**国际商事仲裁**

**International Commercial Arbitration**

**上课时间与地点**

时间：2024年3月18、3月19日、3月20 日、3月25日、3月26日、3月27日 8:30-12:30

地点：长宁校区

**课程主讲人简介**

Lawrence Boo自 1996 年仲裁院成立以来一直担任该院院长。Lawrence 曾任新加坡国际仲裁中心（SIAC）副主席（2004-2009 年）、首任首席执行官和注册官（1991-1996 年），是新加坡仲裁界的创始人之一。作为一名仲裁员，Lawrence 拥有 30 多年的仲裁经验，审理过 350 多起案件，在 250 多起案件中担任首席仲裁员或独任仲裁员。Lawrence 是 美国仲裁协会、亚洲仲裁中心、新加坡国际仲裁中心、香港国际仲裁中心、韩国商事仲裁协会、中国贸易和经济仲裁中心、北京仲裁委AAA、AIAC、CIETAC、CMAC、BAC、KCAB、HKIAC、SIMC 和 SMC 等主要国际仲裁和调解机构的成员。

**Profile**

Prof Lawrence Boo heads The Arbitration Chambers since its inception in 1996. Formerly the Deputy Chairman (2004–2009), first Chief Executive Officer and Registrar (1991–1996) of the Singapore International Arbitration Centre (SIAC), Lawrence is one of Singapore’s founding voices of arbitration. With more than 30 years of experience as an arbitrator, Lawrence has sat in more than 350 cases, presiding or acting as sole arbitrator in over 250 cases. He has taken on cases administered by institutions including the ICSID, SIAC, ICC, CIETAC, PCA, AAA-ICDR, LCIA, HKIAC, AIAC, AMTAC, SCMA, BANI, BAC, VIAC, SCMA and LMAA, as well as ad hoc matters.

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| **院系 School** | 国际法学院 School of International Law |
| **学科门类 Fields of Study** | 国际法 International Law |
| **所属一级学科名称 Disciplines** | 法学 Law |
| **所属二级学科名称 Sub-Disciplines** | 国际法 International Law |
| **先修课程 Prerequisites** | 国际商事仲裁 International Commercial Arbitration Law |
| **选课对象 Registration Recommendations** | 硕士研究生Postgraduate students |
| **课时与学分 Lecture Hours & Credits** | 36学时36 Lecture Hours |
| **授课语言 Language taught** | 英语 English |

**基本信息 Basic information**

**课程目标**

本课程旨在使学生对仲裁法有基本的了解，使他们能够在仲裁过程中自信地为当事人提供建议和代理。课程将讨论仲裁所特有的法律概念，即可分性、可仲裁性和自决仲裁性，以及有关仲裁程序、裁决的作出和执行的程序法。学生将学习《联合国国际贸易法委员会示范法》和 1958 年《纽约公约》。本课程最适合对商业交易法、航运法、银行法、国际货物销售法或建设工程法有一定了解的学生。

**Learning Goals**

This course aims to equip students with the basic understanding of the law of arbitration to enable them to advise and represent parties in the arbitral process confidence. Legal concepts peculiar to arbitration viz. separability, arbitrability and competence-competence will be considered together with the procedural laws on the conduct of the arbitral process, the making and the enforcement of awards. Students will examine the UNCITRAL Model Law and the New York Convention, 1958. This course is most suited for students with some knowledge of the law of commercial transactions, shipping, banking, international sale of goods or construction.

**课程内容**

本课程将全面分析国际商事仲裁中出现的相关问题，以丰富的案例材料为基础，全面分析课程将讨论仲裁所特有的法律概念，即可分性、可仲裁性和自决仲裁性，以及有关仲裁程序（包括仲裁的发起、仲裁庭组成、证据收集、辩论程序等）、裁决的作出（包括仲裁庭的决策原则、文书撰写和裁决的法律效力）和执行的程序法（包括裁决的撤销和承认与执行、《纽约公约》）

**Content**

This course will comprehensively analyze relevant issues arising in international commercial arbitration, utilizing rich case materials as a foundation. The course will extensively examine the unique legal concepts in arbitration, namely separability, arbitrability, and the autonomy of arbitration. It will cover aspects of arbitration procedures, including the initiation of arbitration, constitution of the arbitral tribunal, evidence collection, and the process of argumentation. Additionally, the course will delve into the making of awards, encompassing the decision-making principles of the arbitral tribunal, document drafting, and the legal effectiveness of awards. Furthermore, procedural law for enforcement, covering annulment and recognition/enforcement of awards, as well as the New York Convention, will be thoroughly analyzed. The curriculum aims to provide a comprehensive understanding of international commercial arbitration through a detailed exploration of its legal principles, procedures, and enforcement mechanisms.