Stockholm University

Course Description for Internationell kommersiell tvistelösning / International Commercial Dispute Resolution Course code: JU922A

General information about the course

Content and objectives

The overall objective of the course is to provide an overview of international regulation regarding the various forms of commercial dispute resolution, with particular focus on certain areas and certain types of dispute resolution. The course covers both theoretical and practical aspects of dispute resolution, conflicts of interest, the difficulties in implementation, the links to the national legal system, the relationship between legal rules and set goals, and the importance of international legal principles and concepts.

The course includes a specific attention to the interaction between various dispute resolution processes, as well as to the role that institutions, organizations and other governmental and non-state actors play in the development and application of commercial dispute resolution.

Upon completion of the course, students are expected to be able to

– demonstrate in-depth knowledge of international commercial dispute resolution in various forms and in various types of disputes.

– master the methods of information retrieval which are required in order to work as a lawyer within international commercial dispute resolution and procedural law

– identify and interpret the legal rules and principles that are applied within international commercial dispute resolution and international procedural law in commercial contexts

– acquire the skills necessary to research a relevant legal issue and be able to analyze it and present it both inwritten and oral form

– analyze commercial dispute resolutions from a rights perspective and put forward arguments regarding the applicability and significance of the relevant rights

– place the legally defined rights in a practical historical context and relate legal arguments to these perspectives

- independently and critically assess and evaluate legal issues in international commercial dispute resolution and the consequences for society in general.

Pedagogical approach

Instruction consists of lectures and seminars, including mock mediation and arbitration exercises. Additionally, visits are organized with authorities within the field of international dispute resolution in order to deepen the knowledge of the students. The course's pedagogy builds upon problem-based exercises which are based on both theoretical and practical problems.

The language of examination is English.

More about the course structure

The different course elements

Written and oral exercises

The course is structured around the following topics: (i) negotiation and mediation; (ii) arbitration; (iii) specialized arbitration; and (iv) international litigation.

Mandatory course elements

Active attendance is mandatory for all seminars. Active attendance means that the student has prepared the assignments and is ready to participate in those discussions. Only participation in the group a student is registered in counts as attendance, unless a change of groups has been granted in advance.

The course director may, however, grant a general exemption from the attendance requirement in accordance with the regulations for examinations adopted by the Education Committee of the Faculty of Law. This general exemption does not extend however to mandatory seminars held in English. The attendance requirement is specified in the course description. An exemption can also be granted if the student has a lawful excuse, in which case the student is to complete a pedagogically equivalent assignment as defined by the course directory as compensation for the absence.

International and comparative elements of the course

Instruction in international arbitration and comparative methodology, and in legal scholarship is given throughout the course. The course is built around exchanging views and learning about different laws and approaches to legal problems.

Interaction with the surrounding society

The course contains elements of interaction with the dispute resolution community. It also takes a comprehensive approach to dispute resolution processes, addressing societal interests in commercial dispute resolution.

How the course relates to other courses and to the law programme as a whole

The course lays the groundwork and prepares students for deepening their knowledge in the subsequent courses which are part of the programme.

Requirements regarding participation in the course

Registration

A **Swedish student** who intends to participate in the course must be registered by the second day of the course at the latest.

Exchange students register on the course through their university account in Ladok at the beginning of their exchange, the week before the semester starts.

Re-registration

Re-registration on the course is done by the course administrator.

De-registration

If for some reason, a student does not intend to take the course, they must de-register within three weeks after the start of the course (known as "early withdrawal period"). This is done through the student's university account in Ladok. This is of great importance to guarantee a place in a group the next time the student applies for the course. The early withdrawal period is calculated from the Monday of the week the course starts and three weeks ahead. The last day is always a Sunday.

Please note that de-registrations may have consequences for the right to receive student grants, including Erasmus grants. Please, contact CSN for more information if you are a Swedish student, or the Office of International Affairs if you are an international master student or an exchange student.

Groups

In order to enroll in a group, students must be registered on the course. Students who have never taken the course previously are given priority when choosing a group. The day/time of registration is indicated on the course website. The possibility for re-registered students to participate in a group is subject to availability and done on a "first come, first served" basis.

Study instructions

Textbooks

The course literature is approved by the head of department. For information on the course literature, please refer to the course website and the course description. The current reading list will be made available at least two months before the course starts.

