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Course Description: Arbitration

1- Basic Information:

Course Name	Arbitration
Course ID	B706
Contact Hours (Synchronized Sessions)	28
Hours of communication with the teacher outside of simultaneous sessions	10
Contact Hours (Registered Sessions)	24
Exam	2
Registered Sessions Work Load	26
Synchronized Session Work Load	34
Credit Hours	5
Course Level	6

2- Pre-Requisites Courses:

Course	ID
Civil Procedures 2	CIP601

3- Purpose of the course:

The course aims to clarify the concept of arbitration by defining it, determining its legal nature, and distinguishing it from similar legal systems, such as conciliation, mediation, expertise and agency, and explaining its types, as well as evaluating it by presenting its most important advantages and disadvantages.

Then we move on to studying the nature of the arbitration agreement and its forms, by defining it, stating its legal nature, determining its location among other contracts,

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presenting its forms, and then talking about its convening by studying its substantive pillars and its formal pillar, as well as addressing its legal effects, reasons for its termination and the effects of each of them.

Then move on to the study of the arbitral tribunal, explaining how to appoint its members and the terms of the arbitrator and his acceptance of the arbitral mission, in addition to clarifying the arbitrators' authority and responsibility and the reasons for the termination of their mission.

After that, the arbitration procedures are discussed, by defining the place of arbitration, its language and the applicable law, and talking about the course of the arbitration case, which ends with the issuance of the arbitral award on the subject of the dispute, specifying the date of its issuance, how and its content, the procedures that follow its issuance, and the consequences It has legal effects, in addition to addressing the claim of its invalidity, its authenticity and how to implement it.

Finally, clarifying the concept of electronic arbitration, and studying its legal organization.

4- Intended Learning Outcomes (ILO):

Code	Intended Learning Outcomes
ILO1	<ol style="list-style-type: none"> 1. Understand the concept of arbitration. 2. Knowing the legal nature of arbitration. 3. Knowing the implications of the legal nature of arbitration in terms of the legal rules applicable to it. 4. Distinguishing arbitration from similar legal institutions.
ILO2	<ol style="list-style-type: none"> 1. Recognize the various types of arbitration. 2. Distinguishing arbitration by conciliation from arbitration by law. 3. Realizing the reality of compulsory arbitration. 4. Knowing the three forms of arbitration to which the Syrian Arbitration Law No. /4/ of 2008 applies.

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	5. Identify the advantages and disadvantages of arbitration.
ILO3	<ol style="list-style-type: none"> 1. Familiarize yourself with the meaning of the arbitration agreement and its importance. 2. Determining the legal nature of the arbitration agreement. 3. Knowing the location of the arbitration agreement between other contracts. 4. Knowing the photos of the arbitration agreement. 5. Understand the principle of the independence of the arbitration clause and be aware of the consequences thereof.
ILO4	<ol style="list-style-type: none"> 1. Identify the eligibility required to conclude an arbitration agreement. 2. Knowing the ruling of the arbitration agreement concluded during the period of suspicion. 3. To identify issues in which arbitration is not permissible. 4. Understand the formal element of the arbitration agreement.
ILO5	<ol style="list-style-type: none"> 1. Recognize the inhibiting effect of the arbitration agreement. 2. Knowing the positive impact of the arbitration agreement. 3. Identify the reasons for the termination of the arbitration agreement. 4. Understand the legal implications of the termination of the arbitration agreement.
ILO6	<ol style="list-style-type: none"> 1. Knowing how to appoint the sole arbitrator. 2. Knowing how to appoint multiple arbitrators. 3. Familiarization with the mechanism for appointing the arbitrators' panel by the court. 4. Understand the legally required qualities of the arbitrator. 5. Identifying the qualities of the arbitrator left to the discretion of the parties to the legal relationship.

