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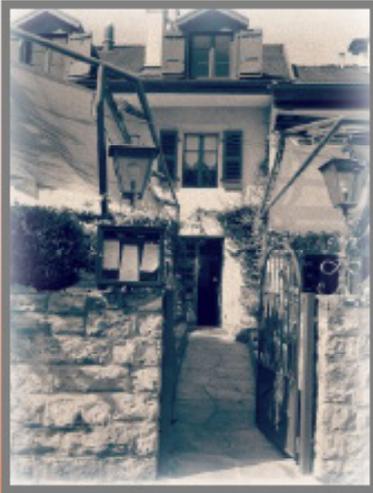


**Lise Bosman, PCA Senior Legal Counsel,  
ICCA Executive Director  
PCA and ICCA  
11 OCTOBER 2013**

Thank you Secretary-General for this introduction. Good afternoon, Members of the Court, Excellencies, Ladies and Gentlemen.

I have the good fortune today to represent both the Permanent Court of Arbitration and the International Council for Commercial Arbitration ("ICCA"), which I will be focusing on today.

The International Council for Commercial Arbitration has its roots in the early 1960s, at a time when the field of international arbitration had not yet become the expansive and ever-expanding field that it is today, with multiple and regular conferences, a plethora of publications, and the valuable harmonising efforts of international organisations and institutions.



**Relais de Chambésy,  
Switzerland**



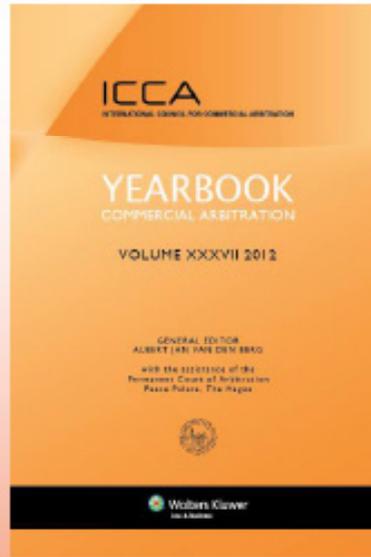
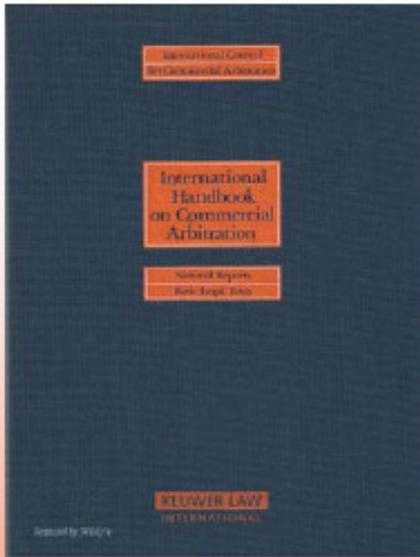
In 1961, a group of arbitration experts who were gathered in Geneva for the drafting of the 1961 European Convention on International Commercial Arbitration met in a country inn just outside the city (in a small village called Chambésy) to talk about forming a new group. This group would hold conferences, publish academic commentary and case-law, and create opportunities for the discussion of some of the more complex issues arising in international arbitration.

From this small group – which included Professor Pieter Sanders (a key drafter of the New York Convention and of the current Dutch Arbitration Act) and Professor Jean Robert (then President of the French Arbitration Committee) – the ICCA Council was born, growing to become a United Nations-recognised non-governmental organisation, formed of 45 specialists in international dispute resolution. Members would meet annually, host a biennial congress – often termed the “Olympic Games” of the arbitration world – and launch a new series of publications. Today, the ICCA Governing Board includes members from 33 different countries across the globe.



Since 1961, ICCA has hosted twenty-one congresses on four continents in places as diverse as Bahrain, Tokyo, Vienna, Singapore and Rio, with the next two Congresses planned for Miami in April 2014 and for the first time in the African Union, in Mauritius in 2016.

