XXIIIrd CONGRESS

International Arbitration and the Rule of Law: Contribution and Conformity

8 - 11 May 2016
Swami Vivekananda International Convention Centre, Mauritius
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Acknowledgement of Host Committee

Chairman:

Mr Salim Moollan QC, Essex Court Chambers and Chambers of Sir Hamid Moollan QC

Members of the Committee:

H.E. Mrs Ambassador U. Dwarka-Cannabady, Secretary for Foreign Affairs
Mr Somduth Nemchand, Deputy Permanent Secretary, Ministry of Financial Services, Good Governance and Institutional Reforms
Mrs B. Rajahbalee Cader, Deputy Permanent Secretary, Prime Minister’s office
Mrs C. Ramah, Assistant Permanent Secretary, Ministry of Financial Services, Good Governance and Institutional Reforms
Mr Bissoon Heerowa, Assistant Permanent Secretary, Prime Minister’s Office
Mr Yvan C. Jean Louis, Principal State Counsel, State Law Office
Mr N. Armoogum, Analyst, Ministry of Finance and Economic Development

Mr V. Dawon, Assistant Superintendent of Police, Police Department

Mr Ken Poonoosamy, Managing Director, Board of Investment
Ms Nirmala Jeetah, Director, Board of Investment
Mr Uttum Rughoobur, Investment Executive, Board of Investment

Mr Duncan Bagshaw, Counsel, Stephenson Harwood LLP, UK

Ms Ndanga Kamau, Registrar, LCIA-MIAC Arbitration Centre
Ms Dipna Gunnoo, Counsel, LCIA-MIAC Arbitration Centre

Mrs Claire de Tassigny Schuetze, Legal Counsel and Representative in Mauritius, Permanent Court of Arbitration

The Host Committee has been kindly assisted by:

Mr Farouk El-Hosseny, Legal Counsel, Permanent Court of Arbitration
Ms Nismah Adamjee, Assistant Legal Counsel, Permanent Court of Arbitration, Mauritius

Mrs Nandini Gopalla, Investment Executive, Board of Investment
Ms Mary Mootoosamy, Manager - HR & Admin, Board of Investment
Mr Azagen Ramasamy, Manager – IT, Board of Investment

Mrs Nazmeen Jumoorty, Office Management Assistant, Ministry of Financial Services, Good Governance and Institutional Reforms
Ms Jenita Bhowrow, Service to Mauritius, Ministry of Financial Services, Good Governance and Institutional Reforms

Mr Eshan Doreemeah, Finance & Admin Manager, SVICC

Mr H. Matar, Chief Inspector of Police, Traffic Branch
Mr B. Rambhursy, Chief Inspector of Police, Traffic Branch
Mr A. Burjoo, Inspector of Police, Traffic Branch

Mr V. Bhangeeruthee, Chief Inspector of Police, VIPSU
Mr S.K. Sobnauth, Inspector of Police, VIPSU

The Host Committee acknowledges the assistance of the Event Organising Company:

Arcadia Travel, an IBL Group Company
(Irene, Wendy, Jenna, Gaëlle, Shoayb and Nicholas)
Welcome Message from the Attorney General of Mauritius

I am delighted to welcome you to this 23rd ICCA Congress in Mauritius.

The Government of Mauritius has supported the hosting of this Congress because it represents an important part of Mauritius’ project to become a centre of excellence for international arbitration in Africa. Since 2008 Mauritius has been pursuing an ambitious programme of reforms to its international arbitration regime and infrastructure. Beginning with the adoption of the International Arbitration Act in 2008, Mauritius has also established a world-class international arbitration institution, with the support of the LCIA, and welcomed the first overseas office of the PCA. The PCA has also been given an important role in arbitrations seated in Mauritius, to ensure they are resolved efficiently and with the PCA’s specialist expertise.

The progress that Mauritius has made is not simply intended to benefit Mauritius itself. We believe that Mauritius can play an important role in increasing the participation of African parties and lawyers in international arbitration, with the result that international arbitration can claim an increased legitimacy, shedding the perception that it suffers from an inherent bias in favour of the developed world.

This Congress is just one part of that wider aim. As I understand it, the blend of delegates attending this Congress, from Europe, Africa, the Americas, Asia and Australasia will offer an unprecedented opportunity for a global group of arbitration practitioners to discuss the subject of international arbitration and the rule of law. We hope that the development of Mauritius as a supportive and reliable jurisdiction for international arbitration will be considered a valuable contribution to the legitimacy which is an essential part of international arbitration’s compliance with the ideals of the rule of law, and its role in contributing to the promotion of the rule of law around the world.

Outside of the Congress sessions, the Host Committee have ensured that the Congress venues will give you the opportunity to enjoy the varied beauty and warm hospitality of our wonderful country.

I wish you an enjoyable and productive Congress.

Hon. R.R. Yerrigadoo
Attorney General
Welcome message from the Chairman of the ICCA 2016
Host Committee

On behalf of the Host Committee of ICCA Mauritius 2016, I have the pleasure of extending a very warm welcome to the twenty-third International Council for Commercial Arbitration (ICCA) Congress, Mauritius.

It is an honour for Mauritius to have been selected to host ICCA’s twenty-third Congress. The Host Committee has pulled out all the stops to make this a truly memorable Congress, at which participants can experience the warm and generous welcome of which we Mauritians are so proud. The academic programme and related events will be held at various locations on the beautiful island of Mauritius, allowing visitors to discover the varied splendour of this tropical paradise: its world-famous beaches, volcanic mountains, lush green fields, historic buildings and estates and, of course, the vibrant modern commercial regions from which Mauritius operates as a major international financial and investment hub for the region.

For Mauritius, hosting the ICCA Congress in 2016 represents a natural step in establishing our country as a venue and centre of excellence for international arbitration in Africa. Mauritius is perfectly suited to play a leading role in developing the theory and practice of international arbitration in Africa, reflecting the institutional development and economic growth of the region. The programme of this first ICCA Congress ever to be held in Africa will address questions of fundamental importance to our discipline as arbitration gains popularity in one of the most rapidly advancing economic regions of the world.

I wish you all a highly successful and enjoyable Congress.

Salim Moollan QC

Chambers of Sir Hamid Moollan QC, Mauritius; Essex Court Chambers, London; Vice-Chairman of UNCITRAL
Welcome Message from ICCA President

On behalf of the ICCA Governing Board, I heartily welcome you to the 23rd ICCA Congress. Thank you for taking this opportunity to participate in discussions that have the potential to shape developments in our field over years to come.

ICCA seeks to promote the knowledge and use of arbitration and other forms of international dispute resolution. Our Congresses are central to that mission. When inviting us to Mauritius back in 2014, Host Committee Chair Salim Moollan QC said that it was “a bold move” by ICCA - and “one which says much about ICCA’s current role and ambitions”. By choosing Mauritius, ICCA recognises the considerable and continuing efforts by this country to establish itself as a neutral and state-of-the art arbitration venue for a region of the world that could derive great benefit from more effective dispute resolution processes. Throughout our time during the Congress - and at the Spotlight on Africa session on Wednesday in particular - we can expand our perspectives on arbitration in Africa and gain invaluable insights from leading African and international practitioners.

With the theme of “International Arbitration and the Rule of Law: Contribution and Conformity”, this Congress provides us with the opportunity to debate and discuss how the international arbitration system affects the rule of law, human rights, and economic development. We will put international arbitration under the microscope in terms of its conformity with the rule of law and assess how it measures up to the requisite standards. We will hear from scholars, practitioners, economists, political scientists and jurists. In addition, intensive panels will cover topical issues and examine the key issues that affect our field today.

We have a lot to absorb and much to gain.

On Monday you have the opportunity to meet the authors and editors who bring us ICCA’s invaluable publications, which include the Yearbook Commercial Arbitration, the International Handbook on Commercial Arbitration, the ICCA Congress Series, the ICCA Reports Series, and ICCA’s Guide to the Interpretation of the 1958 New York Convention - now available on ICCA’s website in Arabic, Burmese, Chinese, English, Farsi, French, Georgian, Greek, Indonesian, Italian, Polish, Portuguese, Russian, Spanish, Turkish and Vietnamese, with Croatian, German, Hebrew, Serbian and Ukrainian translations underway.

During the Congress, ICCA’s varied project groups will gather to further their deliberations on key issues confronting practitioners today (outlined in the recently published 2015 President’s report available on the ICCA website at http://www.arbitration-icca.org/, which I encourage all to read). Young ICCA will also be active at this Congress, building on a record year in 2015, in which it held events and workshops in over 20 countries in Africa, the Americas, Asia, Europe and the Middle East. This dynamic and energetic group are working towards an equally intense programme in 2016, with a focus on diverse jurisdictions and audiences, including Uganda, Tanzania, Tehran and Angola.

Are you an ICCA member? Be sure to drop by the ICCA Lounge and find out more about what joining ICCA can do for you. ICCA membership puts you at the centre of the international dispute resolution community. ICCA Membership is the only way to participate in ICCA projects and in that way contribute to fairer and more effective international dispute resolution and the increased social and economic development that is the ultimate goal.

We look forward to a productive and stimulating exchange of views in this spectacular location.

With best wishes,

Donald Donovan
The willingness of the judiciary to intervene in support of international arbitration is undoubtedly an essential feature in Mauritius’ bid to assert itself as a premier centre for international arbitration in Africa.

This bid is the more credible in view of the attitude which the Judges have consistently adopted vis-à-vis domestic arbitration; as will be seen below, the Mauritian Judiciary was quick to realise the benefits of arbitration for the proper administration of justice.