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ILO7	<ol style="list-style-type: none"> 1. Identify the source from which the arbitral tribunal derives its authority. 2. Determining the substantive and personal scope of the arbitral tribunal's authority. 3. Knowledge of matters outside the jurisdiction of the arbitral tribunal. 4. Recognize the responsibility of the arbitral tribunal. 5. Knowing the reasons that lead to the termination of the arbitral tribunal's mission.
ILO8	<ol style="list-style-type: none"> 1. Identifying the place where the arbitration is taking place, and determining its language. 2. Knowing the substantive rules applicable to the subject of the dispute. 3. Determine the procedural rules to be applied by the arbitral tribunal. 4. Determining the start time of the arbitration procedures, and knowing the mechanism for holding its sessions. 5. Familiarize yourself with the procedures taken by the arbitral tribunal in preparation for issuing the final arbitration award in the subject matter of the dispute.
ILO9	<ol style="list-style-type: none"> 1. Knowing the date of issuing the arbitration award. 2. Knowing how the arbitral award was issued, and specifying the data to be mentioned therein. 3. Familiarize yourself with the procedures to be taken following the issuance of the arbitral award. 4. Understand the legal implications of the arbitral award.
ILO10	<ol style="list-style-type: none"> 1. Identify the reasons for the invalidity of the arbitral award. 2. Determining the date for filing an action for the nullity of the arbitral award.

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	3. Knowing the impediments to accepting a claim for the nullity of the arbitral award.
ILO11	1. Understand the authoritativeness of the arbitral award. 2. Familiarize yourself with the procedures for giving the arbitral award its executive form. 3. Determining the competent court to give the arbitral award the form of execution. 4. Familiarization with the scope of the court's authority regarding the request to give the arbitral award the form of execution.
ILO12	1. Defining the concept of electronic arbitration. 2. Evaluation of the electronic arbitration system. 3. Analysis of some legal aspects related to electronic arbitration.

5- The content of the course:

ILO	Course Syllabus	RS	SS	Type	Additional Notes
ILO1	The Definition of Arbitration	2	2	<input type="checkbox"/> Exercises <input type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	
ILO2	Arbitration Classifications and its Evaluation	2	3	<input type="checkbox"/> Exercises <input type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	A practical case dealing with the most important types of arbitration and an indication of its most important advantages.

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ILO3	What is the Arbitration Agreement and its Formula	2	3	<input type="checkbox"/> Exercises <input type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	
ILO4	Conclusion of the Arbitration Agreement	2	3	<input type="checkbox"/> Exercises <input type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	A practical case dealing with locating an arbitration agreement between other contracts.
ILO5	The Effects of the Arbitration Agreement and its Expiry	2	2	<input type="checkbox"/> Exercises <input type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	
ILO6	Choosing of Arbitration Committee and Assuming of its Arbitral Mission	2	2	<input type="checkbox"/> Exercises <input type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	
ILO7	Powers of the Arbitration Committee and the End of its Mission	2	2	<input type="checkbox"/> Exercises <input type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	A practical case dealing with the implications of an arbitral tribunal overstepping its authority and liability for errors.

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ILO8	Arbitration Procedures	2	2	<input type="checkbox"/> Exercises <input type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	
ILO9	Issuance of the Arbitral Award	2	3	<input type="checkbox"/> Exercises <input type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	A practical case dealing with the points of difference between the arbitration award and the judgment issued by the courts of the state.
IL10	Claim for Nullity of Arbitral Award	2	2	<input type="checkbox"/> Exercises <input type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	
IL11	Authenticity and Enforcement of the Arbitral Award	2	2	<input type="checkbox"/> Exercises <input type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	
IL12	What is Electronic Arbitration	2	2	<input type="checkbox"/> Exercises <input type="checkbox"/> Assignments <input type="checkbox"/> Seminars <input type="checkbox"/> Projects <input type="checkbox"/> Practices <input type="checkbox"/> Others	Practical case dealing with some applications of electronic arbitration.

