

The Chartered Institute of Arbitrators (Singapore)

Course Information

MODULE 3 – INTERNATIONAL ARBITRATION PRACTICE & PROCEDURE
FEBRUARY 2018 TO AUGUST 2019



Course Schedule

Start Date	: 15 February 2019
Tutorial One	: 07 March 2019
Tutorial Two	: 23 July 2019
Examination	: 06 August 2019
Assessment Workshop	: 26 & 27 August 2019

Note: Full details to be provided separately



12 Public CPD Points
Practice Area:
Alternative Dispute
Resolution Training Level:
Intermediate

What is the aim of the module?

To provide candidates with a detailed knowledge of the main procedural elements of an international (i.e. non-domestic) arbitration using arbitration legislation based on the UNCITRAL Model Law and Arbitration Rules, to enable them to understand and participate in such proceedings. This course focuses on the process, practice and procedure in international arbitration, with the exception of writing a reasoned and enforceable award. It is therefore valuable for anyone wishing to understand the practice and procedure of international arbitration generally, whether as a party, party representative or witness. It is also an essential requirement for qualification as a Fellow and for those who aim to practice as an international arbitrator.

What are the learning outcomes?

On successful completion of this course candidates will be able to:

- Identify and explain in depth all the key elements of the international arbitration process;
- Evaluate issues and apply the principles of the UNCITRAL Model Law appropriately;
- Demonstrate practical skill in carrying out the tasks required in preparing for and progressing an international arbitration;
- Demonstrate skill in controlling an international arbitration, communicating effectively with the parties, applying the UNCITRAL Arbitration Rules and adopting appropriate procedures.

What is covered within the syllabus?

- Arbitration agreements;
- The legal framework: the importance of the seat, the New York Convention, procedural laws, and procedural rules; conflict of laws, the Rome Convention;
- The use and adoption by State entities of the UNCITRAL Model Law;
- The UNIDROIT Principles of International Commercial Contracts;
- Types of Arbitration: ad-hoc, institutional, documents only, time limited;
- Commencement of the arbitration, terms of reference;
- The arbitrator's terms and conditions of appointment;
- Obligations of the tribunal, responsibilities and obligations of the parties;
- An arbitrator's jurisdiction and powers;
- Challenges to jurisdiction, conflicts of interest;
- Managing the arbitration process: communications, preliminary meeting, interlocutory matters, dealing with factual and opinion evidence and disclosure of documents;
- Security for costs;
- Presenting the claim and the defence: alternative methods;
- Preparation for and procedure at a typical hearing, contrasting common law and civil law jurisdictions;
- Essentials of an enforceable award;

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- Costs, offers and interest; alternative approaches in different jurisdictions.

How is the course delivered?

The course is delivered over a period of five months, with a combination of private study and face-to-face tutorial days (not assessed). The course date advertised is the start date of the course when candidates will be required to start their private study of reading NOT when they attend tutorials. The face-to-face tutorial dates are listed on the Course Schedule.

How will I be assessed?

- Assessment of this course is split into four parts: Assessment 1 and 2: written assignments to be submitted during the course (10% each).
- Assessment 3: A 3 hour closed book examination (80%).
- Assessment 4: An interactive 2-day assessment in a series of workshops.

Details of the assessment are as follows:

- Assessment 1 and 2 (written assignments). These assessments are not on a pass or fail basis. The mark achieved will contribute up to 20% of the final mark.
- Assessment 3 (examination). This assessment is on a pass or fail basis. Candidates must achieve a minimum of 55%. The mark achieved will contribute up to 80% of the final mark. Candidates who fail the examination will be required to re-sit the examination.
- Assessment 4 (workshop). This assessment is on a pass or fail basis. Candidates must pass all the workshop sessions. Situations are presented to candidates in groups for their consideration. A candidate's knowledge, judgment and interactive/self-presentation skills are assessed by a series of oral and written exercises. There is an element of role-play involved. Candidates who fail the workshop will be required to re-sit this assessment.
- The overall assessment is based upon the combined marks of Assessments 1, 2 and 3. Candidates must achieve a minimum overall mark of 55% in these together with a pass at the Workshop to pass the course.

