Diploma in International Arbitration
Middle East and North Africa

rics.org/drsmea
Introduction

RICS has developed a blended learning Arbitration Diploma tailored for professionals working in the Middle East and North Africa.

The MENA Diploma is intended for those who are seeking to act as international arbitrators and/or professionals who could be representing parties in arbitration situations.

- The Diploma focuses specifically on the built environment and related sectors.

- The course is structured as a blended course delivered through the RICS Online Academy, with video and live online interactive tutorials, as well as face to face tutorials. Candidates will be required to sit for three written assessments.

- The course is split into three comprehensive modules including revision sessions. The full Diploma takes 18 months to complete.

- Candidates enrolled on the course will be supplied with copies of the compulsory reading materials: Contract Law’ by Elliot and Quinn, ‘Tort Law’ by Elliot and Quinn and ‘International Arbitration’ by Redfern and Hunter.

- This Diploma leads to a dual qualification and will provide you with a domestic Diploma in Arbitration (based on the English Arbitration Act), in addition to the Diploma in International Arbitration.

Contact drsmea@rics.org for more information
Further practical experience and mentoring would be recommended for those seeking to practise as an arbitrator. RICS is actively recruiting for all types of dispute resolvers and expert witnesses to join the RICS Global Panel of Dispute Resolvers & Expert Witnesses (MENA). Arbitration is a popular dispute resolution mechanism in this region and we are keen to have more built environment specialist arbitrators on the Panel.

This Diploma qualification will be one of the criteria for acceptance onto the Panel.

The arbitration qualifications have been developed by the RICS International Arbitration Working Party consisting of:

- Rowan Planterose (Chair) LLB MA, Solicitor FCIArb, Chartered Arbitrator (former practising Barrister)
- Mark Entwistle LLB FRICS FCIOB FCIArb, Barrister FCIArb, Chartered Arbitrator
- Franco Mastrandrea LLB MSc PhD FRICS FCIArb Barrister, Chartered Arbitrator
- Victor Leginsky, Independent Arbitrator and Mediator
- Abigail Powell, LLB (Hons), RICS Accredited Civil and Commercial Mediator, Solicitor of the Supreme Courts of England and Wales.
- Peter Collie Barrister, Chartered Arbitrator, Accredited Mediator, Adjudicator, Dispute Board Member
## Curriculum details

