

# Course Information



**CIARB**  
evolving to resolve

## Diploma in International Maritime Arbitration -



**Middlesex  
University  
Dubai**

### 18-22 & 25-29 March 2020, Middlesex University Dubai

The Chartered Institute of Arbitrators (CIARB) is the centre of excellence for the avoidance, management and resolution of disputes. It offers several courses that lead to Membership (MCIARB) and Fellowship (FCIARB) of the Chartered Institute. These grades are mapped to learning outcomes. When it comes to international maritime arbitration, they require proficiency in the law, practice and procedure of international commercial / maritime arbitration in applying for MCIARB status, and competence in the law of obligations, plus evidence, decision making and the award writing of international commercial / maritime arbitration, and a Peer Interview, when it comes to FCIARB status.

CIARB is delighted to announce it will be convening the Diploma in International Maritime Arbitration programme in partnership with Middlesex University, Dubai from 18-22 and 25-29 March 2020 at Dubai Knowledge Park.

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

- **PART 1 Law, Practice and Procedure of International Maritime Arbitration:** before the Diploma, candidates choose and submit a general dissertation proposal from a list of subjects, based upon their interest and experience of international maritime arbitration. Once approved, they are assigned and discuss their dissertation with a supervisor. They attend teaching and workshop sessions during a nine-day teaching programme on the law, practice and procedure of international maritime arbitration, and submit a final 4000-word dissertation approximately two months later. They also must submit two 750-word assignments during the nine days, which they must also pass;
- **PART 2 Law of Obligations:** candidates must take and pass an online exemption test on the common law and civil law of contract and tort;
- **PART 3 – Evidence, Decision Making and Award Writing of International Arbitration:** candidates receive teaching on award writing during the nine-day teaching programme and must take and pass an award writing exam in 2020.

After successfully completing these three parts, and a peer interview in the case of FCIARB, candidates can apply for different CIARB membership grades.

The Diploma has **specific international maritime arbitration themes**.

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Emirates Maritime Arbitration Centre

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

The Course is intended for maritime lawyers, engineers, master mariners, surveyors, P & I Club claims handlers, underwriters, in house counsel, and brokers who are interested in potentially developing a career as a maritime arbitrator, or who would like to obtain expert knowledge in maritime arbitration.

Part 1 of the Diploma covers the law, practice and procedure of international maritime arbitration.

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

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

- Define what is meant by the term 'international maritime arbitration';
- Identify, explain and apply the legal procedural principles, rules and agreements relevant to the conduct of international maritime arbitration:
  - o The legal framework, including limitations of matters that may be legally arbitrated;
  - o The contractual nature of the appointment of an arbitrator;
  - o The range and limitations of an arbitrator's powers and jurisdiction;
  - o The rights, duties and responsibilities of a party to an arbitration;
  - o The methods of initiating and processing an arbitration;
  - o The relevance of the court regarding all stages in an arbitration;
  - o The requirements of an enforceable award.
- Evaluate and apply the principles and legal requirements of international maritime 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 maritime arbitration;
- Demonstrate skill in controlling an international maritime arbitration, communicating effectively with the parties, applying the UNCITRAL Arbitration Rules and other Institutional Arbitration Rules and adopting appropriate procedures.

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

- Arbitration distinguished from other forms of dispute resolution;
- Nature and limits of arbitration and its treatment by various legal systems;
- Legal systems and the hierarchy of norms;
- The role of state courts in support of the arbitral process;
- Maritime contracts including international sales contracts and Incoterms, bills of lading, charter parties, shipbuilding contracts, marine insurance, salvage; • Legislation in the Asia Pacific Region;
- Maritime Arbitration Commissions and Rules in major shipping nations: United Kingdom, USA, China, France, Singapore, Russia and Ukraine;
- Choice of Law in International Arbitration;
- The legal framework: the importance of the seat or place of arbitration and the New York Convention;
- Dispute resolution clauses: the arbitration agreement - its formation and validity and its incorporation by reference;
- The commencement of the arbitral process, the activation and scope of the agreement;
- The appointment of the arbitrator;
- Types of arbitration: ad-hoc, institutional, documents only, time limited;
- Commencement of the arbitration;
- The arbitrator's terms and conditions of appointment;
- Obligations of the tribunal, responsibilities and obligations of the parties;
- An arbitrator's jurisdiction and powers;
- Challenges to jurisdiction, conflicts of interest;
- Managing the arbitration process: communications, preliminary meeting, interlocutory matters, submissions, dealing with factual and opinion evidence and disclosure of documents, the hearing;

- Interim measures including injunctive relief and 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;
- Costs, offers and interest; alternative approaches in different jurisdictions;
- Technology in arbitrations;
- Essentials of an enforceable award;

### **How is Part 1 delivered?**

Part 1 will be delivered over nine days of teaching at Dubai Knowledge Park from 18-22 and 25-29 March 2020 by expert tutors, with a combination of lectures, tutorials, exercises and discussion workshops dealing with international maritime arbitration law, practice and procedure.