Source materials

Redfern and Hunter on International Arbitration, Nigel Blackaby,KC , Constanine Partasides,K C , and Alan Redfern, OUP 2023

International Commercial Liga on: Text, Cases and Materials on Private International Law, Trevor Hartley, C

Dispute Processes: ADR and the Primary Forms of Decision making, Michael Palmer, Simon Roberts, CUP 2020

Examination

Examined moments

Assessment is based on the students' submitted written work and active participation in the seminars. Course grades are determined based on a combination of the individual's performance in each of the different elements of the course. To pass the course all the learning outcomes for the course must be fulfilled. To complete the course the students, need to pass the final assignment and receive minimum 50 per cent of overall points.

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.

Active participation in all seminars.

Mock mediation 20 %

Mock arbitration 30 %

The written home-exam – 1 question case scenario and 1 question essay 50 %

Access to examination

All materials are allowed at the final assignment, but communication is not allowed. The exam is to be written independently.

Exam registration

Students must register for the exam no later than 10 calendar days before the date of the exam. Registration for the exam requires registration on the course. **Students who have not registered for the exam are not allowed to write the exam.**

Swedish students receive a grade on the learning outcome-based four-grade grading scale AB-U. Exchange students receive a grade on the learning outcome-based seven-grade grading scale A-F(x).

All students have the right to receive grades according to the grading scale A-F(x). Swedish students who wish to do so must report this to the course coordinator/teaching assistant at least five working days before the written exam.

Students with a documented disability who have been issued a certificate of extra pedagogical support from Stockholm University must report this to the course administrator/teaching assistant as soon as possible (see below, "studying with a disability").

Documents allowed at the exam

All students are required to show a valid ID on the day of exam. Foreign driving licences, residence permit cards, digital ID cards, e-identifications, post, bank or tax cards are not accepted as proof of identity. Only the following physical documents in original and unexpired are accepted as proof of identity:

- valid passport; temporary passports are not accepted
- valid Swedish national identity card
- valid Swedish driving licence
- valid Swedish sis-marked identity card or identity card issued by a Swedish governmental agency, for example the Swedish Tax Agency
- valid national identity card issued to citizens of EU/EEA countries
- a police report no older than three months stating that an ID document is stolen or lost.

Permitted aids and other exam regulations

Students must be in the examination room at least 15 minutes before the exam is set to start.

At the exam, different examination options can be applied. Information about the different examination options and the rules that apply can be found on the Department of Law's website. The presence of unauthorized exam aids, notes and the like, as well as violations of exam regulations may lead to a notification to the university Disciplinary Committee. The Disciplinary Committee, led by the university president, can decide on a warning or a suspension.

In the course International Commercial Dispute Resolution, the examination option 4 is applied.

Grading criteria on the A-F(x) grading scale

A (Excellent)
Have excellent knowledge and understanding of international commercial dispute resolution, with an excellent overview of the subject's system, detailed terminology, concepts, principles, sources of law, regulatory framework, methods, and current research and development. Have excellent knowledge and understanding of international commercial dispute resolution law, especially as regards to the negotiation, mediation, arbitration, and international litigation legal framework. Have excellent ability to independently identify, formulate, evaluate and critically analyse international commercial dispute resolution issues and create and critically analyse and evaluate solutions to advanced and complex problems, by using appropriate methods and within specified time periods. Have excellent ability to use appropriate methods for legal investigations and detailed assignments related to international commercial dispute resolution within specified time frames and to discuss the results in writing and orally and in dialogue with different groups and regarding ethical and social aspects.

B (Very Good) Have very good knowledge and understanding of international commercial dispute resolution, with an excellent overview of the subject's system, detailed terminology, concepts, principles, sources of law, regulatory framework, methods, and current research and development. Have very good knowledge and understanding of international commercial dispute resolution law, especially as regards to the negotiation, mediation, arbitration, and international litigation legal framework. Have very good ability to independently identify, formulate, evaluate and critically analyse international commercial dispute resolution issues and create and critically analyse and evaluate solutions to advanced and complex problems, by using appropriate methods and within specified time periods. Have very good ability to use appropriate methods for legal investigations and detailed assignments related to international commercial dispute resolution within specified time frames and to discuss the results in writing and orally and in dialogue with different groups and regarding ethical and social aspects.

