

COURSE SPECIFICATION DOCUMENT

Academic School / Department:	Richmond Business School
Programme:	MA International Business Law
FHEQ Level:	7
Course Title:	International Arbitration & Mediation
Course Code:	MBL 7402
Course Leader:	Adrian Wilkins
Student Engagement Hours:	200 (standard 4 credit MA course)
Lectures:	39
Seminar / Tutorials:	6
Independent / Guided Learning:	155
Semester:	Fall
Credits:	20 UK CATS credits 10 ECTS credits 4 US credits

Course Description:

The pivotal role of Alternative Dispute Resolution is at the core of this module. Within it, the main instruments for conflict settlement, namely arbitration and mediation, are analysed in detail. Their relevance is highlighted within the context of international commercial disputes. This module concerns the contractual and procedural elements of international arbitration both from comparative and practical perspectives, focusing particularly in the English Arbitration Act 1996, the UNCITRAL Model Law and the New York Convention. It also includes an analysis of the mediation procedures widely used in the international commercial resolution of conflicts.

Prerequisites:

N/A

Aims and Objectives:

- To develop a thorough understanding of the core principles and elements of international commercial and investment arbitration.

- To assess critically the main procedures of arbitration under major international arbitration rules used in practice (AAA, ICC and LCIA) as well as between international investment arbitration (ICISD convention and UNCITRAL rules)
- To enable a critical discussion of the effectiveness of each system of ADR within the international commercial practice.

Programme Outcomes:

A2, A3, A5

B1, B2, B3, B4

C2, C3, C5

D1, D2, D5

A detailed list of the programme outcomes are found in the Programme Specification.

This is located at the archive maintained by the Academic Registry and found at:
<http://www.richmond.ac.uk/admitted-students/programme-and-course-specifications/>

Learning Outcomes:

By the end of this course, successful students should be able to:

Knowledge and Understanding

- Develop an in-depth knowledge of the underlying concepts and principles associated with the study of international commercial arbitration and mediation.
- Evaluate and interpret arbitration and mediation clauses.
- Have a critical understanding of the main arbitration and mediation conventions.
- Examine the international regime of recognition and enforcement of arbitral awards.

Cognitive Skills

- Develop a critical and practical approach to Alternative Dispute Resolution mechanisms and their applicability in the world of international business.
- Engage in argument regarding the inclusion and drafting of appropriate clauses in international sales agreements or otherwise.
- Consider aspects of enforcement of arbitral decisions and its effectivity internationally together with a balanced analysis of costs and opportunities involved.

- Take a critical stance as to future developments of the many international arbitral bodies including the International Chamber of Commerce.

Subject specific, practical and professional skill

- Present analysis and discussion maximizing the use of modern communication methods and resources.
- Understand the rationale behind subjecting international commercial agreements to Alternative Dispute Resolution mechanisms.
- Become familiar with the procedures involved in pursuing an action under an arbitration agreement.
- Examine critically the applicability of current regulation to forthcoming developments derived mainly from advancement in communications and technology.

General/transferable skills

- Analyse policy documents and legal proposals and defend or criticise their effectivity orally and in writing.
- Develop capacity to work in a group either as a leader or as part of the team in a time efficient manner to accomplish the task in hand.
- Become proficient in communicating an array of legal and policy subjects and concepts to a legal and financial/business audience with a varied expertise on the subject.

Indicative Content:

- The concept of Alternative Dispute Resolution (ADR) in the context of transnational business.
- Arbitration agreement and procedure: selection of arbitrators, rights and duties.
- Law governing the arbitration procedure.
- UNCITRAL Model Law and role of national courts.

Assessment:

This course conforms to the Richmond University Standard Assessment Norms approved at Academic Board (formerly Learning & Teaching Policy Committee) and located at: <http://www.richmond.ac.uk/admitted-students/>

Teaching Methodology:

