



## SYLLABUS OF THE ICLP DIPLOMA IN COMMERCIAL ARBITRATION-2015/2016

### **PART A:**

#### **General Principles of Law - (for non Lawyers)**

- i. Principles of Law and General Concepts for non lawyers
- ii. Law of Contract
- iii. Law of Delicts
- iv. Law of Evidence, with particular reference to arbitration proceedings
- v. Banking Concepts & Credit facilities, recovery
- vi. Insurance

### **PART B:**

#### **Arbitration Law and Procedure**

##### **a) The Arbitration Agreement and Important Clauses:**

- i. Law Governing the Arbitration
- ii. Rules of Arbitration
- iii. Drafting of Arbitral Clauses
- iv. Ad hoc Arbitration Clauses and Submission Agreements
- v. Place of Arbitration and Language
- vi. Why Commercial Arbitration?
- vii. Party Autonomy
- viii. The Law Applicable to Arbitration in Sri Lanka
- ix. The powers, duties and jurisdiction of an Arbitral Tribunal
- x. Difference between Institutional and Ad Hoc Arbitration -  
Comparison of Arbitration held under the ICLP Arbitration Centre Rules of Sri  
Law and Ad Hoc Arbitration
- xi. ICLP Expedited Rules and ICLP Code of Ethics for Arbitrators
- xii. Establishment & Organization of Arbitral Tribunal and Administration of the  
arbitration
- xiii. Appointment and Qualification of Arbitrators
- xiv. The Role of Arbitrators
- xv. Powers and Duties of Arbitrators
- xvi. Misconduct of Arbitrators and Removal and or Resignation of Arbitrators
- xvii. UNCITRAL Modern Law UNCITRAL Arbitration Rules
- xviii. Leading International Arbitration Institutions and their Rules  
ICC , SIAC, AAA, LCIA and International Centre for Settlement of Investment  
Disputes (ICSID) Rules

##### **b) Procedure:**

- i. The Conduct of Arbitration Proceedings
- ii. Expedited Rules of ICLP Arbitration Centre
- iii. Multi Party Arbitration
- iv. Conflict of Laws
- v. Arbitration Act No. 11 of 1995
- vi. The Judiciary and the Arbitral Process with special reference to
  - a. Constituting the Arbitral Tribunal
  - b. Implementing the Arbitration Agreement
  - c. Grant of Interim Measures
  - d. Recognition and Enforcement of the Arbitral award

**c) Specialized Arbitral Tribunals:**

- i. Maritime Arbitration
- ii. Construction Arbitration in general
- iii. Banking Arbitration
- iv. Arbitration of Intellectual Property Law Disputes
- v. Online Dispute Resolution
- vi. Insurance Arbitration

**PART C:**

**General Features of International Arbitration**

- i. Important Principles Applicable to International Arbitration
- ii. International Contracts
- iii. International Jurisdiction and “Forum Shopping”
- iv. “Forum Non Convenience”
- v. Choice of Law Issues
- vi. Proper Law of Contracts
- viii. Enforcement of Foreign Judgments,
- ix. Recognition and enforcement of foreign Arbitral Awards, Setting aside of awards,
- x. New York Convention of Recognition and enforcement of foreign awards of 1958
- xi. Foreign Investment Agreements and enforcement of awards

**PART D:**

**Construction Arbitration**

- i. Construction Contracts
- ii. Adjudication Procedure under FIDIC Conditions
- iii. Construction Arbitration

**PART E:**

**Pleadings and Award Writing**

- i. Reference to Arbitration & Drafting of Statement of Claim
- ii. Drafting Terms of Reference
- iii. Drafting of Statement of Response
- iv. Pleadings - Applications to High Court - Supportive Role of High Court (Appointment of Arbitrators, Summons, Witnesses & Evidence etc
- v. The Award - form, content, types and delivery
- vi. Writing an Enforceable, Reasoned Award
- vii. Drafting of Enforcement Application
- viii. Drafting of Application to set aside awards

**Video Mock Arbitration**

**Mock Arbitration**