

The Chartered Institute of Arbitrators
Diploma in International Commercial Arbitration
25 May 2019 – 2 June 2019, Singapore
Course Information



The Chartered Institute of Arbitrators (CI Arb) is conducting the **Asia Pacific Diploma Course in International Arbitration in Singapore from 25 May 2019 to 2 June 2019**. This pre-eminent tertiary course offers a prestigious globally recognised qualification and is aimed at meeting the increasing demands for accredited arbitrators and arbitration practitioners to resolve cross-border disputes in Asia Pacific.

During an intensive and interactive 9-day program, students will be taught the practice of international commercial arbitration, covering major forms of arbitration and arbitration institutions including the ICC, HKIAC, SIAC and AIAC, and will gain the ability to appear in or act as an arbitrator or counsel in different contexts. In addition, during the week day afternoon sessions, students will take part in practical group workshops under the guidance of experienced arbitrators and be given practical training addressing a range of problems which may arise in the course of conducting an international arbitration. The course faculty comprises international arbitration experts from across the Asia Pacific and around the world.

On completion of the course, students are eligible to sit the **Practice and Procedure** examination offered by CI Arb Australia, CI Arb East Asia, CI Arb Singapore and CI Arb Malaysia in August 2019. Students who successfully pass the Practice and Procedure examination (55%) will be eligible to sit a **Module 4 - Award Writing Course** and to sit for an **Award Writing Examination** which will be held in 2019 (dates to be announced soon). Students who pass the Practice and Procedure examination and the Award Writing examination will be **awarded a Diploma of International Commercial Arbitration by CI Arb** and are able to apply for the **Fellow Peer Interview to become a CI Arb Fellow**.

Course Directors

Francis Xavier SC, PBM
CI Arb Deputy President 2019

Caroline Kenny QC
CI Arb Australia President

Faculty Member

Thayanathan Baskaran (Malaysia), Chou Sean Yu (Singapore), Timothy Cooke (Singapore), Jo Delaney (Singapore), Camilla Godman (United Kingdom), Glenn Haley (Hong Kong), Brenda Horrigan (Australia), David Huebner (USA), Dr Michael Hwang SC (Singapore), Rammit Kaur (Malaysia), Edmund Kronenberg (Singapore), Lau Kok Keng (Singapore), Amanda Lees (Singapore), Albert Monichino QC (Australia), Ben Olbourne (Australia), Vinayak Pradhan (Malaysia), Paul Sandosham (Singapore), Tan Chuan Thye SC (Singapore), Richard Tan (Singapore), Mary Thomson (Hong Kong), Dr Christopher To (Hong Kong)

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The Diploma in International Commercial Arbitration is split into **Two** parts: **Part 1** - Diploma course (including a Practice and Procedure examination) and **Part 2** - Award Writing course (including assignment and examination)

How is Part 1 delivered?

Part 1 is delivered over nine intensive days, with a combination of lectures, tutorials and discussion workshops dealing with international arbitration law, practice and procedure. Part 1 is delivered in Singapore starting 25 May 2019 and concludes on 2 June 2019. Lecturing will begin from 9.00 am and ends at 5.15 pm throughout the 9 days except on the last day, class will end at 3.00 pm. Candidates will be provided with a textbook (Law & Practice of International Commercial Arbitration by Redfern & Hunter, Student Edition) and 4 volumes of reference materials in hard copy which consists Legislation & Conventions, Arbitration Rules, Arbitration Guidelines & CI Arb Practice Guidelines.

How will I be assessed for Part 1?

Candidates are required to sit for one written examination schedule for Three (3) hours closed book examination on international Arbitration Practice and Procedure. The examination is on a pass or fails basis. Candidates must achieve a minimum of 55%. Candidates who fail the examination will be required to re-sit the examination. The examination is closed book however candidates will be allowed to use unmarked copies of the 4 Volumes of Reference Materials provided. 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.