Mauritius had been under French Rule for the best part of a century when, on 28 December 1810, France, although, only a few days before, victors of the world famous Battle of Vieux Grand Port, ceded Mauritius to the British. The 1810 Capitulation Treaty, confirmed by the Treaty of Paris in 1814, provided that the local settlement would retain its laws and customs; there lies the origin of the hybrid system of law, which today makes of Mauritius an exception in Africa.

The Code de Procédure Civile, promulgated on 20 July 1808, is the source of Mauritian domestic arbitration law.

In the case of DUMAINE v.s JEROME & CO. 1862 MR 45, the Defendant was called upon to show cause why the Award of an arbitral tribunal should not be “made a rule of the Court and receive due execution”. The Defendant had conceded that the Plaintiff was entitled to the land in lite but claimed that it was entitled to damages. Each party had nominated an arbitrator and the Court had appointed an umpire “to decide on the documents to be produced, as well as from parole evidence, whether any damages are due to the defendants, and if any, to what amount”.

Counsel for the Defendant argued that the arbitrators had failed to appreciate the facts before them and had “arrived at a conclusion altogether erroneous” and concluded by saying “They are not infallible, and have gone quite wrong in their judgment”.

MAURITIUS’ DOMESTIC ARBITRATION SECTOR – A FURTHER SOURCE OF COMFORT FOR STAKEHOLDERS OF INTERNATIONAL ARBITRATION

By Hervé Duval, Barrister-at-Law, Mauritius
The Court held that it could not review any error in judgment: “These arbitrators were probably better qualified than we are to dispose of such a question, besides, they were selected by the parties themselves ... No malice, corruption, or fraud is alleged against them, or gross irregularity of procedure”. The Court was of the view that whilst an award could be challenged if it was established that the arbitrators had gone beyond their mandate, the argument of counsel amounted to “an impeachment of the correctness of the opinion at which (the Arbitrators) arrived” and declined to interfere: “Were we to do so, we should usurp functions that do not belong to us, and arbitrations, instead of putting an end to lawsuits, would only be the first and fertile step in the fostering of litigation.”

In A. BOULANGER vs. H. ROSTAND 1868 MR 73 the Court remarked that where the parties themselves had appointed arbitrators “for the final decision of all their differences without appeal” the function and powers of those arbitrators were “of a very broad and comprehensive nature” so that a Court of Law cannot set aside “their decrees because the grounds on which the arbitrators put their Judgments might not satisfy the stricter rules of its own procedure”.

The Court had also been invited to deny exequatur on the ground that the award of the arbitrators was “hors des termes du compromis” and “so vulnerable under article 1028 of the Code of Civil Procedure” but held that the Defendant had failed to satisfy it that the arbitrators “had mistook their mission or went beyond the limits of the reference, or did any thing which they were not legally entitled to do under the Remit made to them by the Court on 5th June 1867.”

Supportive as it was of arbitration, the Mauritian Judiciary was however bound by the then article 1106 of the Code de Procédure Civile which provided that any submission to arbitration had to refer to a specific dispute and name the arbitrators. This meant that the parties to commercial agreements could not agree to refer any future dispute to arbitration. Commercial arbitral clauses as we know them today were thus totally ineffective.

After its independence in 1968, with the active yet unofficial support of France (and to a lesser degree of the UK) and under the benevolent eye of India, Mauritius diversified its sugar dependent economy through tourism and manufacturing. To attract foreign investors, it had to create the right environment and outbid the conditions that the private investors were being offered elsewhere. This implied introducing a more flexible legal and regulatory framework in an effort to improve the business climate.
In 1981, the Code de Procédure Civile was amended and new articles 1003 to 1028 were enacted to reflect recent developments in French arbitration law. The local business community embraced the reform. In 1996 the Mauritius Chamber of Commerce and Industry set up the MCCI Permanent Court of Arbitration, pioneering institutional domestic commercial arbitration in the Indian Ocean region.

In 2011, the French “Ministre de la Justice et des Libertés” whilst reporting to his Prime Minister on further reforms reminisced that: “La réforme du droit de l’arbitrage, introduite par les décrets n°s 80-354 du 14 mai 1980 et 81-500 du 12 mai 1981, a été saluée pour avoir simplifié la procédure arbitrale et amélioré son efficacité, en permettant notamment au juge étatique d’intervenir dans l’instance arbitrale pour en garantir le bon déroulement ainsi que le respect du procès équitable.” He observed that the main features of these reforms resided in the independence or separability of the arbitration clause (in French “autonomie de la clause compromissoire”) and of the affirmation of the « competence-competence » principle.

In the recent decision of OXENHAM V v FRANCE MARITIME AGENCY LTEE (FMA) 2016 SCJ 10 the Mauritian Court of Civil Appeal has confirmed that as far as domestic arbitration was concerned our law is the same as that which prevailed in France prior to 2011.

Conclusion
Our Supreme Court has asserted the need to pay due regard to the coherence of the distinct corpus of Mauritian law in interpreting legislation. It has further asserted that, when the circumstances so justify, it may resort to creative interpretation to lead our law forward in the best possible direction. Given the track record of our judiciary as seen above, one can be confident that should the situation so demand our Judges will not hesitate to have recourse to creative interpretation to continue to support domestic arbitration. This should in turn reassure users of international arbitration in Mauritius that their cases are in the hands of Judges with a long-standing ethos of support for arbitration, which will continue to ensure that their wish to arbitrate – and not litigate – their disputes is respected.

2 Article 1007 of Mauritian Code de Procédure Civile.
3 Article 1023 of Mauritian Code de Procédure Civile.
4 The law applicable to international arbitration is set out in Mauritius International Act 2008, as amended in 2013.
Main Programme

Schedule of Sessions
Day 1: Sunday 8 May 2016

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<tr>
<td>11:00 – 16:30</td>
<td>YAP Conference (Le Labourdonnais Hotel, Port Louis)</td>
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<td>17:00 – 20:30</td>
<td>Opening Ceremony &amp; Opening Reception (L’Aventure du Sucre)</td>
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<tr>
<td>20:30 – Late</td>
<td>Debevoise &amp; Plimpton After Party (Les Ruines, Maritim)</td>
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When parallel sessions are held (Panel A and Panel B), these will be held in the main congress hall of the SVICC or the Auditorium. Signs will show you the way.
**International Arbitration and the Rule of Law:**
*Contribution and Conformity*

Day 2: Monday 9 May 2016

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<td>07:00 – 08:00</td>
<td>Linklaters Breakfast Seminar (Trou aux Biches Resort and Spa)</td>
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| 09:00 – 10:40| **Plenary 1 (Part A)**<br>**Introduction/Overview**<br>**International Arbitration and Its Contribution to the Rule of Law**<br>*Narrative:* A robust legal system ensuring the rule of law is often seen as a necessity both for economic development and the protection of human rights. International arbitration is a system separate from and in addition to national court systems, and offers an alternative to resolving disputes before national courts. A panel of economists, political scientists, and jurists will debate and discuss how the international arbitration system affects the rule of law, human rights, and economic development.  
**09:00 – 09:15**<br>Intro: Andrea Menaker (United States; White & Case)<br>Chair of the Programme Committee  
**09:15 – 09:40**<br>Speaker: Judge Abdulqawi A. Yusuf (Somalia; International Court of Justice)  
**09:40 – 10:40**<br>Debate: To What Extent Does International Arbitration Foster Economic Development?  
**Moderator:** Meg Kinnear (Canada; ICSID)  
**Speakers:** Philip J. McConnaughay (United States; Peking University)<br>Amanda C. Rawls (United States; American Bar Association)<br>Dev Krishan (India)  
**Rapporteur:** Kennedy Melly (Kenya; Iseme, Kamau &Maema Advocates) |
| 10:40 – 11:00| Coffee Break                                                          |
| 11:00 – 12:00| **Plenary 1 (Part B)**<br>**Panel:** Does Arbitration Contribute to the Rule of Law?  
**Moderator:** Andrea Menaker (United States; White & Case)  
**Panelists:** Karl-Heinz Böckstiegel (Germany; Independent Arbitrator)<br>Loretta Malintoppi (Italy; Eversheds)<br>Payam Akhavan (Canada/Iran; McGill University)  
**Rapporteur:** Manish Aggarwal (India; Three Crowns) |
| 12:00 – 12:45| Speaker: The Rt Hon. Prime Minister Sir Anerood Jugnauth, G.C.S.K.; K.C.M.G.; Q.C. (Mauritius; Republic of Mauritius)  
**Keynote:** Secretary General Ban Ki-moon (South Korea; United Nations) |
| 12:45 – 14:00| Lunch Break                                                           |
### Day 2: Monday 9 May 2016

