

Syllabus of the discipline: International commercial arbitration



Higher education degree – Master
Field of Knowledge - 29 International relations
Specialty – 293 International law
Educational program and Professional Program – International law

Year of the study: I, Semester: 2

Number of credits ECTS: 5 Language of study: English

Course leader:

ScD (in Economics), professor, professor of the department of international law and migrations policy WUNU
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Contact Information:

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Description of the discipline

The purpose of studying the discipline "International commercial arbitration" is to study by students of the main theoretical aspects of legal regulation of the procedure for dispute resolution by international commercial arbitration, practical skills and skills in determining the competence of arbitration to consider disputes, determining the law that should be applied by arbitration to resolve disputes and the law in which arbitration considers disputes.

Course structure

Hours (lect. / prakt.cl.)	Topic	Results of the study	Tasks
4 / 2	Topic 1. The concept of international commercial arbitration as an alternative way to resolve private law disputes with a foreign element	Research of features of the arbitration procedure for Dispute Resolution	Tests, questions
4 / 2	Topic 2. Arbitration agreement	Research of the legal nature of an arbitration agreement	Tests, questions
4 / 2	Topic 3. Recusal of the state court for non-jurisdiction.	Clarification of the procedural aspects of applying the institution of recusal of a court or arbitration for lack of jurisdiction.	Tests, questions

4 / 2	Topic 4. Recusal of an arbitration court for non-jurisdiction as a form of denial of the competence of an arbitration court to resolve a dispute. The doctrine of "competence of competence".	Investigation of the mechanisms of recusal of an arbitration court for non-jurisdiction as a form of denial of the competence of an arbitration court to resolve a dispute.	Tests, questions
4 / 2	Topic 5. Dispute resolution procedures by international commercial arbitration	Familiarization with dispute resolution procedures by international commercial arbitration	Tests, questions
4 / 2	Topic 6. Arbitration award	Investigation of the essence of an arbitration award and mechanisms for its issuance	Tests, questions
3 / 2	Topic 7. Challenging an arbitration award	Research of the methodology for challenging a decision made by an international commercial arbitration court	Tests, questions
3 / 1	Topic 8. Enforcement of decisions of international commercial arbitrations	Research of the procedure for enforcement of decisions issued by international commercial arbitration in Ukraine and in foreign practice	Tests, questions

Bibliography

1. *Цірат Г.А.* Міжнародний комерційний арбітраж: навч. посібник / Г.А.Цірат. К.: Алерта, 2019. 410 с.
2. *Gary B. Born.* International arbitration: law and practice. 3 ed. Wolters Kluwer: Law and business, 2021. 616 p.
3. *J. Engelmann* International commercial arbitration and the commercial agency directive. Springer, 2019. 253 p.
4. *E.Onyema* International commercial arbitration and the Arbitrator's Contract. Routledge, 2019. 257 p.

Evaluation policy

- **Deadline and retake policy:** Modules are retaken with the permission of the dean's office if there are good reasons (for example, sick leave).
- **Academic Integrity Policy:** cheating during tests and exams is prohibited (including using mobile devices).
- **Visiting policy:** Attending classes is a mandatory component of the assessment. For objective reasons (for example, illness, international internship, and other reasons), training can take place online with the permission of the university administration.

Evaluation

The final score for the course is calculated as follows:

Credit module 1	Credit module 2	Credit module 3	Overall
30%	40%	30%	100%
1. Verbal survey during classes (4 topics with 6 points – 24 points) 2. Written work – 76 points	1. Verbal survey during classes (8 topics with 4 points – 32 points) 2. Written work – 68 points	1. Writing and presentation of KPIZ – 80 points 2. Completing tasks during the training – 20 points	

Student Assessment Scale:

ECTS	Points	Essence
A	90-100	Excellent
B	85-89	Good
C	75-84	Good
D	65-74	Satisfactory
E	60-64	Sufficient
FX	35-59	unsatisfactory with the possibility of retaking the credit
F	1-34	unsatisfactory with a mandatory retry course