

## International Commercial Arbitration

MAPO\_005349

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Departments	Department of International, European Union and Comparative Law, Department of Law
Teaching Languages	English
ECTS	3
Teacher responsible	Oriol Valentí Vidal - oriol.valenti@esade.edu

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### Course Goals

- Learn about the characteristics that make international arbitration an attractive option for dispute resolution;
- Develop a critical understanding of when it is advisable to use it; and
- Learn the sequential phases of an international arbitration, from the design of an arbitration agreement through the enforcement of an award.

### Teaching methodology

- Class sessions include interactive lectures and debates
- Throughout the syllabus, articles and books will be suggested to reinforce key concepts
- Teamwork and class presentations will strengthen syllabus content and further develop the participants skills and abilities

### Description

### Course contribution to program

The importance of alternative methods of dispute resolution ("ADR") in the international arena has steadily increased in the recent past. ADR often allows the parties involved in a dispute to reach resolution earlier and with less expense than traditional litigation. In particular, international arbitration has become one of the most important methods for resolving international commercial disputes. We have designed the ADR course to explore the field of international commercial arbitration in depth. It also enables students to develop a series of skills and abilities linked to these subject areas.

### Bibliography

Gary B. Born, International Commercial Arbitration - Volúmenes I, II (Book)

Nigel Blackaby y Constantine Partasides, junto a Alan Redfern y Martin Hunter, Redfern and Hunter on

International Arbitration - Sexta edición (Book)

Alan Redfern, Martín Hunter, Nigel Blackaby, Constantine Partasides, Teoría y práctica del Arbitraje Comercial Internacional - 4.ª ed. (Book)

Klaus Peter Berger, Arbitration Interactive - A Case Study for Students and Practitioners, (Book)

Michael Bühler y Thomas Webster, Handbook of ICC Arbitration Commentary, Precedents, Materials (Book)

Jason Fry, Simon Greenberg, Francesca Mazza, The Secretariat's Guide to ICC Arbitration (Book)

H C Alvarez, N Kaplan y D Rivkin, Model Law Decisions: Cases Applying the UNCITRAL Model Law on International Commercial Arbitration [1985-2001], (Book)

P. Fouchard, B. Goldman, J. Savage y E. Gaillard, Fouchard, Gaillard, Goldman on International Commercial Arbitration (Book)

R Garnett, H Gabriel, J Waincymer y J Epstein, A Practical Guide to International Commercial Arbitration (Book)

Matti S. Kurkela, Hannes Snellman, Due Process in International Commercial Arbitration (Book)

Editado por Markus Wirth, ASA Special Series N.º 26 (Julio de 2006), Best Practices in International Arbitration (Book)

## Content

#	Topic
1	Introduction to international commercial arbitration. Local vs. international arbitration. Differences, applicable law, and institutional landscape. Institutional vs. ad hoc arbitration. Regulatory framework, advantages and disadvantages. The UNCITRAL rules of arbitration.
2	The arbitration agreement: content, interpretation, effects and enforcement. Arbitrability, parties to arbitration agreements, multiple parties, pathologies.
3	The arbitral tribunal: arbitrator qualifications, independence and impartiality, procedures for the appointment of arbitrators, objections, challenge of arbitrators, provisional measures ordered by arbitrators, IBA Guidelines on Conflicts of Interest in International Arbitration, rights and duties of the arbitrators. Liability of the arbitrators.
4	The arbitral proceedings: parties, autonomy to determine the arbitral procedure, procedural phases, seat of the arbitration, language of the arbitration. IBA rules on the taking of evidence in international arbitration. Submissions and Hearings. V.
5	The arbitral award: form and content, correction, interpretation and supplementation of arbitral awards.
6	The role of the local courts: intervention in aid of the arbitration - appointment and challenge of arbitrators, provisional measures, evidence, annulment, recognition and enforcement of the arbitral award. The New York Convention of 1958 and other treaties. Parallel proceedings.

## Assessment

Tool	Assessment tool	Category	Weight %
Participation in program activities	Class participation	Retake and ordinary round	40.00%
Written and/or oral exams	Final Exam	Retake and ordinary round	60.00%
Attendance and punctuality		Retake and ordinary round	

## PROGRAMS

113-Law Exchange Program (Undergraduates: Law)  
113 Year 1 (Optative)

DD05-Double Degree Program (exchange) (Undergraduates: Law)  
DD05 Year 1 (Optative)

LAF23-Master of Lifelong Learning in in Tax Law (Masters: MUA)  
LAF23 Year 1 (Optative)

LCL23-Master of Lifelong Learning in Corporate Law (Masters: MUA)  
LCL23 Year 1 (Optative)

LCP23-Master of Lifelong Learning in Corporate Compliance and Criminal Law (Masters: MUA)  
LCP23 Year 1 (Optative)

LDL23-Master of Lifelong Learning in Labor Law and People Management (Masters: MUA)  
LDL23 Year 1 (Optative)

LIB23-Master of Lifelong Learning in International Business Law (Masters: MUA)  
LIB23 Year 1 (Optative)

LIT23-Master of Lifelong Learning in New Technologies and Intellectual Property Law (Masters: MUA)  
LIT23 Year 1 (Optative)

LSR25-Master of Lifelong Learning in Regulated Sectors Law (Masters: MUA)  
LSR25 Year 1 (Optative)