



Module code	ICADR	NQF level	7
Credit value	20	Study duration	12 weeks

International Commercial Arbitration Dispute Resolution

Module description

This is a 20 credit level 7 module which forms part of the LLM in International Business Law. This module enables students to obtain an understanding of the various dispute resolution methods in international commerce. This module is an ideal complement for the core module in private international law.

The module in private international law focuses on the theory and practice of international commercial court litigation. This module on dispute resolution focuses mainly on Alternative Dispute Resolution (ADR) methods. These methods include negotiation, conciliation, mediation and arbitration. Students taking this module will develop a thorough understanding of the different types of ADR. The number of cases solved through ADR has risen significantly. It is therefore important to understand the national and international framework in which ADR operates. The module provides an overview of the different types of dispute resolution. Arbitration is the most popular method of ADR to settle disputes arising from international contracts. It is also the most formal of these methods. Therefore, the focal point of the module will be arbitration. It provides an overview of the arbitral proceedings, from the formation of the arbitral agreement through to the enforcement of the award. It looks at both the national and international legislative framework in which arbitration operates. Furthermore, the module discusses online dispute resolution. For those wishing to work in international commerce an understanding of the key issues of international commercial dispute resolution is important given that the amount of cases in this area is rising and that many of these cases are now solved through ADR.

This module aims to:

- Introduce the key methods of international commercial dispute resolution
- Equip students with knowledge of the different types of alternative dispute resolution and in which situations these are used
- Provide an understanding of the legal challenges and the key issues regarding international commercial dispute resolution
- Help students gain a thorough knowledge of arbitral proceedings

Learning outcomes

On completion of this module, students will be able to:

- Know the different methods of international commercial dispute resolution
- Understand the key concepts and principles in international commercial dispute resolution
- Demonstrate in-depth understanding of the national and international legal framework in which international commercial dispute resolution functions

- Understand the legal framework surrounding international arbitration
- Know the current developments in international commercial dispute resolution and the challenges this represents

Syllabus

- Introduction to International Commercial Dispute Resolution
- Alternative Dispute Resolution Methods
- Key International Legal instruments
- The Arbitral Agreement
- The Arbitral Tribunal and the Arbitrators
- The Arbitral Proceedings
- The Arbitral Award
- Challenging the Arbitral Award
- Recognition and Enforcement of Arbitral Awards
- Transnational Law and International Dispute Resolution
- Online Dispute Resolution
- Current Issues in International Dispute Resolution

Learning and teaching methods

The module will be delivered through the provision of specified reading materials which shall be provided on the module/ programme learning platform, which shall be supported by specified discussion forums and weekly online lectures. Weekly online lectures are normally of 30 minutes duration.

Students will be provided with indicative guidance on, and encouraged to look at, relevant websites which are appropriate to the module, and to identify and share appropriate web-based resources as learning support references with their fellow students and as indicators of their individual learning contexts with their tutors. The live lectures will include referenced use of selected case studies which will be drawn from the reading materials/web based module learning resources and the practice-based and professional/educational contexts and experience of the tutors. At pre-arranged and regularly agreed points, on specified days and times in advance of each lecture (typically two to three days prior to the lecture) there will be a 'drop in ' telephone/or on line preparatory learning liaison session conducted between the student(s) and tutor, typically lasting for 20 to 30 minutes. These sessions are designed to provide students with an introductory preview of the week's work and give them an opportunity to ask specific and general questions related to that week's learning opportunities and to enable them to contextualise their learning experience. Self-managed learning will supplement lectures and students are given weekly direction on required and indicative reading.

Description of unit of assessment	Length/Duration	Submission date	Weighting
Discussion activity	2 weeks	n/a	20%
Mid module assignment: case study	2,500 words	Mid term	30%
End of module project	4,500 words	End term	50%