

# Virtual Diploma in International Maritime Arbitration

**Date: 17 November 2021 – 23 February 2022**

## Course information

The number of international maritime arbitrations has grown over the past few years and, as the world emerges from the pandemic, they are expected to continue to increase<sup>1</sup>. The scale, diverse range and complexity of maritime arbitrations coupled with an increase in arbitral systems means that it is essential to have the right knowledge and skills to navigate this field.

The Chartered Institute of Arbitrators' (CI Arb) Virtual Diploma in International Maritime Arbitration provides the in-depth training you need. CI Arb is an international centre of excellence for the practice of alternative dispute resolution (ADR).

The **Diploma in International Maritime Arbitration**, which is delivered online using CI Arb's virtual classroom from 17 November 2021 to 23 February 2022, one day a week (on Wednesdays) for two and a half hours (time TBC), has **specific international maritime arbitration themes** and is split into three parts:

**PART 1 Law, Practice and Procedure of International Maritime Arbitration:** this is delivered by experienced practitioners by way of virtual training sessions. Upon completion of the training, candidates will have to undertake and pass a law, practice, and procedure exam to be eligible to join CI Arb as Members (MCI Arb). Date TBC.

**PART 2 Law of Obligations:** the link for this online test is sent out to those candidates who meet the criteria for the exemption after completing the Part 1 assessment. Candidates that hold a recognized Law Degree are eligible for the [exemption test](#) and must take and pass the online exemption test on the common law and civil law of contract and tort before their Part 3 evidence and award writing exam in 2022 (date TBC). Candidates that are not eligible for the exemption test, must take the full Module 2 course and assessment at an additional cost. Existing Fellows of the CI Arb are exempt from having to complete Part 2.

**PART 3 – Evidence, Decision Making and Award Writing of International Maritime Arbitration:** candidates receive training during the virtual sessions on evidence and award writing and must take and pass an award writing exam in 2022 (date TBC).

After successfully completing Part 1, candidates can apply to become a Member of CI Arb. After successfully completing Parts 2 and 3, and a peer interview, candidates can apply to become a Fellow of CI Arb.

Membership of CI Arb enables you to:

- **Build your network** through our international and inclusive community of members spanning 149 countries
- **Develop your knowledge and skills** through CI Arb's world-renowned training, events and resources
- **Raise your profile** with globally recognised and respected post-nominals: Associate (ACI Arb), Member (MCI Arb), Fellow (FCI Arb) and Chartered status (C. Arb)
- **Promote your skills and experience** through CI Arb's Membership Directory
- **Keep up to date** with industry and CI Arb news and views through:
  - eSolver – our monthly newsletter
  - Resolver – our quarterly digital magazine
  - Arbitration: The Journal of International Arbitration, Mediation, and Dispute Management – CI Arb's peer reviewed, academic journal.

<sup>1</sup> HFW, The Maritime Arbitration Universe in Numbers, July 2020

## **PART 1 - Law, Practice and Procedure of International Maritime Arbitration**

Part 1 of the Diploma course looks at the legal and practical framework of international maritime arbitration. This includes relevant international instruments, types of arbitration, the powers of an arbitrator and the fundamentals of an enforceable award. It also gives candidates the opportunity to look deeper at discrete themes in international maritime arbitration.

### **What are the learning outcomes?**

On successful completion of the Diploma candidates will be able to:

- Describe
  - o the contractual nature of Arbitrator appointment
  - o the range and limitations of an Arbitrator's powers and jurisdiction
  - o the rights, duties, and responsibilities of a party to an Arbitration
- Explain
  - o Legal procedural principles, rules, and agreements relevant in International Maritime Arbitration
  - o the legal limitations on what matters/disputes it is permissible to arbitrate
  - o the methods of initiating and processing a Maritime Arbitration
  - o the relevance of the state court at each stage of an Arbitration from appointment to enforcement and challenge
- List the elements required for an Award to be enforceable
- Identify and apply the correct relevant rules and laws to procedural issues which may arise in a maritime arbitration
- List the advantages and possible disadvantages of maritime arbitration compared to other means of maritime dispute resolution

