

SIAC and Institutional Arbitration I & II

By SIAC and Keio University Law School

Online course on Nov. 16, 18, 20, 22, 25 and 27, 2021

An inside look at SIAC proceedings and case management

The Singapore International Arbitration Centre (SIAC) will be conducting the “SIAC and Institutional Arbitration” module (SIAC Module), in collaboration with Keio Law School. SIAC is the most preferred arbitral institution in Asia Pacific and second among the world's top five arbitral institutions. The SIAC Module seeks to introduce participants to the role and function of SIAC in guiding and shaping the practice and development of international arbitration, and to the complex issues that arbitral institutions face in the administration of arbitrations, including, among others, the appointment of arbitrators and the issuance of arbitral rules and practice notes. For more details, please refer to attached syllabi for [SIAC and Institutional Arbitration I](#) or [II](#). The course is conducted in English.

Class	Dates and Times	Class Description
1	Nov. 16, Tue. 6-9 pm	I Introduction to SIAC II Case Management at SIAC
2	Nov. 18, Thur. 6-9 pm	SIAC's role in the Constitution of the Arbitral Tribunal
3	Nov. 20, Sat. 9 am-12 pm	The Arbitral Proceedings
4	Nov. 22, Mon. 6-9 pm	Jurisdictional Objections, Consolidation and Joinder, Emergency Arbitrator, Expedited Procedure, Early Dismissal
5	Nov. 25, Thur. 6-9 pm	Award and Costs of the Arbitration
6	Nov. 27, Sat. 9 am-12 pm	SIAC, Investor State Dispute Settlement and Alternative Dispute Resolution

This course is a non-degree course with one or two academic credits granted for successful completion of the course by Keio University Law School. Please apply [HERE \(Japanese or English\)](#) by **November 8, 2021**.

Please contact: **Office of Student Services**, Law School Section (Mita Campus South Building, 1F)

Tel: 03-5427-1778 E-mail: lawjm@info.adst.keio.ac.jp

Counter opening hours: weekdays (excluding holidays) 8:45-16:45

SIAC and Institutional Arbitration I (J.D.) /SIAC and Institutional Arbitration I (LL.M.)

(1/1,2,3) 1 credit (Fall)

SHIMADA, MAKOTO, MIYATAKE, MASAKO

1. Course Objectives and Attainment:

The course is taught online by the course convenor, Mr Chan Leng Sun, SC, and other visiting lecturers from the Singapore International Arbitration Centre (SIAC), Young SIAC (YSIAC) Committee Members, and other leading international arbitration practitioners and arbitrators. Professor Makoto Shimada and Professor Masako Miyatake serve to administer the course and conduct assessment on site.

Arbitral institutions are important stakeholders in the field of international arbitration, but the nature and importance of their role have often been overlooked. The course seeks to introduce participants to the role and function of arbitral institutions in the practice of international arbitration, and to the complex issues that arbitral institutions face in the administration of arbitrations, including, amongst others, appointment of arbitrators, issuance of arbitral rules and practice notes, and guiding and shaping the development of international arbitration.

2. Relationship to the relevant course:

International Commercial Arbitration I, II, Arbitration (Practical Training course) and Introduction to Arbitration. **SIAC and Institutional Arbitration II is the same course as SIAC and Institutional Arbitration I except that a final research paper is assigned to the students of II as the basis of assessment.**

3. Course Type:

Lectures and class exercises

4. Method of Evaluation / Grading Curve

This is a one-credit course in which the students are assessed only on the basis of their class participation (100%). There is no sit-down or take-home exam for this course.

5. Course Material:

General Reading Materials

- a) SIAC Arbitration Rules 2016
- b) SIAC Investment Arbitration Rules 2017
- c) SIAC Practice Notes
- d) Singapore International Arbitration Act (Cap. 143A)
- e) IBA Rules on the Taking of Evidence in International Arbitration (2020)
- f) IBA Guidelines on Conflicts of Interest in International Arbitration (2014)

Supplementary Reading Materials

- a) John Choong, Mark Mangan, and Nicholas Lingard, A Guide to the SIAC Arbitration Rules, 2nd ed., (Oxford University Press)
- b) Paul Sandosham, Nish Shetty, Harpeet Singh Nehal SC, Kabir Singh, "A Practical Guide to the SIAC Rules", (LexisNexis)

6. Course Description:

Session 1: 16 November (Tuesday) 6-9 pm

Co-Lecturers: Mr Kevin Nash and Ms Michele Sonen

Introduction to SIAC

- Role of arbitral institutions in international arbitration
- Overview of leading arbitral institutions