C (Good) Have good knowledge and understanding of international commercial dispute resolution, with an excellent overview of the subject's system, detailed terminology, concepts, principles, sources of law, regulatory framework, methods, and current research and development. Have good knowledge and understanding of international commercial dispute resolution law, especially as regards to the negotiation, mediation, arbitration, and international litigation legal framework. Have good ability to independently identify, formulate, evaluate and critically analyse international commercial dispute resolution issues and create and critically analyse and evaluate solutions to advanced and complex problems, by using appropriate methods and within specified time periods. Have good ability to use appropriate methods for legal investigations and detailed assignments related to international commercial dispute resolution within specified time frames and to discuss the results in writing and orally and in dialogue with different groups and regarding ethical and social aspects.

D (Satisfactory) Have satisfactory knowledge and understanding of international commercial dispute resolution, with an excellent overview of the subject's system, detailed terminology, concepts, principles, sources of law, regulatory framework, methods, and current research and development. Have satisfactory knowledge and understanding of international commercial dispute resolution law, especially as regards to the negotiation, mediation, arbitration, and international litigation legal framework. Have satisfactory ability to independently identify, formulate, evaluate and critically analyse international commercial dispute resolution issues and create and critically analyse and evaluate solutions to advanced and complex problems, by using appropriate methods and within specified time periods. Have satisfactory ability to use appropriate methods for legal investigations and detailed assignments related to international commercial dispute resolution within specified time frames and to discuss the results in writing and orally and in dialogue with different groups and regarding ethical and social aspects.

E (Sufficient) Have sufficient knowledge and understanding of international commercial dispute resolution, with an excellent overview of the subject's system, detailed terminology, concepts, principles, sources of law, regulatory framework, methods, and current research and development. Have sufficient knowledge and understanding of international commercial dispute resolution law, especially as regards to the negotiation, mediation, arbitration, and international litigation legal framework. Have sufficient ability to independently identify, formulate, evaluate and critically analyse international commercial dispute resolution issues and create and critically analyse and evaluate solutions to advanced and complex problems, by using appropriate methods and within specified time periods. Have sufficient ability to use appropriate methods for legal investigations and detailed assignments related to international commercial dispute resolution within specified time frames and to discuss the results in writing and orally and in dialogue with different groups and regarding ethical and social aspects.

Fx (Insufficient) Minor deficiencies exist such that the student does not fulfil all the requirements necessary for a grade of E.

F (Entirely insufficient) Considerable deficiencies exist such that the student does not fulfil all the requirements necessary for a grade of E.

Grading criteria on the AB-U scale

A - AB (Excellent)
B - AB (Very good)
C - Ba (Good)
D - Ba (Satisfactory)
E - B (Sufficient)
FX - U (Insufficient)
F - U (Entirely insufficient)

Request for grade review:

Requests for grade reviews are submitted on a special form to the course administrator/teaching assistant. The request must be carefully supported and a copy of the exam must be attached.

Studying with a disability

General

Stockholm University offers various forms of extra pedagogical support for people with permanent disabilities. The support offered depends on the individual's situation and is intended to facilitate studies. The goal is for all students to have an opportunity to study on equal terms.

To take advantage of the support offered, students must submit an application to the university's Disability Services (part of the Student Services). To do this, they must log into the system NAIS via a link found on Student Services's web page (Stockholm University > Education > Studying with a disability > how to apply for support) and fill in the online form. To complete the application, a certificate confirming the disability must be attached.

When the application is received, the student will be contacted by the Student Services to book a personal meeting.

Once the student is granted support, they will need to contact their department's contact person and submit the certificate issued by the Student Services. The contact person at the Department of law for Swedish students is Viktoria Pettersson, director of studies, Tel.: 08-16 13 04 or e-mail: viktoria.pettersson@juridicum.su.se. Exchange students must also contact the OIA using the email exchange@juridicum.su.se.

Examination

Note that the course administrator/teaching assistant must be informed of a student's documented disability **no later than 3 weeks** before each examination in order for the extra pedagogical support to be in place in time. If the information is received later, the department cannot guarantee that the examination can be carried out as desired**. Please also note that registration for the exam must be done in the usual manner no later than 10 calendar days before the exam**. Also note that in order to receive extra pedagogical support during the entire course (e.g. note-taking assistance) or special extra measures (e.g. dividing up the exam), the course administrator/teaching assistant must be contacted at the latest **by at the start of the course**.

Student influence and course development

All students are asked to complete an anonymous electronic course evaluation at the end of the course. The course evaluation is of great importance for the quality assurance of the course content and its pedagogical structure. The course is constantly changing and evolving, and the views and ideas expressed in the course evaluation are always carefully considered.