

Course Information

Accelerated Route to Fellowship – International Arbitration

What is the aim of the programme?

To provide a fast-track route to Fellowship through the International (i.e. non-domestic) Arbitration Pathway. The Accelerated Route to Fellowship has been designed for busy professionals who have substantial unassessed knowledge and experience of International Arbitration. The aim of the programme is to assess whether the candidate has the knowledge required to apply the principles and procedure of International Arbitration using arbitration legislation based on the UNCITRAL Model Law and Arbitration Rules and is capable of writing a reasoned and enforceable International Arbitration Award.

Candidates must evaluate their personal suitability to undertake the programme, appreciating that the assessments are intensive and that they will be assessed against standard benchmarks.

This programme focuses on the process, practice and procedures in International Arbitration which is 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;
- Obligations of the Tribunal, responsibilities and obligations of the parties;
- The arbitrator's terms and conditions of appointment;

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

How is the programme delivered?

This is an assessment programme as opposed to a teaching module. Learning will be based on private study prior to the oral assessment workshop, reinforced by tutor input and peer discussion during the workshop.

The programme is delivered over a period of five days, with assessment workshops on days one to four. On day five candidates sit a four hour examination. The programme dates advertised are the dates when candidates will be required to attend the assessment workshops.

How will I be assessed?

Assessment of this programme is split into three parts, all of which must be passed:

- Assessment 1 - An interactive 4-day assessment in a series of workshops, where situations will be presented to candidates in groups for their consideration. Candidates' knowledge, judgment and interactive/self-presentation skills are assessed by oral exercises.
- Assessment 2 - Written exercises before and during the 4-day workshops:
 - one written exercise on arbitration law to be submitted before the assessment workshops (10%);
 - one written exercise on arbitration law to be submitted during the workshops (20%);
 - two written exercises to be submitted during the workshops (10% each);
 - one written exercise to be completed overnight (30%); and
 - a final written exercise (20%).
- Assessment 3 - Final examination for this course is a 48 hour open book examination which can be done within a 5 day window.

Details of the assessment are as follows:

- Assessment 1 (Oral Exercises). This assessment is on a pass or fail basis. Candidates must pass all the workshop sessions. Candidates who fail the workshop will be required to re-sit this assessment.
- Assessment 2 (Written Exercises). Candidates must achieve a minimum overall mark of 55% to pass this assessment.
- Assessment 3. Final examination for this course is a 48 hour open book examination. Additional information is provided on the day of the assessment in form of the arbitrator's notebook. Candidates must achieve a minimum overall mark of 70% to pass the course.

Candidates are permitted to use any materials they wish throughout the workshops.

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

What are the entry requirements?

In order to register for the Accelerated Route to Fellowship, candidates must submit evidence to show:

- They have passed the Module 2 Exemption Test (booked separately);
- They have a minimum of 5 years of practical experience of international arbitration either as a representative or an international arbitrator;
- They have substantial knowledge of the framework of international arbitration;
- They can recognise and evaluate evidence;
- They can significantly evaluate and apply the principles and requirements of an international arbitration;
- They can noticeably demonstrate practical skill in the carrying out of tasks required in preparing for and progressing an international arbitration.

English Language Competence - Ciarb 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. Ciarb 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 programme fee and what does it include?

The programme fee is AED 6,000 + VAT. The fee includes registration on the programme, the first attempt at the assessments and study materials.. Candidates are advised to refer to the Fee Terms and Conditions which details other fees that may be relevant.

What happens when I register for the programme?

Upon successful registration on the programme, candidates will receive confirmation they are booked on the programme. 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.

How to register for this course?

For details on registration please email ali.alashbal@turntown.com. Upon confirmation of eligibility for the programme, please email Mr. Atheeq at atheeq@etamimi.com requesting a VAT invoice for

the course fees. Payment of the fees can be made in accordance with the instructions on the invoice. Please copy your email regarding payment of fees to the following:

ali.alashbal@turntown.com

jc_ciarb@yahoo.com (jc underscore ciarb@yahoo.com)

What is Ciarb's policy on cancellation of courses?

Ciarb 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 Ciarb 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 their registration of a course, notification must be received in writing to ali.alashbal@turntown.com. Cancellation charges apply. Please refer to the Fee Terms and Conditions.

What is my next step when I complete the programme?

On successful completion of this programme, candidates:

- Will be eligible to apply for Member grade of Ciarb, and take advantage of a range of educational and professional benefits.
- Be eligible for a Peer Interview in order to subsequently become a Fellow of Ciarb (FCI Arb). Fellowship is internationally recognised and respected. Becoming a Ciarb Fellow demonstrates your achievement of the highest level of knowledge, skills and behaviours in alternative dispute resolution.

Programme:

Pre-course assignment to be submitted on 4 December 2022.

5 to 8 December 2022 – Online Virtual Workshops.

9 December 2022 – Written examination to be completed within a 48-hour window.