

# Course Information

Supported and hosted by Sayenko Kharenko



Module 1 – Law, Practice and Procedure of International Arbitration  
Kyiv, May-July 2019

## What is the aim of the course?

To provide candidates with a detailed knowledge of the procedural elements of an international (ie. 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 practice 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 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 face-to-face tutorial dates are listed on the Course Schedule.

## How will I be assessed?

Examinations by centralized assessment. **Not included in the course fee.** Must be registered and paid for separately.

- 3-hour written examination

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

## What are the entry requirements?

There are no pre-requisite entry requirements for this course. 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 course fee and what does it include?

The course fee is €400 + VAT (if any). The fee includes registration on the course, study materials, lunch and refreshments throughout the day. **Assessments not included.**

## 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 login details for LearnADR approximately 2 weeks before the course start date on the condition that full payment has been received.

## 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 [koo@sk.ua](mailto:koo@sk.ua).

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

On successful completion of this course, candidates:

- may progress onto Module 2 or 3 of the International Arbitration pathway. (eligibility dependent)
- will be eligible to apply for Member grade of CIArb, and take advantage of a range of educational and professional benefits.