

## Module 1: Law, Practice and Procedure in International Arbitration

### What is the aim of the course?

To provide candidates with detailed knowledge of the procedural elements of International (i.e. non- domestic) Arbitration, using legislation based on the United Nations Commission on International Trade Law (UNCITRAL) Model Law, regional Arbitration law, and the UNCITRAL Arbitration Rules to enable them to understand and participate in such proceedings.

The course focuses on legal principles, process, practice and procedure in International Arbitration. It is therefore valuable for anyone wishing to understand this topic generally, for example as a party, party representative or witness. It is also an essential requirement for qualification as a Fellow of CI Arb, and for those who aim to practise as an International Arbitrator.

### What are the learning outcomes?

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

- define what is meant by the term 'International' Arbitration,
- identify, explain and apply the legal procedural principles, rules and agreements relevant to the conduct of an International Arbitration:
- The legal framework, including limitations of matters that may be legally arbitrated
- The contractual nature of the appointment of an Arbitrator
- The range and limitations of an Arbitrator's powers and jurisdiction
- The rights, duties and responsibilities of a party to an Arbitration
- The methods of initiating and processing an Arbitration
- The relevance of the court regarding all stages in an Arbitration
- The requirements of an enforceable Award
- evaluate and apply the principles and legal requirements of an International Arbitration,
- evaluate issues and apply the principles of the UNCITRAL Model Law as well as a regional Arbitration 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?

- Dispute Resolution Processes – An Overview
- A History of Arbitration
- The Arbitration Act 1996
- Choices Available to Parties
- The Arbitration Agreement and Commencement
- Appointing an Arbitral Tribunal
- The Arbitral Tribunal: Independence and Impartiality
- The Arbitral Tribunal: Jurisdiction and Powers
- The Arbitral Tribunal: Duties and Procedural Choices
- Procedures: Pleadings, Documents and Evidence
- Procedures: Applications to the Tribunal
- Procedures: The Hearing
- Remedies, Costs, Interest and Currency Awards
- The Role of the Court
- The Role of the State Court

## How is the course delivered?

The course is delivered over a period of three months, with a combination of private study and three face-to-face tutorials.

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 tutorial dates are listed on the Course Schedule.

## Will the Tutorials be recorded?

Due to data protection laws, we do not guarantee that tutorials will be recorded. CIARB is committed to supporting candidates to be successful in their courses and to achieve successful outcomes in their assessments. **We therefore strongly recommend candidates attend all scheduled face-to-face tutorials.**

Our face-to-face tutorials are designed to be interactive teaching and learning experiences taught by Senior Tutors who will assess your individual needs. Candidates therefore will be at a disadvantage if they do not attend all tutorials.

## How will I be assessed?

This assessment is completed via LearnADR, CIARB's online learning platform. Candidates will be given 48 consecutive hours within a 5-day window to submit their answers online. Candidates must achieve a minimum overall mark of 65% to pass the assessment.

The assessment will be split into 2 parts:

Part One: Is a compulsory case study exercise with a number of questions that candidates will be required to answer worth 40 marks

Part Two: Consists of five questions, candidates are required to select and answer three questions worth 60 marks.

**The assessment fee is not included in the course fee.** It must be registered and paid for separately. The assessment fee is £174 inclusive of VAT.

Results are dispatched to candidates normally twelve weeks from the deadline date of the submission. Candidates will be informed of any delays.

## What are the entry requirements?

There are no pre-requisite entry requirements for this course.

Candidates enrolling on any Ciarb course/assessment are required to ensure that their command of spoken and written English is adequate for the course/assessment for which they have applied. Ciarb does not require any evidence of this standard prior to enrolment on a course/assessment. However, it is the candidate's responsibility to ensure their English language skills are at a Professional Working Proficiency level, in order to meet the required standard when enrolling for any Ciarb course/assessment. It is recommended that candidates 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. *(Please note that we do not require an official IELTS or TOEFL result).*

Please contact the British Council for further details on how to improve your English skills:

<https://learnenglish.britishcouncil.org/>

## What is the course fee and what does it include?

The course fee is **RM4,158.00 for Ciarb members** and **RM4,989.60 for non-members**. The fee includes registration on the course, 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. Candidates will receive their course materials approximately 2 weeks before the course start date by email on the condition that 70% of the course fee has been received. The balance is payable before the course start date.

## 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/defer their registration of a course, notification must be received in writing to [ciarbmb@gmail.com](mailto:ciarbmb@gmail.com). Deferral charges apply. Please refer to the Fee Terms and Conditions for full details.

## What is my next step when I complete the course?

On successful completion of this course and its corresponding assessment, candidates:

- may progress onto Module 2 or of the International Arbitration pathway (eligibility dependent); and
- will be eligible to apply for Member grade of CI Arb and take advantage of a range of educational and professional benefits.
- Candidates are only eligible to apply for the relevant membership grade for a maximum of 2 years after having successfully completed the course & assessment.