

## Diploma in International Commercial Arbitration



 Worcester College, Oxford

### Introduction

The Diploma in International Commercial Arbitration is one of Ciarb's leading membership training programmes. Before the pandemic, it had been delivered in the heart of Oxford for more than twenty years, providing eligible candidates the opportunity to undertake training and assessments that lead to eligibility for a Peer interview for Fellowship (FCI Arb) of the Chartered Institute of Arbitrators. The Diploma is delivered by highly experienced and distinguished tutors and involves a combination of lectures, seminars and interactive sessions.

## Course Director

**Professor Dr Abdel Wahab** is recognized as a world leader in dispute resolution and is an international arbitrator and arbitration practitioner with considerable expertise and experience in international investment and international commercial arbitration, Islamic Shari'a, construction, energy, telecommunications, finance and online dispute resolution. He is Chair of the Private International Law Department and Professor of International Arbitration at Cairo University and the Founding Partner and Head of International Arbitration, Construction and Energy at Zulficar & Partners Law Firm. He is Vice President of the ICC International Court of Arbitration and Member of the ICCA Governing Board, and holds a number of other prominent positions, including with the International Bar Association, Le Centre International de Médiation et d'Arbitrage de Casablanca (CIMAC), the Mauritius International Arbitration Centre (MIAC), the Lagos Chamber of Commerce International Arbitration Centre (LACIAC) and the Cairo Regional Centre for International Commercial Arbitration (CRCICA). He features in 'Who's Who Legal: Arbitration', 'Who's Who Legal: Construction', the GAR Global Guide for Future Leaders in International Arbitration (2017 - 2018) and Who's Who Legal Thought Leaders: International Arbitration (2017 - 2020), amongst others, and has received the 2018 ASA International Arbitration Advocacy Prize, the 2019 AYA Hall of Fame Award and the 2020 Client's Choice International Award. In November 2020, he was appointed as Chair of the Expert Advisory Committee of the Permanent Forum of China Construction Law (PFCCL).



Who's Who Legal: Arbitration (2020) says: Mohamed Abdel Wahab ***"is at the top of the market"*** and ***"a very well-prepared, exceptional arbitrator"***. Chambers & Partners Global (2020) states that ***'Mohamed Abdel Wahab is an exceptional individual'***. The Legal 500 (2019) states ***Mohamed Abdel Wahab is 'an arbitration expert with a global reputation', who is 'one of the best in the world'***. Who's Who Legal: Arbitration (2019) says: ***Mohamed Abdel Wahab is "a leader in the space"***. Who's Who Legal Construction (2019) says: ***Mohamed Abdel Wahab is highlighted as "a leading heavyweight construction law specialist whose analytical skills are second to none"***. Chambers & Partners Global (2019) states that ***'Mohamed Abdel Wahab is consistently described by clients as a "superstar in arbitration"***.

Sharing his thoughts on the September 2020 virtual programme, Professor Dr Abdel Wahab said: ***'Owing to the COVID-19 crisis, the Ciarb took a bold and welcomed decision to deliver the 2020's Diploma Course on International Arbitration virtually. Using a combination of***

online platforms and innovative teaching techniques, the Ciarb successfully delivered its first ever fully virtual Diploma Course on International Arbitration. The 2020 virtual edition of the Diploma Course commanded global respect and amassed great success that reverberated across the globe. This success was due to a combination of factors including: (i) proper planning, coordination and full support from the Education and Training Department of the Ciarb; (ii) the outstanding programme balancing tradition and innovation in international arbitration; (iii) the brilliant, diverse and world class faculty and tutors; (iv) the diverse group of engaging participants who were selected following a competitive and rigorous process of objective screening; and the great teamwork and spirit that guided us all through. The success of this virtual edition of the Diploma Course and the overwhelming demand that ensued, represent a silver lining of the COVID-19 crisis and are a testament to the fact that COVID-19 cannot stop dissemination of knowledge and education.'

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## How is the Diploma structured?

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

### **PART 1: Law, Practice and Procedure of International Commercial Arbitration**

One month before the Diploma, candidates choose and submit a general dissertation proposal from a list of subjects, based upon their experience of international commercial arbitration. Once approved, they are assigned and discuss their dissertation with a supervisor. They attend training sessions on the law, practice and procedure of international commercial arbitration, and submit a final 4000-word dissertation online approximately two months later. They also must submit two 1000-word assignments during the training programme, 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 before commencing the Part 3 assessment.

### **PART 3: Evidence and Award Writing of International Arbitration**

Candidates receive training on award writing during the training programme and must take and pass award writing coursework, which they complete at home and submit via Ciarb's online platform.

After successfully completing all of these parts, candidates are eligible to apply for a Peer Interview for Fellowship (FCI Arb).

## PART 1

# Law, Practice and Procedure in International Commercial Arbitration

Part 1 of the Diploma course looks at the legal and practical framework of international commercial 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:

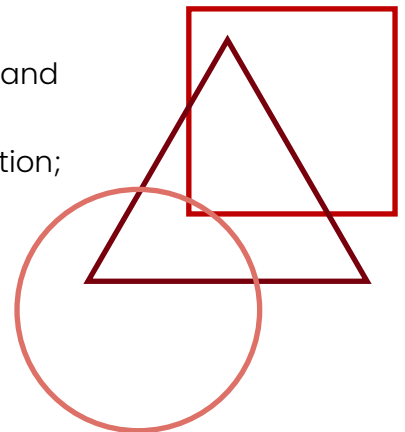
- Construction disputes;
- Energy disputes;
- International Finance disputes;
- Technology, Media and Telecommunications (TMT) disputes It also has integrated 'Global and Regional Perspective' sessions.

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## What are the learning outcomes of Part 1?

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 and;
- Demonstrate skill in controlling an International Arbitration, communicating effectively with the parties, applying the UNCITRAL Arbitration Rules and adopting appropriate procedures.



## What is covered in the syllabus for Part 1?

- Arbitration distinguished from other forms of dispute resolution;
- Nature and limits of arbitration and its treatment by various legal systems;
- Privacy, confidentiality and secrecy as well as data protection and transparency concerns
- Legal systems and the hierarchy of norms;
- The Role of state courts in support of the arbitral process;
- Arbitration agreements;
- The legal framework: the importance of the seat, the New York Convention, procedural laws, and procedural rules; conflict of laws;
- 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;
- The arbitrator's terms and conditions of appointment;
- Obligations of the tribunal, responsibilities, and obligations of the parties;
- "An arbitrator's jurisdiction, obligations 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;
- Artificial intelligence and technology in arbitrations;
- Construction industry, TMT, International Finance and Energy arbitrations and;
- Arbitration in Global and Regional Markets, including Russia, China, Africa, the Middle East, the US and Europe.

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## How is Part 1 delivered?



The Diploma will be hosted at Worcester College in Oxford from 9 to 16 September 2023.

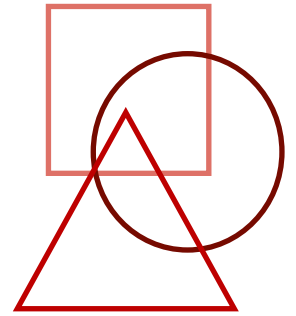
Part 1 is delivered by expert tutors, with a combination of lectures and discussion workshops dealing with international arbitration law, practice and procedure.



## How will I be assessed for Part 1?

Candidates will be emailed instructions on **12 August 2023** and asked to produce a general dissertation proposal on an international arbitration related topic in any of the following fields:

- Construction disputes;
- Energy disputes;
- International Finance disputes;
- Technology, Media and Telecommunications (TMT) disputes.



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 via the online learning platform, LearnADR by **26 August 2023** and will then be sent to subject-specific supervisors. The supervisors will read this and contact their relevant candidates to set-up feedback sessions. These feedback sessions will include written feedback on the proposal to the students, as well as hold one-to-one remote sessions with them.

