

GLOBAL LAW AND GOVERNANCE SUMMER SCHOOL, EPLO, SOUNIO, JULY 2013

Course: **International Arbitral Tribunals and Global Governance**

Professor: **Stavros Brekoulakis**

Timetable: Monday, 22 July, 2013

14:30 -16:30

16:30 - 18:30

Hours: 4

Course code: H2

Content

The course focuses on the role, purpose and function of international arbitral tribunals in global governance through the resolution of commercial and investment dispute pertaining to public policy. The course will also critically discuss the procedural structure and design of international arbitral tribunals and whether such structure is conducive to collective bias.

The syllabus includes the following topics:

Part I: Different types of international arbitral tribunals. Structure and function of international arbitral tribunals. Similarities and critical differences with national judiciaries. Interaction between international arbitral tribunals and national judiciaries. Material scope of international arbitral tribunals: what types of disputes can be submitted to international arbitral tribunals. Can they determine disputes involving national public policy?

Part II: Critical evaluation of the role of international arbitral tribunals to global governance. Are international arbitral tribunals structurally biased? Do they favour certain types of litigants/parties? Do they encroach on national public policy and governmental policies?

Reading

Gary Born, *A New Generation of International Adjudication*, 61 Duke L.J. 775 2011-2012

David Schneiderman, *Judicial Politics and International Investment Arbitration: Seeking an Explanation for Conflicting Outcomes*, 30 Nw. J. Int'l L. & Bus. 383 2010

Susan Franck, *Development and Outcomes of Investment Treaty Arbitration*, 50 Harv. Int'l L.J. 435 2009

Susan Franck, *Empirically Evaluating Claims in Investment Treaty Arbitration*, 86 N.C. L. Rev. 1 2007-2008

Daphna Kapeliuk, *The Repeat Appointment Factor: Exploring Decision Patterns of Elite Investment Arbitrators*, 96 Cornell L. Rev. 47 2010-2011

Van Harten, *Arbitrator Behaviour in Asymmetrical Adjudication*, Research Paper at SSRN

Chris Drahozal, *A Behavioural Analysis of Private Judging*, 67 Law & Contemp. Probs. 105 2004