

Course Schedule



CI Arb
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Singapore Branch

Introduction to International Commercial Arbitration

8th & 9th January 2020, Ha Noi-Viet Nam

8th January 2020

- 08.30 **Course Registration**
- 08.50 **Welcome speech**
- 09.10 **Introduction to the Course**
- 09.20 **Session 1: Fundamental Principles of International Arbitration and Comparison of dispute resolution procedures**
- What is arbitration
 - Party autonomy
 - Arbitrability
 - Privacy v Confidentiality
 - Litigation and Arbitration and other ADR processes compared
 - Key Choices
 - Ad hoc v Institutional Arbitration
 - “Seat” or Place of the Arbitration
- 09.50 **Session 2: The UNCITRAL Model Law, Laws and Rules of Arbitration and the Arbitration Agreement**
- The different applicable laws in an international arbitration
 - Law at the seat - the lex arbitri
 - The UNCITRAL Model Law
 - Law governing the substantive merits
 - Law of the arbitration agreement
 - The 1958 New York Convention
 - Arbitration Agreement and Arbitration Rules
 - UNCITRAL Rules and Institutional Rules
 - “Soft” Laws
- 10.20 **Session 3: Appointment, Composition of the Arbitral Tribunal, Challenges**
- Appointment procedures and disclosure requirements
 - Multi-party arbitrations
 - Appointment authority
 - Qualities and qualifications Challenges and replacements
- 10.50 - 11.05 **Refreshment break**
- 11.05 **Session 4: Jurisdiction and Powers of the Arbitral Tribunal**

- Sources of Jurisdiction and Powers
- “Competence-competence” principle - determining its own jurisdiction
- Powers during the arbitral proceedings
- Limitation of Powers - equal treatment of parties and opportunity to present its case
- Assistance by National Courts

11.45 Tutorial One

12.25 - 13.00 Lunch break

13.00 Session 5: Written Statements, Statement of Claim and Defence

- Function and content of written statements
- Amendments

13.25 Session 6: Organising the Proceedings

- The Preliminary Meeting
- Procedural Matters
- Place of arbitration v Venue of meetings
- Case Management techniques and techniques for saving costs and time
- Preparation for hearings
- Production of documents

13.45 Session 7: Hearings

- Logistical matters
- Procedures at the hearing
- Oral hearings and documents only
- How evidence is to be given
- Fundamental requirements of justice

14.10 Tutorial Two

14.40 Special Session: Institutional Arbitration Panel Discussion by representatives of AAA/ICDR, ICC, SIAC, HKIAC and VIAC

- Background and Experience of the Arbitral Institution and its Unique Features and Special Characteristics
 - Appointment and challenge of arbitrators
 - Joinder and consolidation
 - Interim measures and Emergency Arbitrator
 - Expedited Procedure
 - Early Dismissal
 - Costs
 - Scrutiny of Award
 - Other special features

15.45 - 16.00 Refreshment break

16.00 Session 8: Costs of the Arbitration

- How costs are fixed and apportioned
- Interest

16.30 Session 9: Making of the Award

- Difference between Orders and Awards
- Rules applicable to the merits
- Decision-making by a panel of arbitrators

- Content and formalities of an Award
- Different kinds of Awards
- Correction, interpretation and addition

- 17.00 Session 10: Recognition and Enforcement of Awards**
- The New York Convention - recognition and enforcement
 - Setting aside at the seat
 - Grounds for refusing recognition and enforcement at the place of enforcement
- 17.30 Close Day 1**

9th January 2020 - SPECIAL SESSIONS

- 08.30 Special Session 1: Costs in arbitration - Different approaches of arbitral institutions**
- How costs are fixed and proportioned?
 - Schedule of payment
 - How payment is disbursed and refunded?
 - What if the parties settle or withdraw from the arbitration?
- 09.30 Special Session 2: Factual & expert witnesses in international arbitration**
- Role of factual witness evidence
 - Writing witness statements
 - Cross-examination
 - Use of experts: Who, what, when, where and why?
 - Construction delays and time experts
 - Assessing the Quantum in international arbitration
 - Foreign laws experts
 - Expert conferencing
- 10.30 - 10.45 Refreshment break**
- 10.45 Special Session 3: Vietnam Law on International Arbitration**
- Special characteristics of Vietnam Law in relation to international arbitration
 - Enforcement and setting aside Vietnamese arbitral awards
 - Recognition and enforcement of international arbitral awards in Vietnam
- 11.45 Q&A**
- 12.00 Close**