

*COURSE GUIDE*

*INTERNATIONAL ARBITRATION AND ALTERNATIVE DISPUTE RESOLUTION*

*YEAR: 3<sup>RD</sup> FIRST TERM*

*DEGREE: INTERNATIONAL RELATIONS AND EUROPEAN UNION*

*ACADEMIC YEAR 2021-2022*

*LAW SCHOOL*

**1. COURSE/SUBJECT IDENTITY****1.- ASIGNATURA:**

Name: INTERNATIONAL ARBITRATION AND ALTERNATIVE DISPUTE RESOLUTION.	
Code: e303-12259	
Year (s) course is taught: 3rd	Semester(s) course is taught: 1st
Type: compulsory	ECTS: 6. Hours ECTS: 180
Language: English	Presential
Degree (s) in which course is taught: International Relations and European Union	
Law Faculty	

**2. - ORGANIZATION OF THE COURSE:**

Department: Public Law Department
Area of knowledge: International Public Law and International Relations (EU Law)

## 2. TEACHING STAFF

### 1. IDENTITY OF TEACHING STAFF

Professor in charge	
Name	Prof. Dr. José María Beneyto Pérez
Tlfn (ext):	91 514 04 22
Email:	<a href="mailto:benper@ceu.es">benper@ceu.es</a>
Office:	Real Instituto Universitario de Estudios Europeos
Academic profile:	Professor of International Public Law, European Union Law and International Relations Jean Monnet Chair ad personam in European Law Director of the Institute for European Studies
Research field:	Legal and judicial sciences

## 2.- TUTORIAL ACTIVITY:

For any queries, students can contact teachers by e-mail, phone or visiting their office during the teacher's tutorial times published on the students' gateway.

## 3. COURSE DESCRIPTION

As a complement of the subjects related to Theory and History of International Relations and International Public Law, in this one it will be analyzed the resolution of international conflicts, either through mediation, arbitration and different judicial jurisdictions.

## 4. COMPETENCES

### 1.- COMPETENCES:

CB1 - Students should prove to possess and understand knowledge in an area of study that starts from the base of general secondary education, and is usually found at a level that, although supported by advanced textbooks, also includes some aspects which imply knowledge coming from the forefront of their field of study.

CB2 - Students should know how to apply their knowledge to their work or vocation in a professional manner and have the skills that are usually demonstrated through the elaboration and defense of arguments and the resolution of problems within their area of study.

CB3 - Students should have the ability to gather and interpret relevant data (usually within their area of study) in order to reach conclusions that include an assessment of relevant issues of social, scientific or ethical nature.

CB4 - Students should be able to transfer information, ideas, problems and solutions to a specialized and non-specialized public.

CB5 - Students should have developed those learning skills necessary to undertake further studies with a high degree of autonomy.

### SPECIFIC COMPETENCES

CE2 - To understand the evolution, nature and characteristics of international relations and the European integration process in order to know the relevance of the globalisation process.

CE13 - To understand the principle actors and relations of the different regional areas in the

international system, and to explain the origins, evolution and consequences of the different international processes of regional integration.

CE14 – To understand the principles and norms of national and international public law and the international procedures of peaceful settlement of disputes.

CE15 – Understand the institutions, rules and decision-making procedures in the European Union in order to be able to analyse activities that it develops in the social field and in its foreign, security and defence relations.

CE16 – Acquire specific knowledge about global economic and financial globalization and the challenges posed by globalization.

CE17- To be able to make a critical analysis, evaluation and synthesis of new and complex ideas in the framework of the international relations.

## 2. LEARNING OUTCOMES:

1. To understand practical and theoretical legal knowledge of domestic and international arbitration as a complement to the state judicial system.
2. To understand and handling of legal texts, doctrine and jurisprudence.
3. To reach the ability to solve the legal problems normally faced by legal operators.

