CONGRESS OUTLINE

*Attendance at the Opening Ceremony and Welcome Reception is included in the delegate/optional guest registration fees.

SUNDAY 12 MAY
1200 - 1700 hrs  Registration
The Royal Lancaster Hotel
1800 - 1900 hrs  OPENING CEREMONY*
The Royal Courts of Justice
1900 - 2100 hrs  WELCOME RECEPTION*
The Inner Temple

MONDAY 13 MAY
0800 hrs  Registration and Exhibition
0900 hrs  OPENING ADDRESS
0915 - 1230 hrs  Debate:
"THE PARTIES, NOT THE ARBITRATORS, CONTROL THE ARBITRATION"
1230 - 1400 hrs  Lunch
1400 - 1730 hrs  CONTEMPORARY QUESTIONS
1830 - 2000 hrs  RECEPTION
The Joseph E Hotung Gallery of Oriental Antiquities, the British Museum
2030 hrs  Dinner at the Royal Lancaster Hotel

TUESDAY 14 MAY
0900 - 1230 hrs  CONTEMPORARY QUESTIONS cont’d
1230 - 1400 hrs  Lunch
1400 - 1530 hrs  CONTEMPORARY QUESTIONS cont’d
CONCLUDING DISCUSSION
1600 - 1730 hrs  THE PSYCHOLOGICAL ASPECTS OF DISPUTE RESOLUTION
1930 for 2015 hrs  RECEPTION AND GALA DINNER
The Guildhall

WEDNESDAY 15 MAY
0900 - 1215 hrs  ARBITRATION UNDER INVESTMENT TREATIES
1215 - 1245 hrs  POSTSCRIPT
1245 - 1300 hrs  CLOSING CEREMONY
1300 - 1430 hrs  Lunch
WORKING PROGRAMME
MONDAY 13 MAY

0900-0915 hrs
Opening Address
Fali S Nariman, India
President, International Council for Commercial Arbitration

0915-1015 hrs
Debate: "The parties, not the arbitrators, control the arbitration"
- Should institutions make it plain by rules and by conduct that the parties' will is to prevail? Or, are arbitrators to have an overriding duty which may cause them to disregard the will of the parties?
- What are the restraints upon arbitrators' powers under various statutory regimes?
- Should respect for the consensual nature of arbitration be tempered by the fact that arbitration is a vital part of the efficient functioning of international trade and investment, particularly given the growth of Bilateral Investment Treaties and Trading Blocs such as NAFTA?

Speakers for the motion will argue the case that the concept of party autonomy means that the agreement of the parties on issues to be decided, and on procedural matters, governs the arbitrators.

Those against will argue that party autonomy is no absolute concept: where necessary it must yield to the requirements of fairness, economy and expedition - the cardinal attributes of a contemporary system of international commercial arbitration.

Chair: Henri Alvarez, Fasken Martineau DuMoulin LLP, Vancouver, Canada

For the motion:
Professor Hans Smit, Columbia University, New York, USA
Professor Gabrielle Kaufmann-Kohler, Schellenberg Wittmer, Geneva, Switzerland

Against the motion:
The Rt Hon Lord Muffett, Essex Court Chambers, London, England
Sally Fitzgerald, Russell McVeagh, Wellington, New Zealand

1015 - 1045 hrs
Coffee

1045 - 1230 hrs
Continuation of debate with contributions from the floor; summing up by the Chair; vote

1230 - 1400 hrs
Lunch

Contemporary questions

1400 - 1530 hrs
One: The requirement of a written form for an arbitration agreement

This topic has exercised the minds of practitioners, judges and legislators. See, for example: the Sixth Goff Lecture given in Hong Kong by Mr Justice Kaplan and his decision in Small v Goldroyce, and the work of the Departmental Advisory Committee which led to the enactment of Section 5 of the English Arbitration Act 1996. The subject has also been studied by a working group in UNCITRAL.

Chair: Jernej Sekolec, Secretary-General of UNCITRAL, Vienna, Austria

Speaker: Toby Landau, Essex Court Chambers, London, England
Two: Interim measures of protection

The rules of various institutions now provide for arbitrators to give interim relief of certain kinds and the power to do so is recognised in various jurisdictions. The exercise of this power by arbitrators is new and highly controversial. The principles to be followed and the limits of authority are not yet defined. Some believe that the exercise of a summary jurisdiction such as the grant of interim injunctive relief is best left to the courts, both as a matter of principle and of efficacy. Others consider that the effective conduct of modern commercial arbitration requires that arbitrators have such weapons in their armoury and are trained in their use.

Chair: Jernej Sekolec

Speaker: Donald Francis Donovan, Debevoise & Plimpton, New York, USA

TUESDAY 14 MAY

Three: Do we need a model law of conciliation?

Conciliation has a history as long as, perhaps longer than, arbitration, though its use to resolve modern commercial disputes has given way to arbitration. However, there are signs that conciliation or mediation (there is no conceptual difference) may well be growing in importance.

- Do we need a model law of conciliation and if so, what should it say?
- How should it address questions of mandatory versus voluntary use, the accreditation and selection of mediators, ethical standards, court supervision, protection against abuse of process, immunity of mediators, confidentiality and privacy?