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

Candidates will be sent instructions and asked to produce a **dissertation proposal** on a maritime arbitration related topic.

This should set out the proposed dissertation title, together with a 300-word proposal, research questions, methodology and potential literature list.

This proposal should be submitted to the Education and Training Department by 19 February 2020 and will then be sent to subject specific supervisors. They will read this for the first session of the Diploma on 18 March 2020, which they will endeavour to attend in person or by other means; but in all cases, they will provide written feedback on the proposal to the students by 18 March 2020. Candidates will then receive intensive instruction on the law, practice and procedure of international commercial arbitration during the nine-days of teaching and can work on their dissertation. The final dissertation will be a 4000-word piece submitted by 31 May 2020. They will need to obtain +55% in order to pass and be eligible to take the evidence and award writing exam.

Candidates will also have to complete and pass two 750-word assignments during the nine-day teaching programme itself. They will have time to work on this:

**Written assignment 1** on the appointment and powers of arbitrators will be handed out on 21 March 2020 and will be due in 23 March 2020

**Written assignment 2** on enforcement under the “New York Convention” will be handed out on 26 March 2020 and will be due in on 28 March 2020

Candidates must obtain a pass at +55%, when all marks are added, to be eligible to take the evidence and award writing exam. The dissertation makes up 80% of the overall mark and each assignment 10%. Candidates who fail any assessment will be required to retake them as per the Candidates Regulations.

Results are dispatched to candidates normally eight to twelve weeks from the date of the submission of the dissertation and assignments.

## **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. On the diploma, this is done via an online exemption test on the common law and civil law of contract and tort.

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

Students will be sent a link to the online multiple-choice test on the civil and common law of tort and contract on 4 March 2020. 30 questions will need to be answered within 90 minutes, with a pass mark of +70%, and this will need to be sat and passed before the Evidence and Award Writing exam in 2020.

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

Following on from what was said above about FCIArb, this part provides candidates with the knowledge required to understand and consider evidence, to weigh it up and analyse submissions, arrive at a conclusion and write a final, reasoned and enforceable arbitration award in compliance with the English Arbitration Act 1996 and the LMAA Terms 2017. During the nine-day teaching programme, 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 demonstrate sound conceptual, technical and/or practical knowledge of:

- Recognising and evaluating evidence;
- The issues that arise from the parties' submissions;
- Being able to create structure and deal with all the issues that arise;
- Deciding matters in dispute logically and in accordance with the law;
- The skills required to write awards correctly;
- The discursive and operative parts of the award;
- Being able to deal with the parties' costs and interest of an award;
- Allocating arbitrators' fees and expenses;
- Demonstrating compliance with the legal and other requirements for an enforceable Award.

### **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?**

Teaching on Part 3 is delivered within the nine-day teaching programme combined with private study.

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

Assessment of this course is a 4-hour award writing exercise in 2020. Candidates must achieve a minimum overall mark of 70% to pass the course.

The examination is open book with no restrictions, which means candidates are permitted to take any materials they wish into the examination. The examination consists of a final award submitted on a dispute presented in a scenario in two parts, the first provided by email approximately two weeks before the examination date, the second provided on the stipulated examination date in the form of the arbitrator's notebook.

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### **What are the entry requirements?**

- Practising lawyers and other professionals who are familiar with legal reasoning and concepts and are involved in arbitration (domestic or international) and who wish to increase their knowledge and understanding of international maritime arbitration;
- Members or Fellows of the Chartered Institute of Arbitrators who have experience of domestic arbitration practice and wish to extend their knowledge to include international maritime arbitration procedures.

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 integrated fee for all three parts of the Diploma (except the Part 3 assessment) is as follows:

Early bird rate of 25,000 AED from 20 September 2019 to 2 December 2019; From 2 December 2019 to 4 March 2019 rate of 27,000 AED. An 8% discount for groups of 5+ is available from September 2019 to March 2019.

The fee includes:

- registration on the Diploma course;
- full tuition for 9 days;
- study materials for the course, except for the two books that may be purchased by the candidate (see below);

For the Part 3 centralised assessment, candidates must pay an additional £408 (inclusive of VAT)

Overseas candidates must make all necessary arrangements for any visa requirements when travelling to Dubai. Visa arrangements should be made as early as possible as refunds cannot be made due to inadequate visa arrangements. Please note that the CIArb is not able to assist with obtaining entry visas.

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

Upon successful registration on the course at <https://www.ciarb.org/training/bookings/diploma-in-international-maritime-arbitration-dubai/> candidates will receive confirmation they are booked on the course. Joining instructions will be sent to candidates approximately 2 weeks before the course start date.

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 text books 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 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 [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 and Parts 1, 2 and 3 assessments, 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 DipICI Arb;
- will be awarded a Diploma in International Maritime Arbitration;
- will be able to progress onto the Peer Interview of the International Arbitration pathway; and
- will be eligible to apply for Fellow grade of CI Arb and take advantage of a range of educational and professional benefits once they have been successful in the Peer Interview.