Candidates will then receive intensive education and training on the law, practice and procedure of international commercial arbitration during the training programme and can also work on their dissertation during this time. The final dissertation will be a 4000- word piece to be submitted by **11 November 2023**. They will need to obtain +55% in the dissertation in order to pass, and +55% overall when the dissertation is weighted with the Part 1 assignments.

Candidates will also have to complete two 1000-word assignments during the training programme:

- **Assignment 1** will be released on **22 September 2023** at 12:00 (London time) and will be due by 24 September 2023 at 18:00 (London time).
- **Assignment 2** will be released on **29 September 2023** at 12:00 (London time) and will be due by 1 October 2023 at 18:00 (London time).

They will need to obtain +55% in each assignment in order to pass, and +55% overall when they are weighted with the Part 1 dissertation. The dissertation makes up 80% of the overall mark and the assignments are 10% each. Candidates must achieve a minimum of 55% when all marks are added together to pass. Candidates who fail any assessment will be required to retake them per the Candidates Regulations. Failure to submit any of the Part 1 assessments by the given deadlines will result in a fail for that assessment.

## PART 2

### Law of Obligations

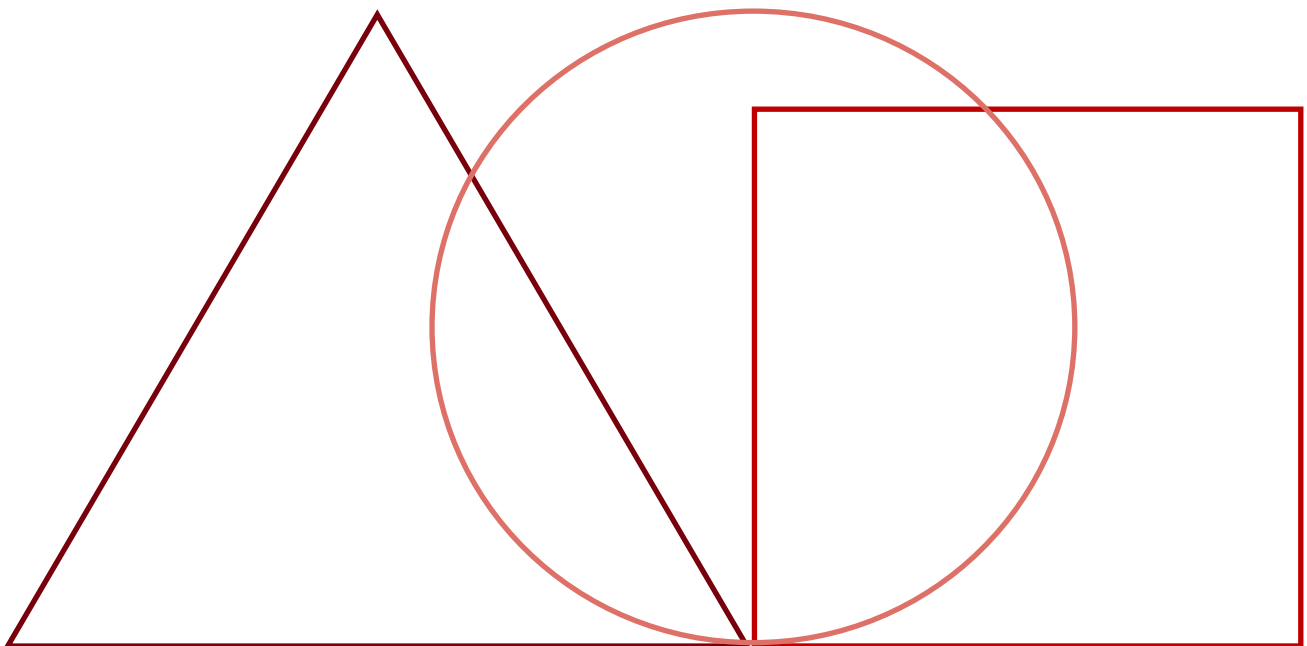
The Diploma in International Commercial Arbitration aims at preparing candidates for FCI Arb, which is a mark of proficiency in evidence, decision making and the award writing of international commercial arbitration. As the law of obligations provides an essential framework for this, candidates are required 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 an online multiple-choice test on the common law and civil law of contract and tort on **26 August 2023**. Students will also be given access to a reference workbook as well as a mock assessment.

