



## Training Workshop Module on

# Dispute Settlement in International Commercial Affairs

Location: Baden International Business School, Baden, Switzerland

Date, workshop duration and fee: To be established in consultation with the group of participants depending upon the depth required and the inclusion of other modules in the training programme.

Content: Dispute Settlement in International Commercial Affairs

- ◆ Difficulties in enforcing law in cases of international disputes:
  - The provision of applicable law - covering also the differences of law systems such as between the Anglo-American “case law” and the rule-based continental law, as well as the different law bases (Roman, German) and the resulting strong divergence of specific legal orders;
  - The provision of a competent court;
  - The problem of “forum shopping”;
  - Circumvention strategies at International level - for example the “Italian Torpedo”;
  - Problems in countries with inadequate legal systems and / or unreliable courts.
- ◆ Choice of law clauses in international contracts;
- ◆ Jurisdiction clauses;
- ◆ Mediation (Advantages, disadvantages and the special situation of small and medium size enterprises);
- ◆ Arbitration (Advantages, disadvantages the special situation of small and medium size enterprises, arbitration cases in the construction sector: e.g. the possibility of adjudication);
- ◆ The combination of arbitration and mediation (Advantages, disadvantages, the problem of a personal union of mediator and arbitrator).