Chair: Jernej Sekolec

Speaker: Dr Shavit Matias, Director, International Agreements and International Litigation Department, Ministry of Justice, Tel Aviv, Israel

Four: Aspects of illegality in the formation and performance of contracts

Different aspects of illegality, both in the formation of contracts and in the conduct of arbitrations, will be discussed. These will include the problems which arise when it is suspected, or is perhaps known or obvious, that the contract in respect of which the dispute has arisen was procured by illegal means, particularly bribery and corruption, whether of public officials or employees of commercial concerns. How far should arbitrators, whose suspicions may be aroused, go in determining whether or not there has been bribery or corruption?

Chair: Jan Paulsson, Freshfields Bruckhaus Deringer, Paris, France

Speaker: Richard H Kreindler, Shearman & Sterling, Frankfurt, Germany

Five: Illegality in the conduct of arbitration

What happens if a party fabricates evidence either before or during an arbitration and introduces documents or records which are forged? What happens if a party suborns a witness by bribery or by duress or attempts to bribe one or more of the arbitrators? What should members of a tribunal do if they suspect that one of their fellow arbitrators is corrupt? What is the role of institutions in such cases?

Chair: Jan Paulsson

Speaker: Professor Bernard Hanotiau, Hanotiau & van den Berg, Brussels, Belgium

Lunch
Six: The detection of forgery and fraud

Modern methods of forgery and computer fraud; discussion of recent developments in the detection of fraud and forgery.

Chair: Jan Paulsson
Speaker: Peter V Tytell, New York, USA

Discussion of the contemporary questions

Leader: Dr Julian Lew, Herbert Smith, London, England

1600 – 1730 hrs

The psychological aspects of dispute resolution

The 17th century English poet John Pomfret wrote “Law-suits I’d shun, with as much studious care, as I would dens where hungry lions are”. Arbitration and litigation are not to be entered into casually for they impose considerable financial and psychological strain on the parties. Neither are arbitrators nor counsel immune from the pressures of the process; they are clearly swayed by instinct, experience, education and cultural upbringing. How do these forces show themselves? What influence do they have and how are they to be taken into account?

Chair: Cecil Abraham, Shearn Delamore & Co, Kuala Lumpur, Malaysia
Speaker: Professor Shari Seidman Diamond, Northwestern University of Law and Psychology, Chicago, USA
Commentators: Anne-Marie Whitesell, Secretary-General, International Court of Arbitration, Paris, France
Teresa Giovannini, Lalive & Partners, Geneva, Switzerland

WEDNESDAY 15 MAY

Arbitration under investment treaties

A striking feature of international commercial arbitration in the last decade has been the increase in the number of Bilateral Investment Treaties, now more than 1900 of them, and the introduction of arbitral schemes as part of the arrangements between states for the protection and furtherance of international investment and trade. Two significant examples are to be found in the arbitration provisions of Chapter 11 of NAFTA and in the significant increase in the number of ICC cases. Another is arbitration under WTO. These developments give rise to a number of questions:

- Is the arbitration system working properly?
- Are common ideas of appropriate procedures emerging?
- Will governments view with favour the increasing role and authority of arbitrators and institutions in the regulation of trade and investment disputes?
- What will, or ought to, happen to such attributes of privacy and confidentiality?
- Does the public interest require transparency and accountability?
- What review should there be of arbitrators’ decisions?
- How should arbitrators be selected for such cases?
- What protections should there be against abuse of power by arbitrators?

Chair: Nigel Blackaby, Freshfields Bruckhaus Deringer, Paris, France
Speakers:
Professor Dr Karl-Heinz Böckstiegel, Cologne, Germany
Professor Pierre Lalive, Lalive & Partners, Geneva, Switzerland
Professor William (Rusty) Park, Boston University, USA
Professor Guillermo Aguilar Alvarez, Serra & Associates International, Santa Fe, Mexico
MONDAY 13 MAY

1830 – 2000 hrs
Reception
The Joseph E Hotung Gallery of Oriental Antiquities at the British Museum

The British Museum, founded by Act of Parliament in 1753, houses national collections of antiquities, pictures and drawings. The spectacular Joseph E Hotung Gallery presents the history of China and South and South East Asia through works of art and religious images.

Tickets: £36 (£30 excl. VAT) per person

2030 hrs
Dinner at the Royal Lancaster Hotel
Tickets: £58 (£50 excl. VAT) per person
(Transport provided from Museum to Royal Lancaster for those attending the dinner.)

TUESDAY 14 MAY

1930 for 2015 hrs
Reception and Gala Dinner
The Great Hall at the Guildhall

The Guildhall has been the centre of City government since the middle ages. Royalty and state visitors have been entertained down the centuries in the Great Hall with its beautiful stained glass windows and monuments to national heroes.

