Reflective Journal LSAS 2025

First and last name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of submission: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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# Aims of the reflective journal

* The reflective journal will help you to understand and remember key issues and will provide you with an opportunity to record your evolving understanding and ideas about the various topic covered during the London Summer Arbitration School.
* The journal will be assessed to make sure it demonstrates substantive reflective comments on the topics covered, with an analysis and evaluation of the respective concepts. There will be no grade for the journal, just pass or fail (for the students enrolled at the University of Basel and earning ECTS-credits, the reflective journal will be graded).
* The submission of a reflective journal that respects the instructions set out below is a prerequisite for being awarded the Certificate of Completion of the London Summer Arbitration School on Friday, 20 June 2025.

# Instructions

* You can skip up to 3 questions (either one entire class or questions from different classes).
* Your **response to each question listed below must be 150 words long** (+/- 10 words is fine).
* The **submitted document must not exceed 6200 words and not fall below 5300 words** (the 1166 words of the template are included in the minimum/maximum); this is a strict requirement!
* Please do not include references or footnotes; your answers should summarize your ideas and thoughts that you draw from the readings, classes and discussions.
* Your answers must reflect the content of the classes, that is, the presentations, slides and assigned readings. Answers that are too generic and not related to the content of the class – for example, because they were generated by relying on AI tools – are not taken into account.
* Please use this template for the reflective journal and indicate your name, the date of submission and the total word count above.
* Please submit the journal on **Thursday, 19 June 2025, at 17h30 BST** following the instructions on the learning platform: [link](https://adam.unibas.ch/goto_adam_crs_2044415.html) (tab “Reflective Journal”). We do not send confirmation e-mails to acknowledge submission of your reflective journal, but you will be notified shortly after the submission deadline if we have not received your journal.
* Late submissions will not be considered.

# Class 1: Conceptual Foundations of Arbitration

1. What are the three most significant new insights you have gained about arbitration during this class?
2. Based on the assigned reading by Prof. Kryvoi, how do partial and total challenges to the jurisdiction of arbitration tribunals differ?
3. Referring to the assigned reading and the lecture, what are the main challenges to the effectiveness of arbitration as a dispute resolution mechanism? Are there any other challenges you can identify?

# Class 2: Arbitration from Institutional Perspective

1. What available procedures in the LCIA Rules 2020, in your opinion, greatly contribute to procedural efficiency?
2. Under the LCIA Rules 2020, in what circumstances the LCIA Court may order consolidation of multiple arbitrations?
3. Why LCIA arbitration may be considered more costs effective, as revealed in its Costs and Duration Analysis, in arbitrations involving relatively large amount in dispute?

# Class 3: Arbitration Clauses Drafting Workshop

1. What are the mandatory elements of an enforceable arbitration clause and what elements are good practice?
2. What law governs the arbitration agreement?
3. In a clause negotiation scenario, would you recommend compromising on the governing law of an agreement or the seat of arbitration?

# Class 4: Evidence in International Arbitration

1. What are the differences in evidentiary procedure in court in your home jurisdiction and in international arbitration?
2. What is the difference between the burden and standard of proof?
3. What law applies to evidence and evidentiary procedure in international arbitration?

# Class 5: Commodities Arbitration

1. In your opinion, why is GAFTA arbitration more advantageous than going to court?
2. Does a party have to be a GAFTA member to arbitrate before GAFTA?
3. What are the advantages and disadvantages of trade arbitration?

# Class 6: Inter-State Arbitration

1. Has there always been an obligation to settle interstate disputes peacefully, for example through arbitration? What contributions did the 1899/1907 Hague Conventions on the Pacific Settlement of International Disputes make to arbitration as a dispute settlement means?
2. What are the main differences between the diplomatic-political and judicial-legal means of settling interstate disputes? And, with regard to the judicial-legal means, what are the differences between arbitration and international courts/tribunals?
3. Discuss the following statement, using a real-life example: “The various means of peaceful settlement of disputes mentioned in Article 33 UN Charter are not mutually exclusive. Rather, states may rely on more than one method consecutively or in parallel in a given dispute, and there may be factual or legal linkages between these various means of dispute settlement.”

# Class 7: Institutional and Ad Hoc Commercial Arbitration

1. In your opinion is either mode of arbitration – institutional or *ad hoc* – preferable and why?
2. Do you agree that arbitrations under the UNCITRAL Rules are truly *ad hoc*? What if they are administered by the Permanent Court of Arbitration?
3. Do you believe that there should be any practical significance to the distinction between *ad hoc* and institutional arbitration, such as improved enforceability of awards from reputable institutions?

# Class 8: Construction Arbitration

1. What are the specific features of construction disputes that call for specific solutions?
2. What are the various methods of dispute resolution in construction and how do they relate to arbitration?
3. Arbitration is an expensive, inefficient and opaque dispute resolution method for construction disputes. Specialist construction courts would be a much better forum for the resolution of such disputes. Comment!

# Class 9: Arbitration in the Digital Economy

1. What specific features of the digital transformation of mature industries, and the digitalisation of the economy (including the digitisation of activities and the increasing use of online and networked services), will raise specific and novel issues relating to arbitration?
2. What fields of arbitration and dispute settlement are already impacted by the use of digital technologies, including web3 and artificial intelligence?
3. What is the impact, on arbitration as a field and on arbitration proceedings specifically, of further developments in the digital economy (including web3, tokenisation, distributed storage mechanisms, and artificial intelligence)?

# Class 10: Outer Space Arbitration

1. What specific issues and considerations should arbitrators and parties take into account when instituting arbitral proceedings in relation to a dispute arising from activities in outer space?
2. What arbitration procedures and frameworks are available to parties in relation to a dispute arising from activities in outer space?
3. In your opinion, is arbitration the mechanism most suited to the settlement of disputes arising from activities in outer space? Why or why not?

# Class 11: Maritime Arbitration

1. What factors make maritime arbitration distinctive?
2. How is an *ad hoc* London maritime arbitration commenced and how might the LMAA (London Maritime Arbitrators Association) Terms be introduced to govern the procedure?
3. Does maritime arbitration have an image problem?