

Module 1: Law, Practice and Procedure in International Arbitration 2023 (virtual/online)

What is the aim of the course?

To provide candidates with detailed knowledge of the procedural elements of International (i.e. non-domestic) Arbitration, using legislation based on the United Nations Commission on International Trade Law (UNCITRAL) Model Law, regional Arbitration law, UNCITRAL Arbitration Rules, New York Convention, etc. 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 towards the pathway for qualification as a Fellow of CI Arb, and for those who aim to practise as an International Arbitrator.

What are the learning outcomes?

On successful completion of this course candidates will be able to:

- What is meant by the term 'International' Arbitration;
- How to 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;
- How to evaluate and apply the principles and legal requirements of an International Arbitration;
- How to evaluate issues and apply the principles of the UNCITRAL Model Law as well a regional Arbitration law, appropriately;
- How to demonstrate practical skill in carrying out the tasks required in preparing for and progressing an International Arbitration;
- How to 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 Brief History of Arbitration
- The Three Pillars of International Arbitration (NYC, UML and UAR)
- Global Harmonisation and Different Statutory Approaches
- 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 Arbitral Tribunal
- Procedures: The Hearing
- Remedies, Costs, Interest and Currency
- Awards
- The Role of the State Court

How is the course delivered?

The course is delivered over a period of 3 (three) months, with a combination of **private study** (expected to be carried out by each candidate **prior to** attending each of the tutorials) and **3 (three) full-day virtual/online tutorials**. Each tutorial is intended to serve as a reinforcement of the relevant private study a candidate is expected to (as will be indicated in the Course Schedule) carry out **prior to** the given tutorial rather than each tutorial being a ‘teach from scratch’ session. Further, each tutorial also serves as an opportunity for candidates to clarify their doubts/queries (if any) at each relevant tutorial.

What are the dates and timings for each of the full-day

- **Tutorial 1:** Tuesday, 05 September 2023
- **Tutorial 2:** Tuesday, 10 October 2023
- **Tutorial 3:** Tuesday, 07 November 2023

Timings: 09:30 a.m. to 4:30 p.m. **Hong Kong time** for each of the 3 (three) tutorials dates – using the Zoom video conference platform. Hence, please ensure the audio/video for this platform is fully functional/updated on your computer (and authorised, if you are using a work device). There will be comfort breaks and a lunch break for candidates on each day. The detailed Course Schedule will be provided to fully registered candidates.

Will the virtual/online tutorials be recorded?

Due to data protection laws, we do not guarantee that the tutorials will be recorded. Ciarb is committed to supporting candidates to be successful in their courses and to achieve successful outcomes in their assessment. We therefore strongly recommend candidates attend all scheduled

virtual/online tutorials. Our tutorials are designed to be interactive teaching and learning experiences taught by Senior Tutors. Candidates may therefore be at a disadvantage if they do not attend all tutorials.

When does the assessment date window open/close and how will I be assessed?

- The assessment for this course is via LearnADR – Ciarb’s online learning platform.
- Thursday, 30 November 2023 at 12:00 noon U.K. time: The date/time when the 5-day window for the assessment **OPENS** on LearnADR to allow a candidate to access the assessment coursework paper.
- Tuesday, 05 December 2023 at 12:00 noon U.K. time: The date/time when the 5-day window for the assessment **CLOSES** on LearnADR.
- A candidate will **only have 48-consecutive-hours** within the above 5-day-window available to write and submit the assessment answer script. Therefore, if a candidate seeks to take benefit of the full 48-consecutive-hours, then the last date/time by which a candidate needs to ‘click-on’/access the assessment coursework paper is Sunday, 03 December 2023 at 12:00 noon U.K. time
- Accordingly, a candidate must not ‘click-on’/access the coursework paper once available on LearnADR unless the candidate is absolutely ready to commence the 48-consecutive-hours, as a candidate’s time starts ticking from the moment the candidate first ‘clicks-on’/accesses the assessment coursework paper on LearnADR.

