

UGRD_YPHSL_2620_LAW4043_DARIUS CHAN



Singapore Management University

COURSE INFORMATION

Course Code & Title

LAW4043 - The Singapore International
Arbitration Centre and Institutional Arbitration:
Law and Practice

Effective Start Date

11/01/2027

Offering Unit / Department / School

YPHSL

Course Career

Undergraduate

Course Units

CU:

Grading Basis

GRD - Graded

1

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.

In this connection, SIAC has grown to be one of the most popular arbitral institutions not just in Asia, but the world. The course involves a study of SIAC processes as well as related case law emanating therefrom. Participants will learn not just what the relevant rules, procedures and processes are, but more importantly, participants will gain insight into why those rules exist, and how those rules are implemented in practice.

Participants will be taught by experienced guest instructors from the Singapore International Arbitration Centre (SIAC) and by other leading arbitration practitioners, who will share their unique, practical perspectives on administering or advancing a particular case. After each session involving SIAC instructors, participants will solidify their understanding through a review of case law and class presentations. Participants keen on developing a practice in international dispute resolution will find this course of direct relevance.

Course Learning Outcomes

- Mastering the legal framework regulating institutional arbitration, including international treaties and instruments such as the New York Convention.
- Understanding the structure, role and function of arbitral institutions, and similarities and differences between arbitral institutions.
- Understanding how arbitral institutions guide and shape the practice and development of international dispute settlement, such as climate change and technology innovation.
- Understanding the complexity that arbitral institutions consider in the administration of arbitrations, including the appointment of arbitrators, the issuance of arbitral rules and practice notes.

SMU Graduate Learning Outcomes

Disciplinary knowledge

Competencies

Regulatory and Legal Advisory

Course Area(s)

AREA - Business Options, AREA - Business-Oriented Electives, AREA - Econ Major Rel/Econ Options, AREA - Law Electives, AREA - Legal Studies Electives, AREA - Social Sciences/PLE Major-related, ENRL - SS Enrolment: 6 ISEP; 1 SUSEP, RQCX - LAW4020, TRCK - Law: Dispute Resolution Track

Simple Requirements

LAW4043/ LAW4020 - Mutually Exclusive
--

Type

Antirequisite

Enroll in the following Courses:

- LAW4020 - The Singapore International Arbitration Centre and Institutional Arbitration (Inactive)

CLASS SECTION INFORMATION

Instructor(s)

DARIUS CHAN CHAN
(dariuschan@smu.edu.sg)

Course Instructor(s)

Singapore International Arbitration Centre

Instruction Mode

In Person

Assessment Components (New)

Category*		Weightage*				
Class Participation		10				
Description	Individual Group?*	or	With Component?*	Writing	With Component?*	Oral
Class attendance and participation	Individual		No		Yes	

Category*	Weightage*	Assessment/Submission Period*
Projects/Assignments	30	Week 10

Description	Individual Group?* Group	or	With Component?*	Writing	With Component?*	Oral
Group project and presentation			Yes		Yes	

Category*	Weightage*		Assessment/Submission Period*		
Final Exam	60		Week 15		
Description	Individual Group?*	or	With Component?*	Writing With Component?*	Oral
Sit-down open book final examination	Individual		Yes	No	

Instructional Methods and Expectations

ASSESSMENT METHOD

Class attendance and participation	10%
Group project and presentation	30%
Sit-down open book final examination	60%

Group projects and presentations will have a strong practical / industry-oriented focus, such as designing a procedural order or protocol, a practice note, a practice guide, etc.

No questions from past year papers or published test banks will be used verbatim for the graded continuous assessments and examinations in this course.

IMPORTANT: Plagiarism is strictly forbidden and will result in a failed grade or worse, as detailed below. All materials and ideas gleaned from other sources must therefore be appropriately attributed.

Weekly Lesson Plan

SCHEDULE (SUBJECT TO CHANGE)

Week 1: Introduction to Legal Framework in International Commercial Arbitrations

- Introduction to UNCITRAL Model Law on International Commercial Arbitration
- Introduction to New York Convention
- Introduction to soft law instruments
- Introduction to Singapore laws on arbitration
- Relationship between *lex arbitri* and institutional rules
- Differences between ad hoc and institutional arbitration

Week 2: Introduction to institutional arbitration ecosystems and SIAC (featuring SIAC guest speakers)

- 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 (7th Edition); SIAC Rules 2016 (6th 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 (Rules 4.2, 4.3 and 6.1 of SIAC Rules 2025)
- 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

Week 3: SIAC's role in the Constitution of the Arbitral Tribunal (featuring SIAC guest speakers)

- 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 Arbitrators (1 January 2025)
- Class Exercise