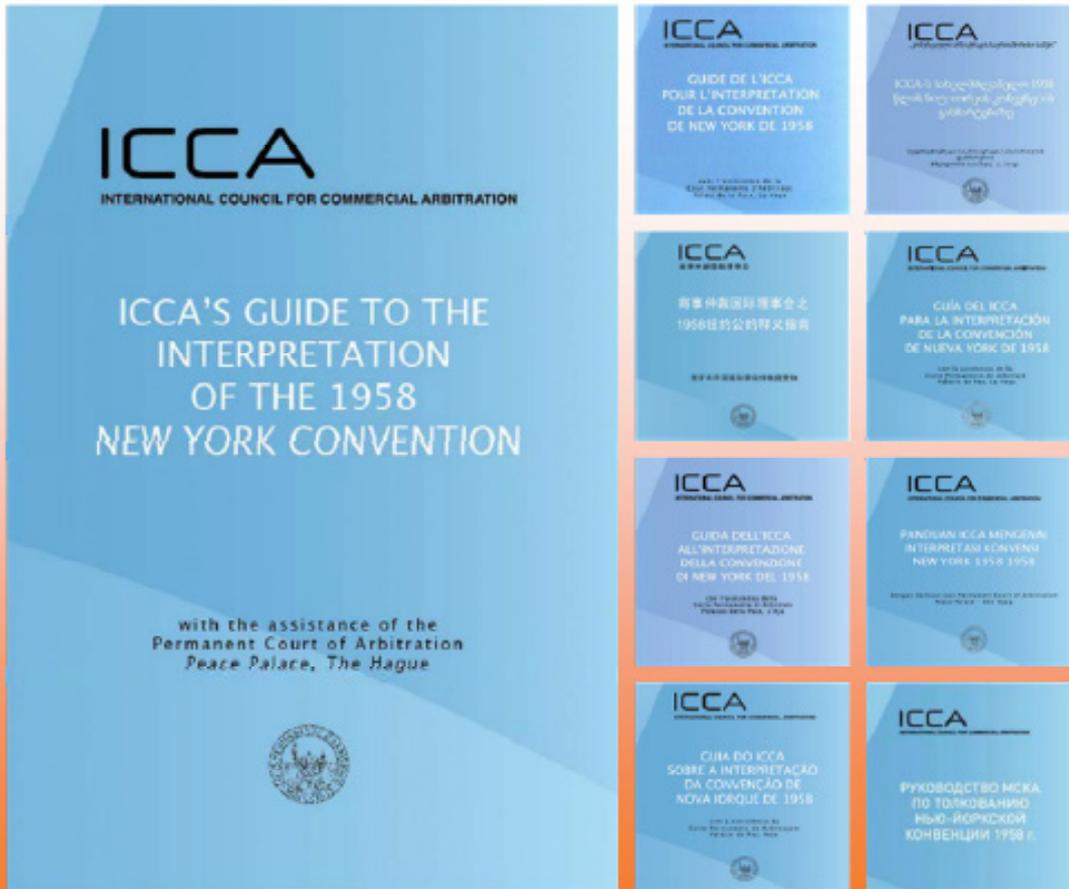
Registration for the Miami Congress opened this week, and it promises controversy and debate on the theme “Legitimacy: Myths, Realities, Challenges”. We hope to welcome many of you there in April next year.



with the assistance of the  
Permanent Court of Arbitration

ICCA's relationship with the Permanent Court of Arbitration is also long-standing. Since 1989, ICCA and the PCA have worked through a Cooperation Agreement for the preparation of these three publications, all of which are prepared in the Academy Building above our heads, with the assistance of the PCA.

You may have seen some of our offerings on the stand outside. The ICCA Handbook collates commentary and legislation from over 70 jurisdictions, the Yearbook publishes extracts from awards and court judgments on the application by courts of arbitration conventions, and the Congress Series collects papers from the biennial Congresses.