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<tr>
<td>14:00 – 15:30</td>
<td>Panel A1</td>
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<td><strong>Constituting the Tribunal &amp; Challenging Its Members:</strong> Due Process Issues and Concerns</td>
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<td>Moderator:</td>
<td>John M. Ohaga <em>(Kenya; TripleOKLaw Advocates)</em></td>
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<tr>
<td>Panelists:</td>
<td>Karel Daele <em>(Belgium; Mishcon de Reya)</em></td>
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<td>Sarah Grimmer <em>(New Zealand; Permanent Court of Arbitration)</em></td>
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<td>Charles Nairac <em>(Mauritius/France; White &amp; Case)</em></td>
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<td>15:30 – 16:00</td>
<td>Coffee Break and ICCA Meet the ICCA Authors at the ICCA Membership Lounge</td>
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<td>16:00 – 17:30</td>
<td>Panel A2</td>
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<td><strong>Interim Measures Issued by Arbitral Tribunals and Domestic Courts</strong></td>
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<td>Moderator:</td>
<td>Justice Shaheda Peeroo <em>(Mauritius; Supreme Court of Mauritius)</em></td>
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<td>Panelists:</td>
<td>Des Williams <em>(South Africa; Werksmans Attorneys)</em></td>
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<td>Teresa Cheng <em>(Hong Kong; Des Voeux Chambers)</em></td>
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<td>Daniel de Andrade Levy <em>(Brazil/Switzerland; FCDG Advogados)</em></td>
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<tr>
<td>18:00 – 20:30</td>
<td>White &amp; Case After Party <em>(La Citadelle / Fort Adelaide)</em></td>
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<tr>
<td>07:00 – 08:00</td>
<td>L’ Association pour la Promotion de l’Arbitrage en Afrique (APAA) Breakfast Seminar (Trou aux Biches Resort and Spa)</td>
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<tr>
<td>09:00 – 10:30</td>
<td><strong>Plenary 2</strong>&lt;br&gt;International Arbitration and Its Conformity with the Rule of Law&lt;br&gt;Narrative: Central to the legitimacy of international arbitration is its conformity with international standards of due process and the rule of law. Tribunals must respect and enforce the rights of parties while also being seen to do justice, often with only limited supervision by arbitral institutions and national courts. To assess whether and how international arbitration measures up to these high standards, a group of scholars and practitioners will discuss some of the most topical due process issues facing international arbitration today.&lt;br&gt;&lt;br&gt;<strong>Keynote:</strong> Chief Justice James Allsop (Australia; Federal Court of Australia)&lt;br&gt;<strong>Moderator:</strong> Doug Jones (Australia; Independent Arbitrator)&lt;br&gt;<strong>Commentators:</strong> Natalie Reid (Jamaica; Debevoise &amp; Plimpton)&lt;br&gt;Philippe Pinsolle (France; Quinn Emanuel)&lt;br&gt;Pallavi S. Shroff (India; Shardul Amarchand Mangaldas)&lt;br&gt;&lt;br&gt;<strong>Rapporteur:</strong> Melissa Magliana (Italy/United States; Homburger)</td>
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<tr>
<td>10:30 – 10:50</td>
<td>Coffee Break</td>
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<td>10:50 – 12:20</td>
<td><strong>Panel A3</strong>&lt;br&gt;The Corruption Defense: Burden, Standard, and Types of Proof&lt;br&gt;&lt;br&gt;<strong>Moderator:</strong> Vladimir Khvalei (Russia/Belarus; Baker &amp; McKenzie)&lt;br&gt;<strong>Panelists:</strong> Abdulhay Sayed (Syria; Sayed &amp; Sayed)&lt;br&gt;Domitille Baizeau (France/New Zealand; Lalive)&lt;br&gt;Claus von Wobeser (Mexico; Von Wobeser &amp; Sierra)</td>
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<td><strong>Panel B3</strong>&lt;br&gt;Equality of Arms in International Arbitration: Do Rules and Guidelines Level the Playing Field and Properly Regulate Conduct?&lt;br&gt;&lt;br&gt;<strong>Moderator:</strong> Janet Walker (Canada; Osgoode Hall Law School)&lt;br&gt;<strong>Panelists:</strong> Paula Hodges (United Kingdom; Herbert Smith Freehills)&lt;br&gt;Felix Dasser (Switzerland; Homburger)&lt;br&gt;Christopher Lau (Singapore; Maxwell Chambers)</td>
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International Arbitration and the Rule of Law: Contribution and Conformity

Day 3: Tuesday 10 May 2016

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<th>Time</th>
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<tr>
<td>12:20 – 13:30</td>
<td>Lunch Break</td>
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<td>13:30 – 15:00</td>
<td><strong>Panel A4</strong>&lt;br&gt;How to Prepare a Persuasive Case: 10 Things to Do and To Avoid When (i) Preparing Written Submissions, (ii) Examining Witnesses, and (iii) Presenting Oral Argument&lt;br&gt;Moderator: Barton Legum (United States; Dentons)&lt;br&gt;Panelists: Toby Landau (United Kingdom; Essex Court Chambers)&lt;br&gt;Brigitte Stern (France; Sorbonne)&lt;br&gt;David J.A. Cairns (New Zealand/United Kingdom; Cremades y Asociados)</td>
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<tr>
<td>15:00 – 15:20</td>
<td>Coffee Break</td>
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<td>15:20 – 16:50</td>
<td><strong>Panel A5</strong>&lt;br&gt;Do Post-Award Remedies Appropriately Ensure Conformity of the Arbitral Process With the Rule of Law?&lt;br&gt;Moderator: Malcolm Holmes (Australia; Eleven Wentworth Chambers)&lt;br&gt;Panelists: Kamal Shah (Kenya/United Kingdom/India; Stephenson Harwood)&lt;br&gt;Sae Youn Kim (South Korea; Yulchon)&lt;br&gt;Daphna Kapeliuk (Israel; Goldfarb Seligman)</td>
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<tr>
<td>18:15 – 22:00</td>
<td>Gala Dinner (Château de Labourdonnais)&lt;br&gt;Opera Recital by Michael Fabiano accompanied by Laurent Philippe</td>
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<td>22:00 – Late</td>
<td>Shearman &amp; Sterling After Party in honour of Young ICCA (Westin Hotel)</td>
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# International Arbitration and the Rule of Law: Contribution and Conformity

## Day 4: Wednesday 11 May 2016

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<th>Time</th>
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<tr>
<td>07:30 – 08:30</td>
<td>LCIA-MIAC Breakfast Seminar (Trou aux Biches Resort and Spa)</td>
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<tr>
<td>09:00 – 09:30</td>
<td>Coffee Served in SVICC Foyer</td>
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<td>09:30 – 11:00</td>
<td><strong>Plenary 3</strong>&lt;br&gt;<strong>Spotlight on Africa: Perspectives on Arbitration</strong></td>
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<td><strong>Narrative:</strong> The last decade has seen a blossoming of international arbitration in Africa, with numerous regional arbitration centers and the development of new national arbitration laws. A group of leading African and international practitioners will discuss their experiences arbitrating disputes in African seats and arbitral centers, including the particular benefits and challenges of international arbitration in Africa.</td>
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<td><strong>Moderator:</strong> Funke Adekoya (Nigeria; ÆLEX)</td>
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<td><strong>Panelists:</strong> John Miles (United Kingdom/Kenya; JMiles &amp; Co.)</td>
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<td>Olasupo Shasore (Nigeria; Ajumogobia &amp; Okeke)</td>
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<td>Benoît Le Bars (France; Lazareff Le Bars)</td>
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<td>Rukia Baruti (Tanzania/United Kingdom; Africa International Legal Awareness)</td>
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<td>Vlad Movshovich (South Africa; Webber Wentzel)</td>
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<td>Mohamed S. Abdel Wahab (Egypt; Zulficar &amp; Partners)</td>
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<td>Thierry Koenig (Mauritius; ENSafrica)</td>
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<td>Marie-Andrée Ngwe (Cameroon; Cabinet Me Marie-Andrée NGWE)</td>
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<td>Ace Anan Ankomah (Ghana; Bentsi-Enchill, Letsa &amp; Ankomah)</td>
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<td>Aisha Abdallah (Kenya; Anjarwalla &amp; Khanna)</td>
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<td>11:00 – 11:30</td>
<td>Coffee Break</td>
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<tr>
<td>11:30 – 12:30</td>
<td>Closing Ceremony (SVICC)</td>
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<td>12:30 – 14:00</td>
<td>Lunch Break</td>
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<tr>
<td>14:00 – 18:00</td>
<td>Young ICCA Workshop (SVICC)</td>
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Main Program

Social Events, After Parties & Breakfast Seminars
Opening Ceremony and Welcome Reception

Date: Sunday 8 May 2016  
Time: 17:00 – 20:30  
Dress Code: Business Dress  
Venue: L’Aventure du Sucre

The Opening Ceremony will feature welcome addresses from the Hon. Minister of Financial Services, Good Governance and Institutional Reform, the Chairman of the ICCA 2016 Host Committee, the President of ICCA and other distinguished guests. The Keynote Address will be provided by Dr Mohamed ElBaradei.

Following the Opening Ceremony, a reception will be held at L’Aventure du Sucre, an atmospheric former sugar mill and museum celebrating the history of Mauritius. You will be welcome to visit the museum exhibits and there will be guides on hand to provide information about the history of Mauritius, the Star and Key of the Indian Ocean.

Entertainment will be provided by a variety of traditional Mauritian dances and music-makers, reflecting the diverse blend of cultures which make up Mauritian society. A light dinner and celebratory drinks will be served.

Buses will be leaving for the Debevoise & Plimpton After Party at Les Ruines from L’Aventure du Sucre from 20:30.

This event is sponsored by:

(CAM-CC)  
CENTER FOR ARBITRATION AND MEDIATION
**Une Soirée au Château**

**Date:** Tuesday 10 May 2016  
**Time:** 18:15 – 22:00  
**Dress Code:** Lounge suits/cocktail dresses/formal traditional dress  
**Venue:** Château de Labourdonnais

The gala dinner will be held at Château de Labourdonnais, a beautifully preserved 18th Century château in the heart of Mauritius’ sugar-growing region.

After drinks and canapés in front of the Château, guests will proceed through the Château to the marquee on the rear lawn where renowned international star tenor Michael Fabiano will perform a recital of operatic solos.

After the recital, guests will be invited to the dinner marquee on the front lawn for a sit-down gourmet dinner.

Transportation to the Gala Dinner will begin departing from the Trou aux Biches and Meridien hotels at 18:00 with the last bus departing at 18:40. Departures will be every 10 minutes.

