

Module 7: International Commercial Arbitration

Stage	1						
Semester	2						
Module Title	International Commercial Arbitration						
Module Number/Reference	LLM-ICA						
Module Status (Mandatory/Elective)	Elective for International Commercial Law LL.M. and International Law LL.M.						
Module ECTS credit	10						
Module NFQ level (only if applicable)	9						
Pre-requisite Module Titles	Public International Law, Advanced Legal Research and Writing						
Co-requisite Module Titles	N/A						
Is this a capstone module? (Yes or No)	No						
List of Module Teaching Personnel	Francis Kieran BL						
Contact Hours				Non-contact Hours			Total Effort (Hours)
Lecture	Practical	Tutorial	Seminar	Assignment	Placement	Independent work	
30						170	200
Allocation of Marks (Within the Module)							
	Continuous Assessment	Project	Practical	Final Exam	Total is always 100%		
Percentage contribution	50			50	100		

Intended Module Learning Outcomes

On successful completion of this module, the learner will be able to:

1. Apply advanced theoretical knowledge and in-depth critical thinking to suggest credible and creative solutions to current legal issues within the field of International Commercial Arbitration with specific reference to the UNICTRAL Model Law
2. Demonstrate a critical awareness of current legal problems and new insights pertaining to Commercial Arbitration in Ireland and internationally
3. Critically analyse and evaluate in-depth International Arbitration Law and the philosophical, political and economic structures underpinning it
4. Develop advanced reasoned arguments, challenging assumptions and reaching sound informed judgments
5. Visualise creative solutions to current and complex issues in Commercial Arbitration
6. Demonstrate autonomy, responsibility and team-working skills through co-operation on case studies
7. Exercise sophisticated skill and judgment in evaluating complex legal problems in International Commercial Arbitration
8. Manage and participate constructively in complex team environments

9. Communicate ideas orally in an effective manner and argue, advocate, present and persuade with clarity and accuracy

Module Objectives

This module is designed to provide a broad overview of the legal and practical aspects underpinning International Commercial Arbitration. The objective of any arbitration is to resolve a dispute. So as to facilitate resolution, all unnecessary obstacles need to be removed. In the context of international disputes there can be many obstacles, such as language barriers, different jurisdictions, different legal principles etc. To alleviate these difficulties a number of international instruments have been enacted throughout the years culminating in the United Nations Commission on International Trade Law (UNCITRAL) Model Law in 1985.

This module focusses primarily on both the substance and application of the UNCITRAL Model Law, and also its integration into Irish law. Candidates are required to achieve a high level understanding of the UNCITRAL Model Law so as to discuss in a competent manner the practice and procedure involved in International Commercial Arbitration, and the applicable legal principles.

Module Aims (to provide learners with)

- the theoretical background to International Commercial Arbitration
- a detailed knowledge of the principles applicable to International Commercial Arbitration
- a practical understanding of the procedure applicable to International Commercial Arbitration
- the outcome/result of an International Commercial Arbitration

Module Curriculum

- o Topic 1: Introduction to Arbitration
- o Topic 2: Overview of the Arbitration Act 2010 and the UNCITRAL Model Law
- o Topic 3: Jurisdiction
- o Topic 4: Arbitrability
- o Topic 5: The Agreement to Arbitrate
- o Topic 6: Interim Measures and Preliminary Orders
- o Topic 7: Discovery and Security for Costs
- o Topic 8: The Process of an Arbitration/Mock Arbitration
- o Topic 9: Setting Aside an Award
- o Topic 10: Enforcement of an Award
- o Topic 11: Public Policy
- o Topic 12: Reinforcement of Key Principles, Revision

Reading lists and other learning materials

Born, G., *International Arbitration: Law and Practice* (Kluwer, 2012)
Buhler, M.W. & Webster, T.H., *Handbook of ICC Arbitration: Commentary, Precedents, Materials* 2nd ed., Sweet & Maxwell, 2008)

Holtzmann, H.M. & Neuhaus, J.E., *A Guide to the Uncitral Model Law on International Commercial Arbitration: Legislative History and Commentary* (Kluwer Law International, 1995)
Hunter, M. & Redfern, A., *Redfern and Hunter on International Arbitration* (Oxford University Press, Oxford, 2009)
Mansfield, B., *Arbitration Act 2010 and Model Law: A Commentary* (Clarus Press, Dublin, 2012)
Stewart, E., *Arbitration: Commentary and Sources* (First Law, 2003)

Module Learning Environment

A learning environment that promotes collaborative learning is promoted and learners are encouraged to actively engage in all class discussions and exercises.

Module Teaching and Learning Strategy

The delivery of this module is facilitated by structured and participative style lectures. Learners have the opportunity to discuss case law and arbitral decisions and the lessons that can be drawn for application to hypothetical commercial arbitration scenarios. Learners are required to undertake an assignment, which test not only their understanding of the substantive and/or procedural principles of International Commercial Arbitration, but also their ability to analyse the same.

Range of modes of direct contact

Weekly lectures with individual and group learner presentations are the primary method of facilitation in this module. Emphasis is placed on problem and discovery-based learning with much learner collaboration and co-operation aiming to permit learners to make informed judgments regarding International Commercial Arbitration issues.

Total contact hours: 30 Hours

Range of other learning methods

Independent Learning and Research supported with remote resources available on Moodle.

Total non-contact hours: 170 Hours

Module Assessment Strategy

Assessment Methods			
Element number	Weighting	Type	Description
1	50	Continuous Assessment	<p>4,000-5,000 word essay on contemporary issues and/or challenges facing international arbitration.</p> <p>Learners are required to refer to current materials. The assignment constitutes 50% of the mark for the module. Learners also present their essay material to the class by means of an oral presentation. Consideration is given to having the presentation form part of the grade (e.g. 10% of the total) assessed by reference to the oral presentation, including a question and answer session, which session may also involve the attendance of an outside expert on arbitration.</p>
2	50	Examination	<p>Closed book examination: a 3 hour exam which covers the breadth of the course and requires learners to answer 3 questions out of 6, testing their ability to apply knowledge learned throughout the module.</p>

Diagnostic/ formative assessment

Formative assessment is used regularly as a teaching and learning tool to help learners and lecturer ensure effective learning is taking place.

Further information on assessment

Marking criteria is distributed to learners with each assignment brief. These are used to provide learner direction on all summative assessments.

Assessment Strategy		
Module Learning Outcome	Element 1	Element 2
1. Apply advanced theoretical knowledge and in depth critical thinking to suggest credible and creative solutions to current legal issues within the field of International Commercial Arbitration with specific reference to the UNICTRAL Model Law	✓	✓
2. Demonstrate a critical awareness of current legal problems and new insights pertaining to Commercial Arbitration in Ireland and internationally	✓	✓
3. Critically analyse and evaluate in-depth International Arbitration Law and the philosophical, political and economic structures underpinning it	✓	✓
4. Develop advanced reasoned arguments, challenging assumptions and reaching sound informed judgments	✓	✓
5. Visualise creative solutions to current and complex issues in Commercial Arbitration.	✓	✓
6. Demonstrate autonomy, responsibility and team-working skills through cooperation on case studies	✓	
7. Exercise sophisticated skill and judgment in evaluating complex legal problems in International Commercial Arbitration	✓	✓
8. Manage and participate constructively in complex team environments	✓	
9. Communicate ideas orally in an effective manner and argue, advocate, present and persuade with clarity and accuracy	✓	

Please see **Annex 2** for Faculty Marking Criteria Guidelines and **Annex 3** for Sample Examinations and Continuous Assessment along with Marking Criteria