

**MINISTRY OF EDUCATION AND SCIENCE OF UKRAINE
WEST UKRAINIAN NATIONAL UNIVERSITY
FACULTY OF LAW**

Approved

T.a. Dean of Faculty of Law

Nadiia MOSKALIUK
« 31.08.2023 » 2023



Approved

Vice-rector for scientific and pedagogical work

Viktor OSTROVERKHOV
« 31.08.2023 » 2023



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Director of the Educational and Scientific Institute
the latest educational technologies

Svatoslav PYTEL
« 31.08.2023 » 2023



**Work program
discipline**

«Alternative dispute resolution»

Higher education degree - master

Field of knowledge - 29 International relations

Specialty - 293 International Law

Educational and Professional Program - International Law

Department of International Law and Migration Policy

Form of studying	Study year	Semester	Lectures	Practical classes	Individual work	Training	Student-self study	Total	Exam/Credit
Full-time	1	1	30	15	5	4	100	150	exam
Extramural	1	1	8	4	-	-	138	150	exam

31.08.2023
[Signature]

Ternopil – WUNU, 2023

The work program is compiled on the basis of the educational and professional training program for the master of the field of knowledge 29 International relations, specialty 293 International law, approved by the Academic Council of WUNU, protocol No. 10 dated 23.06.2023.

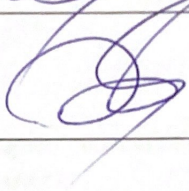
The work program was prepared by Associate Professor of the Department of International Law and Migration Policy Dr Liudmyla SAVANETS.

The work program adopted at the meeting of the Department of International Law and Migration Policy, Protocol No.1 from 29.08.2023.

Head of the Department  Yaryna ZHUKORSKA

Considered and approved by the specialty team of 293 International law, protocol No.1 from 31.08.2023.

Head of the specialty team  Yaryna ZHUKORSKA

Guarantor of EP  Yaryna ZHUKORSKA

1. DESCRIPTION OF THE DISCIPLINE «ALTERNATIVE DISPUTE RESOLUTION»

Discipline – «Alternative dispute resolution»	Field of knowledge, Specialty, Educational and Professional Program, higher education degree	Characteristics of the academic discipline
Number of credits ECTS – 5	Field of knowledge – 29 International relations	Discipline status: mandatory Language of study: english
The number of credits modules – 4	Specialty – 293 International law	Study year: Daily – 1 Semestr – 1 Extramural – 1 Semestr – 1
Number of contents modules – 2	Educational and Professional Program - International Law	Lectures: Daily – 30 hours. Extramural – 8 hours. Practical classes: Daily – 15 hours. Extramural – 4 hours.
Total hours – 150	Higher education degree – master	Student-self study: Daily – 100 hours. Extramural – 138 hours. Training: Daily – 4 hours. Individual work: Daily – 5 hours.
Weekly hours - 10 hours, including 3 hours of classroom hours.		The type of final control is an exam

2. THE PURPOSE AND TASK OF STUDYING THE DISCIPLINE «ALTERNATIVE DISPUTE RESOLUTION»

2.1. The purpos of studying the discipline:

To form knowledge about the theoretical and practical foundations of conflict resolution through the use of alternative methods of dispute resolution. Learn to identify and analyze conflicts that can be resolved out of court; to form practical skills in the application of individual models of alternative dispute resolution, in particular, skills in conducting the mediation procedure.

2.2. The task of studying the discipline:

To form the ability to: identify, formulate and evaluate legal conflicts, apply tools, means and methods of alternative resolution of legal conflicts; interpret and correctly apply legal norms regulating social relations in the field of alternative dispute resolution.

2.3. Name and description of competences, the formation of which ensures the study of the discipline

SC 1 The ability to critically analyze the problems and regularities of the functioning and development of international relations, to determine the trends in the development of world politics, to assess the impact of global political processes on national legal, political and economic systems.

SC 3. Ability to independently provide legal representation of the client's interests and organize the provision of legal services.

SC 10. The ability to provide a complete and versatile international legal assessment of the actions of subjects of international law.

2.4. Prerequisites for studying the discipline:

Acquisition of knowledge according to the program of the unified professional entrance test in law.

2.5. Program learning outcomes:

As a result of training, the student must:

PLO 1. Identify, analyze and propose ways to solve multifaceted problems of international and national legal content.

