Changes in Examination Regulations to the University Gazette – Social Sciences Division

Social Sciences Board

Approved by TAC and EdC 22 February 2013

Title of programme
Bachelor of Civil Law and Magister Juris

Brief note about nature of change:
The change reflects the addition of a new course option, 'International Commercial Arbitration' for the BCL and MJur.

Effective date
1 October 2013

Location of change
Examination Regulations 2012

Detail of change

Explanatory Notes
The proposed course aims to cover the study of international commercial arbitration within its international and national legal frameworks, an area of increasing importance which is not reflected in the BCL/MJur syllabus so far. While international commercial arbitration is not a new subject, its importance has increased dramatically making the area one of the most fascinating contemporary developments in the law. In a world of growing global trade and commerce arbitration has become the preferred mechanism for resolving disputes in cross-border commercial transactions. As global commercial activities have expanded they also have become more complex. Scholars working in the field, arbitrators and courts have created highly sophisticated solutions that respond to the complexities and challenges of
global commerce. The growing practical importance of arbitration has invigorated the scholarly debate – particularly on the legal theory of international arbitration.

The course aspires to study international commercial arbitration from a comparative perspective starting with the international instruments such as the New York Convention subsequently examining how these instruments have been interpreted and applied in various jurisdictions and by different national courts. The course will focus on a comparison between the approaches taken by US courts, national courts in Europe and by the Court of Justice of the European Union. International commercial arbitration often exposes marked differences between the common and the civil law yet the body of law being created in common and civil law jurisdictions forms an arbitral ‘ius commune’ – a common body of a globally applicable international arbitration law. In order to explore the real or perceived advantages of international commercial arbitration over transnational litigation the course intends to examine the problems commonly associated with transnational litigation such as service of process, jurisdiction, lis pendens and recognition of judgments. Moreover, the course aspires to introduce the theoretical foundations of international commercial arbitration and discuss the repercussions international commercial arbitration may have for national legal orders (eg the impact of rules not emerging from national legal structures).

As a consequence of the increased practical importance of international commercial arbitration and the renewed academic interest in the subject many continental faculties, a growing number of English law schools and an overwhelming majority of US law schools have already established courses in international commercial arbitration.