## 5. ACTIVITIES

### 1. Distribution of student's work:

Total number of hours	30 per ECTS
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CODE		Hours (presential)
AF1	LECTURES	6
AF2	SEMINARS	50
AF3	WORKING GROUPS	4
TOTAL		60

CODE	NAME	Hours (non-presential)
AF5	Student's autonomous learning	Rest

### 2. Description of learning activities

Activity	Definition
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Lecture (AF1)	Learning activity that takes place in the classroom and focuses on the transmission of knowledge by the professor, requiring the student to prepare and / or study afterwards.
Seminar (AF2)	Learning activity that takes place in the classroom and, under the guidance of the professor, encourages cooperative learning among the students. Its objective is the study and understanding the subject.
Working group (AF3)	Learning activity that takes place in the classroom and, under the guidance of the professor, aims to resolve practical cases or to deepen the students' knowledge in a concrete area of special interest.

Student's autonomous learning (AF5)	Activity in which students independently develop their learning through the study of the materials or other activities indicated by the professors.
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## 6. ASSESMENT

### 1. CLASS ATTENDANCE:

Regular and punctual class attendance is expected of all students. A 75 % minimum attendance requirement applies. It is indispensable for continuous assessment. As there is a 25 % margin for non - attendance, in general circumstances, certificates that justify absences from class, even for valid reasons, are not to be accepted.

### 2. CRITERIA FOR ASSESSMENT:

Written assessment SE1. Short questions and answers, tests, essays and written papers that develop topics or concepts. Presented in written form.

Practical assessment SE2. Presented in written or oral form. Text comments, essays, reports...

Oral tests SE3 Oral presentation of topics, debates and resolution of cases.

CONTINUOUS ASSESMENT	%
SE1 Written work	60%
SE2 Practical tests	30 %
SE3. Oral assessment	10 %

Final exam: 60 %; Continuous assessments: 40%

### 3. CRITERIA FOR ASSESSMENT. EXTRAORDINARY EXAMINATION:

Those students who do not pass the ordinary examination will have to pass a final exam. This exam will include the total content of the course.

Previous results of continuous assessment will not be taken into account. However, the content of the exam will include different theoretical and practical issues in order to assess whether the student has acquired the required competences.

## 7. COURSE PROGRAMME

1. Chapter One: Dispute Resolution Processes – An Overview.
2. Chapter Two: A History of Arbitration.
3. Chapter Three: Different kinds of arbitration. Investment Treaty Arbitration. Arbitration with state entities.
4. Chapter Four: The Three Pillars of International Commercial Arbitration.
5. Chapter Five: Growing Global Harmonisation and Differing Statutory Approaches.
6. Chapter Six: Choices Available to Parties.
7. Chapter Seven: The Arbitration Agreement and Commencement.
8. Chapter Eight: Appointing an Arbitral Tribunal.
9. Chapter Nine: The Arbitral Tribunal: Independence and Impartiality.
10. Chapter Ten: The Arbitral Tribunal: Jurisdiction and Powers.
11. Chapter Eleven: The Arbitral Tribunal: Duties and Procedural Choices.
12. Chapter Twelve: Procedures: Pleadings, Documents and Evidence.
13. Chapter Thirteen: Procedures: Applications to the Tribunal.
14. Chapter Fourteen: Procedures: The Hearing.
15. Chapter Fifteen: Awards.
16. Chapter Sixteen: The Role of the State Court.

## 8. RECOMENDED READINGS

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| - | <b>Chartered Institute of Arbitrators</b> , <i>International Arbitration. Workbook. Module 1. Law, Practice and Procedure</i> , London 2017.  |
| - | Blacklaby, Nigel and Partasides, Constantine, with Redfern, Alan and Hunter, Martin, <b>Redfern and Hunter on International Arbitration</b> , Student Version, 5th. Ed., Oxford University Press, 2009. |

## 9. ATTITUDE IN THE CLASSROOM

Any act of academic dishonesty (no reference to cited sources, plagiarism of work or inappropriate use of prohibited information during examinations) or signing the attendance sheet for fellow students not present in class will result in the student not being eligible for continuous assessment and possibly being penalized according to the University regulations.

## 10. EXCEPTIONAL MEASURES

Should an exceptional situation occur which prevents continuing with face-to-face teaching under the conditions previously established to this end, the University will take appropriate decisions and adopt the necessary measures to guarantee the acquisition of skills and attainment of learning outcomes as established in this Course Unit Guide. This will be done in accordance with the teaching coordination mechanisms included in the Internal Quality Assurance System of each degree.