Candidates must achieve a minimum overall mark of 65 out of 100 to pass the assessment. The assessment is a written open-book assessment split into two parts:

Part One: Is a (or more than one) case study exercise with a number of questions that candidates will be required to answer. Available marks 40/100. All questions are mandatory in this part.

Part Two: Will consist of five questions, candidates are required to select and answer any three ‘whole questions’. Available marks 60/100 (20 marks per ‘whole question’).

Results: Dispatched to candidates directly by Ciarb HQ in London, U.K. The normal timeframe for which is twelve to fourteen weeks (excluding holidays in the U.K.) computed from the deadline for submission of the assessment, i.e. 05 December 2023. Candidates will be informed of any unforeseen delays in dispatch of results directly by Ciarb HQ.

What are the entry requirements?

There are no formal pre-requisite entry requirements for this course; it is for a candidate to self-assess their own suitability for this course. That said, this course is suitable for both lawyers and non-lawyers. However, if a candidate is uncertain of their suitability, at their own discretion, they may send a copy of their detailed CV to the CIARB East Asia Branch (EAB) Secretariat by email (ciarb@hkiac.org) who will forward the same to the Course Director (Dr. Christopher TO, C.Arb) and the Lead Senior Tutor (Mr. Anish WADIA, C.Arb) of this course, for their evaluation.

Important: Candidates enrolling on any Ciarb course/assessment are required to ensure that their command of spoken and written English is adequate for the course/assessment for which they have applied. Ciarb does not require any evidence of this standard prior to enrolment on a course/assessment. However, it is the candidate's responsibility to ensure their English language skills are at a Professional Working Proficiency level, in order to meet the required standard when enrolling for any Ciarb course/assessment. It is recommended that candidates 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 does not require an official IELTS or TOEFL result. Candidates may wish to take note of the British Council's free online English language test at: <https://learnenglish.britishcouncil.org/english-levels/online-english-level-test>

What is the course fee and what does it include?

The course fee is net **HK\$8,500** (for Ciarb members) and net **HK\$9,500** (for non members). The fee includes registration on the course, study materials, virtual/online tutorials and coursework assessment fee. Full payment should be received on or before 3:00 p.m. Hong Kong time on Friday, 01 September 2023, for the registration on this course to be confirmed. Any registrations received thereafter, will be subject to availability, full payment and at the sole discretion of the Course Director for this course. Candidates can make payment by cheque or bank transfer only. If a candidate makes payment by bank transfer, the candidate will need to cover the transaction fees and send the Ciarb EAB Secretariat the payment advice slip once payment (for the full amount mentioned above, net of all deductions) has been made.

What happens when I register for the course?

Upon successful registration on the course (i.e. once full payment has been received by the Ciarb EAB), candidates will receive confirmation they are booked on the course. Candidates will receive login details to access their course materials via LearnADR approximately two weeks before Tuesday, 05 September 2023, i.e. for those candidates who have paid sufficiently in advance, the rest (i.e. those who completed full payment closer to the deadline of 01 September 2023 mentioned above) will receive said details as soon as full payment is received and the consequent administrative formalities completed.

Candidates will be provided (by Ciarb HQ in London, U.K.) a "Candidate Number" for the purposes of the assessment, in due course. If this is not received by a candidate on or before 5:00 p.m. UK time on Monday, 21 November 2023, the candidate(s) should immediately contact the Ciarb EAB Secretariat by email. The Registration Form for this course is at page 6 of this Course Information Sheet.

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What is Ciarb EAB's policy on cancellation of courses?

Ciarb EAB reserves the right to cancel or change the date, audio/video conference platform, content of the course and the names of speakers, lecturers and tutors.

Candidates will be provided with adequate notice of any change, as soon as is practicable. If Ciarb EAB cancels this course, candidates will have the option to seek a full refund of any course fees paid OR have their registration transferred to the rescheduled course dates/times.

