

Introduction to International Commercial Arbitration

Prof. Giorgio F. COLOMBO



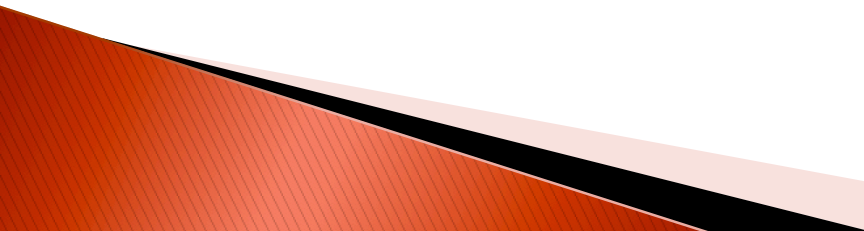
Introduction to the Seminar

Lesson n.1

What is International Commercial Arbitration?

- ▶ International Commercial Arbitration is a private form of adjudication by which entities involved in commercial activities decide to solve a business dispute of an international character

Purpose of the seminar

- ▶ This seminar is aimed to provide students with a general and broad knowledge of international commercial arbitration
 - ▶ We will start on the assumption that students do not possess a structured understanding of what international commercial arbitration is
 - ▶ For students with knowledge of international commercial arbitration this seminar will be useful for brushing up and filling gaps
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Requirements

- ▶ Sufficient command of English language
 - Lectures, readings and debates will be in English;
 - It is not necessary to be fluent
- ▶ Active participation
 - This seminar is based on the active participation by the students
 - A significant part of the evaluation will be based on participation
- ▶ Minimum attendance
 - You are required to attend at least 70% of the classes

Layout of the Seminar

- ▶ The seminar will be composed of 15 lessons (including this one), starting from April 13 and finishing on July 28, 2017
- ▶ Some lessons may require preliminary readings, and will be divided into:
 - Teaching
 - Debate, discussion, presentation
 - Work on materials taken from real-life arbitration practice

Introduction to the classes

- ▶ As mentioned, we will have several categories of readings:
 - Scholarly writings, articles
 - Laws, treaties, documents from arbitral institutions
 - Materials prepared specifically for this seminar
 - Documents (awards, etc.) taken from real cases
- ▶ You may be required to read the relevant materials in advance and to be prepared to discuss it during the lesson
- ▶ You are encouraged to ask for further readings should you find a topic of your interest.

Classes:

- ▶ Lesson 2 – What is International Commercial Arbitration
 - Gary B. Born, “Planning for International Dispute Resolution”, in *Journal of International Arbitration*, 17, 3, 2000, pp. 61 – 72
- ▶ Lesson 3 – Types of Arbitration
 - Margaret Moses, “Introduction to International Commercial Arbitration”, in *Loyola University Chicago School of Law, Public Law & Theory Research Paper no. 2011-27*
- ▶ Lesson 4 – Arbitration Agreements
 - *Mitsubishi v. Soler Chrysler-Plymouth*, 473 U.S. 614 (1985)
 - examples of arbitration agreements
- ▶ Lesson 5 – Applicable Laws
 - [2004] EWCA Civ 19 *Beximco vs. Shamil*
- ▶ Lesson 6 – The Arbitration and the Arbitral Tribunal
 - [2010] EWCA Civ 712 *Jivraj v Hashwani*

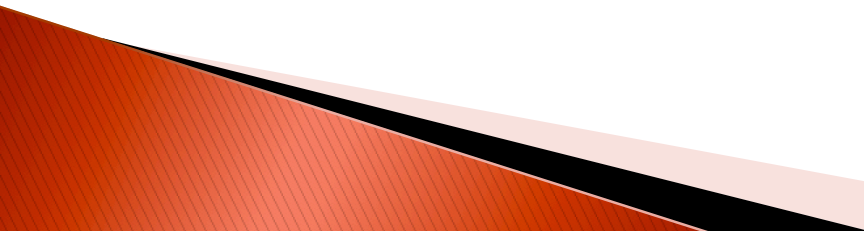
Classes:

- ▶ Lesson 7
 - Mid term test
- ▶ Lesson 8–9 – Independence and Impartiality
 - Selected cases of Independence and Impartiality declarations
- ▶ Lesson 10 – The Procedure
 - IBA International Principles on Conduct for the Legal Profession
- ▶ Lesson 11 – Arbitration and the Courts
 - C v D [2007] EWHC 1541 (Comm)

Classes

- ▶ Lesson 12 – The Award
 - Luca G. Radicati di Brozolo, “*Res Judicata* and International Arbitral Awards”, in Pierre Tercier (ed.) *Post Award Issues. ASA Special Series n. 38*, 2011; Arbitral Award, parties omitted
- ▶ Lesson 13 – Enforcing and Challenging the Award
 - William W. Park, “Duty and Discretion in International Arbitration”, in *American Journal of International Law*, 93, 805, 1999; *Renusagar Power Co. Ltd vs General Electric Co* on 7 October, 1993 – pp. 1–25
- ▶ Lesson 14 – Final test
- ▶ Lesson 15 – Feedback session

Evaluation procedure

- ▶ This seminar is based on interaction between students and instructors
 - ▶ Students are required to take active part in the lectures
 - ▶ Comments to readings, contributions to lectures, questions, etc. will be used to evaluate students' performance
 - ▶ 20% of the evaluation will be determined this way
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Evaluation procedure

- ▶ Mid term test 40%
- ▶ Final test 40%

Self introduction

Please introduce yourself

Learning expectations

Please tell us what do you expect from this seminar

In case of doubts / difficulties

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