

Programme

Introduction to International Arbitration

12 & 13 October 2018 Vietnam



CI Arb
evolving to resolve

DAY ONE – 12 OCTOBER 2018

08.40 **Course Registration**

09.00 Welcome speech

09.10 Introduction to the Course

09.15 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

09.45 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

10.30 **Special Session – Vietnam Law on International Arbitration**

- Special characteristics of Vietnam Law in relation to international arbitration

11.00 – 11.15 **Refreshment break**

- 11.15** 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
- 12.00** 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
- 12.45 – 14.00** **Lunch break**
- 14.00** **Tutorial One**
- 14.40** Session 5: Written Statements, Statement of Claim and Defence
- Function and content of written statements
 - Amendments
- 15.10** 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
- 15.45 – 16.00** **Refreshment break**
- 16.00** Session 7: Hearings
- Logistical matters
 - Procedures at the hearing
 - Oral hearings and documents only
 - How evidence is to be given
 - Fundamental requirements of justice
- 16.45** Tutorial Two
- 17.15** **Close**

DAY TWO – 13 OCTOBER 2018

08.50 Registration

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

- 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

11.00 – 11.15 Refreshment break

11.15 Costs and Interest

- Costs of the Arbitration
- How costs are fixed and apportioned
- Interest

11.45 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

12.15 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

12.45 Close