

Course Manual

International Dispute Resolution: New Trends in Arbitration, Mediation and Negotiation

Faculty Member: Prof. Pavani Sibal

Course Credits: 4 Credits

Total Teaching Hours: 60 Hours

Duration: 6 Weeks

Teaching Hours Per Week: 10 Hours

Teaching Pattern: 4 Teaching Days per Week

Teaching Hours Per Class: 2.5 Hours

Total Classes: 24 Classes

Semester: Semester Course

1. *Course Description*

This course provides a comprehensive and practice-oriented understanding of contemporary international dispute resolution mechanisms, with a special focus on arbitration, mediation, negotiation, and emerging hybrid processes. The course examines doctrinal foundations, institutional structures, procedural innovations, ethical concerns, comparative approaches, and technological transformations in international dispute resolution.

Students will engage with global arbitration regimes, mediation frameworks, investor-state dispute settlement systems, online dispute resolution, artificial intelligence in ADR, and evolving cross-border enforcement mechanisms. The course combines theoretical learning with simulations, drafting exercises, treaty analysis, and practical dispute resolution workshops.

The course is designed for advanced law students, researchers, practitioners, and policy-oriented learners seeking expertise in global commercial and transnational dispute resolution systems.

2. *Course Objectives*

The objectives of this course are:

1. To introduce students to the theoretical and institutional foundations of international dispute resolution.
2. To critically examine contemporary developments in arbitration, mediation, and negotiation.
3. To analyse procedural dimensions of international commercial arbitration.
4. To understand the legal framework governing recognition and enforcement of arbitral awards.
5. To study international mediation systems and negotiation strategies in cross-border disputes.
6. To evaluate investor-state dispute settlement mechanisms and international investment arbitration.
7. To examine ethical obligations and professional responsibility in dispute resolution.
8. To understand the role of technology, online dispute resolution, and artificial intelligence in ADR.
9. To develop drafting, advocacy, analytical, and strategic negotiation skills.
10. To encourage interdisciplinary and comparative approaches to international dispute

settlement.

3. *Learning Outcomes*

Upon successful completion of the course, students will be able to:

1. Explain the evolution and structure of international dispute resolution systems.
2. Interpret international arbitration agreements and procedural frameworks.
3. Critically evaluate institutional and ad hoc arbitration models.
4. Apply international conventions and arbitration rules in practical contexts.
5. Draft arbitration clauses, mediation agreements, and negotiation strategies.
6. Analyse cross-border enforcement challenges.
7. Assess the impact of public policy, ethics, and confidentiality in ADR.
8. Understand emerging developments in technology-driven dispute resolution.
9. Demonstrate practical advocacy and negotiation skills through simulations.
10. Engage with comparative international approaches to dispute settlement.

4. *Teaching Methodology*

The course shall be delivered through:

- Interactive lectures
- Seminar discussions
- Case-law analysis
- Treaty interpretation exercises
- Arbitration and mediation simulations
- Negotiation workshops
- Drafting exercises
- Comparative institutional analysis
- Research presentations
- Capstone dispute resolution exercise

5. *Course Structure and Weekly Teaching Schedule*

Total Course Structure

- Total Duration: 6 Weeks
- Total Teaching Hours: 60 Hours
- Total Classes: 24 Classes
- Weekly Teaching Hours: 10 Hours
- Teaching Days Per Week: 4 Days
- Teaching Hours Per Class: 2.5 Hours
- Total Course Credits: 4 Credits

WEEKS 1–2

Module I: Foundations of International Dispute Resolution

Total Hours: 20 Hours

Total Classes: 8 Classes

WEEK 1

Class 1

Introduction to International Dispute Resolution – I

Duration: 2.5 Hours

Topics Covered:

- Evolution of dispute resolution from domestic litigation to transnational ADR mechanisms
- Distinction between litigation, arbitration, mediation, conciliation, and negotiation
- Public versus private dispute settlement mechanisms
- Growth of international commercial disputes in global trade and commerce

Class 2

Foundations of International Commercial Arbitration – I

Duration: 2.5 Hours

Topics Covered:

- Role of international institutions and transnational legal ordering
- Advantages and limitations of ADR in international commerce
- Efficiency, confidentiality, neutrality, and enforceability concerns
- Introduction to the architecture of international arbitration and mediation systems