PLO 2. Produce new ideas for solving practical problems in the field of professional legal activity.

PLO 5. Provide legal representation of the client in national courts, international commercial arbitrations, state authorities and local governments.

PLO 11. Demonstrate communication skills with representatives of various types of legal activity at the national and international levels, as well as organize and conduct negotiations.

3. PROGRAM OF EDUCATIONAL DISCIPLINE «ALTERNATIVE DISPUTE RESOLUTION»

Content module 1. General provisions on alternative dispute resolution methods.

Topic 1. General characteristics of alternative dispute resolution methods. The importance and place of alternative dispute resolution methods in the human rights protection mechanism.

Alternative dispute resolution (ARD): concept, meaning and place in the mechanism of protection of the rights and interests of individuals. Formation and development of institutions of alternative dispute resolution methods. Emergence and development of methods of alternative dispute resolution. The emergence and development of the Ukrainian model of alternative methods of dispute resolution. Principles and approaches to resolving conflicts and disputes. Ways and methods of conflict resolution: selection criteria. Classification of ABC methods and their scope of application.

Topic 2. Concept and causes of conflict in modern society. Typology of conflict.

Concept and causes of conflict in modern society. Typology of conflict. Intercultural and interethnic conflicts. The structure (elements) of the conflict. Behavioral strategies in conflict. Vulnerable population category as a party to the conflict. Behavior of a lawyer in a conflict. Conflict prediction and resolution. Conflict dynamics. Stages of the conflict. Exiting the conflict: extinction, resolution, settlement, cancellation of the conflict. Judicial and extrajudicial settlement of legal conflicts.

Topic 3. International standards of alternative dispute resolution.

International experience of the development of restorative justice. Mediation in the countries of the Anglo-American school of law. Mediation in the countries of the Romano-Germanic school of law. European standards for alternative dispute resolution. Functioning of restorative justice programs. Modern trends in the legal regulation of alternative means of dispute resolution in the system of legal protection.

Content module 2. Separate types of alternative dispute resolution.

Topic 4. Arbitration proceedings in the legal dispute resolution system. Concept and essence of arbitration proceedings.

Historical foundations of arbitration proceedings. Arbitration proceedings in the legal dispute resolution system. Concept and essence of arbitration proceedings. Types of arbitration courts. The relationship of the arbitration court with the bodies of justice. Advantages of arbitration. Law of Ukraine "On Arbitration Courts". Procedure for formation and state registration of arbitration courts. General conditions of arbitration proceedings. The procedure for arbitration and case resolution. The procedure for forming the composition of the arbitration

court: requirements for arbitrators. Arbitration agreement. Arbitration proceedings. Appeal to the arbitration court with a statement of claim. Provision of the claim. The procedure for consideration of the case on the merits. The arbitration fee and costs of the arbitration court related to the consideration of the dispute. The decision of the arbitration court, its types, content and form requirements. Execution of the decision of the arbitration court. Problems of execution of decisions of the arbitration court. State control over decisions of permanently operating arbitration courts in Ukraine. Persons who benefit from the introduction of arbitration of disputes. Practical experience of arbitration courts.

Topic 5. Purpose and general principles of restorative justice.

The history of the definition of the concept of "restorative justice". The genesis of alternative solutions to criminal legal conflicts at different historical stages. Consolidation of the foundations of restorative justice in international legal acts of the UN and the Council of Europe. Basic principles of application of restorative justice programs of the United Nations. Restorative justice in foreign countries. Restorative justice programs under the laws of the United States of America, Great Britain, Canada, etc. Elements of restorative justice in the legal heritage of Ukraine. The history of the formation of restorative justice in the modern Ukrainian state. Purpose and general principles of restorative justice. Concept and task of restorative justice. The concept of restorative justice. Characteristics of restorative justice programs. Terms of application of restorative justice. Basic models of restorative justice programs. Ukrainian model of restorative justice. Restorative justice in the criminal process. Restorative justice as an adjunct to criminal justice. Institute of reconciliation of parties in criminal proceedings as a form of restorative justice. Legislative prospects for the development of restorative justice. The place of alternative ways of solving criminal legal conflicts in the restorative justice system.

Topic 6. Mediation as a method of alternative dispute resolution. Mediation as a type of mediation.

