

'A Practical Perspective on International Arbitration Procedure'

12 December 2013, Mauritius

Post-Event Report

by Lise Bosman and Anne-Sophie Jullienne

On 12 December 2013 in Mauritius, a successful training day for young practitioners was hosted in Port Louis, Mauritius, by the YAF (ICC), Young ICCA, the PCA and the LCIA-MIAC and sponsored by Juristconsult Chambers. The training day followed the MIAC Conference 2012 held at the Intercontinental Mauritius Resort. Organized by Ms. Anne-Sophie Jullienne (Barrister, Mauritius), the young practitioners' program included speakers from Mauritius, South Africa, the United Kingdom, Brazil and Tunisia. The session began with an exposition of the 1996 English Arbitration Act by Judge Aikens of the Court of Appeal of England and Wales (well known for his judgment in the *Dallah* case). This was followed by an analysis by Lise Bosman (of the Permanent Court of Arbitration and ICCA) of the current state of arbitration law and practice in Southern Africa. Ms. Bosman highlighted the need for legislative changes in many African jurisdictions and the low level of adherence to the UNCITRAL Model Law. She concluded that with its newly enacted International Arbitration Act 2008, Mauritius currently has no serious competitor to becoming an established arbitration centre in the region. Sami Houerbi (Barrister, Tunisia and roaming ambassador for the ICC) talked about the participation by African parties and arbitrators in international arbitral practice. He highlighted the need for greater participation. Professor Charles Jarrosson then launched into a lively exposition on 'Confidentiality in International Arbitration'. Presentations were made in either English or French to the bilingual audience, and the programme then broke for a delicious lunch in the restaurant of the Labourdonnais Hotel.

After lunch, Duncan Bagshaw (Registrar, LCIA-MIAC) introduced the procedural tools which the LCIA-MIAC Rules of Arbitration offered to parties arbitrating under these rules in Mauritius, while distinguishing them from other institutional rules. Nathalie Harel-Grion (Barrister, Brazil) then discussed the role of arbitral tribunals and courts in relation to evidence, and Anne-Sophie Jullienne (Barrister, Mauritius) discussed the principle that 'costs follow the event' under the Mauritius International Arbitration Act 2008 and its implications in international arbitration, in particular comparing the different costs regimes applicable before the Mauritius and French Courts. The session ended with a lively discussion led by Jamsheed Peeroo (Barrister, Mauritius) who dealt with the controversial subject of appointing judges as arbitrators, which is not an uncommon practice in Mauritius.