The ICCA suite of publications expanded in 2011 to include the publication of ICCA’s Guide to the Interpretation of the 1958 New York Convention (“NYC”). As you of course know, the NYC is the key convention in the field of international arbitration, providing for the enforcement of arbitration agreements and arbitral awards, and, while a very successful convention, with 149 State parties, our reporting on the Convention through the Yearbook, for instance, has shown not insignificant differences in its application by national court judges.

This new Judges’ Guide was therefore born from a desire to contribute to harmonisation in the application of the Convention. It is now available in Burmese, Chinese, English, French, Georgian, Indonesian, Portuguese, Russian and Spanish, with translations planned shortly into Arabic, Farsi, German, Greek, Italian and Turkish.

Why this apparently whimsical selection of languages?

## New York Convention Roadshow



**Mauritius (May 2012)**  
Inaugural New York Convention Roadshow

Well, we distribute the Judge's Guide free of charge to judges worldwide, and it is used in a series of regular colloquia held with judges (which we call our "New York Convention Roadshow"). The inaugural New York Convention Roadshow was organised jointly with the PCA in Mauritius in May 2012, in a two-day workshop hosted by the Mauritian Chief Justice, who opened the sessions by telling his fellow judges that

"The national judge cannot stay stuck in his national grooves. His judicial mind needs to become part of the transition to effective dispute resolution".

This first Roadshow was attended by Mauritian judges and over 25 Chief Justices or senior judges from the Southern African region. Sessions included an introduction to the field of commercial arbitration, as well as an article-by-article analysis of the New York Convention itself, provided by ICCA Governing Board member Professor Albert Jan van den Berg (in the audience today) and ICCA President Jan Paulsson (who will be speaking to you this afternoon).

## New York Convention Roadshow



**China (April 2013)**  
Governing Board Members Teresa Cheng and  
Albert Jan van den Berg give joint presentation



**Georgia (June 2013)**  
Governing Board Member V.V. Veeder leads a  
Judges' Workshop in Georgia

Notable stops on the “Roadshow” since then have been made in China, Georgia, Brazil, Rwanda, the Seychelles and Myanmar (where a copy of the Guide was presented to iconic Burmese opposition politician Aung San Suu Kyi). An indepth follow-up of the first Roadshow also took place recently in Mauritius, again co-organised by ICCA and the PCA, through the good offices of the PCA’s very effective Mauritian office.

## New York Convention Roadshow



**Myanmar (June 2013)**  
Aung San Suu Kyi  
MP AC accepts  
ICCA's Guide to  
the New York  
Convention from  
Governing Board  
Member Neil  
Kaplan.

