



**CORPORATE AND ACADEMIC SERVICES**

**MODULE SPECIFICATION**

Part 1: Basic Data					
Module Title	International Commercial Disputes				
Module Code	UJGUPJ-15-M	Level	M	Version	1
Owning Faculty	FBL	Field	Law Postgraduate		
Contributes towards	All LLM Awards: LLM in Commercial Law LLM in Environmental Law and Sustainable Development LLM in International Banking and Finance Law LLM in International Law LLM in International Trade and Economic Law				
UWE Credit Rating	15	ECTS Credit Rating	7.5	Module Type	Standard
Pre-requisites	None		Co- requisites	None	
Excluded Combinations	None		Module Entry requirements		
Valid From	1 September 2012		Valid to		

<b>CAP Approval Date</b>	
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Part 2: Learning and Teaching	
Learning Outcomes	<p>On successful completion of the module, students should be able:</p> <ol style="list-style-type: none"> <li>1. To demonstrate a critical understanding of the international legal principles and concepts relating to international commercial disputes [assessed in components A and B];</li> <li>2. To appreciate the wider economic, legal and strategic importance of commercial disputes in a practical context; [assessed in components A and B];</li> <li>3. To analyse the range of regulatory and non-regulatory techniques involved and discuss their adequacy and/or shortcomings [assessed in components A and B];</li> <li>4. To critically assess the comprehensiveness of existing global, regional and national regulation on the resolution of commercial disputes [assessed in components A and B];</li> <li>5. To evaluate different mechanisms for resolving conflict and disputes in international transactions [assessed in components A and B];</li> <li>6. To critically examine existing rules and schemes on dispute resolution and discuss the legal and practical issues at stake [assessed in components A and B];</li> </ol> <p>On successful completion of this module, students should have the following transferable skills:</p> <ul style="list-style-type: none"> <li>• ability to present a structured argument at both abstract and concrete levels in the subject area [assessed in components A and B];</li> </ul>

	<ul style="list-style-type: none"> <li>• ability to recognise problems and identify solutions [assessed in components A and B];</li> <li>• ability to analyse, evaluate and reflect upon complex materials relating to the subject area [assessed in components A and B];</li> <li>• ability to work in groups; and</li> <li>• ability to undertake independent research [assessed in components A and B].</li> </ul>
Syllabus Outline	<p>This course examines the legal framework for the prevention and resolution of commercial disputes in the international context. It is divided into three main parts: Arbitration and other non-judicial dispute resolution mechanisms; international litigation and applicable law matters and investment arbitration.</p> <p>The following is an indicative list of topics that will be explored. The exact content of these workshops may be changed to reflect more recent developments or interests in this subject area.</p> <p>Workshop 1: Introduction to ICD. International mediation</p> <p>Workshop 2: International Commercial Arbitration: the rules</p> <p>Workshop 3: International Commercial Arbitration case study</p> <p>Workshop 4: International Investment Arbitration: the ICSID</p> <p>Workshop 5: International Litigation</p> <p>Workshop 6: International Litigation and applicable law</p>
Contact Hours/Scheduled Hours	<p>6 x 3 hour workshops</p> <p>Scheduled contact is supplemented by independent learning structured around reading and questions set in advance. In addition, students are encouraged to attend seminars organised by the Centre for Legal Research and the Research Units of the Department of Law.</p>
Teaching and Learning Methods	<p>The main focus of teaching and learning on the taught LLM programme is through independent research and debate in the context of 3-hour fortnightly workshops. The workshop-based approach to teaching and learning is designed to enable the student to develop the independent research, analytical and reflective skills required for successful completion of a postgraduate level course. Students will need to complete the necessary preparatory reading and study of any set case materials in advance of each workshop. From each workshop, the student will be expected to have developed a general mastery of the subject under consideration. In addition, students will be expected to raise, critically assess and defend different points of view on controversial issues in class and to make presentations to the class on their own and in groups.</p> <p>Scheduled learning for this module is in the form of workshops. The activities covered in workshops may include lectures, seminars, tutorials, group discussions, group exercises, role play, case studies, presentations by students and staff, in groups or individually, debates and other activities such as films or video and online discussions.</p> <p>Independent learning includes hours engaged with essential reading, case study preparation, preparation for oral presentations, assignment preparation and completion etc.</p>
Reading Strategy*	<p>All students will be encouraged to make full use of the print and electronic</p>

