# International arbitration

**ECTS** : 4

**Langue du cours** : Français

**Volume horaire** : 27

**Description du contenu de l'enseignement :**

**Introduction and Legal Framework of International Commercial Arbitration:** Importance of the Seat; annulment proceedings and setting aside of awards; importance of the NY 1958 Convention law of the seat (lex arbitrii) and other laws applicable to the arbitration dispute.

**Jurisdiction and the agreement to arbitrate**: Consent and jurisdictional foundation; existence, validity, recognition of arbitration agreements. Separability arbitration clauses; Drafting arbitration agreements; Pathological Clauses and Hybrid clauses.

**Recognition and enforcement of Arbitral Awards in International Commercial Arbitration under the NY 1958 Convention.** Scrutiny of awards – reasoning, recognition, public policy.

**Arbitral Procedure and Effective Management of Arbitration;** Request of arbitration, Answer and Counterclaims, Terms of Reference (TOR) and Case Management Conference (CMC), prima facie jurisdiction, constitution of the arbitral tribunal, Evidence, Submissions, and hearings, the role of institutions and the ICC Court of Arbitration

**Special procedures:** Interim Relief and Emergency Arbitration proceedings - Expedited Arbitration and Fast Track Procedures; complex procedures and multiparty arbitration.

**ADR techniques and settlement** facilitation in dispute resolution

**Compétences à acquérir :**

**Course description and objectives**: The course focuses on the theory and practice of international commercial arbitration. General aspects of the arbitral process including its legal framework and sources of arbitration law, problems respecting the arbitration clause and arbitrability, the appointment and qualifications of arbitrators, the arbitration process, the law governing procedural and substantive issues, the judicial review of arbitral awards and enforceability of awards will be discussed from an international and comparative perspective. The course will also cover some specific themes of particular practical importance. Among the specific topics to be discussed are expedited procedures, interim relief and the emergency arbitrator proceedings, multiparty and complex arbitrations, the allocation of costs and the interaction with other dispute resolution mechanisms like mediation, expert determination and dispute boards. Special attention is given to rules of major arbitration institutions such as the ICC International Court of Arbitration which will also be visited during the course in order to introduce students to the practice of international arbitration.

**Learning outcomes** After completion of the course the student should be able to:

• Understand the basic principles of international commercial arbitration;

• Awareness of arbitral institutions and arbitration legal instruments;

• Appreciate the key principles of the arbitral process and its place in international dispute resolution.

**Pré-requis obligatoires**

Knowledge and understanding of principles of (international) law and conflict of laws.

**Mode de contrôle des connaissances :**

· Course participation, (en contrôle continu) 50%

· Final Oral Evaluation (Practical Exercises and Evaluation) 50%

The numerical grade distribution will dictate the final grade. The passing grade for a course is 10/20.

Class participation: Active class participation is based on quality of comments, not quantity.

**Coefficient** : 4.00

**Bibliographie, lectures recommandées :**

- Giuditta Cordero-Moss; - International Arbitration is not only international

- Luca Radicati di Brozolo, International Arbitration and Domestic Law

- Born – Rethinking Pathological Arbitration Clauses

- Dimolitsa – Issues concerning the existence, validity and effectiveness of arbitration agreements.

- Feris ‘the new Expedited Arbitration Procedure Provisions’

- Wahab: ‘Expedited Institutional Arbitral Proceedings between Autonomy and Regulation’

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