### **What is covered in the syllabus?**

#### **ADR Processes and Arbitration**

Definition and placement of Arbitration within a range of DR processes

#### **Law and the Legal Framework surrounding Arbitration**

- Legal systems, the hierarchy of norms, and the role of courts in support of arbitration
- The New York Convention, importance of the seat of arbitration and choice of law
- Nature and limits of arbitration
- DR clauses and the arbitration agreement; formation, validity and incorporation by reference
- Types of arbitration: ad-hoc, institutional, documents only, time limited

#### **The Arbitration Procedure**

- The appointment of the arbitrator and terms & conditions of appointment
- An arbitrator's jurisdiction and powers
- Obligations and responsibilities of the tribunal and the parties
- Managing the arbitration process: communications, preliminary meeting, interlocutory matters, submissions, dealing with factual and opinion evidence and disclosure of documents, the hearing
- The commencement of the arbitral process, the activation and scope of the agreement
- Challenges to jurisdiction and conflicts of interest
- Preparation for procedure at a typical hearing, contrasting common law and civil law jurisdictions
- Alternative methods for presenting claim and defence
- Interim measures, including injunctive relief and security for costs
- Costs, offers and interest - approaches in different jurisdictions
- Essentials of an enforceable award
- Using technology in arbitration

#### **Maritime arbitration**

- Maritime contracts including international sales contracts and Incoterms, bills of lading, charter parties, shipbuilding contracts, marine insurance, salvage

- Maritime Arbitration Commissions and Rules in major shipping nations with a particular emphasis on the London Maritime Arbitrators Association Rules (LMAA) and the Hong Kong Maritime Arbitration group (HKMAG) and the Singapore Chamber of Maritime Arbitration (SCMA).
- Legislation in England & Wales and the APAC Region.

### How is Part 1 delivered?

Part 1 is delivered during virtual training sessions across one semester, with a combination of lectures, exercises, and interactive workshops, dealing with international maritime arbitration law, practice and procedure. CIArb's virtual classroom platform will be used.

### How will I be assessed for Part 1?

Candidates must take a law, practice and procedure of international maritime arbitration exam and obtain a pass mark of at least +55%, to be eligible for MCIArb. Candidates who fail any assessment will be required to retake them as per the Candidates Regulations.

### PART 2 – Law of Obligations

The Diploma in International Maritime Arbitration aims at preparing candidates for FCIArb which is a mark of proficiency in dealing with evidence, decision making and award writing in international maritime arbitration. As the law of obligations provides an essential framework for this, candidates are required to show expertise in it. Existing Fellows of CIArb are exempt from having to complete Part 2.

### How will I be assessed for Part 2?

Candidates that hold a recognized Law Degree are eligible for the [exemption test](#). This is done via the LearnADR platform on the common law and civil law of contract and tort sent out to candidates after completing the Part 1 assessment. 30 questions will need to be answered within 90 minutes, with a pass mark of +70%. Candidates that are not eligible for the exemption test, must take the full Module 2 course and assessment at an additional cost.

### PART 3 Evidence, Decision Making and Award Writing of International Arbitration

During the virtual training programme relating to part 3 of the Diploma, candidates focus 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.

### What are the learning outcomes of Part 3?

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

- Analyse and evaluate evidence
- Identify issues that arise from the parties' submissions
- Create a workable structure and deal with all the issues that arise
- Apply logic and legal knowledge to produce a legally sound, well-reasoned and argued award
- Describe and further develop award-writing skills independently.
- Draft the discursive and operative parts of the award
- Identify and address issues related to parties' costs and interests arising out of an award
- Allocate arbitrators' fees and expenses
- Write an Award that is compliant with the legal and other requirements for it to be enforceable.