<table>
<thead>
<tr>
<th>Module name</th>
<th>Learning Outcome</th>
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<tbody>
<tr>
<td><strong>Module 1</strong></td>
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| Contract Law | • Offer and acceptance  
               • Problems with acceptance  
               • Certainty  
               • Consideration  
               • Waiver and estoppel  
               • Unfair contract terms  
               • Misrepresentation  
               • Mistake, illegality, duress and undue influence  
               • Performance, frustration and breach  
               • Remedies |
| Tort         | • Negligence: duty of care and standard of care  
               • Negligence: causation & defences  
               • Occupiers  
               • Defences  
               • Nuisance & Rylands vs. Fletcher  
               • Trespass (land and goods) |
| Evidence     | • Evidence in general  
               • Experts  
               • Privilege |
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<th>Module name</th>
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<tbody>
<tr>
<td>Module 2</td>
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<tr>
<td>Overview of International</td>
<td>• What is arbitration? (Distinguish from litigation, mediation, adjudication, dispute boards, expert determination)</td>
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<td>Arbitration</td>
<td>• Distinguish between international and domestic arbitration</td>
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<td>• Reasons for arbitrating</td>
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<td>• Types of arbitration: institutional and ad hoc</td>
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<td>• The Regulation of International Arbitration – the role of national legislation and the role of rules</td>
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<td>• Introduction to the Arbitration Act 1996 in England, to UAE Civil Code as applied to arbitration and to the UNCITRAL Model Law</td>
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<td>Agreement to Arbitrate</td>
<td>• Writing the arbitration clause</td>
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<td>• The relevance and importance of the seat</td>
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<td>• Validity (writing, etc)</td>
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<td>• Parties</td>
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<td>• Separability</td>
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<td>• Arbitrability</td>
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<td>• Confidentiality</td>
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<td>• Pathological arbitration clauses</td>
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<td>• Multi-party arbitrations</td>
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<td>Arbitration Institutions</td>
<td>• Introduction to main arbitration rules (ICC, LCIA, AAA, UNCITRAL, etc)</td>
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<tr>
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<td>• Introduction to main institutions: ICC, LCIA, AAA, DIFC, DIAC, SIAC, HKIAC, Malaysia, Stockholm etc</td>
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<td>• Other Middle East jurisdictions</td>
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<td>• Other rules or supplementary rules: UNCITRAL, IBA</td>
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| Applicable Laws                                                            | • The law governing the agreement to arbitrate  
• The law governing the arbitration  
• The law applicable to the substance                                                                                                    |
| Establishment and Organisation of the Tribunal                             | • Conflict of law rules  
• Commencement of the arbitration  
• Appointment of arbitrators  
• Qualities of arbitrators  
• Impartiality and Independence: IBA Guidelines on conflict of interest  
• Challenge and replacement of arbitrators  
• Fees and expenses                                                                                                                        |
| Emergency Procedures and Interim Measures                                  | • Limitation and prescription  
• The emergency arbitrator  
• Interim remedies                                                                                                                          |
| Powers, duties and jurisdiction of the Arbitral Tribunal                    | • Powers of arbitrators  
• Duties of arbitrators  
• Jurisdiction  
• Removal of an arbitrator  
• Liability of the arbitrator                                                                                                                  |
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| **Conduct of the Proceedings**   | • Party autonomy and natural justice  
• Preliminary steps: Sitting the case out  
• Terms of Reference  
• Evidence: documents and witnesses – Redfern schedules, electronic disclosure, translations  
• Experts  
• Hearings: chess clocks, hot tubbing  
• Post hearing briefs  
• Arbitrators’ powers: to order attendance of witnesses, security for costs  
• Rules reviewed for content re conduct of proceedings.  
• IBA Rules on Taking Evidence in International Arbitration 2010  
• IBA Guidelines on Party Representation in International Arbitration (2013) |
| **The Preliminary Meeting**      | • Understand and explain why preliminary meetings are required.  
• Recognise factors to be considered in deciding whether to hold a preliminary meeting in person or by telephone or video conference.  
• Understand and explain the matters to be discussed at a preliminary meeting.  
• Understand and explain the nature and contents of procedural orders following a preliminary meeting. |
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| The Role of National Courts  | • Enforcing the arbitration agreement  
• Establishing the tribunal and challenges to jurisdiction  
• Interim measures  
• Assistance during the arbitration  
• Judicial control: appeals, serious irregularity, etc |

**Module 3**

**Introduction to Award Writing**

| The Award | • Types: orders, final awards, partial, interim, default, consent  
• Remedies  
• Validity  
• Notification  
• Effect  
• How the tribunal reaches a decision; dynamics of the three person tribunal. Who writes the award?  
• Dissent  
• Publication  
• Costs of parties, role of offers  
• Costs of tribunal, institutions etc |

<p>| Writing the Award | • Practice Exercise |</p>
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| **English Arbitration Act**      | • General Principles, the Arbitration Agreement and the commencement of proceedings  
                                  | • The Arbitral Tribunal  
                                  | • The Arbitral Proceedings  
                                  | • The Award and enforcement  |
| **Challenge and Enforcement**     | • Methods of challenge  
                                  | • Grounds for challenge  
                                  | • Effect of challenge  
                                  | • Enforcement under the New York Convention  
                                  | • Reasons for refusal of enforcement  
                                  | • Public policy |
Assessment

During the study programme, you will have the opportunity to submit questions for marking. You will be required to sit and successfully pass three written assessments: two law papers and an award writing paper. There is also a mandatory assignment on Evidence for Module 1.

Fees

10% Discount
When you enrol and pay for all three modules together
AED 24,750 + VAT

Module 1: AED 8,500 + VAT
Module 2: AED 9,500 + VAT
Module 3: AED 9,500 + VAT

Fee includes all textbooks, face to face training, webinars, access to the Online Learning Academy and assessments.