After dinner, buses will depart for the Congress hotels and for the After Party.
Debevoise & Plimpton After Party at Les Ruines de Balaclava

**Date:** Sunday 8 May 2016  
**Time:** 20:30 – 00:00  
**Dress Code:** Smart/Casual  
**Venue:** Les Ruines de Balaclava, Hotel Maritim, Balaclava

Debevoise & Plimpton LLP invites you to join us for drinks, music and dancing at our After Party at the ruins of Balaclava. Situated close to Balaclava beach, the party will be held amongst the atmospheric ruins, under the stars.

Transport to the After Party will be provided from the Opening Reception at l’Aventure du Sucre, and directly from the Trou aux Biches Hotel and Meridien Hotel. Transport to return to the hotels will leave at regular intervals from 21:00.

This event is sponsored by: Debevoise & Plimpton
White & Case After Party

Date: Monday 9 May 2016  
Time: 18:00 – 21:00  
Venue: La Citadelle, Port Louis

After the main Congress on Monday 9 May 2016, White & Case invite you to attend their After Party at La Citadelle, a fort built high above the city of Port Louis.

As the sun goes down, you will be able to take in the view from the ramparts of La Citadelle over the city and port of Port Louis, and the Indian Ocean beyond.

Transport will be provided from the SVICC and from the Trou aux Biches and Meridien Hotels at regular intervals from 17:30. Return transport from La Citadelle to the Trou aux Biches and Meridien will run at regular intervals from 19:00.

This event is sponsored by: WHITE & CASE
The Shearman & Sterling After Party, in honour of Young ICCA

Date: Tuesday 10 May 2016
Time: 22:00 – 01:00
Venue: Westin Turtle Bay

Shearman and Sterling presents a beachfront after party in honour of Young ICCA, the ICCA body devoted to developing and representing the next generation of leading lawyers and arbitrators.

The After Party will take place in a stunning beachfront location at the Westin Hotel, Turtle Bay. Drinks will be served and there will be music late into the evening.

Transport will be provided from the gala dinner at Château de Labourdonnais at regular intervals from 21.30 until 22.30. Return transport will be provided frequently to the Trou aux Biches and Meridien hotels.

This event is sponsored by: Shearman & Sterling LLP
Monday 9 May 2016

Linklaters, Webber Wentzel and Allens Breakfast Seminar

**Time:** 07:00 – 08:00  
**Venue:** Trou aux Biches Hotel

Current trends in international arbitration in emerging markets.

Our panel discussion will examine some of the key contemporary topics and challenges in international arbitration with a particular emphasis on Africa.

Tuesday 10 May 2016

L’ Association pour la Promotion de l’Arbitrage en Afrique (APAA) Breakfast Seminar (Trou aux Biches Resort and Spa)

**Time:** 07:00 – 08:00  
**Venue:** Trou aux Biches Hotel

The APAA invites you to join them for a breakfast meeting for an introduction to APAA and its work on arbitration on the African continent. This session will be in English and French.

Wednesday 11 May 2016

LCIA-MIAC Breakfast

**Time:** 07:30 – 08:30  
**Venue:** Trou aux Biches Hotel

The LCIA-MIAC Arbitration Centre invites you to join its Secretariat for a gentle introduction to the last day of the Congress.
Special Addresses

The Rt. Hon. Sir Anerood Jugnauth QC
PRIME MINISTER OF THE REPUBLIC OF MAURITIUS

H.E. Mr Ban Ki-Moon
UNITED NATIONS SECRETARY GENERAL

Dr Mohamed Elbaradei
DIRECTOR GENERAL EMERITUS OF THE INTERNATIONAL ATOMIC ENERGY AGENCY AND NOBEL PEACE PRIZE LAUREATE
Main Programme

Speaker Profiles
Introduction

ANDREA MENAKER
CHAIR OF THE PROGRAMME COMMITTEE
Andrea Menaker is a partner of White & Case LLP, where she focuses on investment treaty arbitration, representing both investors and States. Previously, Andrea was Chief of the NAFTA Arbitration Division for the US State Department, where she was lead counsel in NAFTA Chapter 11 arbitrations and participated in the drafting of US investment treaties. Andrea has served as an adjunct professor at Georgetown University Law Centre and has lectured at several other universities. She is a member of the Board of the Arbitration Institute of the SCC, an Executive Council member of ASIL, and an elected member of the ALI.

Speaker

JUDGE ABDULQAWI A. YUSUF
Abdulqawi A. Yusuf is a Judge of the International Court of Justice, The Hague, The Netherlands and Vice-President of the Court since February 2015. He is a member of the Institut de Droit International, a member of the panel of arbitrators of ICSID, and a member of the Governing Board of ICCA. He is the founding Chairman of the African Institute of International Law (AIIL), Arusha, Tanzania, founder and General Editor of the African Yearbook of International Law. He is the author of numerous publications on various aspects of international law. He holds a Ph.D. in international Law, IUHEI, Geneva.

Moderator

MEG KINNEAR
Meg Kinnear is currently the Secretary-General of the International Centre for Settlement of Investment Disputes (ICSID) at the World Bank. She was formerly the Senior General Counsel and Director General of the Trade Law Bureau of Canada, where she was responsible for the conduct of all international investment and trade litigation involving Canada, and participated in the negotiation of bilateral investment agreements. In November 2002, Ms. Kinnear was also named Chair of the Negotiating Group on Dispute Settlement for the Free Trade of the Americas Agreement. From October 1996 to April 1999, Ms. Kinnear was Executive Assistant to the Deputy Minister of Justice of Canada. Prior to this, Ms. Kinnear was Counsel at the Civil Litigation Section of the Canadian Department of Justice (from June 1984 to October 1996) where she appeared before federal and provincial courts as well as domestic arbitration panels.
SPEAKER PROFILES

Monday 9 May 2016 – Plenary 1 (Part A)  09:00 - 10:40

Speakers

PROFESSOR PHILIP J. MCCONNAUGHAY
Philip McConnaughay is a Vice Chancellor of Peking University’s Shenzhen Graduate School and Dean of PKU’s School of Transnational Law. Previously, he was Founding Dean of Penn State University’s Schools of Law and International Affairs, a Professor of Law at the University of Illinois, Urbana-Champaign, and a partner of the international law firm, Morrison & Foerster, based in Tokyo and Hong Kong. His publications focus on the role of arbitration and autonomy of contract in cross-cultural economic exchange and economic development. He served as an advisor to the Government of Indonesia with respect to drafting a new national arbitration law.

AMANDA RAWLS
Amanda Rawls is the Director of the Africa Division of the American Bar Association Rule of Law Initiative, where she oversees programming supporting access to justice, business and human rights, justice institution building, and the fight against impunity for sexual violence in conflict. Ms. Rawls has extensive experience in Liberia, where her work focused on customary justice, civic education, alternative dispute resolution, combating pre-trial detention, and law reform. In addition, Ms. Rawls has lived and worked in northern Togo, and in Tanzania. She is an attorney with Masters degrees in both Indigenous Peoples’ Law and Policy, and International Development.
SPEAKER PROFILES

Moderator: ANDREA MENAKER

Panelists

PROFESSOR DR KARL-HEINZ BÖCKSTIEGEL

LORETTA MALINTOPPI
Loretta Malintoppi is Of Counsel in the Singapore Office of Eversheds LLP. She is dually-qualified (Paris and Rome Bars) and is registered to practice as a Foreign Lawyer in Singapore since 2012. She acts as counsel, advocate and arbitrator in international commercial and investment arbitration and has represented private companies, States and State entities in proceedings under a variety of arbitration rules, including ICSID, ICC, UNCITRAL, SIAC, LCIA and DIAC. Loretta also appears as counsel and advocate in State-to-State disputes before the International Court of Justice and in ad hoc arbitrations.

PROFESSOR PAYAM AKHAVAN
Payam Akhavan LLM SJD (Harvard) is Professor of International Law at McGill University and Visiting Fellow at Oxford University with prior appointments at Université de Paris Ouest and Yale Law School. He has appeared as counsel before the International Court of Justice, the International Criminal Court, the European Court of Human Rights, Arbitral Tribunals and Mixed Commissions, and the Supreme Courts of Canada and the United States. His early career as a UN prosecutor has been featured on BBC HARDtalk and the New York Times. In 2005, he was selected by the World Economic Forum as a Young Global Leader.
SPEAKER PROFILES

Monday 9 May 2016 – Panel A1

Moderator

JOHN M. OHAGA
John Ohaga is the Managing Partner in the firm TripleOKlaw Advocates LLP. He has more than 25 years’ post-qualification experience during which he has been involved in numerous complex litigation as well as high value domestic and international arbitrations. He has been recognized for his high quality work and expertise in dispute resolution by Legal 500, Chambers Global and Best Lawyers. John was declared the 2010 and 2016 winner of the International Law Office (ILO) Client Choice Awards for Kenya in the category of litigation. He is an experienced litigator and has a particular passion for commercial litigation.

Panelists

KAREL DAELE
Karel Daele specialises in international commercial arbitration and investment treaty arbitration representing both investors and sovereign states. Having worked and lived for many years in East Africa, he has a particularly strong Africa focus. His Africa work includes acting for ICSID claimants in proceedings against Guinea and Cameroon and arbitrating disputes in Tanzania, Rwanda and South Sudan. He is consistently recognized as a leading practitioner by Chambers and Partners (“he is great in Africa”) and Legal 500 (“stands out for investor-state arbitration, particularly Africa-related matters”). He authored the reference work “Challenge and Disqualification of Arbitrators in International Arbitration” and wrote the chapter on investor-state disputes involving African countries in Lise Bosman’s “Arbitration in Africa – A Practitioner’s Handbook”.