Should a candidate wish to cancel their registration of a course, notification must be received by the Ciarb EAB in writing by email on or before Tuesday, 22 August 2023. If a candidate fails to give such notice, the Ciarb EAB may apply a cancellation charge of 50% of the course fee or such other amount as it may in its sole discretion determine.

What is my next step when I complete the course?

On successful completion of this course and its corresponding assessment, candidates:

- may progress onto Module 2 (Law of Obligations) OR, if eligible, apply for admission to the Accelerated Route to Fellowship (ARF) in International Arbitration programme.
- will be eligible to apply for “Member” grade of Ciarb membership (which entitles use of the “MCI Arb” post-nominal) and take advantage of a range of educational and professional benefits.
- **Important:** Candidates are only eligible to apply for the relevant membership grade and progress with their training with Ciarb for a maximum of 2 (two) years after having PASSED the assessment for this course. Hence, this time limit of 2 (two) years will commence from the date on which the PASS result for the assessment of this course is received by the candidate.

Registration Form

Ciarb EAB: Module 1 – Law, Practice and Procedure of International Arbitration 2023 Course (virtual/online)

I hereby apply to participate in the above course:

I have enclosed a cheque in the amount of HK\$ _____ made
payable to the "Chartered Institute of Arbitrators (East Asia Branch)"

I will be paying by Bank Transfer/Telegraphic Transfer (all bank charges are to be borne by
the remitting party)

Account No: 002554830001

Payee Name: Chartered Institute of Arbitrators (East Asia Branch)

Payee Address: c/o HKIAC, 38th Floor, Two Exchange Square, Central, Hong Kong

Bank Name: HSBC

Bank Address: 1 Queen's Road Central, Hong Kong

Swift Code/BIC: HSBC HK HHH KH

*Please notify us once payment has been made with proof of transfer/remittance by email.

Please indicate your membership:

Ciarb Associate Grade Membership No.: _____ (please submit a copy
of your 2023 membership certificate)

Non-member of Ciarb

Please complete:

Title (Ms./Mr./Dr./Prof./Judge/etc.):

First/given name:

Middle name (if any):

Family/surname:

Postal address:

Telephone/mobile:

Email:

Employer:

Job title:

Print name:

Signature: _____

Insert image of signature here

Date (dd/mm/yyyy):

Please submit this completed Registration Form along with proof of payment (if by bank/telegraph transfer) by email to the Ciarb EAB Secretariat **OR** if payment is being made by cheque, by hard copy to: The Chartered Institute of Arbitrators (East Asia Branch)
c/o Hong Kong International Arbitration Centre (HKIAC)
38/F Two Exchange Square, Central, Hong Kong

Telephone: +852-2525-2381 Fax: +852-2524-2171

Assessors and Tutors



Dr. Christopher TO, C.Arb

Ciarb, U.K.'s Approved Faculty List (AFL) Course Director, Assessor and Tutor

Course Director: Ciarb East Asia Branch (EAB) Module 1 in International Arbitration Course 2023

Dr. Christopher TO, C.Arb, FCIArb, FHKIArb, FAIADR, FHKIoD, FHKIE, FIET, is a Chartered Arbitrator, an Internationally Accredited Mediator, Chartered Engineer, Chartered Information Technology Professional, Professor (adjunct) and a Barrister-at-law. Christopher is an internationally recognised authority on alternative dispute resolution (ADR) techniques and has represented clients (in Hong Kong and overseas) in arbitrations, adjudications, mediations, commission on inquiry and court litigation; cumulatively in over 600 cases. He frequently acts as a neutral in Hong Kong and overseas, and is a sought-after Speaker and Trainer at international forums.

Christopher has arbitrated and adjudicated a variety of international cases involving both ad-hoc and institutional arbitrations and adjudications and mediated many international and domestic cases. At present, he holds inter alia the following positions:

- **Barrister-at-law:** Gilt Chambers, Hong Kong;
- **Alternate Director:** Joint Mediation Helpline Office, Hong Kong (JMHO);
- **Chairperson:** Hong Kong Institute of Directors (HKIAD);
- **Chairman:** Hong Kong Mediator Accreditation Association Limited (HKMAAL) Sub-Committee On Mediator Accreditation;
- **Council Member:** Institution of Engineering Technology, U.K. (IET);

- **Council Member:** Asian Domain Name Dispute Resolution Centre, Hong Kong (ADNDRC);
- **Council Member:** Weihai Mayor’s Advisory Council of the People’s Republic of China.

