

SYLLABUS

The syllabus is designed to provide candidates with a detailed knowledge of both Sri Lankan law and procedure relating to Arbitrations. A special feature is the “Pleadings and Award Writing” component which gives a grounding in the practical aspects of drafting of pleadings and the drafting and analysis of reasoned arbitral awards.

The syllabus is divided into five parts as follows:

PART A: General Principles Of Law

Introduction:

Hon Justice (retired) Hector S.Yapa

- I Principles of Law and General Concepts such as *audi alteram partem*, *nemo judex in causa sua potest* and proportionality

Mr Arjuna Obeyasekera

- ii Law of Contract
- iii Law of Delicts

Mr U Egalahewa

- 1v Law of Evidence, with particular reference to arbitration proceedings

Mr Arjuna Obeyasekera

- v Banking concepts Banking Concepts & Credit facilities, recovery

Hon Justice P.A. Ratnayake P.C.

- vi Admiralty Law and arrest of ships

PART B: Arbitration Law and Procedure

Introduction:

a) The Arbitration Agreement and Important Clauses:

Hon Justice Saleem Marsoof, P.C.

- i) Law Governing the Arbitration
- ii) Rules of Arbitration

Mr Sunil Abeyratne

- iii) Leading International Arbitration Institutions and their Rules (ICC, SIAC and UNCITRAL Rules and Model Law)

Mrs. Shehara Varia

- iv) Drafting of Arbitral Clauses
- v) Ad hoc Arbitration Clauses and Submission Agreements
- vi) Place of Arbitration and Language

Dr. Harsha Cabral P.C

- vii) Why Commercial Arbitration?
- viii) Party Autonomy
- ix) The Law Applicable to Arbitration in Sri Lanka

Hon. S. S Wijeratne

- x) The powers, duties and jurisdiction of an Arbitral Tribunal
- xi) Difference between Institutional and Ad Hoc Arbitration – Comparison of Arbitration held under the ICLP Arbitration Centre Rules of Sri Lanka and Ad Hoc Arbitration

Ms Hemamali Amarasinghe

- xii) Establishment & Organization of Arbitral Tribunal and Administration of the arbitration with special reference to ICLP Rules

Hon. Walter Laduwahetty

- xiii) Appointment and Qualification of Arbitrators
- Xiv) Powers and Duties of Arbitrators
- xv) Code of Ethics of ICLP Arbitration Centre
- xvi) Misconduct of Arbitrators and Removal and or Resignation of Arbitrators
- xvii) The Role of the Arbitrator

b) Procedure:

Hon. Leslie Abeysekera

- i) The Conduct of Arbitration Proceedings

Hon. Walter Laduwahetty

- ii) Expedited Rules of ICLP Arbitration Centre

Dr. Harsha Cabral

- iii) Multi Party Arbitration

Mr. K. Kanag – Isvaran P.C

- iv) Conflict of Laws

Dr. Harsha Cabral P.C

- v) Arbitration Act No. 11 of 1995

Hon Justice Saleem Marsoof P.C

- 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:

Mr. U. Egalahewa

- i) Maritime Arbitration

Prof. C. Wedikkara

- ii) Construction Arbitration in general

Mr. U. Egalahewa

- iii) Banking Arbitration

Dr. Harsha Cabral P.C

- iv) Arbitration of Intellectual Property Law Disputes

Mr. Jayantha Fernando

- v) Online Dispute Resolution

Mr Arjuna Obeyasekera

- vi) Insurance Arbitration

PART C: General Features of International Arbitration

Hon. Justice Saleem Marsoof P.C

- i) Important Principles Applicable to International Arbitration
- ii) International Contracts

Mr. U.Egalahewa

- iii) International Jurisdiction and “Forum Shopping”
- iv) “Forum Non Convenience”

Hon. Justice Saleem Marsoof P.C

- v) Choice of Law Issues
- vi) Proper Law of Contracts
- vii) Enforcement of Foreign Judgments, Recognition and enforcement of foreign Arbitral Awards, Setting aside of awards, New York Convention

of Recognition and enforcement of foreign awards of 1958 and foreign Investment Agreements and enforcement of awards

PART D: Construction Arbitration

Mr. Ananda Ranasinghe

- i) Construction Contracts
- ii) Construction Arbitration and Adjudication Procedure under FIDIC Conditions

Dr. E.M. G. De Zylva

- iii) Adjudication

PART E: Pleadings and Award Writing

Mr Arjuna Obeyasekera

- i) Reference to Arbitration & Drafting of Statement of Claim

Mr Arjuna Obeyasekera

- ii) Drafting Terms of Reference
- iii) Drafting of Statement of Response

Dr. E.M. G. De Zylva

- iv) The Award – form, content, types and delivery
- v) Writing an Enforceable, Reasoned Award

Mr Arjuna Obeyasekera

- vi) Drafting of Enforcement Application
- vii) Drafting of Application to set aside awards

Video Mock Arbitration with Mr. K. Kanag-Isvaran P.C and Ms. Shehara Varia

Mock Arbitration with Hon. Justice Saleem Marsoof P.C and Others