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6- Assessment Criteria (Related to ILOs):

ISC	Interactive Synchronized Collaboration	Ex	Exams	Rpt	Reports
PF2F	Presentations and Face-to-Face Assessments	PW	Practice Work		

ILO Code	ILO	Intended Results	Assessment Type				
			ISC	PW	Ex	PF 2F	Rpt
ILO1	Knowing the legal nature of arbitration, and distinguishing it from similar legal systems	The student knows the arbitration					
		The student explains the legal nature of the arbitration	✓	✓			
		The student distinguishes arbitration from other similar legal systems					
ILO2	Know the types of arbitration and its most important advantages and disadvantages	The student shows the different types of arbitration					
		The student explains the advantages and disadvantages of arbitration	✓	✓	✓		
ILO3	Knowing the concept of arbitration agreement and determining its	The student knows the arbitration agreement and determines its legal nature and its position among other contracts	✓	✓	✓		

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	forms	The student explains the different forms of the arbitration agreement					
ILO4	Knowing the pillars of an arbitration agreement	The student explains the substantive elements of the arbitration agreement	✓	✓	✓		✓
		The student explains the formal element of the arbitration agreement					
ILO5	Knowing the legal effects of the arbitration agreement and how to terminate it	The student explains the implications of the arbitration agreement	✓	✓	✓		
		The student explains the reasons for the termination of the arbitration agreement and its legal effects					
ILO6	Knowing how to appoint arbitrators, their conditions, and declaring their acceptance of the arbitral mission	The student explains the methods of selecting arbitrators and the qualities required of them	✓	✓	✓		✓
		The student explains how the arbitrators declare their acceptance of the assignment and the nature of their relationship with the parties to the dispute					

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ILO7	Knowing the authority and responsibility of the arbitral tribunal and the reasons for the termination of its mission	The student explains the source and scope of the arbitral tribunal's authority					
		The student explains the responsibility of the arbitral tribunal and the reasons for ending its mission	✓	✓			
ILO8	Knowledge of arbitration procedures and the proceedings of the arbitration case	The student determines the place and language of the arbitration and the law governing it					
		The student explains the course of the arbitration case in order to resolve the dispute	✓	✓	✓		
ILO9	Knowing how the arbitral award is issued in the matter of the dispute	The student determines the date of issuing the arbitral award, the manner of its issuance and its content					
		The student explains the procedures following the issuance of the arbitration award and its legal effects	✓	✓	✓		
ILO10	Knowing how to appeal an arbitral award	The student states the reasons for the invalidity of the arbitral award	✓	✓	✓		

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		The student explains the provisions of the case for the invalidity of the arbitral award					
ILO11	Knowing the authority of the arbitral award and how to give it the form of implementation	The student demonstrates the authority of the arbitration award					
		The student explains the procedures for applying the arbitral award to the form of execution	✓	✓	✓		
ILO12	Knowing what electronic arbitration is	The student knows electronic arbitration					
		The student presents the advantages and disadvantages of electronic arbitration	✓	✓	✓		
		The student presents the legal rules governing electronic arbitration					

7- Practice Tools:

Tool Name	Description
1- Lawyers' offices	-----
2- Enforcement departments in the courts	-----

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8- Main References:

1. Ch. N. Fragistas, L'arbitrage étranger et arbitrage international en droit privé, Revue critique, 1960.
2. J. Arets, réflexions sur la nature juridique de l'arbitrage , Annuaire de la faculté de droit de Liège, 1962.
3. Klein, Considérations sur l'arbitrage en droit international privé, Paris 1955.
4. René, David, L'arbitrage dans le commerce international. Economica. Paris 1982.
5. ROBER Jean, Arbitrage civil et commercial. Droit interne Droit international privé, Dalloz 1967n° 410.
6. Sauser-Hall, L'arbitrage en droit international privé, Annuaire de l'institut de droit internationa, 1952.

9- Additional References:

1. Armagan Ebru Bozkurt Yuksel, Online International Arbitration, Ankara Law Review, Vol.4, No.1, Summer2007. <http://auhf.ankara.edu.tr/alr>.
2. Colin Rule, Online Dispute Resolution for Business, JOSSEY- BASS, Awiley Imprint, San Francisco, U.S.,2002.
3. Rafal Morek, Online Arbitration: Admissibility within the current legal framework, www.odr.info/Re%20greetings.doc.