Candidates will be automatically registered to sit for the examination and will be provided with 3 options of venues to sit for their examination which will be in Melbourne (Australia), Singapore and Hong Kong. It is possible to arrange for examinations to be sat elsewhere, for example, at a CI Arb Branch or a special examination centre. Candidates must specify on the registration form where they would prefer to sit their examination. Candidates who wish to sit an examination at a CI Arb Branch or a special examination centre will be required to pay any additional local charges for invigilation and facilities.

What are the entry requirements?

- Practising lawyers and other professionals who are familiar with legal reasoning and concepts and are involved in arbitration (domestic or international) and who wish to increase their knowledge and understanding of international commercial arbitration.
- Associates or Members of the Chartered Institute of Arbitrators who have experience of domestic arbitration practice and wish to extend their knowledge to include international arbitration procedures.

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What are the learning outcomes?

On successful completion of this Part I, 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 in the syllabus for Part I?

- What is International Commercial Arbitration?
- What Laws, Legal Norms and Legal Systems Apply in International Commercial Arbitration
- The History and Development of the Framework of the New York Convention, the UNCITRAL Model Law and the Laws Governing International Arbitration in Australia and Asia
- The Arbitration Agreement: Formation Validity Activation and Scope. How to Draft an Appropriate Arbitration Agreement
- Stays of Court Proceedings and Anti-suit Injunctions; The Appointment of the Arbitrator; The Arbitrator's Independence; and Impartiality Confidentiality in Arbitration Interim Measures
- The Preliminary Conference and Hearing
- The Award: Interest and Costs, and Award Writing
- Setting Aside, Recognition and Enforcement of Arbitral Awards
- Investment Treaty Arbitration
- ICC, CIETAC and other Arbitral Processes
- Maritime Arbitration
- Sports Arbitration
- Construction Arbitration

What is the Course Fee and what does it include?

The Diploma in International Commercial Arbitration course fee is **SGD 7,800 inclusive of GST** which includes

- Registration on the Diploma in International Commercial Arbitration (Part 1)
- Access to Tuition and course materials (Part 1)
- First attempt at the Practice and Procedures examination
- Lunch and refreshments throughout the Nine (9) tutorial days of Diploma Course in Perth
- Entry to all social events including the Welcome Cocktail, Midweek Reception and Gala Dinner.

Please note that course fees of SGD 7,800 do not include the cost for Part II – Award Writing examination which is subject to an additional fee. Candidates will only be eligible to register for Part II – Award Writing once they have successfully passed the Practice & Procedure Examination. Part II – Award Writing fees is SGD2,500 inclusive of GST (Price is only for Singapore branch and might be different for other branches). Candidates can register for Part II – Award Writing separately with any

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Three of CI Arb Branches (Australia, East Asia or Singapore). For more information about Part II – Award Writing, please log on to www.ciarb.org or respective branches website.

How do I register for the Course?

Registration for this course can be made by reaching Mr Chalee Nai Kin at cnaikin@ciarb.org to complete all the necessary registration form and payment. Participants can made payment via international and domestic transfer or payment via cheque (for Singapore based candidates).

How much is the group Discount for the Course?

We offer a special 5% discount for a minimum of Three (3) persons from the same group/ organizations and 10% discount for a minimum of Five (5) persons from the same group/organizations.

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. Should a candidate wish to cancel their registration of a course, notification must be received in writing to Chalee Nai Kin at cnaikin@ciarb.org. Cancellation charges apply where there is a penalty of A\$2,000 if cancellation is being made Two (2) weeks prior to the 25 May 2019. Overseas candidates must make all necessary arrangements for any visa requirements when travelling to the Australia. Visa arrangements should be made as early as possible as refunds cannot be made due to inadequate visa arrangements. Please note that CI Arb is not able to assist with obtaining entry visas.

What is my next step when I complete Part 1 of the course?