Concepts and characteristics of negotiations. Types, models and styles of negotiations. Effective tactics of the negotiation process. Peculiarities of controversy in the negotiation process. The main factors of the negotiation process. The negotiation process and registration of its results. The pretentious dispute settlement procedure as a special type of negotiation. The concept, meaning and types of mediation as a method of alternative dispute resolution. Facilitation as a type of mediation. Conciliation as a type of mediation. Mediation as a type of mediation. The concept and characteristics of mediation. Mediation as a separate method (mechanism) of conflict resolution. Mediation: concepts, principles and stages. Rules of mediation. Legislation of foreign countries on an alternative dispute settlement procedure with the participation of a mediator (on mediation). The history of the development of mediation in Ukraine and the world. Legislation of Ukraine on mediation. The structure of the law "On Mediation". Principles of mediation. Mediation participants. Mediator status.

Ethical foundations of mediation. Ethical codes of mediators in the world and in Ukraine. European Code of Conduct for Mediators. Mediator Code of Ethics of the National Association of Mediators of Ukraine (NAMU). Ethical requirements for a mediator. Types of mediation. Mediation procedure. The decision based on the results of mediation and its implementation.

Topic 7. Mediation in various spheres of social life.

Mediation as a way to resolve civil disputes. Mediation in disputes about the protection of personal non-property rights of an individual. Mediation in disputes about ownership and other property rights. Mediation in intellectual property law disputes. Mediation in disputes arising from contracts. Mediation in disputes about non-contractual obligations. Mediation in inheritance law disputes. Mediation as a way of resolving business disputes Mediation in contractual disputes. Mediation in pre-contractual, non-property disputes. Mediation in property disputes. Mediation in intellectual property law disputes. Mediation in bankruptcy cases. Mediation in the field of corporate governance General provisions on protection and protection of corporate rights. Disputes related to corporate governance issues. Advantages of mediation as a way to protect corporate rights. Mediation as a way to resolve family disputes Mediation in divorce disputes. Mediation in disputes about the collection of alimony. Mediation in disputes about the division of marital property. Mediation in disputes about the marriage contract. Mediation in disputes about determining the origin of children. Mediation as a way of resolving labor disputes Mediation as a way of resolving individual labor disputes. Mediation as a way to resolve collective labor disputes. Mediation as an out-of-court way of resolving land disputes. Types of land disputes. Consideration and settlement of land disputes out of court. Peculiarities of mediation in resolving land disputes.

**4. STRUCTURE OF A CREDIT IN AN EDUCATIONAL DISCIPLINE
«ALTERNATIVE DISPUTE RESOLUTION»**

Full-time

№	Topic	Number of hours				
		Lectures	Practical classes	Student-self study	Individual work	Control measures
Content module 1.						
1.	General characteristics of alternative dispute resolution methods. The importance and place of alternative dispute resolution methods in the human rights protection mechanism.	4	2	14	2	Tests, questions, cases
2.	Concept and causes of conflict in modern society. Typology of conflict.	4	2	14		Tests, questions, cases
3.	International standards of alternative dispute resolution.	4	2	14		Tests, questions, cases
Content module 2.						
4	Arbitration proceedings in the legal dispute resolution system. Concept and essence of arbitration proceedings.	4	2	14	3	Tests, questions, cases
5.	Purpose and general principles of restorative justice.	4	2	14		Tests, questions, cases
6.	Mediation as a method of alternative dispute resolution. Mediation as a type of mediation.	6	3	16		Tests, questions, cases
7.	Mediation in various spheres of social life.	4	2	14		Tests, questions, cases
	Total	30	15	100	5	

Extramural

№	Topic	Number of hours		
		Lectures	Practical classes	Student-self study
Content module 1.				
1.	General characteristics of alternative dispute resolution methods. The importance and place of alternative dispute resolution methods in the human rights protection mechanism.	2	0,5	20
2.	Concept and causes of conflict in modern society. Typology of conflict.	1	0,5	20
3.	International standards of alternative dispute resolution.	1	0,5	20
Content module 2.				
4	Arbitration proceedings in the legal dispute resolution system. Concept and essence of arbitration proceedings.	1	0,5	20
5.	Purpose and general principles of restorative justice.	1	0,5	20
6.	Mediation as a method of alternative dispute resolution. Mediation as a type of mediation.	1	0,5	20
7.	Mediation in various spheres of social life.	1	0,5	18
	Total	8	4	138

5. TOPICS OF PRACTICAL CLASSES ON THE DISCIPLINE «ALTERNATIVE DISPUTE RESOLUTION»

Practical class № 1

Topic: General characteristics of alternative dispute resolution methods. The importance and place of alternative dispute resolution methods in the human rights protection mechanism.