SARAH GRIMMER
Sarah Grimmer is a Senior Legal Counsel at the Permanent Court of Arbitration. She advises the Secretary-General of the PCA on appointing authority matters including designations of appointing authorities, arbitrator appointments and challenges. She serves as Registrar or Tribunal Secretary in arbitrations involving States, State-entities, inter-governmental organisations and/or private parties. Prior to joining the PCA, Sarah worked at the ICC International Court of Arbitration and Shearman & Sterling LLP in Paris. She also spent three years in private practice in New Zealand. Sarah is a graduate of Victoria University of Wellington and the University of Cambridge.

CHARLES NAIRAC
Charles Nairac is a partner in the International Arbitration Practice of White & Case, based in the firm’s Paris office. Focusing on the construction and energy industries, he has been involved in international commercial and investment arbitrations, under most of the major institutional rules as well as in ad hoc arbitrations, in English and in French. Charles lectures on arbitration at the Université de Paris II Panthéon-Assas and Université de Nancy. He is recognized in leading legal directories such as Chambers, Legal 500, Who’s Who Legal, the International Who’s Who of Construction Lawyers and the GAR 100.
DR GASTON KENFACK DOUAJNI
Gaston KENFACK DOUAJNI is a Cameroonian Magistrate; he has obtained a Doctorate of International Economic Law (University of Paris I Pantheon Sorbonne) in 2005, a Certificate on trade negotiations and settlement of trade disputes at the Kennedy School of Government – Harvard University (USA) in 2004. He is a former member of the ICC Court of Arbitration, Professor of business and arbitration law at the International Relations Institute of Cameroon (IRIC)-University of Yaoundé II, Guest Professor at the International Higher Studies Institute (University of Paris II) and University of Paris Sud.

PROFESSOR GEORGE A. BERMANN
George A. Bermann, Professor of Law and Director of Center for International Commercial and Investment Arbitration, Columbia Law School, New York Professor, Columbia University School of Law and Director, Center for International Commercial and Investment Arbitration; Professor, Ecole de droit, Institut des Sciences Politiques (Paris); MIDS LL M. Program (Geneva); Georgetown University Law Center (Washington DC) ARBITRAL PRACTICE: Arbitrator in International Commercial and Investment Arbitration; 50 cases from 1980 to date, as president of tribunal and party-appointed, as well as solo, in arbitrations before all major international arbitral institutions, Foreign Law and International Arbitration Law Expert Witness in international commercial arbitration and national courts.

DR EMILIA ONYEMA
Dr Emilia Onyema is a senior lecturer in International Commercial Law, and Associate Dean (Learning and Teaching), Faculty of Law and Social Sciences, SOAS, University of London. She is a Fellow of the Chartered Institute of Arbitrators and Committee Member of the London branch, qualified to practice law in Nigeria and is a non-practising Solicitor in England. Dr Onyema’s teaching and research covers international sales law, law and development in Africa and international commercial arbitration. She consults, gives expert opinion in these areas and is listed on some arbitrator panels. Her current research project is titled, “Creating a sustainable culture of arbitration as a mechanism for commercial dispute resolution in Africa” with details available at: http://www.researcharbitrationafrica.com/

CARINE DUPEYRON
Carine Dupeyron is a Partner at August & Debouzy, specialized in international arbitration and litigation. Admitted to practice in New York and in Paris, Carine Dupeyron advises French and foreign companies in complex cases, involving private or public international law questions. She has a recognized expertise in the defense, telecom and oil & gas sectors. She regularly seats as an arbitrator in proceedings governed by civil or common law conducted in French, English or Spanish. Carine is a lecturer at the Paris Bar School and at Sciences Po. and a member of the ICC Task Force on Arbitration and Financial Institutions.

JUDGE LIU JINGDONG
Moderator

JUSTICE SHAHEDA PEEROO

Mrs Shaheda Peeroo studied law at the Council of Legal Education in London and was called to the Bar of England at the Honourable Society of the Middle Temple in 1972. She also studied French Civil Law at King’s College, London, from 1972 to 1973. She obtained her LL.B. Degree from the University of London in 1974. She practised at the Bar in Mauritius before joining the then Crown Law Office in 1977 as Crown Counsel. In 1982 she joined the Magistracy and from 1986 to 1991 was Magistrate of the Intermediate Court. She became President of the Industrial Court in 1992 and Master and Registrar of the Supreme Court in 1995. She has been Judge of the Supreme Court for nearly 20 years. Shaheda Peeroo currently sits as a member of the Ad-hoc Administrative Tribunal of the African Union. Over the years, she has also represented the Supreme Court of Mauritius at a number of international conferences including the ACCPUF (Association des Cours Constitutionnelles ayant en partage l’Usage du Français). She is the most senior of the Designated Judges of the Supreme Court of Mauritius for international arbitration matters. She delivered the judgment in Cruz City v Unitech, which was nominated by Global Arbitration Review for an award for the most important published decision of 2014. Honourable Shaheda Peeroo is married and has two sons.

Panelists

DES WILLIAMS

Des Williams was the chairman of Werksmans Attorneys from 2005 to February 2015. He has been with the firm since 1974 and headed its Litigation Department from 1994 to 2005. He is now the head of the firm’s Arbitration Practice Group. He is experienced in all fields of commercial litigation and alternative dispute resolution, including international litigation, arbitration and mediation. He has been involved in many of the largest and most complex litigation and arbitration matters in South Africa. Clients include South African Breweries, Glencore, Aspen Healthcare Holdings, Temenos and Edcon. Des is named in Chambers Global: The World’s Leading Lawyers for Business for his expertise in Dispute Resolution; appearing in the 2015 edition for both Dispute Resolution and Construction. He is named as one of the most highly regarded Litigation lawyers in the world by Who’s Who Legal Litigation Guide 2015.

PROFESSOR TERESA CHENG

Chairperson, Hong Kong International Arbitration Centre. Teresa Cheng SC FICE FCIArb is a Senior Counsel, Chartered Engineer, Chartered Arbitrator and Accredited Mediator. Ms Cheng is frequently engaged as counsel or arbitrator in complex international commercial and investment disputes. She is currently the Chairperson of Hong Kong International Arbitration Centre (HKIAC), and is also a Recorder in the Court of First Instance of the High Court of Hong Kong, a member of the International Centre for Settlement of Investment Disputes (ICSID) panel of Arbitrators, designated by the Chairman of the ICSID Administrative Council of World Bank, and an external IFC alternate member of the World Bank’s Sanctions Board. Ms Cheng is a Fellow of King’s College in London, and the Course Director of the International Arbitration and Dispute Settlement Course at the Law School of Tsinghua University in Beijing.

DANIEL DE ANDRADE LEVY

Daniel Levy is professor of law at São Paulo Law School of Fundação Getúlio Vargas and visiting professor of Northwestern Law (Chicago). He holds a PhD, summa cum laude, from Université Panthéon-Assas (Paris II), Paris II Prize for best thesis, published by L’Harmattan (2015) as Les abus de l’arbitrage commercial international. He is Chief-Editor of the Brazilian Arbitration Review and member of the ICCA Publication Committee. He is also author of Investment Protection in Brazil (Kluwer, NYC, 2014) and Civil Liability Law (Atlas, São Paulo, 2013), and a number of papers in arbitration, civil and corporate law. He is counsel at Ferro, Castro Neves, Daltro & Gomide Advogados, an arbitration and litigation boutique law firm based in Rio de Janeiro, São Paulo and Brasilia, where he worked in a number of cases before national courts and arbitral institutions.
SPEAKER PROFILES

Monday 9 May 2016 – Panel B2 16:00 – 17:30

Moderator

DR YAS BANIFATEMI
Yas Banifatemi is a Partner in Shearman & Sterling’s International Arbitration Group and heads the firm’s Public International Law practice. She acts as counsel and arbitrator in investment treaty and commercial arbitrations, with focus on investment and oil & gas disputes. She is a Vice-President of the ICC International Court of Arbitration and a member of the LCIA Court. She is a Visiting Lecturer at Yale Law School and also lectures on investment treaty arbitration at Panthéon-Assas University (Paris II). She has authored numerous publications on international arbitration and public international law.

Panelists

PROFESSOR NICOLAS ANGELET
Prof. Nicolas Angelet is a member of the Brussels Bar and a partner with Liedekerke Wolters Waelbroeck Kirkpatrick. He represents States, intergovernmental organizations and corporate clients before domestic courts in Belgium and abroad, ICSID and UNCITRAL arbitral tribunals and in ICSID annulment proceedings, PCA inter-State arbitration, the ICJ, the ECHR, and various UN bodies. Nicolas is a member of the ICSID Panel of Conciliators (appointed by Belgium) and Arbitrators (appointed by Burundi). He is a professor of public international law at the University of Brussels (Université libre de Bruxelles).

UCHEORA ONWUAMAEGBU
Ucheora Onwuamaegbu is an International Attorney with Arent Fox LLP, Washington, D.C. For about ten years, he was Senior Counsel at the World Bank’s International Centre for Settlement of Investment Disputes, (ICSID) and, prior to ICSID, with the United Nations Compensation Commission in Geneva. A Barrister and Solicitor of the Supreme Court of Nigeria and Solicitor of the Supreme Court of England and Wales, Mr. Onwuamaegbu is licensed as Special Legal Consultant in the US District of Columbia. He provides advisory services to Governments and also sits as arbitrator in disputes before arbitral bodies around the world. Mr. Onwuamaegbu has written and spoken extensively on disputes between governments and foreign investors.

