

**Module Title: International Commercial Arbitration**  
**Credit Points: 10 ECTS / 20 UK credits**

**Overview:**

This module is designed to provide a broad overview of the legal and practical aspects underpinning international commercial arbitration. The objective of any arbitration is to resolve a dispute. So as to facilitate resolution all unnecessary obstacles need to be removed. In the context of international disputes there can be many obstacles, e.g. language barriers, different jurisdictions, different legal principles etc. To alleviate these difficulties a number of international instruments have been enacted through out the years culminating in the United Nations Commission on International Trade Law (UNCITRAL) Model Law in 1985. This course shall focus primarily on both the substance and application of the UNCITRAL Model Law, and also its integration into Irish law. Candidates will be required to achieve a high level understanding of the UNCITRAL Model Law so as to discuss in a competent manner the practice and procedure involved in international commercial arbitration, and the applicable legal principles.

**Aims (To provide students with):**

- the theoretical background to international commercial arbitration
- a detailed knowledge of the principles applicable to international commercial arbitration
- a practical understanding of the procedure applicable to international commercial arbitration
- the outcome/result of an international commercial arbitration

**Module Content**

- International Commercial Arbitration
  - History and development of arbitration
  - Geneva Protocol on Arbitration Clauses 1923
  - Geneva Convention on the Execution of Foreign Arbitral Awards 1927
  - New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958
  - Washington Convention on the Settlement of Investment Disputes between
- States and Nationals of other States (ICSID) 1965
  - United Nations Commission on International Trade Law (UNCITRAL) Model Law 1985
  - International Chamber of Commerce (ICC) Rules 1998
  - The hearing and role of national courts
  - Arbitration under investment treaties
  - Referral to arbitration and the arbitration agreement, submission agreements
  - Anatomy of the simple arbitration clause
- The ICC International Court of Arbitration
  - The 7 principles underlying ICC arbitration
  - The workings of the International Court of Arbitration
  - Commencing arbitration
  - The arbitral hearing and proceedings
  - Challenging the award
  - Enforcing the award
  - Arbitration awards and costs, categories, validity
  - Conduct of arbitration, powers, duties and jurisdiction
- UNICTRAL Model Law
  - General Provisions
  - Definition of commercial
  - The Arbitration Agreement
  - Organisation of the Arbitral Tribunal
  - Jurisdiction of the Arbitral Tribunal
  - Conduct of Arbitral Proceedings
  - The Arbitration Award and recognition, practical considerations
  - Recognition and Enforcement of Awards
  - UNCITRAL conciliation rules

- Arbitration (International Commercial) Act 1998
  - The adoption of the UNICTRAL Model Law
  - The role, functions and powers of the High Court
  - The conduct of arbitral hearings
  - The role of the arbitrator
- International Commercial Arbitration in Ireland
  - Chartered Institute of Arbitrators
  - International Arbitration Centre, Dublin
  - The Future for International Commercial Arbitration in Ireland
  - The Arbitration Bill 2008
- Future for International Commercial Arbitration
  - Future in Ireland
  - Potential reform

### **Indicative Reading**

- Buhler, M.W. & Webster, T.H., 2008. Handbook of ICC Arbitration: Commentary, Precedents, Materials 2nd ed., Sweet & Maxwell.
- Holtzmann, H.M. & Neuhaus, J.E., 1995. A Guide to the Uncitral Model Law on International Commercial Arbitration: Legislative History and Commentary, Kluwer Law International.
- Hunter, M. & Redfern, A., 2004. Law and Practice of International Commercial Arbitration 4th ed., Sweet & Maxwell.
- Stewart, E., 2003. Arbitration: Commentary and Sources, First Law.

### **Assessment methods**

50% Case Study

50% Exam