The online multiple-choice test will consist of 30 questions which will need to be answered within 90 minutes, with a pass mark of +70%. This will need to be sat and passed by **23 November 2023**.

Please note, current FCI Arb members do not need to complete the Module 2 exemption test.



## PART 3

# Evidence and Award Writing of International Arbitration

Following on from the above information about FCI Arb, 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 UNCITRAL Model Law. During the training programme, candidates focus on the processes followed by an arbitrator in defining the issues that have to be decided, 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.

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## What are the learning outcomes of part 3?

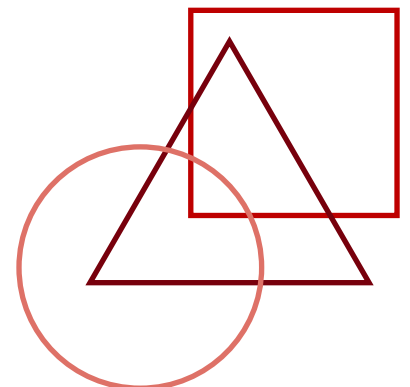
On successful completion of this course candidates, will be able to demonstrate sound conceptual, technical and/or practical knowledge of:

- 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 arbitrator's fees and expenses and;
- Demonstrating compliance with the legal and other requirements for an enforceable award.

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## What is covered in the syllabus?

- The Burden and Standard of Proof;
- Types of evidence: Documentary vs. non-documentary evidence, witnesses, experts, site inspection, etc.
- Privilege;
- Disclosure of Documents;
- Introduction: The Purpose of the Award;
- Drafting awards;
- Legal and Substantive Requirements;
- Identifying the Issues for Determination;
- Reasoning, Deliberations and Decision Making;
- Structure of an Award and;





- The Form of the Award.
  - Publishing the Award
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## How is Part 3 delivered?

Part 3 is delivered during the training programme by expert tutors, with a combination of lectures and workshops.

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## How will I be assessed for Part 3?

Assessment of this course is an award writing coursework undertaken at home from **8 December 2023**. Candidates must achieve a minimum Overall mark of +70% to pass the Part.

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

Results are dispatched to candidates twelve weeks from the deadline date of the submission. Candidates will be informed of any delays.

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## What are the entry requirements for the Diploma?

- Practicing lawyers or other professionals who are familiar with legal reasoning and concepts **and** are involved in arbitration (domestic or international).
- 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 arbitration procedures.

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

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## How to apply?

In order to be considered for this programme, please send your full CV to [jwhite@ciarb.org](mailto:jwhite@ciarb.org) by **1 March 2023** at the latest. Should you be successful in your application, you will be contacted regarding registration and payment.

Please note that the CV review process can take upwards of 2 weeks.

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## What is the course fee for the course and what does it include?

Candidates that are accepted, register for the course and make the first instalment payment on/after **1 March 2023** will have to pay the full course fee of £9,000 (VAT inclusive).

This course fee can be paid either as one payment of £9,000 or in four instalments as follows:

- First Instalment: 40% (£3,600.00) of the course fee due immediately upon registration.
- Second Instalment: 20% (£1,800.00) of the course fee due by 25 March 2023.
- Third Instalment: 20% (£1,800.00) of the course fee due by 25 April 2023.
- Fourth Instalment: 20% (£1,800.00) of the course fee due by 25 May 2023.

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## Early bird specials:

Candidates that are accepted, register for the course and make the first instalment payment before **16 December 2022** will be given a +5% discount on the total course fee of £9,000.