resources available to them through membership of the University. These include a range of journals (both print and electronic) and a wide variety of resources available through web sites and information gateways. This is particularly relevant with this module. There are a variety of electronic sources available and use will be made of the ICC website in particular. The University's Library website pages provide access to subject relevant resources and services, and to the library catalogue. Many resources can be accessed remotely. Students will be presented with opportunities to develop their information retrieval and evaluation skills in order to identify appropriate resources effectively.

This module is supported by Blackboard, where students will be able to find all necessary module documentation, to include guidance on essential and further reading within the module outline. Direct links to information resources and digitised materials will also be provided from within Blackboard.

Any essential reading will be indicated clearly, along with the method for accessing it, for instance, students may be expected to purchase a set text or be referred to texts that are available electronically. At the moment there is no one set text but there a variety of up to date sources which have been purchased by the library and held on short loan. It is possible to make selections of these available to students through the digital collection. Where possible electronic versions will be made available via Blackboard. The reading list will be made available in the module outline which will be accessible via Blackboard and through any other vehicle deemed appropriate by the module/programme leaders.

If further reading is expected, this will be indicated clearly. If specific texts are listed, a clear indication will be given regarding how to access them and, if appropriate, students will be given guidance on how to identify relevant sources for themselves, for instance, through use of bibliographical databases. Essential reading and additional reading will be distinguished. Where the readings are books a selection of readings will be indicated for the individual sessions.

Indicative Reading List

**Indicative Reading List:**

**Recommend Texts**

The following are recommended as useful general texts and provide an indication of the type and level of information that students will be expected to use. Current advice on reading will be made available in the module outline which will be accessible via Blackboard.

R Goode, *Commercial Law* (Penguin 2010)

A Redfern and M Hunter, *Law and Practice of International Commercial Arbitration* (Sweet & Maxwell 2009)

M Huleatt-James and N Gould, *International Arbitration, A Handbook* (OUP 1999)

Murray, *Schmitthoff's Export Trade* (13<sup>th</sup> edn, Sweet & Maxwell 2012)

C Chatterjee, *Alternative Dispute Resolution: A Practical Guide* (Routledge 2008)

A Briggs, *The Conflict of Laws* (Oxford University Press 2002)

Students will also be directed to use the following databases and internet sources:

i-law

Lexis Library

Westlaw

**Legal Journals**

Lloyd's Maritime and Commercial Law Quarterly

The International and Comparative Law Quarterly

Arbitration International

Journal of International Arbitration

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<b>Part 3: Assessment</b>
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<b>Assessment Strategy</b>	Learning outcomes will be assessed by oral presentation and written coursework. Assessment questions will be set by tutors. Both assessments require students to undertake independent research building on material covered in the workshop sessions.
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<b>Identify final assessment component and element</b>	<b>Component A</b>	
<b>% weighting between components A and B</b> (Standard modules only)	<b>A:</b>	<b>B:</b>
	40%	60%

<b>First Sit</b>
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<b>Component A</b> (controlled conditions) <b>Description of each element</b>	<b>Element weighting</b> (as % of component)
1. Oral Presentation and Questions (20 minutes)	100%
<b>Component B</b> <b>Description of each element</b>	<b>Element weighting</b> (as % of component)
1. Written coursework essay (maximum 3500 words)	100%

<b>Resit (further attendance at taught classes is not required)</b>
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<b>Component A</b> (controlled conditions) <b>Description of each element</b>	<b>Element weighting</b> (as % of component)
1. Oral Presentation and Questions (20 minutes)	100%
<b>Component B</b> <b>Description of each element</b>	<b>Element weighting</b> (as % of component)
1. Written coursework essay (maximum 3500 words)	100%

If a student is permitted an <b>EXCEPTIONAL RETAKE</b> of the module the assessment will be that indicated by the Module Description at the time that retake commences.
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