### 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:
  - The recitals
  - Defining the issues
  - Defining the law

- Ordering and handling issues
- Contentions on the issues
- Summarising evidence
- Findings of fact
- Dealing with legal submissions
- Arriving at a conclusion for each issue
- Parties' costs and interest
- Arbitrator's fees and expenses
- The seat of the arbitration
- Publishing the award
- Sending out the award and dealing with slips.

### How is Part 3 delivered?

Part 3 is delivered during the one semester virtual training programme.

### How will I be assessed for Part 3?

This assessment is completed via LearnADR, CI Arb's online learning platform (date TBC). Candidates will be given 48 consecutive hours within a 5-day window to submit their award online. Candidates must achieve 70% in Part A, Part B and overall to pass the assessment.

Part A: Focuses on the technical merit and counts as 40% towards the overall mark.

Part B: Focuses on the judicial merit and counts as 60% towards the overall mark.

The assessment is split into two stages:

**Stage One:** This consists of the papers in the case. They are sufficient to enable you to grasp the nature of the case and the likely legal problems. Most of the documents are extracts only. You should consider the recitals you intend to include and the relevant law.

**Stage Two:** This is the equivalent of the hearing stage. It includes an extract from your (i.e. the arbitrator's) notebook. This records the oral evidence and arguments the arbitrator has heard, as well as any other relevant documents. From the evidence you must make your findings of fact. Different candidates will no doubt make different findings. This is of no consequence, except that it means there are a great many possible answers to the question. When you have made your findings of fact, write the award. It must be a final award as regards the issues you decide.

Stage One of the assessment is released via LearnADR 10 days before the assessment start date.

Stage Two is released at 12pm noon London Time on the assessment start date via LearnADR too.

Stage 2 will be available for 5 days from the assessment start date and within those 5 days, you will have 48 consecutive hours to submit your award back onto LearnADR.

**The Part 3 assessment fee is not included in the course fee.** It must be registered and paid for separately. The assessment fee is £408 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. The course is open to:

- Professionals wishing to increase their knowledge and relevant skills in the field of international maritime arbitration, and/or
- Members or Fellows of the Chartered Institute of Arbitrators who have experience of domestic or international arbitration practice and wish to extend their knowledge to include international maritime arbitration procedures.

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 fee for the Diploma is £4,550.00. The fee includes:

- registration on the Diploma course
- full virtual tuition
- study materials for the course, except for the material that may be purchased by the candidate (see below).
- Part 1 assessment.

For the Part 2 and 3 centralised assessments, candidates must pay an additional fee of £78 (if eligible for the Exemption test), and £408.00 respectively.

### What happens when I register for the course?

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

Candidates are encouraged to purchase the following books prior to the start of the Diploma course:

London Maritime Arbitration by Clare Ambrose, Karen Maxwell and Michael Collett QC, Fourth Edition 2017, informa law from Routledge (Consultant Editor Bruce Harris).

Candidates will be provided with access to a virtual learning environment and electronic copies of material to assist them with the Diploma, together with a suggested reading list. It is recommended that candidates are familiar with the English Arbitration Act 1996 and the LMAA Terms 2017 and the substantive law in their respective jurisdictions. Candidates should also refer to the recognised standard textbooks to supplement their study in their respective jurisdictions 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 must 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 their registration of a course, notification must be received in writing to [education@ciarb.org](mailto:education@ciarb.org). Cancellation charges apply. Please refer to the Fee Sheet.

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

On successful completion of the Diploma course, all candidates:

- may be eligible to claim CPD if the course has contributed to members' development, and evidence of participation is provided. It may count as part of the CPD requirement for CI Arb, Solicitors Regulation Authority, Bar Standards Board, ACCA, CILEX, ICE and RIBA;
- may use the designatory letters DipCI Arb;
- will be eligible to apply for:
  - Member grade of CI Arb upon successful completion of Part 1,
  - or Fellowship of CI Arb upon successful completion of Part 2, 3 and the Peer Interview.