Current MCI Arb and FCI Arb members will be given an additional +11% discount on the total course fee of £9,000.

### Non-Members early bird special course fee:

The fee for all three parts of the Diploma is £8,500 (VAT included in this fee). This course fee can be paid either as one payment of £8,500 or in four instalments as follows:

- First Instalment: 40% (£3,400.00) of the course fee due immediately upon registration.
- Second Instalment: 20% (£1,700.00) of the course fee due by 25 March 2023.
- Third Instalment: 20% (£1,700.00) of the course fee due by 25 April 2023.
- Fourth Instalment: 20% (£1,700.00) of the course fee due by 25 May 2023.

### MCI Arb and FCI Arb Members early bird special course fee:

The fee for all three parts of the Diploma is £7,500 (VAT included in this fee). This course fee can be paid either as one payment of £7,500 or in four instalments as follows:

- First Instalment: 40% (£3,000.00) of the course fee due immediately upon registration.
- Second Instalment: 20% (£1,500.00) of the course fee due by 25 March 2023.
- Third Instalment: 20% (£1,500.00) of the course fee due by 25 April 2023.
- Fourth Instalment: 20% (£1,500.00) of the course fee due by 25 May 2023.

Candidates that are accepted, register for the course and make the first instalment payment between **17 December 2022 and 28 February 2023** will be given a +2.5% discount on the total course fee of £9,000.

Current MCI Arb and FCI Arb members will be given an additional +11% discount on the total course fee of £9,000.

### **Non-Members early bird special course fee:**

The fee for all three parts of the Diploma is £8,750 (VAT included in this fee). This course fee can be paid either as one payment of £8,750 or in four instalments as follows:

- First Instalment: 40% (£3,500.00) of the course fee due immediately upon registration.
- Second Instalment: 20% (£1,750.00) of the course fee due by 25 March 2023.
- Third Instalment: 20% (£1,750.00) of the course fee due by 25 April 2023.
- Fourth Instalment: 20% (£1,750.00) of the course fee due by 25 May 2023.

### **MCI Arb and FCI Arb Members early bird special course fee:**

The fee for all three parts of the Diploma is £7,750 (VAT included in this fee). This course fee can be paid either as one payment of £7,750 or in four instalments as follows:

- First Instalment: 40% (£3,100.00) of the course fee due immediately upon registration.
- Second Instalment: 20% (£1,550.00) of the course fee due by 25 March 2023.
- Third Instalment: 20% (£1,550.00) of the course fee due by 25 April 2023.
- Fourth Instalment: 20% (£1,550.00) of the course fee due by 25 May 2023.

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## **What does the course fee include?**

- Room and Board at Worcester College, Oxford (meals included);
- Access to online platforms;
- Study materials for the course;
- Dissertation Supervisor;
- Part I: Assignment 1 and 2;
- Module 2 exemption test;
- Part 3 assessment.

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

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

Upon successful registration on the course, candidates will receive confirmation they are booked on the course. Initial Dissertation instructions will be sent to candidates approximately 4 weeks before the course start date.

Candidates are encouraged to purchase the following books prior to the start of the: Diploma course: Law & Practice of International Commercial Arbitration – Redfern & Hunter.

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 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 textbooks to supplement their study in their respective jurisdiction where these are available.

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## 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/defer their registration of a course, notification must be received in writing to [education@ciarb.org](mailto:education@ciarb.org). Deferral charges apply. Please note that the first 50% of the course fee is non-refundable. Please refer to the [Fee Terms and Conditions](#) for full details.

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## What are my next steps when I complete the course?

On successful completion of the Diploma course and all the corresponding assessments, candidates:

- Will be awarded a Diploma in International Commercial 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 CIArb and take advantage of a range of educational and professional benefits once they have been successful in the Peer Interview.
- Candidates are only eligible to apply for the relevant membership grade for a maximum of 2 years after having successfully completed the course & assessment.

