

Virtual Diploma International Maritime Arbitration



Introduction

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 increase¹. 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' (Ciarb) Virtual Diploma in International Maritime Arbitration provides the in-depth training you need. Ciarb 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 Ciarb's virtual classroom from **3 April 2024** to **26 June 2024**, one day a week (on Wednesdays) for two and a half hours (time TBC), has specific international maritime arbitration themes.

Course Director

In the last three years, the maritime industry has been facing unprecedented challenges leading to new types of disputes.

The outbreak of COVID-19 in 2020 directly and indirectly affected international trade and transport. High-value claims over, indicatively, prolonged detentions of vessels by authorities in zero-Covid policy countries and consequent termination of charter parties, effectively changed the trading map. All of the various unanticipated effects of the outbreak and government restrictive measures had a dramatic effect on the ability of vessels and their crew to operate.



The Russian invasion in Ukraine in 2022 has also had a dramatic effect on ships trading, not just in the Black Sea but around the world. Some commercial vessels have been detained, caught in war operations and even subjected to attempts of wrongful expropriation. The war seriously affected grain exports, leading to spiralling food prices, famine scenarios worldwide and, eventually, a UN agreement, allowing for significant volumes of commercial food exports from key Ukrainian ports via the Black Sea amid the ongoing war.

US, EU and UK sanctions imposed following the outbreak of hostilities have further complicated shipping and trading worldwide. The export and carriage of basic commodities, such as coal and fertilizers, from Russia to EU and other ports worldwide have been excluded with certain exceptions, resulting in the sudden termination of existing fixtures and high-value disputes. The unprecedented sanctions have led to significant disruption and uncertainty in maritime trade.

The latest crisis in connection with sanctions relates to the transport of Russian oil. In December 2022, about 30 tankers laden with oil from Kazakhstan got stuck in a queue for weeks, seeking to leave the Bosphorus and Dardanelles straits, resulting in complex disputes over delays. Turkey required certain insurance documents to allow oil tankers pass through Turkish waters, which if provided, insurers would have been in breach of existing sanctions aiming to prevent the export of Russian oil, unless it was sold at an enforced low price or cap.

Maritime arbitration has always been the dispute resolution forum of choice since ancient times, and it continues to be particularly suited to resolve these novel and complex international disputes, which usually involve multiple jurisdictions. Parties have the option to appoint arbitrators with experience in the industry and understanding of the particularities of shipping. Furthermore, flexible arbitral procedures and enhanced enforcement prospects, via the New York Convention, often make arbitration an attractive option for maritime dispute resolution compared to court proceedings.

Ciarb's Diploma in International Maritime Arbitration is a practical course given by experienced practitioners in the field, ideal to introduce you to the world of international maritime arbitration.

This is not an academic course. It is designed to be a practical guide, taught by top maritime practitioners.

The course aims to provide candidates with a detailed knowledge of the procedural elements of an international maritime arbitration, as practiced in the most commonly used maritime centres, using legislation based on the English Arbitration Act 1996 and the United Nations Commission on International Trade Law (UNCITRAL) Model Law, together with the London Maritime Arbitrators' Association (LMAA) Terms, the UNCITRAL Arbitration Rules and other maritime arbitration rules, to enable them understand and participate in such proceedings.

In addition, the course is designed 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 Arbitration Act 1996 and maritime arbitration rules.

This course focuses on legal principles, process, practice and procedure in international maritime arbitration, 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 this topic generally, for example as a party, party representative or witness. For anyone who is considering a career as a maritime arbitrator, the course provides an opportunity to achieve Fellowship of CIARB which is in and of itself, a helpful indication to institutions and parties of a deep knowledge of arbitration practice and procedure.

How is the Diploma structured?

The Diploma in International Maritime Arbitration is split into three parts:

PART 1 Law, Practice and Procedure of International Maritime Arbitration

Part 1 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 assessment on **11 July 2024** to be eligible to join CIARB as Members (MCIARB).

