COURSE DESCRIPTION FORM

School/Faculty/Institute	Faculty of Law	
Program	Law Undergraduate Program	Elective
Semester		

Course Code	LAW 421		
Course Title in English	International Arbitration		
Course Title in Turkish	Uluslararası Tahkim		
Language of Instruction	English		
Type of Course	Lecture		
Level of Course	Undergraduate		
Year of Study	4		
Semester	Fall/Spring		
Contact Hours per Week	Lecture 2 hours	Lab 0 hours	Other 0 hour
Estimated Student Workload	100 hours		
Number of Credits	4 ECTS		
Grading Mode	Standard Letter Grade		
Pre-requisites	None		
Expected Prior Knowledge	None		
Co-requisites	None		
Registration Restrictions	Only 4th year Undergraduate Students or Graduate/Erasmus students		
Overall Educational Objective	Students will learn the key concepts relating to International Arbitration and obtain an understanding of the major concepts and rules, international actors, and how international arbitration implemented and enforced.		
Course Description	This course covers the major issues and phases of international arbitration in commercial and investment treaty cases. Topics include: drafting the arbitration agreement; severability or autonomy of the arbitration clause, jurisdiction, the applicable law, arbitral proceedings, role and duties of the arbitrator, law applicable to the arbitration and proceedings, threshold issues in arbitration (the preliminary hearing, interim measures, conditions precedent, applicable law, confidentiality); multi-party and class arbitration; arbitral bodies and rules, arbitration with states and state entities; arbitration under bilateral investment treaties; interim relief; discovery; conduct of the hearing (witness testimony, use of experts); the award; challenges to the award, and recognition and enforcement.		
Course Description in Turkish	Bu ders, ticari tahkim, yatırım tahkimi, ticari sözleşmeler ve yatırım anlaşmaları alanlarındaki temel konu ve aşamalar hakkındadır. Derste işlenecek ana başlıklar şu şekildedir: Tahkim anlaşmasının hazırlanması, tahkim şartının bölünebilirliği, yetki, sözleşmeye uygulanacak hukuk, tahkim süreci, hakemin görevleri, tahkimde uygulanacak usul kuralları, esasa girmeden önce çözülmesi gereken usuli konular (ön duruşma, ihtiyati tedbirler, ön şartlar, uygulanacak hukuk, gizlilik), çok taraflı tahkim ve sınıf tahkimi, tahkim organları ve kuralları, devletlerle ve kamu kurum ve kuruluşlarıyla tahkim, ikili yatırım anlaşmaları çerçevesinde tahkim, ihtiyati tedbir, keşif, duruşmanın yürütülmesi (tanık ve bilirkişiler), hakem kararı, hakem kararlarının iptali, tanıma ve tenfiz.		
Learning Outcomes and Competences	After successful completion of the course, the learner is expected to be able to: 1. Understand the sources and concepts of international commercial and investment arbitration 2. Understand how best to draft an arbitration agreement 3. Understand the concepts of severability and autonomy of agreements		

	4. Understand jurisdiction issues related to international arbitration 5. Understand the law applicable to the arbitration and proceedings 6. Understand the key threshold issue in international arbitration 7. Understand multi-party and class arbitration 8. Understand the major international arbitration bodies and applicable rules of each 9. Understand arbitration with states and state entities 10. Understand interim relief 11. Understand the rules on discovery and the procedure of hearings 12. Understand the process of an award and enforcement of awards 13. Understand bilateral investment treaties and arbitration 14. Understand dispute settlement mechanisms and laws

Relation to Program Outcomes and Competences: N=None S=Supportive H=Highly Related

Program Outcomes and Competences	Level	Assessed by
1. The ability to recognize and apply basic principles and theories of law, legal methodology, and interpretation methods.		Exams
2. The ability to follow, evaluate, interpret and apply the current developments and legislative amendments.		Exams
3. The ability to locate and use legal resources; to follow and evaluate current legislative amendments, legal science, and court decisions.		Exams
4. The ability to internalize social, scientific and ethical values while evaluating legal information.		Exams
5. The ability to recognize, examine and resolve legal issues with respect to general principles of law, de lege feranda and de lege lata; to take into consideration both national and international aspects of law; and to acknowledge the importance of personal conviction while making decisions.		Exams
6. The ability to critically analyze legal disputes, legislation, court decisions and different views in the legal science; to form his/her own opinions; to detect legal lacuna and suggest alternative solutions.		
7. The ability to understand issues regarding different fields of law; to characterize and propose solutions to complex issues arising from legal practice.		
8. The ability to participate in and organize legal projects and activities as a socially responsible individual; to put his/her legal knowledge and skill to use efficiently (in the public or private sector).		
9. The ability to use a foreign language at least on a B2 Level on the European Language Portfolio, to follow legal developments and communicate with colleagues in that language; to use computer software and information and communication technologies necessary in the law field at an Advanced Level of the European Computer Driving License.		
10. Adoption of a positive approach to the concept of lifelong learning.		
11. The ability to understand the development, evolution, and problems of the society and to contribute to the solution of these problems by legal methods.		
12. The ability to understand the structure, organization, and functioning of law on the national and international level; to contribute to the development thereof.		

Name of Instructor	Asst. Prof. Dr. Carson W. Clements	
Course Contents	Week	Topic
	1.	Introduction to international arbitration
	2.	Drafting the arbitration agreement
	3.	Severability or autonomy of the arbitration clause
	4.	Jurisdiction
	5.	The applicable law to the arbitration and proceedings
	6.	Arbitral bodies and rules
	7.	Arbitral proceedings, role and duties of the arbitrator
		Threshold issues in arbitration (the preliminary hearing, interim

	measures, conditions precedent, confidentiality) 8. Midterm 9. Interim relief 10. Discovery and evidence 11. Conduct of the hearing (witness testimony, use of experts); 12. Multi-party and class arbitration 13. Arbitration with states and state entities 14. Arbitration under bilateral investment treaties 15. The award; challenges to the award, and recognition and enforcement. 16. Final Exam
Required/Recommended Readings	List of readings and indication whether they are required or recommended. 1. Reading Packet - Required
Teaching Methods	Students work independently before class lesson covering readings and assignments. Class time is spend on theory, concepts, and application of materials. Students are either taught in a lecture format with questions or broken into groups to apply material to hypothetical problems.
Assessment Methods	Midterm exam 40%, Final Exam 60%
Course Administration	Office: MEF University Office 5 Office Hours: Tuesday and Wednesday 13:00-15:00 E-Mail: carson.clements@mef.edu.tr Rules for attendance: Attendance is mandatory. 80% attendance per University policy late submissions: By approval only or with penalty missing an exam: Per University policy A reminder of proper classroom behavior, code of student conduct. Statement on plagiarism is contained in course Syllabus

ECTS Student Workload Estimation

Activity	No/Weeks	Hours			Calculation	Explanation
	No/Weeks per Semester (A)	Preparing for the Activity (B)	Spent in the Activity Itself (C)	Completing the Activity Requirements (D)		
Lecture	14	2	2		56	A*(B+C+D)
Lab etc.	14				0	
Midterm(s)	2	11	2		26	A*(B+C+D)
Assingment, Project, Presentation	1				0	A*(B+C+D)
Final Examination	1	16	2		18	A*(B+C+D)
Total Workload					100	
Total Workload/25					4	
ECTS					**4**	