On successful passing the Practice and Procedure Examination, candidates:

- will be eligible to register for Part II – Award Writing in 2019
- will be eligible to apply for Member grade of CI Arb and take advantage of a range of educational and professional benefits.

Part 2 - Award Writing course (including assignment and examination)
Module 4 International Award Writing

What is the aim of the module?

To provide the candidate with the knowledge required to analyse submissions, arrive at a conclusion and write a final, reasoned and enforceable arbitration Award in compliance with the UNCITRAL Model Law and Arbitration Rules.

This course focuses on the processes followed by an arbitrator in defining the issues that have to be decided by an Award, dealing with the submissions made by the parties, analysing the appropriate law, evaluating the evidence, applying the law to that evidence, arriving at a conclusion and then writing a final, reasoned and enforceable Award.

It is therefore valuable for anyone wishing to understand the processes involved in award writing. It is also an essential requirement for qualification as a Fellow and for those who aim to practice as an international arbitrator.

- recognise and evaluate evidence;
- distil issues from the parties' submissions;
- order and deal with all the issues;
- decide matters in dispute logically and in accordance with the law;
- structure the Award;
- write the discursive and operative parts of the Award;
- deal with the parties' costs and interest;
- allocate arbitrator's fees and expenses;
- demonstrate compliance with the legal and other requirements for an enforceable Award.

What is covered in the syllabus?

- Purpose of the Award;
- Purpose of reasons;
- Formal requirements of an Award;
- Substantive requirements for an Award;
- Elements of an Award;
 - i. The recitals;
 - ii. Defining the issues;
 - iii. Defining the law; o Ordering and handling issues;
 - iv. Contentions on the issues;
 - v. Summarising evidence;
 - vi. Findings of fact;
 - vii. Dealing with legal submissions;
 - viii. Arriving at a conclusion for each issue;
 - ix. Parties' costs and interest;
 - x. Arbitrator's fees and expenses;

- xi. The seat of the arbitration;
- xii. Publishing the Award;
- Sending out the Award and dealing with slips.

How is Part 2 delivered?

Part 2 is delivered over a period of four months, with a combination of private study and face-to-face tutorials. The course date advertised for Module 4 Award Writing is the start date of Part 2 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 two parts:

- A written assignment to be submitted during the course (20%).
- A 4-hour open book examination (80%).

Details of the assessment are as follows:

- The assignment. This assessment is not on a pass or fails basis. The mark achieved will contribute up to 20% of the final mark.
- The examination. This assessment is on a pass or fails basis. 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.
- The overall assessment is based upon the combined marks of the assignment and examination. Candidates must achieve a minimum overall mark of 70% to pass the course.

Marks for the examination will be divided into two parts: Part A – Technical Merit; Part B – Judicial Merit. Candidates must achieve a minimum of 70% in each part.

The assignment and examination are both Award writing exercises. The Award must be reasoned and enforceable. Any candidate that submits an unenforceable Award will be deemed as a fail and awarded zero marks.

The examination is open book with no restrictions, which means candidates are permitted to take any materials they wish into the examination. The examination consists of a final Award submitted on a dispute presented in a scenario in two parts, the first provided by email approximately two weeks before the examination date, the second provided on the stipulated examination date.

Results are dispatched to candidates normally eight to twelve weeks from the date of the submission of the assignment or examination.

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What is my next step when I complete both Part 1 and II of the courses?

On successful completion of the Diploma course and Module 4 Award Writing course, candidates:

- may use the designatory letters DipICArb
- will be awarded a Diploma in International Commercial Arbitration.
- will be able to progress onto the Peer Interview of the International Arbitration pathway.
- will be eligible to apply for Fellow grade of CI Arb and take advantage of a range of educational and professional benefits once they have been successful in the Peer Interview.

Further Information and course registration

Mr Chalee Nai Kin

The Chartered Institute of Arbitrators (CI Arb)

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