

- Faculté de droit
- www.unine.ch/droit

International Arbitration (4DR2162)

Filières concernées	Nombre d'heures	Validation	Crédits ECTS
Master bilingue en droit	Cours: 2 ph	Voir ci-dessous	4
Master en droit	Cours: 2 ph	Voir ci-dessous	4

ph=période hebdomadaire, pg=période globale, j=jour, dj=demi-jour, h=heure, min=minute

Période d'enseignement:

- Semestre Automne

Equipe enseignante

RIGOZZI Antonio, Professeur ordinaire.
GRUTTA Alessio, Assistant-doctorant.

Contenu

Arbitration has become the natural method for resolving international commercial disputes, and Switzerland has a long-standing tradition as an important place of arbitration. Today, thanks to its modern, arbitration-friendly legislation and a supportive judiciary, Switzerland remains one of the preferred venues for the resolution of international disputes, where the parties look for an efficient and flexible alternative to the local court system, set up in conformity with their will. This class will examine, from a practical perspective, the answers offered by Swiss law to the main questions that will arise in any arbitration proceedings. The course focuses, in particular, on topics such as the arbitration agreement, the arbitrability of disputes, the tribunal's constitution, the arbitral proceedings, the tribunal's jurisdiction vis-à-vis that of municipal courts, the law applicable to the merits of the dispute, provisional measures, court assistance, available remedies against awards and their enforcement and execution. Special emphasis will be placed on recently developed types of arbitration, such as sports and online arbitration, including an analysis of their specificities in comparison to « classic » international commercial arbitration.

Forme de l'évaluation

15 minutes, oral, open book exam, with some prior preparation time. Active participation in class discussions is required and counts for half of the final grade.

Modalités de rattrapage

15 minutes, oral, open book exam, with some prior preparation time. Active participation in class discussions is required and counts for half of the final grade.

Documentation

The teaching of the course will be based on the following book: G. Kaufmann-Kohler and A. Rigozzi, International Arbitration: Law and Practice in Switzerland, 3rd edition, Oxford University Press, 2015. Additional course materials are available to students for downloading. Students will also receive a copy of the arbitration rules that will be studied throughout the course (the ICC Rules of Arbitration, the Swiss Rules of International Arbitration and the Code of sports-related arbitration).

Objectifs d'apprentissage

Au terme de la formation l'étudiant-e doit être capable de :

- Use the basic essential knowledge of the law and practice of international arbitration that is required to (i) make a reasoned decision before electing to resort to this kind of dispute resolution mechanism (ii) identify the main legal issues and/or problems that may arise in connection with arbitration proceedings, and (iii) be sufficiently familiar with the relevant sources, so as to be in a position to find responses and/or solutions to such issues or problems.

Compétences transférables

- Apply knowledge to new situations
- Carry out a critical analysis
- Generate new ideas (creativity)