



SYLLABUS OF THE ICLP DIPLOMA IN COMMERCIAL ARBITRATION

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
- xviii. UNCITRAL Arbitration Rules
- xix. Arbitrations under ICC Rules
- xx. Other Leading International Arbitration Institutions and their Rules
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
- vii. Multiparty Arbitrations
- viii. IP Arbitrations

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
- ii. Drafting of Statement of Claim, Response / Counter Claim
- iii. Drafting Terms of Reference
- iv. Summons/witnesses/Evidence, proceedings etc
- v. Awards
- vi. Writing an enforceable/ reasoned Award
- vii. Enforcement Proceedings in High Court
- viii. Drafting of Enforcement Application
- ix. Drafting of Application to set aside awards

Video Mock Arbitration

Mock Arbitration