He was *inter alia* previously the **Secretary General of the Hong Kong International Arbitration Centre (HKIAC)**, which position he held for 10-years. As former Secretary General of the HKIAC, Christopher managed to elevate Hong Kong’s status as the regional dispute resolution hub of Asia by increasing the number of international cases in dispute being referred to Hong Kong for amiable resolution as well as creating the ADNDRC, a body that has gained international prominence within the ‘dot.com’ community as a reliable, trustworthy, independent and reputable entity that manages domain name disputes.

Christopher also previously served as *inter alia* the Chairperson of the Hong Kong Mediation Council (**HKMC**; a division of **HKIAC**); Council Member of the **HKIAC**; Chairman (and Vice Chair) of the East Asia Branch (**EAB**; Hong Kong) of the Chartered Institute of Arbitrators, U.K. (**Ciarb**); and, prior to its dissolution in February 2023 (as part of CI Arb’s global organisational restructuring), he also served as a Committee Member of Ciarb’s global Education & Membership Committee (**EMC**), U.K.

Christopher has the elite distinction of receiving some of the highest global rankings and being “Recommended” by the prestigious *Who’s Who Legal* (WWL) as a:

- **Global Elite Thought Leader** in Commercial Mediation 2023;
- **Thought Leader** (Mainland China and Hong Kong SAR) in Commercial Mediation 2022;
- **Global Leader** in Commercial Mediation 2022;
- **National Leader** (Mainland China and Hong Kong SAR) for Arbitration 2022, Commercial Mediation 2022 and Constructions 2022.

WWL has received the following feedback from across the globe on Christopher being **“an excellent mediator who enjoys extensive recommendations for his practice from peers in Asia, Europe and the USA. He is well respected in arbitration and mediation, with an emphasis on construction infrastructure matters”** who is **“an outstanding ADR professional, very charismatic and impressive”** with **“unmatched capabilities”**. Christopher is said to be the **“most effective mediator.... in Hong Kong”** with **“gravitas and the ability and works hard to help parties to make deals, even for cases where the starting figures are very wide apart”** which he achieves by **taking “a proactive approach towards finding a solution”**.

To view Christopher’s detailed profile or contact him, please see:

Email: chriswto@gmail.com

LinkedIn: <https://www.linkedin.com/in/dr-christopher-to-2a3a542a/>

Detailed Profile: <https://www.giltchambers.com/barrister/dr-christopher-to/>



Anish WADIA C.Arb

Ciarb, U.K.'s Approved Faculty List (AFL) Course Director, Assessor and Tutor

International Arbitration, Domestic Arbitration, Mediation (incl. as Chief/Lead Tutor and Chief/Lead Assessor) and Construction Adjudication || International Faculty – CI Arb Diploma Courses

Anish WADIA, C.Arb, CIP(FAIADR), SFBiam, FACICA, FMI Arb, FHKI Arb, FSI Arb, FPI Arb, FA Arb, FPD, FAMINZ(Arb/Med), FICA, CFCILS, LL.B., B.Com., is an experienced, internationally accredited, full-time independent Chartered Arbitrator, Emergency Arbitrator, Accredited Mediator and Adjudicator: with experience acting as such in common and civil law jurisdictions, as well as in Hong Kong and under the Laws of China, under U.A.E. laws; and also with an understanding of Islamic laws. He is also a qualified Lawyer with full rights of audience before Courts in India as an 'Advocate'; England & Wales as a 'Solicitor Advocate' (Civil); and Kazakhstan as a 'Lawyer (AIFC Courts)'. He is also an accredited Sports Arbitrator (AIAC and the Olympic Council of Malaysia).

