

Course Name : International Litigation and Arbitration							
Course Code	Course Type	Regular Semester	Lecture (hours/we ek)	Seminar (hours/we ek)	Lab. (hours/we ek)	Credits	ECTS
LAW 523	B	Fall	3.00	1.00	0.00	3.50	6.00
Lecturer		Arjan Lame, PhD					
Assistant							
Course language		Albanian					
Course level		Master					
Description		The aim of the course is to examine the formation, nature and the effect of the arbitrators’s contract, addressing topics such as the appointment, challenge, removal and duties and right of arbitrators, disputing parties and arbitration institutions. To do this we are going to utilize a semi-autonomous theory of the juridical nature of international arbitration and a contractual theory of the legal nature of these relationship. Also we are going to exam the institution’s contract with the disputing parties and its effect on the arbitrator’s contract under institutional rules in various jurisdictions to give a global view of the issues examined in it. We have the intention to exam moreover the arbitrator’s contract from a global perspective of arbitrarily law and practice with insights from various jurisdictions in Africa, Asia, Europe, North and South America.					
Objectives		The focus of this course is going to be centered on the formation of the arbitrator’s contract and the terms of this contract and the institution’s contract. The primary question of the consequences of the breaches of the terms of these contracts and its impact on the exclusion or limitation of liability of arbitrators and institutions is also analysed with the conclusion that since these transactions are contractual and the terms can be categorized as in any normal contract, then normal contractual remedies can be applied to the breaches of these terms.					
Core Concepts							
Course Outline							
Week	Topic						
1	Arbitration agreement						
2	Juridical and relationship theories						
3	The jurisdictional theory						
4	The contractual theory						
5	Mixed or hybrid theory						
6	Parties to the arbitrator’s contract						
7	Formation of the arbitrator’s contract						
8	Midterm Exam						
9	Remedies						
10	Termination of the contracts						
11	Arbitration procedure of Albania						
12	Arbitration cases in Albania						
13	“Sky Petroleum”						
14	“Burimi Srl” & “Eagle Games sh.a.”						

15	“CEZ” shpërndarje.			
16	Final Exam			
Prerequisites		The student must attend the course at a minimum rate of 75%.		
Literature		• James Fawcett and Janeen Carruthers, "Private International Law" (14th edition, Oxford: OUP 2008) • Russell J Weintraub,"International Litigation and Arbitration: Practice and Planning" (6th edition, Carolina: Carolina Academic Press 2011)		
References		• Gary B Born, "International Commercial Arbitration" (Netherland: Kluwer Law International 2009) • Albanian Civil Procedure Code 1994 • Brussels Convention / Brussels 1 Regulation 2001 • Rome Convention / Rome 1 Regulation 2008 • New York Convention		
Course Outcome				
1	The capacity and the ability to examine the problems that derive from international commercial relations.			
2	Knowledge of the procedure for resolving disputes between parties, the case law of international courts of arbitration..			
3	Recognition and enforcement of foreign arbitral awards in domestic jurisdiction.			
Course Evaluation				
In-term Studies		Quantity	Percentage	
Midterms		1	20	
Quizzes		0	0	
Projects		1	20	
Term Projects		0	0	
Laboratory		0	0	
Class Participation		0	0	
Total in-term evaluation percent			40	
Final exam percent			60	
Total			100	
ECTS Workload (Based on Student Workload)				
Activities		Quantity	Duration (hours)	Total (hours)
Course duration (Including the exam week: 16x Total hours of the course)		16	4	64
Study hours outside the classroom (Preparation, Practice, etc.)		14	3	42
Duties		1	10	10
Midterms		1	15	15
Final Exam		1	20	20
Other		0	0	0
Total Work Load				151
Total Work Load / 25 (hours)				6.04
ECTS				6.00