The examination is closed book however candidates will be allowed to an unmarked copy of the relevant Act and Scheme. Highlighting and underlining is permitted. Results are dispatched to candidates normally eight to twelve weeks from the date of the submission of the assignment or examination.

The examination is closed book; no materials are permitted in the examination room except for an unmarked copy of the UNCITRAL Model Law (incorporating the 2006 amendments) and Arbitration Rules (2010 revision). Highlighting and underlining is permitted.

What are the entry requirements?

In order to register for the Course, candidates must:

- have successfully completed and passed the CI Arb Introduction Module, Module 1 Law of Obligations and Civil Evidence and Module 2 Law of International Arbitration, a relevant course offered by a CI Arb Recognised Course Provider or a course offered by a CI Arb Branch or have obtained an exemption through a relevant legal qualification such as a degree or diploma in law or holding a legal practice certificate.

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English Language Competence - CI Arb training and assessment is carried out in English it is therefore essential that candidates are proficient in both written and spoken English. Where English is not a candidate's first language it is recommended that they have achieved a standard that is, as a minimum, equivalent to the International English Language Testing System (IELTS) level 7 or a score of 94-101 in the Test of English as a Foreign Language (TOEFL) system. CI Arb issues this advice as a guideline and, while it will not require any evidence of this standard prior to enrolment on a course, candidates who do not have this standard of English may be disadvantaged.

What is the course fee and what does it include?

The course fee is S\$2,400 nett. The fee includes registration on the course, the first attempt at the assessments, study materials and refreshments throughout the day.

What happens when I register for the course?

Upon successful registration on the course, candidates will receive confirmation they are booked on the course. Joining instructions and course materials will be sent to candidates approximately 2 weeks before the course start date by email.

Candidates will be provided with an electronic copy of a Workbook to assist them with their studies together with a suggested reading list. It is recommended that candidates are familiar with the UNCITRAL Model Law and Arbitration Rules and the substantive law in their respective jurisdiction together with the relevant Act(s) and Scheme(s) and important case decisions (where applicable). Candidates should also refer to the recognised standard text books to supplement their study in their respective jurisdiction where these are available.

What is CI Arb's policy on cancellation of courses?

CI Arb reserves the right to cancel or change the date, venue or content of programmes and the names of speakers, lecturers and tutors. Candidates will be provided with adequate notice of any change. If CI Arb has to cancel a course, candidates will be provided with a full refund or the opportunity to transfer their registration to the next course.

Should a candidate wish to cancel his or her registration of a course, notification must be received in writing to secretariat@ciarb.org.sg at least two weeks before the date the course is due to commence. If a candidate fails to give such notice, the CI Arb may apply a cancellation charge of 50% of the course fee or such other amount as it may in its sole discretion determine.

What is the Attendance Policy?

Participants who wish to claim CPD Points must comply strictly with the Attendance Policy set out in the CPD Guidelines. Participants are reminded to sign-in on arrival and sign-out at the conclusion of each tutorial in the manner required by the organiser. Participants must not be absent for each tutorial for more than 15 minutes. Participants who do not comply with the Attendance Policy will not be able to obtain CPD Points for attending the activity. Please refer to <http://www.sileCPDcentre.sg> for more information. Participants who do not comply with the Attendance Policy will not be able to obtain CPD Points. Please refer to <http://www.sileCPDcentre.sg> for more information.

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What is my next step when I complete the course?

On successful completion of this course, candidates:

- may be eligible to claim CPD points.
- will be awarded an Advanced Certificate.
- may progress onto Module 4 of the International Arbitration pathway, and
- will be eligible to apply for Member grade of CI Arb, and take advantage of a range of educational and professional benefits.

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