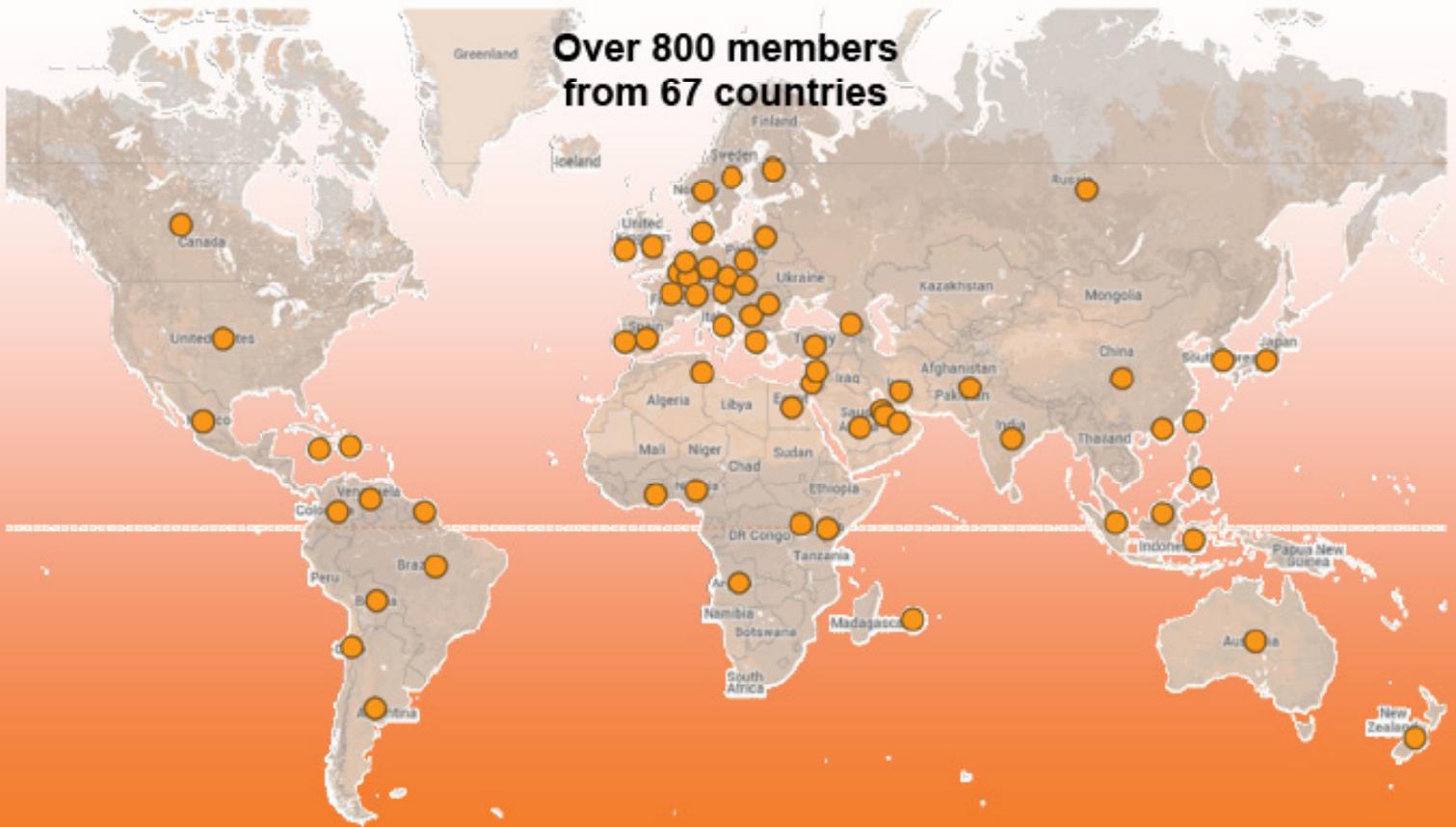


**Mauritius (August 2013)**  
Governing Board Member Judge Dominique Hascher  
(bottom right, 2<sup>nd</sup> from left) spoke at PCA-ICCA's second  
Roadshow in Mauritius.

Through these Roadshows, we have become increasingly aware of local variations in the application of the NYC, and have experienced a great hunger from national court judges and government representatives to conform their treaty adherence policy and their national court practice with international best practices. Our cooperation with the PCA – in particular in Roadshows in Mauritius and The Seychelles – has enabled a coordinated approach to multiple jurisdictions across the Southern African region.

## General Membership

Over 800 members  
from 67 countries



In 2012, ICCA expanded its activities, first modernising its structure to create a general membership, aiming to attract new ideas and input from younger practitioners, and from those not only engaged in dispute resolution processes as advocates and arbitrators, but also as judges, corporate counsel, academics, government advisers, and institution-builders.

We actively seek participation from jurisdictions that have not traditionally played key roles at the main arbitration centres or in the fora where arbitral ideas are developed. This is the rationale for recent visits to locations such as Georgia, South Africa, Mauritius, Slovenia and others, thus promoting our key goals (in the words of ICCA’s constitution) to “increase and spread knowledge in order to improve and promote arbitration, conciliation and other forms of dispute resolution”. In this, ICCA is assisted by its status as a non-affiliated NGO, independent of any government or interest group.

