

## **SIAC AND INSTITUTIONAL ARBITRATION**

National Law School of India University, Bengaluru

### ***Course Convenor***

Mr Vivekananda Neelakantan, *Registrar, SIAC*

### ***Co – Teachers***

Mr Ashish Chugh, *Principal, Baker & McKenzie Wong & Leow*

Mr Ankit Goyal, *Partner – Foreign Law, Allen & Gledhill LLP*

Ms Ila Kapoor, *Partner, Shardul Amarchand Mangaldas & Co.*

Mr Promod Nair, *Senior Advocate, High Court of Bengaluru*

Mr Vijayendra Pratap Singh, *Member, SIAC Court of Arbitration; Senior Partner & Head – Litigation and Dispute Resolution Practice (Delhi), AZB & Partners*

Mr Shivam Patanjali, *Deputy Counsel, SIAC*

Ms Steffi Mary Punnose, *Strategy & Development Manager (South Asia), SIAC*

## **COURSE DESCRIPTION**

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 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. The course will be taught by visiting lecturers from the Singapore International Arbitration Centre (SIAC) and other leading arbitration practitioners.

### **Session 1: 22 April 2025 (Tuesday) 04.00 PM – 07.00 PM (IST)**

Lecturers: Mr Vivekananda Neelakantan; Mr Shivam Patanjali; Ms Steffi Mary Punnose

#### **❖ Introduction to institutional arbitration ecosystems and SIAC**

- The importance of the ecosystem
- 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 2025 (7<sup>th</sup> Edition); SIAC Rules 2016 (6<sup>th</sup> Edition); SIAC Investment Arbitration Rules 2017

❖ **Case Management Role of SIAC**

- Notice of Arbitration (Rule 6 of SIAC Rules 2025)
- Commencing the arbitration (Rule 6.2 of SIAC Rules 2025)
- Response to Notice of Arbitration (Rule 7 of SIAC Rules 2025); Counterclaims
- SIAC Schedule of Fees
- Determining amount of deposits payable towards the costs of the arbitration; stages of deposit payment (Rule 56 of SIAC Rules 2025)
- Provisional estimates of costs of arbitration
- Ensuring the smooth running of the proceedings; how to keep arbitrations on track
- SIAC Gateway
- Administrative Conferences with SIAC Registrar and SIAC Court President (Rules 11 and 32.8 of SIAC Rules 2025)
- Registrar's powers of interpretation of SIAC Rules (Rule 3.3 of SIAC Rules 2025)
- SIAC's role in administering arbitrations under the UNCITRAL Arbitration Rules
- Class Exercise

**Session 2: 22 April 2025 (Tuesday) 07.00 PM – 09.00 PM (IST) and 23 April 2025 (Wednesday) 02.00 PM – 03.00 PM (IST)**

Lecturers: Mr Vivekananda Neelakantan; Mr Shivam Patanjali; Ms Steffi Mary Punnose

❖ **SIAC's role in the Constitution of the Arbitral Tribunal**

- Nomination; Appointment and Confirmation of arbitrators (Rules 19, 21 and 22 of SIAC Rules 2025)
- Multi-party appointment of three arbitrators (Rule 23 of SIAC Rules 2025)
- Disclosure and conflicts of interest (Rule 20 of SIAC Rules 2025)
- Qualifications of arbitrators
- Challenge of arbitrators (Rules 26 – 28 of SIAC Rules 2025)
- Replacement of arbitrators (Rule 30 of SIAC Rules 2025)
- IBA Guidelines on Conflicts of Interest in International Arbitration (2024)
- SIAC's statutory appointing role under the International Arbitration Act
- SIAC Code of Ethics for an Arbitrator
- Class Exercise

**Session 3: 23 April 2025 (Wednesday) 03.00 PM – 06.00 PM (IST)**

Lecturers: Ms Ila Kapoor; Mr Vivekananda Neelakantan; Mr Shivam Patanjali

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

- Jurisdictional Objections (Rules 8 and 31 of SIAC Rules 2025)