Purpose: To gain knowledge of the general characteristics of alternative methods of dispute resolution and its place in the human rights protection mechanism.

Questions for discussion:

1. Alternative dispute resolution (ARD): concept, meaning and place in the mechanism of protection of the rights and interests of individuals.
2. Formation and development of institutions of alternative dispute resolution methods. Principles and approaches to resolving conflicts and disputes.
3. Ways and methods of conflict resolution: selection criteria.

Practical class № 2

Topic: Concept and causes of conflict in modern society. Typology of conflict.

Purpose: To study the concepts and causes of conflict in modern society.

Questions for discussion:

1. The concept and causes of conflict in modern society.
2. Typology of conflict. Intercultural and interethnic conflicts.
3. Structure (elements) of the conflict.
4. Behavioral strategies in conflict. Vulnerable population category as a party to the conflict. Behavior of a lawyer in a conflict. Conflict prediction and resolution.
5. Dynamics of the conflict. Stages of the conflict.
6. Getting out of the conflict: extinction, resolution, regulation, cancellation of the conflict.
7. Judicial and extrajudicial settlement of legal conflicts.

Practical class № 3

Topic: International standards of alternative dispute resolution.

Purpose: To gain knowledge about international standards of alternative dispute resolution.

Questions for discussion:

1. International experience in the development of restorative justice.
2. Mediation in the countries of the Anglo-American school of law.
3. Mediation in the countries of the Romano-Germanic school of law.
4. European standards of alternative dispute resolution.
5. Functioning of restorative justice programs.

Practical class № 4

Topic: Arbitration proceedings in the legal dispute resolution system. Concept and essence of arbitration proceedings.

Purpose: To consolidate knowledge about the concept and essence of arbitration proceedings.

Questions for discussion:

1. Historical foundations of arbitration proceedings. Arbitration proceedings in the legal dispute resolution system.

2. Concept and essence of arbitration proceedings.
3. Types of arbitration courts.
4. The relationship of the arbitration court with the judicial bodies.
5. Advantages of arbitration. Law of Ukraine "On Arbitration Courts".
6. The procedure for formation and state registration of arbitration courts.
7. General conditions of arbitration proceedings.
8. Procedure for arbitration and case resolution.
9. The procedure for forming the composition of the arbitration court: requirements for arbitration judges.
10. Arbitration Agreement.
11. Arbitration proceedings. Appeal to the arbitration court with a statement of claim. Provision of the claim.
12. Arbitration fee and costs of the arbitration court related to the consideration of the dispute.
13. Decision of the arbitration court, its types, content and form requirements.
14. Execution of the decision of the arbitration court.
15. Problems of execution of arbitration court decisions.
16. State control over decisions of permanently operating arbitration courts in Ukraine.

Practical class № 5

Topic: Purpose and general principles of restorative justice.

Purpose: To consolidate knowledge about the general principles of restorative justice.

Questions for discussion:

1. History of the definition of the term "restorative justice".
2. The genesis of alternative solutions to criminal legal conflicts at different historical stages.
3. Consolidation of the foundations of restorative justice in international legal acts of the UN and the Council of Europe.
4. Basic principles of application of restorative justice programs of the United Nations.
5. Elements of restorative justice in the legal heritage of Ukraine.
6. The history of the formation of restorative justice in the modern Ukrainian state.
7. Purpose and general principles of restorative justice.
8. Concept and tasks of restorative justice.
9. The concept of restorative justice. Characteristics of restorative justice programs.
10. Conditions of application of restorative justice. Basic models of restorative justice programs.
11. Ukrainian model of restorative justice.

Practical class № 6

Topic: Mediation as a method of alternative dispute resolution. Mediation as a type of mediation.

Purpose: To acquire knowledge about mediation as a method of alternative dispute resolution.