Class 3

Foundations of International Commercial Arbitration – I

Duration: 2.5 Hours

Topics Covered:

- Nature and definition of arbitration
- Consent and party autonomy as foundational principles
- Arbitrability of disputes
- Jurisdiction of arbitral tribunals
- Principle of competence-competence

Class 4

Foundations of International Commercial Arbitration – II

Duration: 2.5 Hours

Topics Covered:

- Separability of arbitration agreements
- Seat of arbitration versus venue of hearings
- Applicable substantive and procedural law
- Role of national courts in arbitration
- Transnational commercial norms and lex mercatoria

WEEK 2

Class 5

Arbitration Agreements and Drafting Techniques – I

Duration: 2.5 Hours

Topics Covered:

- Essential elements of valid arbitration agreements
- Mandatory and optional drafting components
- Scope of arbitration clauses
- Multi-tier dispute resolution clauses
- Escalation clauses and cooling-off periods

Class 6

Arbitration Agreements and Drafting Techniques – II

Duration: 2.5 Hours

Topics Covered:

- Drafting institutional versus ad hoc arbitration clauses
- Pathological and defective clauses
- Governing law clauses
- Choice of seat and procedural implications
- Drafting considerations in international commercial contracts

Practical Exercise:

- Drafting and reviewing arbitration clauses in commercial contracts

Class 7

Institutional and Ad Hoc Arbitration

Duration: 2.5 Hours

Topics Covered:

- ICC, LCIA, SIAC, HKIAC, and UNCITRAL frameworks
- Appointment of arbitrators
- Administrative supervision by arbitral institutions
- Cost structures and procedural timelines
- Emergency arbitration provisions
- Expedited arbitration mechanisms
- Ad hoc arbitration under UNCITRAL Rules
- Strategic considerations in choosing arbitral institutions

Class 8

Recognition and Enforcement of Foreign Arbitral Awards

Duration: 2.5 Hours

Topics Covered:

- New York Convention, 1958
- Conditions for recognition and enforcement
- Refusal of enforcement under Article V
- Public policy exceptions
- Due process concerns

- Judicial review and annulment proceedings
- Enforcement of interim and emergency awards
- Comparative enforcement practices across jurisdictions
- Challenges in enforcement against sovereign entities

WEEKS 3–4

Module II: Procedure, Mediation and Negotiation

Total Hours: 20 Hours

Total Classes: 8 Classes

WEEK 3

Class 9

Procedural Dimensions of Arbitration – I

Duration: 2.5 Hours

Topics Covered:

- Commencement of arbitral proceedings
- Constitution of arbitral tribunals
- Pleadings and written submissions
- Documentary evidence and witness testimony
- Expert evidence in technical disputes

Class 10

Procedural Dimensions of Arbitration – II

Duration: 2.5 Hours

Topics Covered:

- Rules of evidence in arbitration
- Procedural orders and case management
- Interim measures and emergency relief
- Confidentiality and procedural fairness
- Virtual hearings and procedural innovation

Class 11

Investor-State Dispute Settlement and ICSID Arbitration – I

Duration: 2.5 Hours

Topics Covered:

- Bilateral Investment Treaties (BITs)
- Free Trade Agreements and investment chapters
- ICSID Convention and arbitral process
- Fair and equitable treatment standards
- Expropriation and regulatory measures

Class 12

Investor-State Dispute Settlement and ICSID Arbitration – II

Duration: 2.5 Hours

Topics Covered:

- Sovereign immunity and enforcement
- Transparency in ISDS
- Critiques of investment arbitration
- Reform proposals in ISDS systems
- Role of states and regulatory sovereignty

WEEK 4

Class 13

International Mediation Frameworks – I

Duration: 2.5 Hours

Topics Covered:

- Concept and philosophy of mediation
- Facilitative versus evaluative mediation
- Role and ethics of mediators
- Cross-border commercial mediation
- Singapore Convention on Mediation

Class 14

International Mediation Frameworks – II

Duration: 2.5 Hours

Topics Covered:

- Confidentiality in mediation
- Enforceability of mediated settlements
- Mediation advocacy and party participation
- Hybrid procedures such as Med-Arb
- Institutional mediation frameworks

Class 15

Negotiation Theory and Cross-Cultural Negotiation

Duration: 2.5 Hours

Topics Covered:

- Competitive versus collaborative bargaining
- Interest-based negotiation
- BATNA and negotiation leverage
- Cross-cultural communication challenges
- Negotiation psychology and behavioural dynamics

- Strategic concession-making
- Negotiation ethics
- Multi-party negotiations

Class 16

Ethics, Confidentiality and Professional Responsibility

Duration: 2.5 Hours

Topics Covered:

- Independence and impartiality of arbitrators
- Conflicts of interest
- Disclosure obligations
- Confidentiality in arbitration and mediation
- Ethical duties of counsel and mediators
- Repeat appointments and bias concerns
- Transparency versus confidentiality debates
- Ethical challenges in third-party funding

WEEKS 5–6

Module III: Emerging Trends and Future of International Dispute Resolution

Total Hours: 20 Hours

Total Classes: 8 Classes

WEEK 5

Class 17

Online Dispute Resolution (ODR) – I

Duration: 2.5 Hours

Topics Covered:

- Evolution of online dispute resolution
- ODR in e-commerce disputes
- Virtual hearings and digital evidence
- Platform-based dispute settlement systems
- Access to justice through digital mechanisms

Class 18

Online Dispute Resolution (ODR) – II

Duration: 2.5 Hours

Topics Covered:

- Cybersecurity and data protection
- Digital procedural fairness
- Cross-border enforceability issues
- ODR and consumer protection

- Future of digital dispute resolution ecosystems

Class 19

Artificial Intelligence and the Future of ADR – I

Duration: 2.5 Hours

Topics Covered:

- AI-assisted legal research and arbitration
- Predictive analytics in dispute outcomes
- Algorithmic decision-making
- Smart contracts and blockchain disputes
- Ethical risks of AI adjudication

Class 20

Artificial Intelligence and the Future of ADR – II

Duration: 2.5 Hours

Topics Covered:

- Human oversight and accountability
- Automation in case management
- Digital evidence and machine learning
- Bias and transparency in algorithmic systems
- Future trajectories of AI-driven dispute resolution

WEEK 6

Class 21

Third-Party Funding and Public Policy

Duration: 2.5 Hours

Topics Covered:

- Nature and structure of third-party funding
- Funding agreements and disclosure obligations
- Impact on arbitrator independence
- Security for costs
- Costs allocation and recoverability
- Transparency debates
- Comparative regulatory approaches

Class 22

Comparative Approaches to International ADR – I

Duration: 2.5 Hours

Topics Covered:

- India's arbitration reforms

- Singapore as a global arbitration hub
- London and Paris as arbitration centres
- US arbitration practice
- EU approaches to commercial arbitration

Class 23

Comparative Approaches to International ADR – II

Duration: 2.5 Hours

Topics Covered:

- Judicial intervention across jurisdictions
- Institutional competitiveness
- Enforcement cultures and procedural efficiency
- Regional developments in Asia and the Middle East
- Comparative approaches to mediation and ODR

Class 24

Capstone Simulation and Integrated Workshop

Duration: 2.5 Hours

Activities Include:

- Simulated arbitration proceedings
- Mediation role-play exercises
- Negotiation workshops
- Drafting procedural orders
- Preparation of memorials and written submissions
- Oral advocacy exercises
- Tribunal deliberation exercises
- Settlement negotiation simulations
- Procedural strategy development
- Reflection on emerging trends in ADR

Practical Component:

- Final integrated dispute resolution simulation

6. *Practical Components*

The course shall include:

- Arbitration clause drafting exercises
- Mediation role-play simulations
- Negotiation workshops
- Institutional comparison assignments
- Oral advocacy exercises
- Capstone dispute resolution simulation

7. *End Semester Examination*

The course shall culminate in a comprehensive End Semester Examination evaluating:

- Conceptual understanding
- Doctrinal analysis
- Comparative legal reasoning
- Procedural application
- Problem-solving ability
- Drafting and strategic analysis

8. *Concluding Note*

This course is designed as an intensive and professionally oriented engagement with contemporary international dispute resolution systems. It seeks to combine doctrinal rigour, comparative legal understanding, and practical skill development in arbitration, mediation, and negotiation. Through an interdisciplinary and globally informed approach, the course equips students with the analytical and practical competencies required for international legal practice, commercial dispute management, and transnational legal governance.