Guest Speaker: The Rt Hon Lord Irvine of Lairg, The Lord Chancellor

Tickets: £77 (£65 excl. VAT) per person
(Return transport provided from Royal Lancaster, Plaza and Thistle Marble Arch Hotels.)
GUEST PROGRAMME

An optional programme has been arranged for accompanying guests, particularly for those visiting from overseas. Guests participating in this programme may also purchase tickets for other individual social functions. The optional guest fee includes attendance at the following:

SUNDAY 12 MAY
Opening Ceremony at the Royal Courts of Justice and
Welcome Reception at the Inner Temple

MONDAY 13 MAY
Visit to Windsor Castle
The largest inhabited castle in the world, overlooking the River Thames and Windsor Great Park. Visit the state apartments or St George's Chapel and explore the historic town of Windsor, nestling up to the castle walls. A three-course lunch with wine will be served at Ye Harte and Garter restaurant in Windsor.

Depart from Royal Lancaster at 0915 hrs, returning at approximately 1500 hrs.

TUESDAY 14 MAY
Selfridges Fashion Show
The famous London department store will present an intimate salon show in the Premier Restaurant, exclusively for guests attending the ICCA Congress. After the show there will be time to look around the store, have lunch and take advantage of Selfridges’ personal shopping service.

Depart from Royal Lancaster at 0900 hrs, returning at approximately 1500 hrs.
THE INTERNATIONAL COUNCIL FOR COMMERCIAL ARBITRATION (ICCA)

The International Council for Commercial Arbitration (ICCA), founded in 1969, is the leading world-wide organisation devoted to promoting international arbitration and other forms of dispute resolution. In order to carry out its purposes, ICCA regularly convenes Congresses and Conferences for presentation of papers and discussion of topics concerning both the scientific and practical aspects of international dispute resolution. These meetings attract large numbers of participants from all parts of the world and have made significant contribution to the development and improvement of dispute resolution theory and practice.

ICCA's principal publications include the Yearbook on Commercial Arbitration, International Handbook on Commercial Arbitration and the Congress Series consisting of papers presented at ICCA meetings. ICCA has official status as a Non-Governmental Organisation (NGO) accredited by the United Nations, and in that capacity has actively participated in the preparation of the UNCITRAL Arbitration Rules, the Conciliation Rules, the Model Arbitration Law and other UNICITRAL projects. ICCA has a co-operation agreement with the Permanent Court of Arbitration in the Hague.

ICCA is governed by Council Members who are recognised specialists in the field of dispute resolution and who serve in their individual capacities. ICCA's Charter provides that the Members “shall be elected from various parts of the world, from different legal and economic systems, and from developed and developing nations”. Persons who have served as Members for long periods are eligible to be designated life time Advisory Members. There are presently 40 Members and 9 Advisory Members, coming from 30 countries.

OFFICE BEARERS:
Prof. Pieter Sanders
Hon. President, ICCA
The Netherlands

Hon. Giorgio Berrini
Hon. President, ICCA
Italy

Mr Fali S. Nariman
President, ICCA
India

Judge Howard M. Holtzman
Hon. Vice-President, ICCA
USA

Prof. Sergei Lebedev
Hon. Vice-President, ICCA
Russian Federation

Mr Michael F. Hoellerling
Vice President, ICCA
USA

DDR Werner Melis
Vice President, ICCA
Austria

Mrs Tinuade Oyekunle
Vice President, ICCA
Nigeria

Mr Ulf Franke
Secretary General, ICCA
Sweden

MEMBERS:

Mr Cecil Abraham
Malaysia

Mr Guillermo Aguilar-Alvarez
Mexico

Dr Husain M Al Bahama
Bahrain

Prof. Dr Albert Jan van den Berg. Belgium

Dr Piero Bernardini
Italy

Dr Robert Briner
Switzerland

Prof. Dr Nel G. Bunri
Ireland

Prof. Dr Karl-Heinz Böcksiegel
Germany

Prof. Bernardo M. Cremades
Spain

Me Yves Detains
France

Mr Donald F. Donovan
USA

Prof. Ahmed S. E. Hossri
Egypt

Dr Ottomar Gloseir
Germany

Dr Gerald Hermann
Austria

Prof. Martin Hunter
UK

Mr Michael Hwang SC
Singapore

Mr Neil Kaplan QC
UK

Prof. Dr Gabrielle Kaufman-Kohler
Switzerland

Prof. Alexander S Komarov
Russian Federation

Prof. Dr Pierre Lahve
Switzerland

Hon. Marc Lalonde
Canada

Mr Arthur Marriott QC
UK

Judge Kéba M'baye
Switzerland

Mr Carlos Nering Netto
Brazil

Mr Jan Paulsson
France

Mr Andrew John Rogers
Australia

Prof Heinz Strohhbach
Germany

Prof. Dr Ivan Szasz
Hungary

Prof. Yasushi Taniyoshi
Japan

Hon. S. Amos Wako
Kenya

Mr Wang Sheng Chang
China

ADVISORY MEMBERS:

Mr Robert Coulson
USA

Prof. Dr Radonjić Djerović
FR Yugoslavia

Dr Mauro Ferrante
Italy

Mr Mark Litman QC
UK

Mr Alain Plantey
France

Prof. Tudor P. Popescu
Romania

Dr José Luis Siqueiros
Mexico

Dr Habib Tadesse Szarksi
Poland

Prof. Tanu Houzhli
China