Stockholm University

Course description for International Commercial Arbitration (30 ECTS) AUTUMN 2024

General information about the course

Content and objectives

The overall objective 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 is the initial course in the Master of Laws Programme in International Commercial Arbitration Law. The purpose of the course is This course builds upon the basic knowledge the students have obtained in their law degree.

The International Commercial Arbitration Law course 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.

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. 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.

Learning outcomes

Knowledge and Understanding

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

• demonstrate in-depth knowledge and understanding of international commercial arbitration law, arbitration system and terminology.

Skills and Abilities

• demonstrate an in-depth ability to integrate knowledge of international commercial arbitration law even with limited information;

• demonstrate advanced ability to independently identify, formulate and analyse arbitration law issues;

• demonstrate an advanced ability to independently plan and carry out qualified tasks within given time frames and with adequate methods;

• demonstrate an advanced ability to present and discuss one's own conclusions, and the knowledge and arguments that underlie them, in dialogue with different groups.

Judgement and Approach

• demonstrate the ability to independently assess arbitration issues and evaluate solutions to advanced and complex problems with regard to relevant, scientific, societal and ethical aspects.

Pedagogical approach

Instruction consists of lectures and seminars, that are complemented with tasks, including a mock arbitration. Additionally, guest lectures are organized with authorities within the field of international arbitration in order to deepen the knowledge of the students and provide an opportunity for dialogue with the key groups such as, for instance: arbitrators, academics, representatives of institutes, legal counsel etc.

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. Active participation in 80 per cent of the seminars is compulsory.

The language of instruction is English.

More about the course structure

The different course elements

The course is structured around the following main topics:

- Introduction to the course and arbitration as a dispute resolution method
- Arbitration agreement
- Applicable law

- Arbitral tribunal
- Arbitration proceedings
- Arbitral award
- Recourse against arbitral award
- Arbitration mock
- Research and writing in international arbitration
- Preparation for the exam

Written and oral exercises

Throughout the course the students perform exercises aimed at using the gained knowledge and enhancing academic and practical skills both in writing and orally. A list of tasks and activities that count as part of examination are listed below (see Examined moments).

Mandatory course elements

Active participation in min. 80% of seminars is obligatory. 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. Active participation means that the students have read the assigned reading materials and are prepared to discuss, and or perform the activities foreseen for the seminar.

Attendance at lectures is essentially voluntary. However, it is difficult to independently acquire the knowledge and skills required for a pass the examination. Given the difficulty of the subject, there is thus reason to strongly recommend all students to attend all teaching offered in the course.

All examined moments listed below (see examined moments) are obligatory.

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 arbitration community. This takes predominantly a form of guest lectures, a visit to the SCC, visits to Stockholm law firms and law firms' supervision of the Mock Arbitration Task.

How the course relates to other courses 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

International master students – registrations on all programme courses are handled by the programme coordinator. You register on the first course of the programme by visiting the programme coordinator in person. To be registered on the following courses the coordinator will register you as soon as you have successfully completed the mandatory elements of the preceding course.

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.

Study instructions

Textbooks

Obligatory:

- Nigel Blackaby, Constantine Partasides et al., *Redfern and Hunter on International Commercial Arbitration* (Seventh Edition), Oxford University Press, 2022, 611 pages. Available for free for ICAL students at Kluwer Arbitration on the following link: https://www.kluwerarbitration.com/document/TOC-Blackaby-2022

Recommended:

- Gary B. Born, *International Commercial Arbitration* (Third Edition), Oxford University Press, 2021. Available for free for ICAL students at Kluwer Arbitration.

- Gary B. Born, *International Arbitration: Law and Practice* (Second Edition), Kluwer Law International, 2015, 474 pages. Available for free for ICAL students at Kluwer Arbitration.

- Julian David Mathew Lew, Loukas A. Mistelis, et al., *Comparative International Commercial Arbitration*, Kluwer Arbitration, 2003, 904 pages. Available for free for ICAL students at Kluwer Arbitration.

Other materials

Lists of articles, legal texts, cases and other materials are distributed as seminar or lecture materials during the course.

Preparations for teaching

The students receive weekly documents with list of reading, questions to consider and activities to perform regarding the theme of the week.
For each seminar a seminar document is provided in advance. The students are expected to read the mandatory reading and prepare for the discussion/activity provided in the document.
Lectures do not usually require preparation in advance.

Examination

Examined moments

Examination is based on written assignments, oral presentations, active participation in the mock arbitration and seminars, as well as on the written exam.

The course's final grade is based on the cumulative score achieved in each of the following examination moments, where each element is required in order to pass the course:

Activities:

- Negotiating an arbitration clause – group activity in class (pass/fail)
- Arbitral tribunal – oral presentations in class (pass/fail)

Tasks:

- Applicable Law – individual written assignment (max. 8 points, min. 4 to pass)
- Procedural Order No. 1 – individual written assignment (max. 6 points, min. 3 to pass)
- Mock arbitration (max.16 points, min. 8 to pass)

Written exam:

- Classroom exam – open question(s) (max. 20 points, min. 10 points to pass)
- Home exam – case (max. 50 points, min. 25 points to pass)

Details regarding the above examined moments will be provided in Athena in due time.

The grounds for gradings

The above examined moments are graded taking into consideration the following grounds:

- problem formulation,
- factual knowledge,
- analysis and argumentation,
- language,
- formal requirements as appropriate for the task,
- ability to carry out the work within specified time frames

The formal requirements are explained in detail with regard to the specific examined moment.

