

## Around the World...



Not quite the female version of Phileas Fogg, and my journey did take rather much more than eighty days, but it was a journey that started in London, although not at the Reform Club, and it took me to Dublin via Oxford and Hong Kong and all with the purpose of developing my skills in alternative dispute resolution.

With the introduction of statutory adjudication for construction in 1998 domestic arbitration had long been on the wane and, coupled with the design and development of a hotel in Sri Lanka with all its associated distractions including the odd adjudication, an invariably inebriated contractor, the odd death threat (from the same contractor), I had never quite managed to sign up for the Chartered Institute of Arbitrators Diploma in International Commercial Arbitration which was the logical next step if I wished to pursue my interest in ADR. However, all these diversions only fuelled my enthusiasm.

### **Oxford - CI Arb Diploma in International Commercial Arbitration.**

So having at long last signed up for the Diploma I set off to Oxford in September 2014. Day one and my heart sank on entering the lecture hall. Each delegate was allocated three dedicated desk spaces to enable the extensive range of rainbow coloured 'reading material' allocated for the course, which had on closer examination an exceptionally small font, to be referred to simultaneously if necessary. Yes, it was going to be an intensive course.



The Oxford Diploma is the flagship course of CI Arb and this accredited, internationally recognised, intensive nine day training programme is designed to provide a thorough understanding of the practice and procedure of international commercial arbitration.

The course attracts a worldwide selection of students from such countries as Nigeria, Saudi Arabia, Lebanon, New Zealand, Holland, Sweden and India. The melting pot of students did make for some interesting debates. The course is annual and this year, it will be led by Doug Jones.

So after nine solid days in Oxford living and breathing ICC, UNICTRAL, The New York Convention with twenty five other delegates from every Phileas Fogg corner of the world, I emerged blinking into the sunlight of the Oxford spires speaking a new language littered with the various acronyms.

### **Hong Kong – Twelfth Annual C.Vis (East) International Commercial Arbitration Moot.**

March 2015 and I found myself in Hong Kong as a guest arbitrator for the Vis East Moot. The goals of both the Vis East Moot and the original Vis Moot in Vienna are the promotion and study of international commercial arbitration and the training of tomorrow's legal leaders in methods of alternative dispute resolution.

There are two phases to the moot: prior to the moot the students research and write their memoranda for both claimant and respondent and these are judged by a panel of international arbitrators, and then the oral arguments based upon the memoranda are heard over a series of five days.

The problem always involves a different set of arbitration rules each year and always involves a contract relating to the sale and purchase of goods under the United Nations Convention on Contracts for the International Sale of Goods.

At the Vis East in Hong Kong, 107 teams participated and, in all, nearly 1,000 people including coaches and arbitrators were involved. The teams came from over 29 jurisdictions including Afghanistan, Taiwan, South Korea, Brazil, and Japan. 98 people from 42 countries acted as arbitrators and readers of the Memoranda.



*Vis East Group Photo 2015*

Vis East was started by Louise Barrington who is one of the founding members of ArbitralWomen [www.arbitralwomen.org](http://www.arbitralwomen.org) which was set up to address the imbalance of women in arbitration.

### **DBF (Dispute Board Federation) FIDIC Total Immersion Programme (TPIF)**

On to Dublin to the DBF (Dispute Board Federation) FIDIC Total Immersion Programme (TPIF) to gain an understanding of the FIDIC forms of contract.

The TPIF was led by Dr. Cyril Chern and supported by four other tutors, with most being members of the Chartered Institute of Arbitrators. Delegates had joined from Dubai, Chile, Romania, Bosnia, Poland, Sweden, Jeddah and the not so exotic Liverpool.

Six intense days 'immersed' in the programme you emerged to the 'soft' rain of Dublin not with an Irish lilt but another new technical vocabulary and a global understanding of the principles of FIDIC Forms, dispute boards and a fresh perspective on how adjudication can be effective in practice.

Even a term such as ‘Force Majeure’, which lends itself to a wider interpretation under FIDIC than under the JCT (Joint Contracts Tribunal), was explained with humour, for, by day five, we were now aware that when a bunch of two metre long, hungry hogs are waiting outside a building site in eastern Europe looking mean and looking for their baby hoglet that had been ‘taken’ by the site chef for the cooking pot, this ‘event’ was also deemed to be a force majeure.



Whilst construction contracts with dispute boards may now see a reduction in the use of arbitration, with arbitration being the only effective way to appeal against a dispute board decision, there is still a need for arbitrators.

So exactly what point am I trying to make?

It’s not a story of ‘What Bernadette Did Next’ but an illustration that not only does the Chartered Institute of Arbitrators have a truly global influence; it offers a strong foundation for the training of arbitrators and adjudicators on a worldwide basis.

## **Biography**

Bernadette Barker is a Chartered Architect, Chartered Arbitrator, accredited adjudicator and a Fellow of the Dispute Board Federation, Geneva (Bernadette Barker, Barker Consultants, 20 Kendal Place, Putney, London, SW15 2QZ, 020 8874 7000).

*The Diploma in International Commercial Arbitration is designed to provide a thorough understanding of the practice and procedure of international commercial arbitration. This*



*year it will run from 13 September 2015 in Oxford. For more information, please call CI Arb's Education & Training team on +44 (0)207 421 7439 or email [education@ciarb.org](mailto:education@ciarb.org).*

The Chartered Institute of Arbitrators (CI Arb) is the world's leading professional membership body for arbitration and alternative dispute resolution. A not-for-profit organisation, CI Arb promotes the use of alternative dispute resolution internationally through a membership of over 13,000 professionally qualified members in more than 120 countries. In addition to providing education and training for arbitrators, mediators and adjudicators, CI Arb acts as an international resource centre for practitioners, policy makers, academics and those in business concerned with the cost-effective and early settlement of disputes [www.ciarb.org](http://www.ciarb.org)