JUDGE CHARLES N. BROWER
Charles N. Brower serves as Judge Ad Hoc, International Court of Justice; Judge, Iran-United States Claims Tribunal; Member, 20 Essex Street Chambers and Distinguished Visiting Research Professor, George Washington Law School. He previously served as Judge Ad Hoc, Inter-American Court of Human Rights; Acting Legal Adviser, United States Department of State; Deputy Special Counsellor to the President of the United States; and partner at White & Case LLP. He has received the American Society of International Law’s Manley O. Hudson Medal, the American Bar Association Section of International Law’s Lifetime Achievement Award and the Global Arbitration Review’s Lifetime Achievement Award.
Keynote

THE HON. CHIEF JUSTICE JAMES ALLSOP AO

From 1981 to 2001 Chief Justice Allsop practised at the Bar in New South Wales and elsewhere in Australia. He was appointed Senior Counsel in New South Wales in 1994 and Queen’s Counsel in Western Australia in 1998. From 7 May 2001 to 1 June 2008 he served as a Judge of the Federal Court of Australia, undertaking the roles of trial and appellate judge on a full range of Federal Court work. From 2 June 2008 to 28 February 2013, Chief Justice Allsop was President of the New South Wales Court of Appeal. He was appointed Chief Justice of the Federal Court of Australia as of 1 March 2013. From 1981 to 2014 Chief Justice Allsop taught part-time at the University of Sydney as a tutor and lecturer in property, equity, bankruptcy, insolvency, corporate finance and maritime law. He currently teaches part-time in maritime law at the University of Queensland. From 2005-2009, he was a member of the board of World Maritime University in Malmö, Sweden. From 2008 to 2011 he was a member of the Board of the Australian Maritime College. On January 2010, he was elected as an Honorary Bencher of the Middle Temple. On 19 March 2013 he was elected a member of the American Law Institute.

Moderator

PROFESSOR DOUG JONES AO

Doug Jones AO is a leading independent international commercial and investor/state arbitrator. He is an arbitrator member at Arbitration Place in Toronto, a door tenant at Atkin Chambers London UK and has an office in Sydney, Australia. Prior to his full time practice as an arbitrator Doug had 40 years’ experience as an international transactional and disputes projects lawyer. The arbitrations in which he has been involved include infrastructure, energy, commodities, intellectual property, commercial and joint venture, and investor-state disputes spanning over 30 jurisdictions around the world. Doug also holds professorial appointments at Queen Mary College, University of London and Melbourne University Law School.

Commentators

NATALIE REID

Natalie Reid is a partner in the firm’s litigation practice and focuses on international arbitration, public international law, and complex commercial litigation matters. She acts as counsel in arbitrations arising under the rules of the major arbitral institutions, and her recent representations include disputes arising under bilateral investment treaties in South Asia and East Asia.
Ms. Reid has served on the Executive Council of the American Society of International Law (2011–2014), and is currently a member of the International Commercial Disputes Committee of the New York City Bar Association, and the Board of Editors of the American Journal of International Law. She is also a co-chair of the 2015 Annual Meeting of the American Society of International Law, and a 2012 Fellow of the Leadership Council on Legal Diversity.

PHILIPPE PINSOLE

Philippe Pinsolle is the managing partner of Quinn Emanuel Urquhart & Sullivan’s Paris office. He has acted as counsel in more than 200 international arbitrations, with a particular focus on Investor-State arbitrations and commercial disputes involving the energy, power, oil & gas, and major infrastructure projects. He has been involved in arbitrations under the aegis of all the major arbitration institutions. Philippe Pinsolle has served as arbitrator (party-appointed or chair) in more than 45 cases, as well as an expert witness on several occasions. He is Co-Editor in Chief of the Paris Journal of International Arbitration/Cahiers de l’ Arbitrage, a leading French publication in the field of Arbitration.
Commentators, continued

PALLAVI S. SHROFF
Ms. Pallavi S. Shroff is the Managing Partner of Shardul Amarchand Mangaldas with over 34 years of extensive experience in Dispute Resolution / Litigation and also heads Dispute Resolution Practice of the Firm. Her broad and varied representation of public and private corporations and other entities before legal institutions, has earned her national and international acclaim. Ms. Shroff has been closely involved with some of the largest and most challenging litigation and arbitration cases in India. According to Chambers and Partners 2016, ‘Pallavi Shroff is singled out as “a superbly good practitioner” who regularly handles both litigation and arbitration matters. Ms. Shroff is also recognized as India’s leading Competition Law lawyer.

VLADIMIR KHVALEI
Vladimir Khvalei is a partner in the Moscow office of Baker & McKenzie and heads the firm’s CIS Dispute Resolution Practice Group. Mr. Khvalei has wide experience participating in litigation in Russia, Kazakhstan, Belarus and Ukraine, as well as in international arbitration cases in accordance with the arbitration rules of the ICAC, UNCITRAL, ICC, SCC, LCIA and other arbitration institutions, both as a party counsel and arbitrator. Practice focus: International arbitration, litigation

DR ABDULHAY SAYED
Dr Abdulhay Sayed, LL.B (Damascus), LL.M (Harvard Law School), DES, Ph.D. (Geneva), is the managing partner of Sayed and Sayed, Damascus/rep. off. Geneva. Dr Sayed taught international commercial arbitration (general course and clinical seminar), in a joint Business Law Master’s program between Damascus University and Paris II. He acts as party counsel, arbitrator and chairman of arbitral tribunal in a number of international arbitrations under the ICC, DIAC, LCIA and UNCITRAL, involving commercial and investment law disputes pertaining to various Arab jurisdictions. Dr Sayed is a Member of the ITA Board of Reporters, the ICC Arab Arbitration Group, and ASA.
DOMITILLE BAIZEAU
Domitille Baizeau is a partner at LALIVE, based in Geneva. She has been practising dispute resolution for over 20 years, exclusively in international arbitration since 2001, acting as counsel or arbitrator in proceedings governed by both common law and civil law. Her areas of practice include joint venture, shareholders, M&A, sales and investment disputes in the energy, telecommunications, and construction sectors, with broad experience in Africa and the Middle East. She holds several executive positions in arbitration institutions and associations (SCAI - Swiss Rules, ASA, LCIA). She initially trained in New Zealand, holds a French law diploma and is admitted to practise in England & Wales and in Switzerland.

DR CLAUS VON WOBESER
CLAUS VON WOBESER Managing Partner of Von Wobeser y Sierra Mexico City. With experience acting in over 150 arbitrations as either counsel or arbitrator under the rules of the ICC, AAA, Inter-American Commercial Arbitration Commission, PCA, LCIA, SCC, HKIAC, Uncitral Rules and ICSID Rules. He serves as arbitrator on the ICSID Panel as designee of the Chairman of the Administrative Council. Furthermore, he is the Former Vice Chairman of the ICC International Court of Arbitration, former Co-Chair of the Arbitration Committee of the International Bar Association and former President of the Mexican Bar Association.

PROFESSOR JANET WALKER
Janet Walker is a professor and arbitrator based in Toronto at Arbitration Place and in London at Outer Temple Chambers. She has served in many arbitrations for the ICC, ICDR and DIAC and is a founding member of ICC Canada, Toronto Commercial Arbitration Society, CIArb (Founding Chair, Toronto Chapter). She is a member of the CIETAC, SHIAC, SCIA, ICDR and KLRCA rosters. Janet authors the main private international law treatise in Canada, Castel and Walker, and she has served as consultant and expert in many significant transnational matters. She is Professor of Law and past Associate Dean of Osgoode Hall Law School, and past common law advisor to the Federal Courts Rules Committee and CIArb Advisor. For more, see www.janet-walker.com

PAULA HODGES QC
Paula heads Herbert Smith Freehills’ Global Arbitration Practice and has over 25 years’ experience of advising on international disputes, particularly in the energy, telecommunications and technology sectors. She specialises in international arbitration and has represented clients in many jurisdictions (including London, Paris, Geneva, Zurich, Stockholm, the US, Canada, Dubai, Africa, Asia, Russia and the CIS) in ad hoc arbitration and proceedings under the auspices of the major arbitral institutions. She also sits as an arbitrator. Paula is a member of the LCIA Board and Vice President of the LCIA Court. She became a QC in 2014.
PROFESSOR FELIX DASSER
Prof. Dr.iur. Felix Dasser, LL.M. (Harv.), is heading Homburger’s 50-member-strong dispute resolution practice. He represents clients in mostly international litigation and arbitration disputes and regulatory investigations, with special experience in the financial, IT and engineering industries. He has acted as counsel, arbitrator and administrative secretary in more than fifty international arbitration proceedings. He also acts as expert on Swiss law. As adjunct professor at the University of Zurich, Felix Dasser lectures and publishes regularly on arbitration, civil procedure, conflict of laws, comparative law, and contract law and sits on the Board Executive Committee of the Swiss Arbitration Association.

CHRISTOPHER LAU SC
A Senior Counsel and Chartered Arbitrator, Christopher is recognised as “one of Singapore’s leading arbitrators on major domestic and international arbitrations” (AsiaLaw). His arbitration practice encompasses investment and all aspects of commercial disputes involving the laws of various common and civil law jurisdictions including those of India, PRC, South Korea, Thailand, Mongolia, Qatar, England and New York. He is a member of, amongst others, the ICC International Court of Arbitration, Task Force on IBA Guidelines on Party Representation in International Arbitration, Working Group IBA Rules on Investor-State Mediation and Board of Advisors of the New York International Arbitration Centre.

