

Course title	International Arbitration 1				
Responsible person to enter grades	TAKAHASHI Hiroshi, MIYATAKE Masako		開講区分	単位数	
			1st semester	2.0	
Numbering Code		Day・Period, etc.	Other(対面)	Timetable Slot Code	1J363

Lesson topic

This course focuses on international commercial arbitration, covering fundamental principles, applicable laws, rules, and conventions. It addresses practical issues related to arbitration agreements, procedures, awards, as well as the roles of state courts and international arbitration institutions.

Lesson target

By completing this course, students will gain a solid foundation in international commercial arbitration, including essential principles, applicable laws, rules, conventions, and practical issues related to arbitration agreements, procedures, awards, as well as the roles of state courts and international arbitration institutions.

Syllabus and plan

This course will be led by a practitioner who is an expert in ADR, including international commercial arbitration, and has also taught as a professor at other law school. This course will also feature two young practitioners with extensive arbitration experience who are actively working in Asia. They will teach on May 31 and June 21.

The course will take place every Saturday from 1:20 pm to 4:40 pm, with a 20-minute break, starting on May 10 and ending on June 21. The session on June 14 will be extended until 6:30 pm.

The lecture will be conducted in a face-to-face format, except for Session 4 on May 31 and Session 7 on June 21, which will be held exclusively online using Zoom.

Session 1: May 10, 1:20-4:40 pm (Face-to-face only)

Fundamentals of International Commercial Arbitration including Basic principles of Arbitration, Applicable laws, rules, conventions and soft laws.

Session 2: May 17, 1:20-4:40 pm (Face-to-face only)

Arbitration Agreement and related issues

Session 3: May 24, 1:20-4:40 pm (Face-to-face only)

Arbitration Procedures and related issues

Session 4: May 31, 1:20-4:40 pm (Online only by Dr. Harald Sippel)

Oral Hearings and Taking Evidences

Session 5: June 7, 1:20-4:40 pm (Face-to-face only)

Awards and the Role of State Courts

Session 6: June 14, 1:20-6:30 pm (Face-to-face only)

Latest issues including emergency arbitrator, expedited procedure, third party funding, Arb-Med-Arb. and etc.

Session 7: June 21, 1:20-4:40 pm (Online only by Mr. Steve Kim, ex-Secretary General of KCAB)

The Role of International Arbitration Institutions

Evaluation method

Students will be assessed through: (i) class participation (60%), which may include active participation in interactive class discussion as well as attendances and (ii) a final paper which may include answers to specific questionnaires on international commercial arbitration (40%).

Three unexcused absences will result in automatic failure of the course. Being more than 15 minutes late twice will count as one absence.

Evaluation baseline

The assessment for class discussions is based on the frequency of your responses to questions raised during class, the level of active participation in interactive discussions, and the quality of your answers and contributions. The final paper will be evaluated on your accuracy in understanding international arbitration concepts and the depth of your analysis of practical issues, while balancing various interests.

Notice (include info. on related class)

No prior knowledge on international arbitration is required but a fundamental understanding of civil substantive laws and procedural rules in your jurisdiction is essential.

Review and preparation

Self-directed learning is crucial. Students are expected to actively participate in interactive class discussions.

Kobe University requires 45 hours of study from students to award one credit, including both in-class instructions as well as study outside classes. Students are required to prepare for each class and complete the review after each class, depending on the respective class goals.

Office hour · Contact information

Office hours will be scheduled as needed via email, and contact information will be provided during class.

Message for student

International commercial arbitration is currently one of the most highly sought-after and attention-grabbing fields. As it involves multiple legal jurisdictions, the application of laws and rules becomes complex. Since there are no statutory laws that cover all procedural issues, soft laws and practical customs serve as supplements. I hope you feel that you can make a difference there, as it is a complex and imperfect system.

Improvements in Teaching

N/A

Text

Nigel Blackaby KC, Constantine Partasides KC, Alan Redfern, "Redfern and Hunter on International Arbitration: Student Version" (Oxford). If the 7th edition is not available, the previous edition may still be

Reference Material

Gary Born, International Commercial Arbitration, 3rd ed, 2020, Kluwer Law International.

Classroom Language

English

If there are difficulties understanding certain legal terms related to international arbitration, Japanese translations will be provided to aid comprehension.

Keywords

A Faculty with Professional Experiences, Master's exchange student (Special auditing student)