ICCA currently has a signed-up membership of over 800 practitioners, judges, academics and corporate counsel, from 67 countries, as well as a branch for young practitioners – Young ICCA.

## Skills Training Workshops



**Stockholm: March 2012**



**Tbilisi, Georgia: June 2013 (top right)**

**Johannesburg: March 2013 (bottom right)**



Young ICCA has a membership of over 1300 young arbitration lawyers, and provides skills training workshops on practical aspects of arbitral practice (such as writing briefs or preparing for a hearing). Over the last two years, workshops have been held in places as far-flung as Bogotá, Washington, Tbilisi, Geneva, Stockholm, Johannesburg and Port Louis.

## Mentoring Programme



**Prof. Hanotiau's  
Mentees meet in  
London**



**Prof. Tercier with his group of  
Mentees in Switzerland**



**Dr. Melis meets with his  
group of Mentees in Vienna**

Young ICCA also runs a **structured mentoring programme with the ICCA Governing Board**, through which 80 new practitioners form mentoring groups with mid-level practitioners and Governing Board members, regularly meeting to exchange views and offer career advice. (Certain groups have engaged in serious academic pursuits such as research and publishing, while the luckier ones have been whisked away to lakeside homes for weekend retreats (and here I look to Professor Tercier!)) Again, the key in admitting applicants to the mentoring programme and in forming mentoring groups is diversity – in geography, in gender, in experience and in legal background, thereby aiming – in the words of Young ICCA's slogan – to “open the doors” of arbitral practice.



With our new membership structure comes the ability to engage in new projects. The “NYC Roadshow” goes from strength to strength, with a successful workshop just completed last week in Indonesia, at a judicial training centre just outside Jakarta, involving 30 judges of the Indonesian Supreme Court, and events planned later this year in Bahrain, India and Italy. The event in Bahrain is particularly ambitious, spanning the entire region and taking the form of a Middle East Judicial Dialogue, in which judges from at least 6 States in the region will participate.

## ICCA Projects

### Protocols for Fair and Efficient Arbitration

### Joint Taskforce on Third Party Funding

*with the new Centre on Regulation, Ethics and Rule of Law at*



### Joint Taskforce on Issue Conflict

*with*  American Society of International Law

### Standing Committee Formed to Liaise with CCIAG

We have also launched three new research projects.

- The first is a project to develop **ICCA Protocols for Fair and Efficient Arbitration**, establishing sensible default rules and procedural precedents for many of the common procedural aspects of arbitral proceedings – aiming to level the playing field between experienced and first-time arbitration counsel.
- The second is a **Joint Taskforce on Third Party Funding in International Arbitration**, launched together with the new Centre on Regulation, Ethics and Rule of Law at Queen Mary, University of London. This Taskforce will hold a series of expert meetings and produce several White Papers for discussion over the course of the next 2 years.
- The third project is a **Joint Taskforce with the American Society of International Law to evaluate and report on the topic of issue conflict in investor-State arbitration** and to make recommendations on best practices going forward. This Taskforce was formally launched this week, involving experts from practice, academia and from administering institutions (including the PCA's Deputy Secretary General). It will meet in Washington later this year and present its preliminary findings simultaneously at the ICCA Congress in Miami and at the American Society Annual Meeting in April 2014.

# ICCA

INTERNATIONAL COUNCIL FOR COMMERCIAL ARBITRATION



ICCA has been proud to undertake this journey with the support and cooperation of the PCA, and to contribute a research and publications capacity to the PCA as an institution. We look forward to continuing to contribute to both harmonisation and critical debate in the field of international arbitration, and to taking up projects that identify and establish best practices in our field.

Thank you!

*[accurate as of 11 October 2013]*