Anish holds the distinction of being the **youngest ever individual** and the first Indian qualified lawyer in the world to be accredited as a **Chartered Arbitrator (C.Arb)** in Ciarb's over 100+ year history, since being established in 1915. Anish has received numerous other accolades in the field of International ADR including being voted as one of the youngest Top 10 Arbitrators in Asia Pacific and receiving the 'Outstanding Global Achievement in International Arbitration' Award in 2019. In 2020 he received the 'Dispute Resolution Award of the Year (Global)' and in 2021 the 'Dispute Resolution Award of the Year (Asia)', both in the United Kingdom. Anish is also ranked by inter alia the prestigious Who's Who Legal: Future Leaders (Partners) in Arbitration for 2021, 2022 and 2023 as **"one of the most recommended arbitrators"** who **"is precise and diligent, very considerate on the impartiality and due process" and whose "experience includes acting under the ICC Rules in disputes involving parties spanning across EMEA and APAC"** as well as being recognised for **"his practical and quick approach to render Awards is well known and admired among peers"**.

Admitted on the Panel of Arbitrators & Mediators of over 70 ADR Institutions across the globe spanning every continent including by the European Union (EU)'s Commission as one of only 64 individuals in the world suitable for appointment as a Chairperson for Arbitrations in bilateral disputes under the EU's trade agreements with third countries. Regularly appointed as Chair/ Presiding Arbitrator, Sole Arbitrator, Wing/Co-Arbitrator, Emergency Arbitrator & Mediator including under the ICC (incl. Expedited Provisions), LCIA, DIAC & KIAC (Rwanda-Africa) Institutional Rules, [English] Arbitration Act 1996, [Indian] Arbitration & Conciliation Act 1996 and ad-hoc arbitrations with knowledge/understanding across a broad spectrum of agriculture, aviation, banking/ financial/insurance, commercial, commodities, competition, construction, corporate, employment/ labour, energy/power, EPC, gaming/sports, hospitality/travel/ tourism, maritime, mining, oil & gas, property, telecom, transport, etc. disputes.

At present, inter alia Anish serves as the Chartered Institute of Arbitrators, U.K.'s Regional Pathway Leader (RPL) for India & Middle East; Vice President: Society of Construction Law, U.K. (SCL, India); Board: Asian European Arbitration Association, Germany (AEAA); Governing Council: Hyderabad Arbitration Centre, India (HAC); Council (Dispute Resolution Section): American Bar Association,

U.S.A. (ABA); Ethics Commission and Disciplinary Committee: International Mixed Martial Arts Federation, Switzerland (IMMAF); Committee: Solicitors Association of Higher Court Advocates, U.K. (SAHCA). Anish previously served on inter alia the ICC Commission on Arbitration & ADR (Paris, France - India delegate); ICC Afghanistan Commission on Arbitration & ADR (Kabul, Afghanistan); the ICC India Executive Committee; as a Council Member of the Hong Kong Institute of Arbitrators (HKI Arb), and as a Council Member of the Malaysian Institute of Arbitrators (MI Arb - including as Chair of the Arbitrator Panel Selection Committee and the Training & Professional Development Committee). Prior to their dissolution in February 2023 (as part of CI Arb's global organisational restructuring), Anish also served on the on Ciarb's global Examination Board (EB) and Practice & Standards Committee (PSC).

Anish is regularly invited as a Lecturer/Speaker/Trainer on International Arbitration and Mediation including for the Judiciary: The Bahamas (including Justices of the Hon'ble Supreme Court led by the then Chief Justice of The Bahamas; organised by BJEI jointly with ICSID, PCA, UNCITRAL and ICCA) (August 2020), Cameroon (April/May 2022) and Pakistan (September/October 2022).

To view Anish's detailed profile or contact him, please see:

Email: a.wadia@anishwadia.com

LinkedIn: <https://www.linkedin.com/in/anishwadia/>

Detailed Profile: <http://www.anishwadia.com/>