative module outline only to give an indication of the sort of topics that may be covered. Actual sessions held may differ.

International Commercial Arbitration as the business mechanism for dispute resolution

The sources of International Commercial Arbitration

The Arbitration Agreement

Appointment and removal of arbitrators

Bias in arbitration

The relationship between the jurisdiction of arbitral tribunals and national courts

Types of Arbitral Procedures

The determination of the law applicable in international arbitration

Validity and effectiveness of arbitral awards

## **Learning outcomes**

By the end of the module, students should be able to:

- Understand and critically evaluate the importance of the arbitration agreement and the choice of arbitral institutions and rules in effectuating the parties' agreement.
- Understand and critically evaluate the differing legal regimes that may apply to an arbitration and the choice of law issues that are thereby created.
- Understand and critically evaluate the reasons for the growth in the popularity of arbitration as a method of resolving international commercial disputes, and the features of arbitration which further that growth.
- Understand and critically evaluate the legal underpinning of arbitration and the relationship between arbitral panels and national courts in the process.
- Understand and critically evaluate the tensions and procedures involved in enforcing arbitral awards and the limits of judicial review of these awards.

## **Indicative reading list**

The principle text will be Born, *International Arbitration: Law and Practice* (Wolters Kluwer 2012)

Other recommended texts include:

Redfern & Hunter, *International Commercial Arbitration* (5th ed. 2009)

Moses, *The Principles and Practice of International Commercial Arbitration* (CUP 2 ed. 2012)

Other recommended books:

Paulsson, *The Idea of Arbitration* (OUP 2014)

Gaillard, *Legal Theory of International Arbitration* (Nijhoff/Brill 2010)

Dezalay and Garth, *Dealing in Virtue: International Arbitration and the construction of a Transnational Legal Order* (Univ. of Chicago Press 2nd ed. 1998)

Brown & Marriott, *ADR Principles and Practice* (Sweet & Maxwell 3rd ed. 2012)

## **Subject specific skills**

No subject specific skills defined for this module.

## Transferable skills

No transferable skills defined for this module.

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## Study

### Study time

| Type          | Required                   |
|---------------|----------------------------|
| Lectures      | 18 sessions of 1 hour (9%) |
| Seminars      | 9 sessions of 1 hour (4%)  |
| Private study | 173 hours (86%)            |
| Total         | 200 hours                  |

### Private study description

No private study requirements defined for this module.

## Costs

No further costs have been identified for this module.

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## Assessment

You must pass all assessment components to pass the module.

### Assessment group A1

|  | Weighting | Study time |
|--|-----------|------------|
| 4000 word essay<br>A 4,000 word essay. | 100%      |            |

### Feedback on assessment

Feedback via Tabula

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## Availability

## Courses

This module is Optional for:

- Year 1 of TIMA-L981 Postgraduate Social Science Research
- Year 1 of TLAA-M3PJ Postgraduate Taught Advanced Legal Studies
- Year 1 of TLAS-M3P7 Postgraduate Taught International Economic Law
- Year 1 of TLAS-M221 Postgraduate Taught LLM in International Corporate Governance and Financial Regulation

This module is Core option list B for:

- Year 1 of TLAA-M3PJ Postgraduate Taught Advanced Legal Studies
- Year 1 of TLAA-M223 Postgraduate Taught International Commercial Law
- Year 1 of TLAS-M3P7 Postgraduate Taught International Economic Law
- Year 1 of TLAS-M221 Postgraduate Taught LLM in International Corporate Governance and Financial Regulation

This module is Option list B for:

- Year 1 of TLAA-M223 Postgraduate Taught International Commercial Law

This module is Option list C for:

- TPOS-M9PE Double MA in Politics and International Studies (with NTU Singapore)
  - Year 1 of M91F Globalisation and Development (Double Degree - NTU)
  - Year 1 of M91L International Development (Double Degree - NTU)
  - Year 1 of M91C International Politics and East Asia (Double Degree - NTU)
  - Year 1 of M91D International Politics and Europe (Double Degree - NTU)
  - Year 1 of M91G International Security (Double Degree - NTU)
  - Year 1 of M91K Political and Legal Theory (Double Degree - NTU)
  - Year 1 of M91J United States Foreign Policy (Double Degree - NTU)
  - Year 2 of M91L International Development (Double Degree - NTU)
  - Year 2 of M91B International Political Economy (Double Degree - NTU)
  - Year 2 of M91C International Politics and East Asia (Double Degree - NTU)
- TPOS-M9PP Double MA in Politics and International Studies (with Universität Konstanz, Germany)
  - Year 1 of M92L International Development (Double Degree - Konstanz)
  - Year 1 of M92B International Political Economy (Double Degree - Konstanz)
  - Year 1 of M92C International Politics and East Asia (Double Degree - Konstanz)
  - Year 1 of M92D International Politics and Europe (Double Degree - Konstanz)
  - Year 1 of M92E International Relations (Double Degree - Konstanz)
  - Year 1 of M92G International Security (Double Degree - Konstanz)
  - Year 1 of M92K Political and Legal Theory (Double Degree - Konstanz)
  - Year 1 of M92H Public Policy (Double Degree - Konstanz)
  - Year 2 of M92B International Political Economy (Double Degree - Konstanz)
  - Year 2 of M92C International Politics and East Asia (Double Degree - Konstanz)
  - Year 2 of M92D International Politics and Europe (Double Degree - Konstanz)

- Year 2 of M92E International Relations (Double Degree - Konstanz)
- Year 2 of M92G International Security (Double Degree - Konstanz)
- Year 2 of M92K Political and Legal Theory (Double Degree - Konstanz)
- Year 2 of M92H Public Policy (Double Degree - Konstanz)
- Year 2 of TPOS-M9PT MA in International Development
- Year 2 of TPOS-M1P8 Postgraduate Taught International Politics and East Asia
- Year 2 of TPOS-M9PS Postgraduate Taught Political and Legal Theory
- Year 2 of TPOS-M9PQ Postgraduate Taught United States Foreign Policy