

## COURSE DESCRIPTION

<b>University:</b> Comenius University in Bratislava	
<b>Faculty:</b> Faculty of Law	
<b>Course ID:</b> PraF.KOP/ENm17-3116/17	<b>Course title:</b> Alternative dispute resolution
<b>Educational activities:</b> <b>Type of activities:</b> lecture / seminar <b>Number of hours:</b> <b>per week:</b> 1 / 2 <b>per level/semester:</b> 14 / 28 <b>Form of the course:</b> on-site learning	
<b>Number of credits:</b> 3	
<b>Recommended semester:</b> 3.	
<b>Educational level:</b> II.	
<b>Prerequisites:</b>	
<b>Course requirements:</b> Continuous assessment: 40% (home written assignments and presentations on selected topics) Final assessment: 60% (oral exam – case analysis) Classification scale: A/1 = 91 – 100 %; B/1,5 = 81 – 90 %; C/2 = 73 – 80 %; D/2,5 = 66 – 72 %; E/3 = 61 – 65 %; FX = 0 – 60 %. During the exam, the student can use all available sources of information, mostly the unpublished legislation, commentaries, case law, legal literature and legal information systems.	
<b>Learning outcomes:</b> Student acquires a basic orientation in alternative methods of dispute resolution mostly focusing on the arbitration as the most recognized out-of-court dispute resolution method. The purpose of the subject is to clarify, in particular, the legal aspects connected with the arbitration and the settlement of commercial disputes in the international legal environment as well as with the issue of investment arbitrations. The subject will provide an overview of legal issues related to arbitration, ranging from the draft of an arbitration clause, the selection and appointment of arbitrators to the cancellation and execution of arbitration awards. In relation to the investment arbitration proceedings, the subject covers basic theoretical and legal issues of international investment law, clarifies the specifics of the types of international investment arbitrage as well as the key procedural issues of the international investment arbitration procedure.	
<b>Class syllabus:</b> 1. Alternative methods of dispute resolution, mediation 2. Basic concepts and legal bases of arbitration, forms of arbitration, ad hoc arbitration and institutional arbitration 3. New York Convention, UNCITRAL model proposal of arbitration law, arbitration agreement, arbitrability 4. The law governing arbitration; the law applicable to the merits of the dispute 5. Appointment, objection and removal/resignation of arbitrators, independence and impartiality of arbitrators 6. Arbitration proceedings and role of national courts; meaning of the place of the arbitration, arbitration award: form, content, type and service, cancellation and review of arbitration award	

7. Basic concepts and legal bases of international investment law, investor, host state, international investment, expropriation
8. Standards for the treatment of international investment
9. Ways of dealing with international investment disputes and forms of international investment arbitration proceedings
10. ICSID convention
11. Conditions for resolving an investment dispute in the form of international investment arbitration (ratione personae), consent to international investment arbitrage
12. Most-favored-nation clause, umbrella clause and jurisdiction
13. Damages, interim measures and costs in international investment arbitration
14. Revocation, review and enforcement of arbitration awards in international investment arbitration

**Recommended literature:**

Julian D. M. Lew, Loukas A. Mistelis, Dr Stefan Kroll: Comparative International Commercial Arbitration, Kluwer Law International, 2003, ISBN 9789041115683  
 Philippe Fouchard, Emmanuel Gaillard, Berthold Goldman, John F. Savage on International Commercial Arbitration, Kluwer Law International, 1999 -  
 R. Dolzer, C.Schreuer: Principles of International Investment Law, 2nd edition, Oxford University Press, 2012, ISBN 0199651809  
 C. McLachlan QC, L. Shore, M. Weiniger, and L. Mistelis: International Investment Arbitration: Substantive Principles, Oxford University Press, 2007, ISBN: 0199557519  
 C. Schreuer, A. Malintoppi, A. Reinisch, A. Sinclair: The ICSID Convention: A Commentary 2nd Ed., Cambridge University Press, 2009, ISBN: 0521885590  
 G. van Harten: Investment Treaty Arbitration and Public Law, Oxford Monographs in International Law, 2008

**Languages necessary to complete the course:**

English

**Notes:**

**Past grade distribution**

Total number of evaluated students: 0

A	ABS	B	C	D	E	FX
0,0	0,0	0,0	0,0	0,0	0,0	0,0

**Lecturers:**

**Last change:** 05.02.2018

**Approved by:**