BARTON LEGUM
Barton Legum is a Partner in Dentons’ Paris office and Head of the firm’s Investment Treaty Arbitration Practice. Barton has over 25 years’ experience in litigating and complex cases and has argued before numerous international arbitration tribunals, the International Court of Justice and a range of trial and appeals courts in the United States. He is a Past Chair of the American Bar Association’s Section of International Law, an international bar organization with over 24,000 members from over 90 countries around the world. Bart served as Chief of the NAFTA Arbitration Division in the Office of the Legal Adviser at the U.S. Department of State. He acted as lead counsel for the United States Government in some of the first arbitrations under the investment chapter of the North American Free Trade Agreement. The United States won every case decided under his tenure. He is a founding editor of International Litigation Strategies and Practice (2005; 2d ed. 2014), a book published by the American Bar Association.
Panelists

TOBY LANDAU QC
Toby Landau QC is a barrister and arbitrator at Essex Court Chambers, London. He has sat as Arbitrator in numerous Investor-State and commercial disputes worldwide. As Counsel, he has argued hundreds of major international investor-State and commercial arbitrations, and ground-breaking arbitration cases in Court in England, Singapore, Hong Kong, Pakistan and elsewhere. Visiting Professor at Kings College London; Court Member of the LCIA, SCC and SIAC; FCIArb; and a draftsman of the English Arbitration Act 1996 and the Mauritius International Arbitration Act 2008. Named “Most Highly Regarded Individual” in International Arbitration by Who’sWhoLegal in 2014 and 2015. He holds a first-class law degree and a first class BCL from Oxford University, and an LL.M. from Harvard Law School.

PROFESSOR BRIGITTE STERN
Brigitte Stern is Professor Emeritus at the University of Paris I - Panthéon-Sorbonne. She was also a Member and the Vice-President of the United Nations Administrative Tribunal (UNAT) from 2000 to 2009. She has served and serves as a Consultant and Expert for international organisations. She is active in international dispute settlement, acting as Counsel before the International Court of Justice and as Arbitrator (Sole Arbitrator, Member or President) in numerous ICSID, ICC, NAFTA, Energy Charter Treaty and UNCITRAL arbitrations. She holds a Master’s degree and a JD from the University of Strasbourg, a Master of Comparative Jurisprudence (MCJ) from New-York University, and a PhD from the University of Paris. She passed the Paris Bar exam and is “Agrégée” of the Law Faculties (1970). She has published many books, among others, Le préjudice dans la théorie de la responsabilité internationale, Paris, Pedone, 1973, 20 ans de jurisprudence de la Cour internationale de Justice. 1975-1995, La Haye, Nijhoff, 1998, La succession d’Etats, Lecture at The Hague Academy of international law, RCADI, tome 262, La Haye, Kluwer, 2000, as well as numerous articles.

DAVID J.A. CAIRNS
David J. A. Cairns is a partner of B. Cremades y Asociados in Madrid, specialising in international commercial and investment arbitration. He has been admitted to practice in New Zealand, England & Wales and Madrid and works in both English and Spanish. He regularly sits as an arbitrator in international disputes. He is a Fellow of the Chartered Institute of Arbitrators, and a member of the Panel of Conciliators of the International Centre for the Settlement of Investment Disputes (ICSID). He has a particular interest in the history and practice of advocacy, and has written extensively about advocacy.

Moderator

SALIM MOOLLAN QC
Salim Moollan has been in private practice as a Barrister at Essex Court Chambers since 1998, specialising in international and commercial law, and in particular investment and commercial arbitration. He is the immediate past Chairman of UNCITRAL and of the UNCITRAL Arbitration Working Group, a former Vice-President of the International Court of Arbitration of the ICC, a member of the LCIA Court, a Visiting Professor in International Arbitration Law at King’s College London, a member of the Editorial Boards of the ICSID Review, of the Revue de l’Arbitrage and of Arbitration International, and a member of the ICSID Panel of Arbitrators.
PROFESSOR PIERRE MAYER
Professor Pierre Mayer is a specialist in international arbitration law and private international law, two subjects which he has taught for decades at the University of Paris I (Panthéon-Sorbonne) where he was Professor from 1984 to 2012 and is Emeritus Professor since 2012. A French qualified avocat, Professor Pierre Mayer has acted as counsel or arbitrator in hundreds of proceedings in commercial and investment matters. His experience spans a variety of sectors (including energy, telecommunications, distribution, construction and commodities tradings). Professor Pierre Mayer is recognised as one of the top thirty arbitrators worldwide by the Global Arbitration Review.

PROFESSOR SÉBASTIEN BESSON
Sébastien Besson is a partner at Lévy Kaufmann-Kohler, a leading international arbitration firm based in Geneva, Switzerland. He represents companies before arbitral tribunals and state courts in commercial disputes, and serves as arbitrator. Sébastien Besson has acted as counsel, chairman, party-appointed arbitrator, sole arbitrator or legal expert in numerous international arbitrations under a variety of arbitration rules, and in different jurisdictions. The nature of such cases, among others, includes joint ventures and industrial cooperation, agency and distribution, sales contracts, licensing, construction, finance and sport-related disputes. He is also a part-time Professor at the Faculty of Law of the University of Neuchâtel. He published numerous treaties and articles in the field of international arbitration, including “Comparative Law of International Arbitration” (2nd ed., Sweet & Maxwell, 2007, co-authored with Professor Jean-François Poudret) and is regularly invited as speaker at various conferences, university programmes and events in Switzerland and abroad. Mr Besson was educated at the Lausanne University, where he received his Doctorate in Law in 1997 (Prix de la Fondation Fleuret, Lauréat de l’Université de Lausanne, Prix Walther Hug), and at Columbia University (New York), from which he holds an LL.M (2000). He is fluent in French and English, and has good knowledge of German.

DR MAXI SCHERER
Dr Maxi Scherer, LLM, Wilmer Cutler Pickering Hale and Dorr LLP (London) and Queen Mary, University of London. Maxi has extensive experience with arbitral practice both in civil and common law systems. She has represented and advised clients in over 50 international arbitrations proceedings and has served as arbitrator in over 25 ad hoc and institutional arbitrations (ICC, LCIA, HKIAC, DIS etc), including as sole arbitrator, co-arbitrator, presiding arbitrator and emergency arbitrator. Maxi is admitted to the bar in Paris (France) and as solicitor (England and Wales) and has been regularly ranked by Who’s Who Legal, The Legal 500 UK etc. as leading arbitration practitioner. Maxi Scherer is a full-time tenured faculty member at the School of International Arbitration, Queen Mary, University of London, and the Director of Queen Mary’s Paris LLM programme. She publishes extensively in the field of international arbitration, and international litigation, including most recently A Guide to the UNCITRAL Standard on Transparency in Treaty-Based Investor-State Arbitration (co-editor), Cambridge University Press, 2015. Maxi is the General Editor of the Journal of International Arbitration (Wolters Kluwer),
SPEAKER PROFILES

Tuesday 10 May 2016 – Panel A5  15:20 - 16:50

Moderator

MALCOM HOLMES QC
Malcolm Holmes QC, BA, LLB (Sydney), BCL (Oxon), FCIArb, is a Chartered Arbitrator at Eleven Wentworth in Sydney and an arbitrator member of 20 Essex Street in London and Singapore. He is co-author of “The International Arbitration Act; A Commentary”, 2nd edition, 2015, LexisNexis, and an Adjunct Professor in International Commercial Arbitration at University of Queensland and a Visiting Professorial Fellow at University of NSW. He has been a member of the Court of Arbitration of Sport since 1995. He is a member of the Board of Trustees and the Treasurer of the Chartered Institute of Arbitrators and is a Past President of the Australian Branch.

Panelists

KAMAL SHAH
Kamal is the head of Stephenson Harwood’s Africa and India groups. He specialises in complex, cross-border international arbitration, litigation and fraud and asset tracing. He advises governments, government entities, banks, private corporations and high net worth individuals in a range of matters. Kamal is highly ranked in The Legal 500, Chambers Global and UK and IFLR1000. He was listed in the Lawyer’s Hot 100 list of leading lawyers in the UK for 2009 and 2014. Kamal is currently the Vice President of the LCIA African Users’ Council and a Director of the Business Council for Africa.

SAE YOUN KIM
Sae Youn Kim chairs the International Dispute Resolution Practice at Yulchon. Ms. Kim practices primarily in the areas of litigation and arbitration with an emphasis on commercial and international law. Before joining Yulchon, she served as a judge at various Korean district courts including the Seoul District Court, the Daejeon District Court, and the Suwon District Court. Ms. Kim is currently an arbitrator at the KCAB and SIAC and is licensed to practice in Korea and New York. She is regularly selected as a leading lawyer by publications such as Chambers Global and Asialaw.

DR DAPHNA KAPELIUK
Dr Daphna Kapeliuk is a partner in the Commercial and International Litigation Department of Goldfarb Seligman law firm, Israel. She is considered the leading Israeli expert on international and domestic arbitration. She has particular experience in conflict of laws, enforcement of forum selection clauses and international arbitration agreements and enforcement of foreign judgments and arbitral awards.

With her many years of expertise, Dr Kapeliuk provides unique, far-reaching legal advice to her clients. As the only academic expert on Israeli arbitration law, she was called upon to provide expert opinions in proceedings held in foreign courts.
Moderator

DR MOHAMED ABDEL RAOUF
Director of the Cairo Regional Centre for International Commercial Arbitration (CRCICA) and Associate Professor at Université Paris 1 Panthéon-Sorbonne. Sits regularly as arbitrator in different jurisdictions. Member of the Governing Board of the International Council for Commercial Arbitration (ICCA) and the Board of the Arbitration Institute of the Stockholm Chamber of Commerce (SCC). Vice President of the International Federation of Commercial Arbitration Institutions (IFCAI), CEDR Accredited Mediator, and arbitrator listed in the Panel of Arbitrators of the Court of Arbitration for Sport (CAS). Holder of a Ph.D. in international arbitration from the University of Montpellier I, France.

