



UNSW Course Outline

LAWS8183 International Commercial Arbitration - 2024

Published on the 31 Jan 2024

General Course Information

Course Code : LAWS8183

Year : 2024

Term : Term 1

Teaching Period : T1

Is a multi-term course? : No

Faculty : Faculty of Law and Justice

Academic Unit : School of Private and Commercial Law

Delivery Mode : In Person

Delivery Format : Standard

Delivery Location : Kensington

Campus : Sydney

Study Level : Postgraduate

Units of Credit : 6

Useful Links

[Handbook Class Timetable](#)

Course Details & Outcomes

Course Description

This course aims to provide a comprehensive introduction to the field of international commercial arbitration, which has become a principal form of international dispute resolution. The course will focus on key issues in international commercial arbitration, including basic

principles involved in legal theories and the practice surrounding international arbitration. As its central theme, the course analyses the UNCITRAL Model Law and procedural rules required in international commercial arbitration. The course will also cover in brief the investor-State arbitration and the pivotal role of arbitration in resolving disputes in international commerce and business.

The course is a specialist subject for those with a strong interest in international arbitration and dispute resolution. It is important for those wishing to pursue a career in the field of international commerce and business as a lawyer, arbitrator, or operator.

Main Topics

UNCITRAL model law;

International arbitration agreements;

International arbitration institutions;

Appointment and qualification of arbitrators;

Provisional measures in arbitration;

Choice of law in international arbitration;

International arbitral awards;

Investor-State arbitration

Course Aims

- To assist students to develop and understanding for the issues involved in international commercial arbitration
- To provide students with the basic working knowledge of the key instruments and bodies involved in international commercial arbitration
- To develop an awareness of the different methods of dispute resolution
- To assist students in the practice of international commercial arbitration

Course Learning Outcomes

Course Learning Outcomes
CLO1 : Demonstrate high level skills of and collaboration and oral communication by discussing and debating international commercial arbitration themes in a scholarly, reflective and respectful manner (PLOs 1a, 3a & 3b)
CLO2 : Demonstrate advanced oral communication skills by discussing and debating theoretical propositions, methodologies and legal problems in the area of international commercial arbitration (PLOs 2, 3a & 3b)
CLO3 : Navigate and apply statutory and other texts in relation to hypothetical fact scenarios (PLOs 1a, 1b, 2a, 2b, 3a & 3b)
CLO4 : Examine and engage in advanced critical analysis of the essential elements of commercial law and the formation of international arbitration through an extended research essay (PLO 1a, 1b, 2a, 2b, 3a & 4)
CLO5 : Demonstrate advanced written communication skills by articulating complex legal concepts, theory and analysis using effective research methodologies and actively participating in International Commercial Arbitration competition team (PLO 1a, 1b, 2a, 2b & 3a)

Course Learning Outcomes	Assessment Item
CLO1 : Demonstrate high level skills of and collaboration and oral communication by discussing and debating international commercial arbitration themes in a scholarly, reflective and respectful manner (PLOs 1a, 3a & 3b)	<ul style="list-style-type: none"> • Moot • Class Participation
CLO2 : Demonstrate advanced oral communication skills by discussing and debating theoretical propositions, methodologies and legal problems in the area of international commercial arbitration (PLOs 2, 3a & 3b)	<ul style="list-style-type: none"> • Research Essay (5000 words) • Moot • Class Participation
CLO3 : Navigate and apply statutory and other texts in relation to hypothetical fact scenarios (PLOs 1a, 1b, 2a, 2b, 3a & 3b)	<ul style="list-style-type: none"> • Research Essay (5000 words) • Moot • Class Participation
CLO4 : Examine and engage in advanced critical analysis of the essential elements of commercial law and the formation of international arbitration through an extended research essay (PLO 1a, 1b, 2a, 2b, 3a & 4)	<ul style="list-style-type: none"> • Research Essay (5000 words)
CLO5 : Demonstrate advanced written communication skills by articulating complex legal concepts, theory and analysis using effective research methodologies and actively participating in International Commercial Arbitration competition team (PLO 1a, 1b, 2a, 2b & 3a)	<ul style="list-style-type: none"> • Moot • Class Participation

Learning and Teaching Technologies

Moodle - Learning Management System

Assessments

Assessment Structure

Assessment Item	Weight	Relevant Dates
Moot	30%	Start Date: See Moodle Due Date: See Moodle
Research Essay (5000 words)	60%	Start Date: See Moodle Due Date: See Moodle
Class Participation	10%	Start Date: See Moodle Due Date: See Moodle

Assessment Details

Moot

Assessment Overview

Participation, including team preparation of memorandum

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

Course Learning Outcomes

- CLO1 : Demonstrate high level skills of and collaboration and oral communication by discussing and debating international commercial arbitration themes in a scholarly, reflective and respectful manner (PLOs 1a, 3a & 3b)
- CLO2 : Demonstrate advanced oral communication skills by discussing and debating theoretical propositions, methodologies and legal problems in the area of international commercial arbitration (PLOs 2, 3a & 3b)
- CLO3 : Navigate and apply statutory and other texts in relation to hypothetical fact scenarios (PLOs 1a, 1b, 2a, 2b, 3a & 3b)
- CLO5 : Demonstrate advanced written communication skills by articulating complex legal concepts, theory and analysis using effective research methodologies and actively participating in International Commercial Arbitration competition team (PLO 1a, 1b, 2a, 2b & 3a)

Detailed Assessment Description

This assessment is designed to:

- encourage students to work in a group to engage with and think deeply about dispute

resolution of a problem

- encourage legal research and presentation skills

Students will be divided into claimant and respondent groups in mooting. Further information about groups and the moot problem will be available on Moodle in Week 3

Assignment submission Turnitin type

Not Applicable

Research Essay (5000 words)

Assessment Overview

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

Course Learning Outcomes

- CLO2 : Demonstrate advanced oral communication skills by discussing and debating theoretical propositions, methodologies and legal problems in the area of international commercial arbitration (PLOs 2, 3a & 3b)
- CLO3 : Navigate and apply statutory and other texts in relation to hypothetical fact scenarios (PLOs 1a, 1b, 2a, 2b, 3a & 3b)
- CLO4 : Examine and engage in advanced critical analysis of the essential elements of commercial law and the formation of international arbitration through an extended research essay (PLO 1a, 1b, 2a, 2b, 3a & 4)

Detailed Assessment Description

This assessment is designed to

- encourage legal research and writing skills
- encourage students to extend the knowledge developed in classes by an area of further research in which they will be required to demonstrate detailed analysis and innovative thinking

The word limit for this research essay is **5,000 words** calculated by reference to **all discursive text including citations and references in the footnotes. No bibliography is required.** The Faculty Assessment Procedure as well as rules against plagiarism and academic misconduct will apply. The basic expectations and applicable criteria for assessments are described [here](#)

Assignment submission Turnitin type

This assignment is submitted through Turnitin and students can see Turnitin similarity reports.

Class Participation

Assessment Overview

Not specified

Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

Course Learning Outcomes

- CL01 : Demonstrate high level skills of and collaboration and oral communication by discussing and debating international commercial arbitration themes in a scholarly, reflective and respectful manner (PLOs 1a, 3a & 3b)
- CL02 : Demonstrate advanced oral communication skills by discussing and debating theoretical propositions, methodologies and legal problems in the area of international commercial arbitration (PLOs 2, 3a & 3b)
- CL03 : Navigate and apply statutory and other texts in relation to hypothetical fact scenarios (PLOs 1a, 1b, 2a, 2b, 3a & 3b)
- CL05 : Demonstrate advanced written communication skills by articulating complex legal concepts, theory and analysis using effective research methodologies and actively participating in International Commercial Arbitration competition team (PLO 1a, 1b, 2a, 2b & 3a)

Detailed Assessment Description

This assessment is designed to:

- encourage preparation for classes
- encourage students to learn, think, analyse, reflect and evaluate legal materials prior to covering that content in class
- assist students to develop the capacity to think clearly and to present oral arguments

Class participation in this course will be assessed primarily by reviewing student contributions made in synchronous activities (including frequency and quality of participation and level of engagement, etc.). Effective class participation in this course will require self-directed study each week on required readings and recorded lectures prior to attending face to face seminars. Besides, students are strongly encouraged to post reflective notes (max. 200 words) in weekly discussion forums on Moodle before Sunday 5pm of the respective week. Each student is expected to post in at least two forums before the end of the term.

The basic expectations and applicable criteria for CP assessment are described [here](#).

Assignment submission Turnitin type

Not Applicable

General Assessment Information

Grading Basis

Standard

Course Schedule

Attendance Requirements

Please see information about attendance requirements in **Law & Justice Assessment Procedure and Student Information** located in the Other Useful Information tab in the Academic Information field.

Please be advised there will be no classes on public holidays. If your class falls on a public holiday, alternative arrangements will be made by the course convenor to make up the missed class.

Course Resources

Prescribed Resources

This course uses one core text and three supplementary texts. Please consult the required readings for each week under the weekly session.

The core text is:

- Gary Born, *International Arbitration: Law and Practice (Third Edition)*, Wolters Kluwer 2021 [[Ebook available](#)].

Paperback versions of this book are available for purchase at the [UNSW bookshop](#), but physical and electronic copies of this book are also available through the [Library](#).

If you are finding difficulty with any part of the core text or would like to read further, you might find the supplementary texts useful.

The three supplementary (optional) texts are:

- Nigel Blackaby, Constantine Partasides, Alan Redfern & Martin Hunter, *Redfern & Hunter on International Arbitration (6th Edition)*, Oxford University Press 2015 [[Ebook available](#)]
- Margaret Moses, *The Principles and Practice of International Commercial Arbitration (Third Edition)*, Cambridge University Press 2017 [[Ebook available](#)]
- Rudolf Dolzer & Christoph Schreuer, *Principles of International Investment Law (Second Edition)*, Oxford University Press 2012 [[Ebook available](#)]

Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	Kun Fan					Yes	Yes

Other Useful Information

Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the [UNSW Student Code of Conduct Website](#).

UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#). This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at [Assessment & Exam Information](#).

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact [Student Services via The Nucleus Hub](#) for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit [Handbook](#) for information.

Academic Honesty and Plagiarism

As a student at UNSW you are expected to display [academic integrity](#) in your work and interactions. Where a student breaches the [UNSW Student Code](#) with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the [Working with Academic Integrity](#) module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#).

Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW [Current Students](#) page.

Feedback

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up,

then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

Faculty-specific Information

Additional support for students

- Student support: <https://www.student.unsw.edu.au/support>
- Academic Skills and Support: <https://student.unsw.edu.au/academic-skills>
- Student Wellbeing, Health and Safety: <https://student.unsw.edu.au/wellbeing>
- Equitable Learning Services: <https://student.unsw.edu.au/els>
- UNSW IT Service Centre: <https://www.myit.unsw.edu.au>

Course improvement

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

School Contact Information

Please contact [Nucleus Student Hub](#) for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.