

# LW6207E: COMPARATIVE ARBITRATION IN ASIA

## New Syllabus Proposal

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### Effective Term

Semester A 2025/26

## Part I Course Overview

### Course Title

Comparative Arbitration in Asia

### Subject Code

LW - Law

### Course Number

6207E

### Academic Unit

School of Law (FL)

### College/School

School of Law (FL)

### Course Duration

One Semester

### Credit Units

3

### Level

P5, P6 - Postgraduate Degree

### Medium of Instruction

English

### Medium of Assessment

English

### Prerequisites

Nil

### Precursors

Nil

### Equivalent Courses

Nil

### Exclusive Courses

Nil

## Part II Course Details

### Abstract

This course examines arbitration laws in common and civil law jurisdictions across Asia, including the PRC, Hong Kong SAR, South Korea, and Singapore. The UNCITRAL Model Law and the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958) ( ‘the New York Convention’ ) will be introduced as global standards in arbitration, providing a basis for comparative analysis. National arbitration laws and practices in these jurisdictions will be critically assessed for their divergence from or convergence with international standards. While international frameworks will be covered, the primary focus is on arbitration laws and procedural rules specific to the Asia-Pacific region.

Students are required to complete assigned readings prior to class and are expected to actively participate in classroom discussions.

### Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if DEC-A1 DEC-A2 DEC-A3 app.)			
1	Have a fundamental understanding of law and practice in international commercial arbitration in the relevant jurisdictions			x	x
2	Understanding differences in how civil and common law jurisdictions in Asia operate vis a vis international arbitration			x	x
3	Challenge and examine the different perspectives shown in the respective jurisdictions		x	x	x
4	Apply acquired knowledge in private practice or other commercial settings			x	x

#### A1: Attitude

Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.

#### A2: Ability

Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to real-life problems.

#### A3: Accomplishments

Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.

### Learning and Teaching Activities (LTAs)

LTAs	Brief Description	CILO No.	Hours/week (if applicable)	
1	Lecture	1, 2, 3, 4	2	
2	Group discussion	Students are required to participate in small group discussions on specific topics covered in class.	1, 2, 3, 4	1

### Assessment Tasks / Activities (ATs)

	ATs	CILO No.	Weighting (%)	Remarks ("- for nil entry)	Allow Use of GenAI?
1	Class participation	1, 2, 3	20	Assessed in class.	No
2	Group assignment	1, 2, 3	30	Each group submits a 1,000-word assignment (and/or presents the results in class, depending on the size of the class).  The use of generative AI is permitted solely for the purpose of proofreading.	Yes
3	Final Research Paper	1, 2, 3, 4	50	2,000 words essay.  The use of generative AI is permitted solely for the purpose of proofreading.	Yes

**Continuous Assessment (%)**

100

**Minimum Continuous Assessment Passing Requirement (%)**

40

**Additional Information for ATs**

Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter

Students must obtain an overall mark of 40% in order to pass the course.

Applicable to students admitted from Semester A 2022/23 to Summer Term 2024

Students must obtain an overall mark of 50% in order to pass the course.

**Assessment Rubrics (AR)****Assessment Task**

Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter

Class participation

**Criterion**

Demonstration to ability to understand the relevant issues.

**Excellent**

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base and superior presentation skills.

**Good**

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

**Fair**

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

**Marginal**

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

**Failure**

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

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**Assessment Task**

Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter

Group assignment

**Criterion**

Content and depth of analysis, organization and flow, collaboration (teamwork, balanced contribution), use of supporting materials.

**Excellent**

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

**Good**

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

**Fair**

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

**Marginal**

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

**Failure**

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

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**Assessment Task**

Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter

Final Research Paper

**Criterion**

Relevance of the research, originality of research/arguments, comparative analysis, critical analysis, structure and flow, language and writing, referencing and citation.

**Excellent**

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

**Good**

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

**Fair**

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

**Marginal**

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

**Failure**

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

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**Assessment Task**

Applicable to students admitted from Semester A 2022/23 to Summer Term 2024

Class participation

**Criterion**

Demonstration to ability to understand the relevant issues.

**Excellent**

(A+, A, A-) High

**Good**

(B+, B) Significant

**Marginal**

(B-, C+, C) Moderate

**Failure**

(F) Inadequate

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**Assessment Task**

Applicable to students admitted from Semester A 2022/23 to Summer Term 2024

Group assignment

**Criterion**

Content and depth of analysis, organization and flow, collaboration (teamwork, balanced contribution), use of supporting materials.

**Excellent**

(A+, A, A-) High

**Good**

(B+, B) Significant

**Marginal**

(B-, C+, C) Moderate

## **Failure**

(F) Inadequate

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## **Assessment Task**

Applicable to students admitted from Semester A 2022/23 to Summer Term 2024

Final Research Paper

## **Criterion**

Relevance of the research, originality of research/arguments, comparative analysis, critical analysis, structure and flow, language and writing, referencing and citation.

## **Excellent**

(A+, A, A-) High

## **Good**

(B+, B) Significant

## **Marginal**

(B-, C+, C) Moderate

## **Failure**

(F) Inadequate

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## **Part III Other Information**

### **Keyword Syllabus**

Comparative, Arbitration, Asia, International Commercial Arbitration

### **Detailed Syllabus**

International commercial arbitration is a preferred means of dispute resolution for parties involved in international commercial transactions. Approximately 70 percent of international commercial arbitration globally is seated in Asia. This is unsurprising, given that the People's Republic of China (PRC), Hong Kong, Singapore, and South Korea are among the largest economies in the world, and companies based in these countries are leading users of international arbitration.

This course examines the law and practice of international commercial arbitration in key civil and common law jurisdictions in Asia. Topics covered will include:

- a. Scope of international commercial arbitration
- b. Arbitrability
- c. Competence-competence
- d. Arbitration agreements: writing requirements, severability, applicable law, substantial validity, enforcement
- e. Arbitration procedure: challenge, removal of arbitrators
- f. Interim/preliminary measures
- g. Annulment of arbitral awards
- h. Enforcement of arbitral awards

Each topic will involve an introduction to the UNCITRAL Model Law and the New York Convention, as well as a comparative study of the laws and practices in the respective jurisdictions.

Students will engage with case law related to arbitral awards and pertinent court decisions from both civil and common law jurisdictions. Where relevant, laws and practices from other jurisdictions will also be discussed for comparative purposes.

**Reading List****Compulsory Readings**

	Title
1	Bell, Gary F. (ed), The UNCITRAL Model Law and Asian Arbitration Laws: Implementation and Comparisons (Cambridge University Press, 2018)
2	Bantekas, Ilias et al. UNCITRAL Model Law on International Commercial Arbitration: A Commentary (Cambridge University Press, 2020)
3	Ginsburg, Thomas B., Ali, Shahla F. (eds), International Commercial Arbitration in Asia (Juris, 3rd ed, 2013)
4	Kim, Joongi, International Arbitration in Korea (Oxford University Press, 2017)
5	Ma, Geoffrey, and Denis Brock (eds), Arbitration in Hong Kong#: a Practical Guide (Sweet & Maxwell, 5th ed, 2022)
6	Menon, Sundaresh et al. (eds). Arbitration in Singapore#: a Practical Guide. (Sweet & Maxwell, 2nd ed, 2018)
7	Nottage et al (eds), New Frontiers in Asia-Pacific International Arbitration and Dispute Resolution (Wolters Kluwer, 2021)
8	Sun, Wei, and Melanie Willems, Arbitration in China#: a Practitioner' s Guide (Kluwer Law International, 2015)
9	Weekly Additional Reading: To be specified and circulated in the week before each lecture.