Questions for discussion:

1. Concepts and characteristic features of negotiations.
2. Types, models and styles of negotiations.
3. Effective tactics of the negotiation process.
4. Peculiarities of controversy in the negotiation process. The main factors of the negotiation process.
5. The negotiation process and registration of its results.

6. Pretentious dispute settlement procedure as a special type of negotiations.
7. The concept, meaning and types of mediation as a method of alternative dispute resolution.
8. Facilitation as a type of mediation.
9. Conciliation as a type of mediation.
10. Mediation as a type of mediation. The concept and characteristics of mediation.
11. Mediation as a separate method (mechanism) of conflict resolution.
12. Mediation: concepts, principles and stages. Rules of mediation.
13. The history of the development of mediation in Ukraine and the world. Legislation of Ukraine on mediation.

Practical class № 7

Topic: Mediation in various spheres of social life.

Purpose: To study the concepts and methods of mediation in various spheres of social life.

Questions for discussion:

1. Mediation as a way of resolving civil disputes.
2. Mediation in disputes about the protection of personal non-property rights of an individual.
3. Mediation in disputes about ownership and other property rights.
4. Mediation in intellectual property rights disputes.
5. Mediation in disputes arising from contracts.
6. Mediation in disputes about non-contractual obligations.
7. Mediation in inheritance law disputes.
8. Mediation in bankruptcy cases.
9. Mediation in the field of corporate governance.
10. Mediation as a way to resolve family disputes.
11. Mediation as a way of resolving labor disputes.
12. Mediation as an out-of-court way of resolving land disputes.

6. COMPLEX PRACTICAL INDIVIDUAL TASK

Complex practical individual task (CPIT) is a form of organization of education, which aims to deepen, generalize and consolidate the knowledge that students receive in the process of learning, as well as the application of this knowledge in practice. CPIT is performed by students independently under the guidance of teachers, it is a completed theoretical or practical work within the curriculum of the course, which is performed on the basis of knowledge, skills and abilities acquired in the course of lectures and practical classes.

Types of CPIT from the study discipline «Alternative dispute resolution»:

- preparation of a scientific article or theses of a scientific report for publication;
- participation in Internet conferences;
- participation in student olympiads;
- writing essays, performing creative tasks;
- participation in a team project.

The type of CPIT is agreed with each student individually.
CPIT topics are also agreed individually.

7. STUDENT-SELF STUDY ON THE DISCIPLINE «ALTERNATIVE DISPUTE RESOLUTION»

Student-self-study is the main way for students to learn educational material outside of classroom time without the participation of a teacher. The scope and content of independent work is determined by the work program and work plan within the established amount of hours from the academic discipline, methodical instructions of the teacher. The student's independent work is provided by a system of educational and methodological tools: notes of the teacher's lectures, textbooks, educational and methodical guides, monographic literature and periodicals, as well as self-monitoring tools (tests, situational tasks). Students have the opportunity to study the educational material independently in the library, classrooms and computer classrooms using the Internet, as well as at home (when receiving the appropriate package of educational and methodological literature).

№	Topic
1.	Topic 1. Alternative dispute resolution (ARD): concept, meaning and place in the mechanism of protection of the rights and interests of individuals.
2.	Topic 2. Typology of conflict. Intercultural and interethnic conflicts.
3.	Topic 3. International experience in the development of restorative justice.
4.	Topic 4. The procedure for forming the composition of the arbitration court: requirements for arbitration judges.
5.	Topic 5. Basic principles of application of restorative justice programs of the United Nations.
6.	Topic 6. Peculiarities of controversy in the negotiation process. The main factors of the negotiation process.
7.	Topic 7. Mediation as a way to resolve civil disputes.

8. TRAINING ON THE DISCIPLINE «ALTERNATIVE DISPUTE RESOLUTION»

The topic of the training

- 1 Involvement of a mediator in resolving a family conflict
- 2 Resolution of the dispute in the arbitration court.
- 3 Restorative justice.

Training procedure

1. Familiarize yourself with the prerequisites for an alternative solution to the simulated conflict.
2. To analyze the peculiarities of dispute resolution through the mediation of a mediator, an arbitration court.
3. Present the results of the analysis in the form of a team project (for example, a simulated court session, a simulated mediation process).