Week 4: Jurisdictional Objections, Consolidation and Joinder, Emergency Arbitrator, Expedited Procedure, Early Dismissal (featuring SIAC guest speakers)

- 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

Week 5: The Arbitral Proceedings (featuring SIAC guest speakers)

- Case Management Conference (Rules 32.4 and 32.5 of SIAC Rules 2025)
- 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 Experts (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 Tribunal Secretaries (1 January 2025)
- SIAC Practice Note on Arbitrator Conduct in Cases involving External Funding (31 March 2017)
- Class Exercise

Week 6: Award and Costs of the Arbitration (featuring SIAC guest speakers)

- Close of proceedings (Rule 42.1 of SIAC Rules 2025)
- Submission of draft awards (Rule 53.2 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

Week 7: SIAC, Investor State Dispute Settlement and Alternative Dispute Resolution (featuring SIAC guest speakers)

- 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 (Rules 6.3, 7.3, 32.4 and 50.2(I) of SIAC Rules 2025)
- SIAC Restructuring & Insolvency Arbitration Protocol
- Guidance Note for Parties and Tribunals on cases administered under the SIAC Restructuring and Insolvency Arbitration Protocol (26 August 2025)
- Class Exercise

Week 8: Mid-Term Break

Week 9: Guest Lecture by Advanced Teaching Mentor

Week 10: Group project presentations (featuring SIAC Secretariat in attendance)

Week 11: Group project presentations (featuring SIAC Secretariat in attendance)

Week 12: Final Revision Class

Week 13: Individual Consultation Week

Week 14: Reading Week

Recommended Textbooks and Readings

RECOMMENDED TEXT AND READINGS

General Reading Materials

1. SIAC Arbitration Rules 2025 (7th Edition)
2. SIAC Arbitration Rules 2016 (6th Edition)
3. SIAC Investment Arbitration Rules 2017
4. SIAC Practice Notes
5. Public Consultation Draft of the 7th edition of the SIAC Rules
6. Singapore International Arbitration Act
7. IBA Rules on the Taking of Evidence in International Arbitration (2020)
8. IBA Guidelines on Conflicts of Interest in International Arbitration (2024)
9. SIAC-SIMC Arb-Med-Arb Protocol
10. SIAC Restructuring & Insolvency Arbitration Protocol

Recommended Textbook

Students are strongly recommended to purchase the following text:

Darius Chan, Paul Tan, Nicholas Poon, The Law and Theory of International Commercial Arbitration in Singapore (Academy Publishing)

Supplementary Readings

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

Additional materials will be provided on the eLearn platform.

UNIVERSITY POLICIES

Academic Integrity

All acts of academic dishonesty (including, but not limited to, plagiarism, cheating, fabrication, facilitation of acts of academic dishonesty by others, unauthorized possession of exam questions, or tampering with the academic work of other students) are serious offences.

All work (whether oral or written) submitted for purposes of assessment must be the student's own work. Penalties for violation of the policy range from zero marks for the component assessment to expulsion, depending on the nature of the offence.

When in doubt, students should consult the instructors of the course. Details on the SMU Code of Academic Integrity may be accessed at <https://smu.sharepoint.com/sites/oasis/SitePages/DOS-WKLSWC/UCSC.aspx>.

Responsible Use of AI

The University recognises the importance of equipping students with the skills to navigate an AI-driven world. While AI tools may support learning, they must be used judiciously and responsibly. Students must not present AI-generated output as their own work.

Each course may set specific guidelines on the use of AI in assessments. Students are required to follow these guidelines carefully and should seek clarification from the instructors if uncertain.

Misuse of AI constitutes a breach of academic integrity and will be subject to the same penalties as other acts of academic dishonesty.

Copyright Notice

Please note that all course materials are meant for personal use only, namely for the purposes of teaching, studying and research. You are strictly not permitted to make copies of or print additional copies or distribute such copies of the course materials or any parts thereof, for commercial gain or exchange.

For the full copyright notice, please visit <https://researchguides.smu.edu.sg/copyright>.

Accessibility

SMU strives to make learning experiences accessible for all. Students who anticipate or experience physical or academic barriers due to disability are encouraged to inform the course instructor as soon as possible. Students may also contact the university's disability services team if they have questions or concerns about academic provisions:

accessibility@smu.edu.sg. Please be aware that the accessible tables in our seminar room should remain available for students who require them.

Digital Readiness for Teaching and Learning (DRTL)

As part of emergency preparedness, instructors may conduct lessons online via the Zoom platform during the term, to prepare students for online learning. During an actual emergency, students will be notified to access the Zoom platform for their online lessons. The class schedule will mirror the current face-to-face class timetable unless otherwise stated.