UCL SUMMER SCHOOL

INTERNATIONAL COMMERCIAL ARBITRATION

Key Information

Module code          ISSU0042
Taught during        Session One: Monday 1 July - Friday 19 July 2019
Module workload      45 teaching hours plus approximately 100 study hours
Module leader        Dr Melis Özdel
Department            Faculty of Laws
Credit                15 UCL credits, 7.5 ECTS, 4 US
Level                 Level 1, first year Undergraduate
Pre-requisites        Standard entry requirements
Assessment            Memorandum (75%)
                        Presentation (25%).

Module Overview

Various cross-border commercial disputes are frequently resolved by arbitration in London. London is home to a wide range of arbitral institutions, and it boasts a wealth of talented arbitration professionals. This module concerns the contractual and procedural elements of international commercial arbitration both from comparative and practical perspectives, focusing particularly on the English Arbitration Act 1996, the UNCITRAL Model Law and the New York Convention. Arbitration agreements frequently refer to a specified set of arbitration rules to govern the arbitral procedure. As this is the case, arbitration is usually carried out in accordance with the rules of an administering arbitral institution (such as the London Court of International Arbitration (LCIA), London Maritime Arbitrators Association (LMAA) and the International Chamber of Commerce (ICC)). In trade and commodity arbitration, parties generally refer to the arbitration rules of some particular trade associations (such as GAFTA (The Grain and Feed Trade Association) rules and FOSFA (The Federation of Oils, Seeds and Fats Associations) rules). Given the importance of the institutional rules of arbitration, students will also study these rules to have a good understanding of the conduct of the arbitral process and the making of arbitration awards.

Week One:

- What is arbitration? Why choose arbitration?
- The legal framework of international commercial arbitration
- Overview of the arbitral process
- Seat of the arbitration and the conflict of laws in international commercial arbitration

Please note that this module description is indicative and may be subject to change.
Week Two:
- Arbitration agreements: types, validity, arbitrability, interpretation and drafting
- Doctrine of separability
- Judicial support for and intervention in international commercial arbitration
- Overview of the arbitral process

Week Three:
- The arbitral tribunal: appointment, removal and replacement of arbitrators
- Rights, duties and powers of arbitrators
- Arbitration awards
- Challenge and enforcement of the awards

Module Aims
This module aims
- to give students a comprehensive picture of the contractual and procedural aspects of international commercial arbitration from both comparative and practical perspectives
- to provide students with the knowledge and understanding necessary to draft arbitration agreements, advise and represent parties in the arbitral process with confidence, and manage court actions in relation to arbitration
- to give students the ability to consider the ways to avoid problems encountered in arbitration practice

Teaching Methods
This module is conducted in an interactive, participative manner and all students will be expected to contribute regularly to class discussions. Students will study themes from a practical perspective, learning how to analyse legal problems and offer solutions. Students will be encouraged to consider the practical results of the judicial decisions and the ways to avoid problems encountered in practice. They will also be encouraged to familiarise themselves with the institutional rules of arbitration promulgated by the major arbitral organisations. Reading lists will be available online via the UCL library site and students will be directed towards class materials and additional sources as well as support and discussion forums on the Virtual Learning Environment.

Learning Outcomes
Upon successful completion of this module, students will:
- have a clear understanding of the laws governing international commercial arbitration
- have acquired the practical skills and knowledge necessary to draft arbitration agreements
- have acquired the practical skills and knowledge necessary to advise and represent parties in the arbitral process
- be able to discuss the key contractual and procedural issues arising before, during and after an arbitration
- have the skills to analyse legal problems and offer solutions

Assessment Methods
Students will be assessed through an arbitration mini-moot. They will be required
- to submit a 2,500 word memorandum (75%) and
- to make a 15-minute presentation (25%)
Key Texts

N. Blackaby et al., Redfern and Hunter on International Arbitration (6th edn, 2015), OUP Oxford
Mustill and Boyd, Commercial Arbitration – Companion Volume (2001), Butterworths

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