9. ASSESSMENT TOOLS AND METHODS OF DEMONSTRATION OF LEARNING RESULTS

In the process of studying the discipline «Alternative dispute resolution», assessment tools and methods of demonstrating learning results are used: current survey; credit module survey; team projects; analytical reports, abstracts, essays; presentations of the results of completed tasks and research; rector's control work. The final form of control is an exam. When studying the subject "Current issue of EU law", the following teaching methods are used: lectures, seminar classes, individual classes, performing scientific works under the guidance of a teacher.

10. CRITERIA, FORMS OF CURRENT AND FINAL CONTROL

The final score (on a 100-point scale) from the discipline «Alternative dispute resolution» is determined as a weighted average, depending on the specific weight of each credit component.

Credit module 1	Credit module 2	Credit module 3	Credit module 4	Total
20	20	20	40	100%
Oral survey during classes (1-3 topics) - 10 points per topic - max. 30 points Modular control work - max. 70	Oral survey during classes (4-7 topics) - 10 points per topic - max. 40 points Modular control	Preparation of CPIT - max. 40 points. Protection of CPIT - max. 40 points	Theoretical questions (2 questions) - 30 points each, max. 60 points Case (1 case) - max. 35 points	

points	work - max. 60 points	Participation in trainings - max. 20 points		
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The final score (on a 100-point scale) from the discipline "Alternative dispute resolution" is determined according to the rating scale:

Rating scale:

According to the scale of the University	On a national scale	According to the ECTS scale
90–100	Excellent	A (excellent)
85-89	Good	B (very good)
75–84		C (good)
65–74	Enough	D (satisfactory)
60-64		E (enough)
35–59	Unsatisfactory	FX (unsatisfactory with possibility of reassembly)
1–34		F (unsatisfactory with mandatory repeat course)

11. TOOLS, EQUIPMENT AND SOFTWARE USED BY THE COURSE

№	Name	Number of topic
1.	Flipchart	1-7
2.	Laptop	1-7
3.	Projector	1-7
4.	Package of presentation materials	1-7

RECOMMENDED SOURCES

- Blankley, K. M., Votruba, A. M., Bartz, L. M., & PytlikZillig, L. M. (2020). ADR Is Not a Household Term: Considering the Ethical and Practical Consequences of the Public's Lack of Understanding of Mediation and Arbitration. *Neb. L. Rev.*, 99, 797 p.
- De Brabandere E. *International procedure in interstate litigation and arbitration : a comparative approach*. Cambridge, UK Cambridge, United Kingdom ; New York, NY : Cambridge University Press, 2021.
- Dunna G.T. *Conciliation and Mediation in India*. Alphen aan den Rijn: Wolters Kluwer Law International, 2022.
- Faulkes Z. Resolving authorship disputes by mediation and arbitration. *Research Integrity and Peer Review*. 3.1 (2020): P.1-7.
- Goldberg, S. B., Sander, F. E., Rogers, N. H., & Cole, S. R. (2020). *Dispute resolution:*

Negotiation, mediation, arbitration, and other processes. Aspen Publishing. 660 p.

6. Kaplan N., Bao C. So, now you are an arbitrator: the arbitrator's toolkit. Alphen aan den Rijn : Wolters Kluwer Law International, 2022.

7. Rapatsa, M. (2018). The Commission for Conciliation, Mediation and Arbitration and Alternative Dispute Resolution in Labour Relations in South Africa: An Appraisal of Efficacy and Challenges. *Juridical Trib.*, 8, 202 p.

8. Sela A. (2018). Can computers be fair: how automated and human-powered online dispute resolution affect procedural justice in mediation and arbitration. *Ohio St. J. on Disp. Resol.*, 33, 91 p.

9. Susskind L., Tilleman W., Parra-Herrera N. *Judicial dispute resolution (JDR): new roles for judges in ensuring justice*. London, UK; New York, NY, USA: Anthem Press, 2023.

10. Ubilava A. *Mediation as a Mandatory Pre-condition to Arbitration : Alternative Dispute Resolution in Investor-State Dispute Settlement*. Leiden; Boston: Brill, 2023.

11. Zeller, B., & Trakman, L. (2019). Mediation and arbitration: the process of enforcement. *Uniform Law Review*, 24(2), P. 449-466.

Zhao Y. *Mediation and alternative dispute resolution in modern China*. Singapore : Springer, 2022.