

Course description

Welcome

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

The purpose of the course is to give students an overview of international arbitration law with regard to the legal framework, principles and practice as well as methodology and theory. This course builds upon the basic knowledge the students have obtained in their law degree.

The course International Commercial Arbitration Law addresses the theoretical and methodological foundations for this area of law. Students are trained to use appropriate methods to interpret and apply the legal framework and legal principles which are found in the sources of law in the field of international commercial arbitration. The students will formulate and evaluate potential consequences of different legal solutions to complex arbitration problems. During the course the students individually and in groups carry out advanced legal study of issues and topics within the scope of international commercial arbitration law, as well as related legal areas.

At an early stage, the course will address the legal sources of international commercial arbitration and their status as binding or guiding norms: conventions, national laws, model laws, institutional rules, ethical rules, contractual rules, agreements, relevant case law applying the national and foreign laws. Additionally, the course highlights the impact of different legal cultures in an international context. Besides pure methodological questions, the course also addresses legal research strategies.

During the course the students will actively participate in an extensive mock arbitration. In connection with the mock arbitration, the students will practice identifying and analyzing international arbitration problems, as well as creating and evaluating possible legal solutions. This will increase students' knowledge of arbitration law and also increase their understanding of core arbitration principles and methods. Furthermore, the students will receive instruction and practice in legal written and oral techniques, and discuss legal issues in groups.

The course includes an extensive and comprehensive teaching of international commercial arbitration law. It addresses all significant areas of international commercial arbitration law: the arbitration legal framework, party autonomy, procedural principles, arbitration agreement, jurisdiction, choice of law, arbitral tribunal, arbitral proceedings, arbitral award, and the setting and enforcement of arbitral awards. The course lays the groundwork and prepares students for deepening their knowledge in the subsequent courses which are part of the programme.

Learning objective/Course Aim

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

- demonstrate knowledge and understanding of international commercial arbitration law, especially as regards to the arbitration legal framework, party autonomy, procedural principles, arbitration agreement, jurisdiction, choice of law, arbitral proceedings, arbitral tribunal, arbitral award, and the setting and enforcement of arbitral awards.

- demonstrate deeper methodological knowledge regarding international commercial arbitration law, especially comparative methodology,
- demonstrate insights of international commercial arbitration law system and terminology,
- show the ability to identify, formulate, evaluate and critically analyse arbitration issues and analyse, create and evaluate solutions to advanced and complex problems,
- show the ability to use relevant methods to carry out legal investigations within given time limits and to present and discuss the results in writing and orally and in dialogue with different groups.

Course description

Instruction consists of lectures and seminars, that are complemented with group and individual tasks, and a mock arbitration. Instruction in international arbitration and comparative methodology, and in legal scholarship is given throughout the course.

The course's pedagogy builds upon problem-based exercises which are based on both theoretical and practical problems. The complexity of the issues and problems, and the difficulties of the exercises successively increases during the course. The seminars are based on the Socratic method and require that students are well-prepared and actively participate.

Students will submit written assignments, upon which they will receive feedback.

Active participation in 80 per cent of the seminars 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.

Examination

Examination is based on the written assignments, oral presentations, and active participation in the mock arbitration and seminars, and a written examination. When student work has been done in a group, the individual performance will be assessed through questions at a seminar.

The head of the course will inform about the materials, which are allowed for the written examination.

All course requirements must be met in order to pass the course. Course grades are determined based on a combination of the individual's performance in each of the different elements of the course.

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).