- Emergency Arbitrator applications (Rule 12 and Schedule 1 of SIAC Rules 2025)
- Expedited Procedure applications (Rule 14 and Schedule 3 of SIAC Rules 2025)
- Streamlined Procedure (Rule 13 and Schedule 2 of SIAC Rules 2025)
- Early Dismissal applications (Rule 47 of SIAC Rules 2025)
- Preliminary Determination (Rule 46 of SIAC Rules 2025)
- Multiple Contracts, Consolidation and Joinder of Additional Parties (Rules 15, 16 and 18 of SIAC Rules 2025)
- Coordinated Proceedings (Rule 17 of SIAC Rules 2025)
- Role of the SIAC Court of Arbitration, President of the SIAC Court, SIAC Registrar and the SIAC Secretariat
- Class Exercise

**Session 4: 23 April 2025 (Wednesday) 06.00 PM – 09.00 PM (IST)**

Lecturers: Mr Ankit Goyal; Mr Vivekananda Neelakantan; Mr Shivam Patanjali

❖ **The Arbitral Proceedings**

- Case Management Conference
- Issues for Determination (Rule 34 of SIAC Rules 2025)
- Procedural Order No. 1 / Procedural Timetable No. 1
- Seat of the arbitration (Rule 36 of SIAC Rules 2025)
- Conduct of the proceedings (Rules 3.5 and 32 of SIAC Rules 2025)
- Language(s) of the arbitration (Rule 37 of SIAC Rules 2025)
- Party representatives, Proof of Authority and Self-Representation (Rule 10 of SIAC Rules 2025)
- Third Party Funding (Rule 38 of SIAC Rules 2025)
- Pleadings
- Witnesses and Witness Preparation (Rule 40 of SIAC Rules 2025)
- Experts and Tribunal-appointed Expert (Rule 41 of SIAC Rules 2025)
- Document disclosure
- Hearings (Rule 39 of SIAC Rules 2025)
- Role of Tribunal Secretaries, Appointment of SIAC Secretariat as a Tribunal Secretary (Rule 24 of SIAC Rules 2025)
- 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 5: 24 April 2025 (Thursday) 06.00 PM – 09.00 PM (IST)**

Lecturers: Mr Ashish Chugh; Mr Vivekananda Neelakantan; Mr Shivam Patanjali

❖ **Award and Costs of the Arbitration**

- Close of proceedings and submission of draft awards (Rule 42.1 of SIAC Rules 2025)
- SIAC Award Checklist (effective 31 March 2023)
- Scrutiny of Awards (Rule 53 of SIAC Rules 2025)
- Signing of Awards (Rules 52.1 and 52.2 of SIAC Rules 2025)
- Correction of Awards, Interpretation of Awards and Additional Awards (Rule 54 of SIAC Rules 2025)
- Decision as to the Costs of the Arbitration (Rule 57 of SIAC Rules 2025)
- Confidentiality of arbitration (Rule 59 of SIAC Rules 2025)
- Publication of Awards (Rule 60 of SIAC Rules 2025)
- Authentication and Certification (Rule 52.6 of SIAC Rules 2025)
- Class Exercise

**Session 6: 25 April 2025 (Friday) 06.00 PM – 09.00 PM (IST)**

Lecturers: Mr Promod Nair SA; Mr Vijayendra Pratap Singh

❖ **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 arrangements
  - Confidentiality and publication of key information relating to dispute
- SIAC-SIMC Arb-Med-Arb Protocol
- Class Exercise

**MODE OF ASSESSMENT**

Students will be assessed on the basis of a 3,000-word (excluding footnotes) research paper (100%).

There is no sit-down or take-home exam for this course.

Research papers are due for submission on [\*To be inserted].

**GENERAL READING MATERIALS**

1. SIAC Arbitration Rules 2025 (7<sup>th</sup> Edition)
2. SIAC Arbitration Rules 2016 (6<sup>th</sup> Edition)
3. SIAC Investment Arbitration Rules 2017
4. SIAC Practice Notes

5. Singapore International Arbitration Act (Cap. 143A)
6. IBA Rules on the Taking of Evidence in International Arbitration (2020)
7. IBA Guidelines on Conflicts of Interest in International Arbitration (2024)

#### **SUPPLEMENTARY READING MATERIALS**

8. John Choong, Mark Mangan, and Nicholas Lingard, A Guide to the SIAC Arbitration Rules, 2<sup>nd</sup> ed., (Oxford University Press)
9. Paul Sandosham, Nish Shetty, Harpeet Singh Nehal SC, Kabir Singh, “A Practical Guide to the SIAC Rules”, (LexisNexis)
10. Gary Born, International Commercial Arbitration, 3<sup>rd</sup> ed., 2020, Kluwer Law International