



Diploma in International Arbitration

Africa



Introduction

RICS has developed a blended learning Arbitration Diploma tailored for professionals working in Africa.

This 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 required to source copies of the compulsory reading materials: 'Nutshell Contract Law' by Robert Duxbury, 'Law Express: Tort Law' by Emily Finch & Stefan Fafinski, 'English Legal System' by Penny Derbyshire 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.



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. 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 RICS DRS Faculty of Trainers and Assessors consists of highly experienced arbitrators and academics who are involved in the delivery and assessment of this Diploma qualification.



Curriculum details

Module name	Learning Outcome
Module 1	
Contract Law	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Negligence: duty of care and standard of care • Negligence: causation & defences • Occupiers • Defences • Nuisance & Rylands vs. Fletcher • Trespass (land and goods)
Evidence	<ul style="list-style-type: none"> • Evidence in general • Experts • Privilege

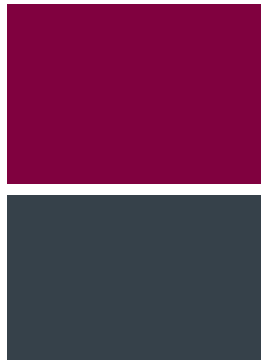
Module name	Learning Outcome
Module 2	
<p>Overview of International Arbitration</p>	<ul style="list-style-type: none"> • What is arbitration? (Distinguish from litigation, mediation, adjudication, dispute boards, expert determination) • Distinguish between international and domestic arbitration • Reasons for arbitrating • Types of arbitration: institutional and ad hoc • The Regulation of International Arbitration – the role of national legislation and the role of rules • Introduction to the Arbitration Act 1996 in England, South Africa Arbitration Act 1965 and to the UNCITRAL Model Law
<p>Agreement to Arbitrate</p>	<ul style="list-style-type: none"> • Writing the arbitration clause • The relevance and importance of the seat • Validity (writing, etc) • Parties • Separability • Arbitrability • Confidentiality • Pathological arbitration clauses • Multi-party arbitrations
<p>Arbitration Institutions</p>	<ul style="list-style-type: none"> • Introduction to main arbitration rules (ICC, LCIA, AAA, UNCITRAL, etc) • Introduction to main institutions: ICC, LCIA, AAA, DIFC, DIAC, SIAC, HKIAC, Malaysia, Stockholm etc • Other rules or supplementary rules: UNCITRAL, IBA



Module name	Learning Outcome
Applicable Laws	<ul style="list-style-type: none"> • The law governing the agreement to arbitrate • The law governing the arbitration • The law applicable to the substance
Establishment and Organisation of the Tribunal	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Limitation and prescription • The emergency arbitrator • Interim remedies
Powers, duties and jurisdiction of the Arbitral Tribunal	<ul style="list-style-type: none"> • Powers of arbitrators • Duties of arbitrators • Jurisdiction • Removal of an arbitrator • Liability of the arbitrator



Module name	Learning Outcome
<p>Conduct of the Proceedings</p>	<ul style="list-style-type: none"> • 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)
<p>The Preliminary Meeting</p>	<ul style="list-style-type: none"> • 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.



Module name	Learning Outcome
The Role of National Courts	<ul style="list-style-type: none"> • Enforcing the arbitration agreement • Establishing the tribunal and challenges to jurisdiction • Interim measures • Assistance during the arbitration • Judicial control: appeals, serious irregularity, etc
English Arbitration Act	<ul style="list-style-type: none"> • General principles and the arbitration agreement and the commencement of proceedings • The Arbitral Tribunal • The Arbitral Proceedings • The Award and enforcement
Module 3	
Introduction to Award Writing	
Challenge and Enforcement	<ul style="list-style-type: none"> • Methods of challenge • Grounds for challenge • Effect of challenge • Enforcement under the New York Convention • Reasons for refusal of enforcement • Public policy



Module name	Learning Outcome
The Award	<ul style="list-style-type: none"> • 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
Writing the Award	<ul style="list-style-type: none"> • Practice Exercise

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 as well as an assignments for both Module 1 and 2.

Fees

**10%
Discount**

When you enrol and
pay for all three
modules together

ZAR 45,000 +VAT

Module 1: ZAR 12,400 +VAT

Module 2: ZAR 18,800 +VAT

Module 3: ZAR 18,800 +VAT

Fee includes face to face training, webinars, access to the Online Learning Academy and assessments. There will be an additional cost to acquire the required textbooks, prices will vary dependent on where they are sourced from.



Delivering confidence

We are RICS. Everything we do is designed to effect positive change in the built and natural environments. Through our respected global standards, leading professional progression and our trusted data and insight, we promote and enforce the highest professional standards in the development and management of land, real estate, construction and infrastructure. Our work with others provides a foundation for confident markets, pioneers better places to live and work and is a force for positive social impact.

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