Access to 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.

Exam registration

Students must register for the exam no later than 10 calendar days before the date of the exam. Note! For Fall semester exams in January, the last day to register is earlier – always follow the instructions from your course administrator in Athena. Registration for the exam requires registration on the course. Students who have not registered for the exam are not allowed to write the exam.

International master students receive a grade on the learning outcome-based seven-grade grading scale A-F(x).

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. Driving licenses, passports and ID cards that are still in date are approved as identification. In case of stolen or lost ID, students may also prove their identity by providing a police report of no more than three months. Foreign ID documents are also accepted, preferably passports and ID cards.

Permitted aids and other exam regulations

Classroom exam:

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

In the Classroom exam Option 1 – no exam aids allowed – is 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.

Home exam:

The case will be uploaded to Athena and the answers are to be submitted to Athena.

In the Home exam, all materials are allowed, but the students cannot communicate as the exam is to be completed individually and independently.

Student submissions undergo a plagiarism check. Plagiarism, including self-plagiarism, is considered a form of cheating and may result in a report to the disciplinary committee.

Submission of the exam

Only the exams that the students have actively submitted will be corrected. If the student has not finished the examination in the prescribed manner, it is interpreted as the student choosing to submit a blank exam. The exam will then not be corrected.

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

A (Excellent)

Have excellent knowledge and understanding of international commercial arbitration law 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 it 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.
Have excellent in-depth methodological knowledge regarding international commercial arbitration law, especially comparative methodology knowledge, and the ability to integrate knowledge and to analyse issues concerning international commercial arbitration law.
Have excellent ability to independently identify, formulate, evaluate and critically analyse international commercial arbitration issues and create and critically analyze and evaluate solutions to advanced and complex problems, by using appropriate methods to prepare legal investigations and detailed assignments within specified time periods.
Have excellent ability to use appropriate methods to prepare legal investigations and detailed assignments relating to international commercial arbitration within specified time frames and to discuss the results in writing and orally and in dialogue with different groups and with regard to ethical, scientific and social aspects.

B (Very Good)
Have very good knowledge and understanding of international commercial arbitration law with a very good 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 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.
Have very good in-depth methodological knowledge regarding international commercial arbitration law, especially comparative methodology knowledge, and the ability to integrate knowledge and to analyse issues concerning international commercial arbitration law.
Have very good ability to independently identify, formulate, evaluate and critically analyse international commercial arbitration issues and create and critically analyze and evaluate solutions to advanced and complex problems, by using appropriate methods to prepare legal investigations and detailed assignments within specified time frames.
Have very good ability to use appropriate methods to prepare legal investigations and detailed assignments relating to international commercial arbitration within specified time frames and to discuss the results in writing and orally and in dialogue with different groups and with regard to ethical, scientific and social aspects.

C (Good)
Have good knowledge and understanding of international commercial arbitration law with a good 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 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.
Have good in-depth methodological knowledge regarding international commercial arbitration law, especially comparative methodology knowledge,

and the ability to integrate knowledge and to analyse issues concerning international commercial arbitration law.
Have good ability to independently identify, formulate, evaluate and critically analyse international commercial arbitration issues and create and critically analyze and evaluate solutions to advanced and complex problems, by using appropriate methods to prepare legal investigations and detailed assignments within specified time frames.
Have good ability to use appropriate methods to prepare legal investigations and detailed assignments relating to international commercial arbitration within specified time frames and to discuss the results in writing and orally and in dialogue with different groups and with regard to ethical, scientific and social aspects.

D (Satisfactory)
Have satisfactory knowledge and understanding of international commercial arbitration law with a satisfactory 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 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.
Have satisfactory in-depth methodological knowledge regarding international commercial arbitration law, especially comparative methodology knowledge,
and the ability to integrate knowledge and to analyse issues concerning international commercial arbitration law.
Have satisfactory ability to independently identify, formulate, evaluate and critically analyse international commercial arbitration issues and create and critically analyze and evaluate solutions to advanced and complex problems, by using appropriate methods to prepare legal investigations and detailed assignments within specified time frames.
Have satisfactory ability to use appropriate methods to prepare legal investigations and detailed assignments relating to international commercial arbitration within specified time frames and to discuss the results in writing and orally and in dialogue with different groups and with regard to ethical, scientific and social aspects.

E (Sufficient)
Have sufficient knowledge and understanding of international commercial arbitration law with a sufficient 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 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.
Have sufficient in-depth methodological knowledge regarding international commercial arbitration law, especially comparative methodology knowledge,
and the ability to integrate knowledge and to analyse issues concerning international commercial arbitration law.
Have sufficient ability to independently identify, formulate, evaluate and critically analyse international commercial arbitration issues and create and critically analyze and evaluate solutions to advanced and complex problems, by using appropriate methods to prepare legal investigations and detailed assignments within specified time frames.
Have sufficient ability to use appropriate methods to prepare legal investigations and detailed assignments relating to international commercial arbitration within specified time frames and to discuss the results in writing and orally and in dialogue with different groups and with regard to ethical, scientific and social aspects.

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

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

Request for grade review:

Requests for grade reviews are submitted on a special form to the course administrator. 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 the Office of International Affairs at master@juridicum.su.se.

Examination

Note that the course administrator 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. Note! For Fall semester exams that take place in January, last date to inform the course administrator is earlier earlier – always follow the instructions from your course administrator in Athena. 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. Note! For Fall semester exams that take place in January, deadline for registration is earlier. 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 must be contacted at the latest 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.