

## Incoming student mobility

**Name of UNIOS University Unit: Faculty of Law**

### **COURSES OFFERED IN FOREIGN LANGUAGE FOR ERASMUS+ INDIVIDUAL INCOMING STUDENTS**

<b>General information COURSES OFFERED IN FOREIGN LANGUAGE FACULTY OF LAW OSIJEK</b>		
Lecturer	Zvonimir Jelinić, PhD, Associate Professor	
Course	<b>INTERNATIONAL ARBITRATION LAW</b>	
Study programme	Erasmus	
ETCS and teaching	ECTS	6
	Hours weekly (L+P+S)	2+0+0

<b>1. COURSE DESCRIPTION</b>		
<i>1.1. Course objectives</i>		
<p>The fact is that many commercial disputes around the globe are resolved by arbitration rather than litigation. As differences between arbitration and litigation are immense the objective of this course is to provide students with an opportunity to learn about different substantial and procedural issues that relate to the Law of International Arbitration; the sources of IAL and the process of harmonization of the law of international commercial arbitration; applicable procedural and substantive law before the Courts of Arbitration (Arbitral Tribunals); the usual course of arbitration proceedings; the effects of the award and the rules which regulate enforcement and recognition of the awards worldwide.</p>		
<i>1.2. Prerequisites for enrolment</i>		
No special requirements are set down for enrolling this course, however having good command of spoken English is necessary to communicate effectively.		
<i>1.3. Learning outcomes:</i>		
<ol style="list-style-type: none"> <li>1. Students who successfully complete the course will be able to explain the nature of international commercial arbitration and its distinguishing features.</li> <li>2. Students who successfully complete the course will be able to explicate main instruments for the harmonization of the law of international commercial arbitration.</li> <li>3. Students who successfully complete the course will be able to define the scope and structure of the regular arbitral proceeding conducted under UNCITRAL Model Law on International Commercial Arbitration 1985.</li> </ol>		
<i>1.4. Course description</i>		
<p>Students are, firstly, introduced with some basic notions concerning international arbitration i.e. nature of international commercial arbitration and its distinguishing features – the harmonization of the law of international commercial arbitration – the UNCITRAL Model Law on international commercial arbitration – the arbitration agreement – the composition of arbitral tribunal – jurisdiction of the arbitral tribunal – conduct of arbitral proceedings – the review of arbitral awards – recognition and enforcement of arbitral awards – 1958 New York Convention on the recognition and enforcement of arbitral awards. Afterwards the teaching accent will shift to researching selected landmark cases and it is expected that this will open space for intensive class discussions resulting with a variety of conclusions.</p>		
<i>1.5. Course organisation</i>	<input checked="" type="checkbox"/> Lectures <input checked="" type="checkbox"/> seminars and workshops <input type="checkbox"/> practical work <input type="checkbox"/> long distance learning* <input type="checkbox"/> field work	<input checked="" type="checkbox"/> individual tasks <input type="checkbox"/> multimedia and network <input type="checkbox"/> laboratory <input type="checkbox"/> mentoring <input type="checkbox"/> other
<i>1.6. Comments</i>		

### 1.7. Student's obligations

An active participation in the teaching process and discussions that take place during the classes is the most important responsibility of students wishing to learn about international commercial arbitration.

### 1.8. Monitoring student's work

Attendance	x	Active participation	x	Seminar	x	Experimental work	
Written exam	x	Oral exam		Essay		Research	x
Project		Continuous assessment	x	Report		Practical work	
Portfolio				Presentation			

### 1.9. Evaluation and assessment of student's work during the course and on the final exam

STUDENT ACTIVITY *	ECTS	LEARNING OUTCOME **	TEACHING METHOD	EVALUATION METHOD	POINTS	
					min	max
Reading tasks	1	Verbal information	Guided instruction	Observation	0	1
In-class discussions	2	Verbal information	Guided instruction	Observation	0	2
Written examination	3	A strong sense of main issues relating to ICA		Check-up of the quality and accuracy of the written exam	0	3
Total	6				0	6

### 1.10. Mandatory reading (in the moment of study programme draft application)

1. Goode, R.; Kronke, H.; McKendrick, E., Transnational Commercial Law, Oxford, 2011., str. 621-683
2. UNCITRAL Model Law on International Commercial Arbitration 1985 with amendments as adopted in 2006, United Nations, Vienna, 2008.
3. Jelinic, Z., How to ensure impartiality of arbitrators?, Book of Proceedings, Primorac, Z. et. al. (eds.), 16th International Scientific Conference on Economic and Social Development – The Legal Challenges of Modern World, Split, 2016., str. 108-116
4. Jelinic, Z., C.H. Chan, P., Resolving Commercial Disputes with an International Element – Solutions from the People's Republic of China and the Republic of Croatia with special emphasis on court mediation proceedings, Croatian Arbitration Yearbook vol. 19/2012., str. 239-279.

### 1.11. Recommended reading (in the moment of study programme draft application)

1. Emmanuel Gaillard, John Savage, Fouchard Gaillard Goldman on International Commercial Arbitration, Kluwer, 1999.

### 1.12. Method of monitoring the quality which enables acquisition of knowledge, skills, and competences

After the completion of the class students will receive an email with a case study that they will be (morally) obliged to solve within a specific time frame. Their analysis will then serve as the basis for the assessment of the course quality.