- Institutional arbitration as opposed to ad hoc arbitration
- History of SIAC
- Role of SIAC Court of Arbitration, President of the SIAC Court, SIAC Registrar, SIAC Secretariat, and the interactions between them
- Overview of SIAC's Rules and Practice Notes – SIAC Rules 2016; SIAC Investment Arbitration Rules 2017

Case Management at SIAC

- Notice of Arbitration
- Commencing the arbitration
- Response to Notice of Arbitration; Counterclaims
- SIAC Schedule of Fees
- Determining amount of deposits payable towards the costs of the arbitration; stages of deposit payment
- Provisional estimates of costs of arbitration
- Ensuring the smooth running of the proceedings; how to keep arbitrations on track
- SIAC's role in administering arbitrations under the UNCITRAL Arbitration Rules
- Class Exercise

Session 2: 18 November (Thursday) 6-9pm

Co-Lecturer: Ms Delphine Ho and Ms Pauline Low

SIAC's role in the Constitution of the Arbitral Tribunal

- Nomination; Appointment and confirmation of arbitrators
- Disclosure and conflicts of interest
- Qualifications of arbitrators
- Challenge of arbitrators
- Replacement of arbitrators
- IBA Guidelines on Conflicts of Interest in International Arbitration (2014)
- SIAC's statutory appointing role under the International Arbitration Act
- SIAC Code of Ethics for an Arbitrator
- Class Exercise

Session 3: 20 November (Saturday) 9am-12pm

Co-Lecturers: Mr Yoshimasa Furuta, Ms Yoshimi Ohara, and Ms Lijun Chui

The Arbitral Proceedings

- Procedural Order No. 1 / Procedural Timetable No. 1
- Seat of the arbitration—delocalization of the seat in SIAC Rules 2016
- Conduct of the proceedings
- Language of the arbitration
- Party representatives
- Third Party Funding
- Pleadings
- Witnesses
- Document disclosure
- Hearings
- Role of Tribunal Secretaries
- IBA Rules on the Taking of Evidence in International Arbitration (2020)
- SIAC Practice Note for Administered Cases – On the Appointment of Administrative Secretaries (2 February 2015)
- SIAC Practice Note on Arbitrator Conduct in Cases involving External Funding (31 March 2017)
- Class Exercise

Session 4: 22 November (Monday) 6-9pm

Co-Lecturers: Mr Chan Leng Sun, SC, Mr Hiroyuki Tezuka, and Mr Zachary Sharpe

Jurisdictional Objections, Consolidation and Joinder, Emergency Arbitrator, Expedited Procedure, Early Dismissal

- Jurisdictional Objections (Rule 28.1, SIAC Rules 2016)
- Multiple Contracts, Joinder of Additional Parties and Consolidation
- Emergency Arbitrator applications
- Expedited Procedure applications
- Early Dismissal applications
- Role of the SIAC Court of Arbitration, President of the SIAC Court, SIAC Registrar and the SIAC Secretariat
- Class Exercise

Session 5: 25 November (Thursday) 6-9pm

Co-Lecturers: Mr Yoshihiro Takatori and Ms Delphine Ho

Award and Costs of the Arbitration

- Close of proceedings and submission of draft awards
- Scrutiny of Awards
- Correction of Awards, Interpretation of Awards and Additional Awards
- Decision as to the Costs of the Arbitration
- Confidentiality of arbitration
- Publication of Awards
- Authentication and Certification
- Class Exercise

Session 6: 27 November (Saturday) 9am-12pm

Co-Lecturers: Mr Romesh Weeramantry and Ms Kate Apostolova

SIAC, Investor State Dispute Settlement and Alternative Dispute Resolution

- SIAC Investment Arbitration Rules
 - Jurisdictional criteria
 - List procedure for appointment of sole or presiding arbitrator
 - Opt-in mechanism for appointment of Emergency Arbitrator
 - Challenges to arbitrators
 - Early dismissal of claims and defences
 - Written submissions by non-disputing parties
 - Third-party funding arrangement
 - Confidentiality and publication of key information relating to dispute
- SIAC-SIMC Arb-Med-Arb Protocol
- Class Exercise

SIAC and Institutional Arbitration II (J.D.) /SIAC and Institutional Arbitration II (LL.M.)

(1/1,2,3) 2 credits (Fall)

SHIMADA, MAKOTO, MIYATAKE, MASAKO

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3. Course Type:

Lectures and class exercises

4. Method of Evaluation / [Grading Curve]

This is a two-credit course in which the students are assessed on the basis of a 2,000-word research paper (90%) and class participation (10%). There is no sit-down or take-home exam for this course. The research papers are due for submission to the KLS Professors by 12pm, 5 December 2021 by email (mmi@kcio.jp).

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