PART 2 Law of Obligations

The part 2 link for this online test is sent out to those candidates who meet the criteria for the exemption test after successfully completing the Part 1 assessment. This can be expected in the beginning of July. 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 and civil law of contract and tort before their Part 3 evidence and award writing exam on **16 August 2024**. Existing Fellows of the CIARB are exempt from having to complete Part 2. Candidates that fail

the exemption test, must take the full module 2 course and assessment at an additional cost. The full module 2 course will take place from 17 October 2024; part 3 can only be commenced after successful completion of the module 2 course and assessment if you are not eligible for the exemption test.

PART 3 Evidence and Award Writing of International Maritime Arbitration

After successfully completing Part 1, candidates can apply to become a Member of Ciarb. After successfully completing Parts 2 and 3, and a peer interview, candidates can apply to become a Fellow of Ciarb. (Eligibility dependant)

¹ HFW, The Maritime Arbitration Universe in Numbers, July 2020

How is the Diploma delivered?

Part 1 is delivered during virtual training sessions across one semester, with a combination of lectures, exercises, and interactiveworkshops, 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 assessment on **11 July 2024**.

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 successfully completing the Part 1 assessment. 30 questions will need to be answered within 90 minutes, with a pass mark of +70%. Existing Fellows of the Ciarb are exempt from having to complete Part 2.

How will I be assessed for Part 3?

The award writing exam will assess your ability, in the context of an **ad hoc arbitration**, to write an award as a sole arbitrator that withstands scrutiny under the **NYC Model Law and UNCITRAL procedural rules**.

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 award online.

What are the entry requirements?

To be considered for the Diploma you must meet both of the following minimum entry requirements:

- Ciarb Members and non-members with a minimum of five years' professional workplace experience as, for example, a lawyer, surveyor, accountant, insurer, shipbroker or similar. This experience must involve communicating with others, problem-solving, managing workloads effectively, decision-making and the exercise of judgment, **and;**
- You must be actively involved in and have experience of Arbitration and wish to extend your knowledge in International Maritime Arbitration procedures.

All candidates enrolling on any Ciarb course should ensure that their command of spoken and written English is adequate for the course for which they have applied. Ciarb specifies the need for its candidates to have adequate English in order to ensure that their academic progress is not hindered by language difficulties. 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. 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 but 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/>

How to apply?

In order to be considered for this programme, please send your full CV to akhan@ciarb.org by **31 January 2024** at the latest. Should you be successful in your application, you will be contacted regarding registration and payment.

Please note that CV's are processed in batches and as such, the review process can take upwards of 4 weeks. You will be contacted should you be successful in your application.

What is the course fee?

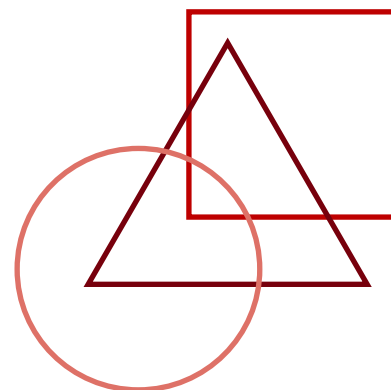
The course fee for the Virtual Diploma in International Maritime Arbitration is £5,275.00 inclusive of VAT.

Existing MCI Arb and FCI Arb candidates can claim a **10% discount** on the full course fee by quoting their membership number upon registration.

What does the course fee include?

The fee includes:

- registration onto the Diploma course
- study materials for the course, except for the material that may be purchased by the candidate (see below).
- Part 1 assessment.
- Part 2 exemption test.
- Part 3 assessment.



The full course fee is due by 18 March 2024.

Should a candidate fail any part of the Diploma, a resit fee for that part will be charged accordingly.

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, *inform a 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 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 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. 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 and the corresponding assessments, 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;
- will be eligible to apply for:
 - Fellowship of CI Arb upon successful completion of Part 1, 2, 3 and the Peer Interview. (Eligibility dependant)
- Candidates are only eligible to apply for the relevant membership grade for a maximum of 2 years after having successfully completed the course & assessments.