Panelists

CONSTANTINE PARTASIDES QC
A founding partner of Three Crowns LLP, Constantine has appeared as counsel on some of the largest commercial and investment arbitrations of the last decade, many of which relate to the energy sector. Constantine has been named as one of the “top 20” individuals in the world of arbitration in “Who’s Who” of Commercial Arbitration, five years running. He is a co-author of the leading textbook Redfern and Hunter on International Arbitration. He is a solicitor-advocate (Higher Courts Civil), and was appointed Queen’s Counsel in 2014.

PROFESSOR JEAN E. KALICKI
Jean Kalicki is an independent arbitrator specializing in international, complex commercial and investor-State disputes, and previously served as Partner at Arnold & Porter. She is a member of the ICCA Governing Board, the AAA Board of Directors, the LCIA Court, the ICC Commission and the SICANA, Inc. Board, as well as a CIArb and CCA Fellow and adjunct professor at Georgetown and American University law schools. She is co-editor of RESHAPING THE INVESTOR-STATE DISPUTE SETTLEMENT SYSTEM: JOURNEYS FOR THE 21ST CENTURY 2015). In February 2016, Law360 named Ms. Kalicki one of the “Five Most Influential Female International Arbitrators” in the world.

PROFESSOR NASSIB G. ZIADÉ
Nassib is the CEO of the Bahrain Chamber for Dispute Resolution (BCDR-AAA) and the General Editor of the BCDR International Arbitration Review. Previously, he served as Director of the Dubai International Arbitration Centre, as Deputy Secretary-General (and Acting Secretary-General) of ICSID, and as Executive Secretary of the World Bank Administrative Tribunal. He has acted as co-arbitrator or chair in ad hoc and institutional arbitrations in commercial, construction and investment matters. He has taught at the University of Miami School of Law, the University of Paris I Panthéon-Sorbonne, the Law Faculty of the Saint-Joseph University in Beirut, and The Hague Academy of International Law.
OLUFUNKE ADEKOYA SAN
Mrs Funke Adekoya SAN is a partner at ÀLEX, a commercial law firm operating in Lagos, Nigeria where she heads the Dispute Resolution practice group.

She is a Chartered Arbitrator of the Chartered Institute of Arbitrators, regularly sits as an arbitrator and appears as counsel in institutional and ad hoc arbitration proceedings both in international and domestic disputes and has 40 years of experience in commercial litigation and corporate dispute resolution. She is a Vice President of the ICC Court of Arbitration as well as a member of the World Bank Group Sanctions Board.

JOHN MILES
John Miles is the Managing Director of JMiles & Co., specializing in international arbitration, fraud and asset chasing, and legal consulting. He has 30 years’ worth of experience working in Africa, and has advised both governments and the private sector. John is the sole Kenyan member of ICC Fraudnet, Chairman, of the Indian National Bar Association, Kenyan Chapter and the co-author of Arbitration in Africa, A Review of Key Jurisdictions (Sweet and Maxwell 2016).

OLASUPO SHASORE SAN
Shasore was admitted to Nigerian bar 1987, and admitted to the inner bar in 2006 as Senior Advocate of Nigeria. Shasore specialises in Commercial Arbitration & Litigation, Maritime & Shipping Law and Commercial and Business Crime. He is supporting member of the London Maritime Arbitrators Association, a fellow of the Chartered Institute of Arbitrators, Member of the Nigerian Society of International Law and the Nigerian Maritime Law Association. Shasore is a Partner at the Commercial Law firm Ajumogobia & Okeke. He is frequently appointed to Arbitral panels or sole Arbitrator and has acted as expert on different matters of Nigerian Law. He is currently the Chairman of Arbitration and ADR committee of the Section on Business Law of the Nigerian Bar Association. He is also the co-author of (Johnson & Shasore) “Commercial Arbitration Law & International Practice in Nigeria” and author of Jurisdiction & Sovereign Immunity in Nigerian Commercial Law (NIIA 2007);

BENOIT LE BARS
Benoit Le Bars, co-founder and Managing Partner of Lazareff Le Bars, represents clients in international arbitration, mediation and alternative dispute resolution. For many years, he has been deeply involved in projects in Africa. His in-depth know-how of OHADA law and African legal practice led him to publish International Arbitration and Corporate Law: An OHADA Practice (Eleven publishing), to create a magazine, as well as to host a yearly conference. Benoit has just been appointed Co-Head of the IGAD Arbitration Centre legal task force in Djibouti with Mr Baiju Vasani (Partner, Jones Day). Benoit is also a professor of law in the United States and in France.
Panelists, continued

**RUKIA BARUTI**
Rukia Baruti is the founder and Managing Director of Africa International Legal Awareness (AILA), a not-for-profit organisation working to enhance legal professional competence and raise awareness of existing expertise in international economic laws in Africa. Prior to founding AILA, Rukia practiced law at SJ Berwin’s International Arbitration Group. Her experience includes acting as counsel, arbitrator and secretary to international arbitration tribunals under the various arbitration rules. A qualified solicitor in the England & Wales, Rukia is currently completing a PhD at the University of Geneva focusing on the regional approach to regulating foreign investments in Southern and Eastern Africa.

**VLAD MOVSHOVICH**
Vlad Movshovich (BA LLB (Wits) BCL MLitt (Oxon)) is a Partner in the Dispute Resolution Group at Webber Wentzel, Johannesburg, South Africa, specialising in complex international and domestic commercial and treaty arbitration, as well as high profile constitutional, regulatory and commercial litigation. Vlad is an Attorney of the High Court of South Africa and Solicitor of the Senior Courts of England and Wales.

**PROFESSOR DR MOHAMED S. ABDEL WAHAB**
Chair of Private International Law and Professor of Dispute Resolution at Cairo University; Founding Partner and Head of International Arbitration at Zulficar & Partners Law Firm; Vice-President of the ICC International Court of Arbitration; Court Member of the LCIA; Vice-President of LCIA’s Arab Users’ Council; Vice-President of the CIarb’s Egypt Branch; Chair of the CIarb’s Technology Committee and Member of the Practice and Standards Committee; Member of the Advisory Committee of the CRCICA; Dispute Resolution Consultant to the World Bank Group; and Associate Member of the Centre of Private International Law at Aberdeen University (UK).

**THIERRY KOENIG SA**
Thierry Koenig is head of ENSafrica (Mauritius). He specialises in corporate, M&A, project finance and dispute resolution and in the quasi totality of landmark cases under the International Arbitration Act. He is president of the User Council of LIAC-MIAC. Thierry represents international companies in most industries and has acted in several high-profile cases of national importance and large commercial, civil and constitutional cases before the Supreme Court of Mauritius and in international arbitrations. He has been involved in over a dozen appeals before the Judicial Committee of the Privy Council.
MARIE-ANDRÉE NGWE

Barrister Marie-Andrée Ngwe has been a member of the Cameroon Bar Association since 1981. She is a former ICSID conciliator, a certified mediator, arbitrator, president of the GICAM (Groupement inter-patronal du Cameroun) Arbitration Centre’s Standing Committee and member of the Comité Français de l’Arbitrage working group on OHADA arbitration. Before working exclusively in alternative dispute resolution, Marie-Andrée Ngwe practised law for thirty years in Cameroon. She is recognized for her expertise and her involvement in the economic and legal development of francophone Africa.

ACE ANAN ANKOMAH

Ace Anan Ankomah is the Managing Partner and Head of the Litigation & Dispute Resolution practice group of the law firm of Bentsi-Enchill, Letsa & Ankomah. Ace holds an LL.B. (University of Ghana), QCL (Ghana School of Law), and an LL.M. (Queen’s University, Canada). He is a member of the Ghana Bar Association and serves on the Advisory Board of Millicom Ghana Limited. He has also served on the International Court of Arbitration of the International Chamber of Commerce, and as the Regional Vice-Chair for Europe/Middle East/Africa of the Lex Mundi Managing Partners Committee. Ace has wide experience in the practice and in the teaching of Company Law, Tax Law and Civil Litigation & Procedure, and has come up for honourable mention in the Chambers Global ranking of lawyers since 2006.

AISHA ABDALLA

Aisha Abdallah is head of the litigation department at Anjarwalla & Khanna and is based at the firm’s Nairobi head office. Her practice focuses on all aspects of commercial litigation. Aisha is dual qualified as an Advocate of the High Court of Kenya and Solicitor of England and Wales. She joined Anjarwalla & Khanna from Shoosmiths in the United Kingdom in 2012. She has over 15 years’ experience in dispute resolution, including multi-party mediation and arbitration, and worked as a Dispute Resolution Solicitor at Hewitsons, Northampton, England for over five years. Aisha was named a leading individual in Dispute Resolution by Legal 500 (2014). Aisha is a member of the Law Society of Kenya’s Court Users Sub-Committee as well as the Property Litigation Association and the Association of Women Solicitors in England. She regularly writes and speaks at conferences on a wide range of contentious issues and is the co-author of the Kenyan chapter of the 6th edition of the International Arbitration Review.
Background

In the last decade, Mauritius has overhauled its legal and institutional frameworks as part of a project to become a centre of excellence for international arbitration in the region. The island is located at the geographical and cultural crossroads of Africa, Asia and Europe, and has several characteristics that make it an ideal jurisdiction for international arbitration. These include, political stability, a strong institutional framework, a highly educated bi-lingual population, a hybrid common law and civil law legal system and world-class legal and institutional frameworks for international arbitration.

This small Indian Ocean Island with a population of 1.2 million people is ranked first in the Mo Ibrahim Index of African Governance,¹ which measures the quality of governance in African countries, and tops the World Bank Group’s Ease of Doing Business rankings for African countries.² These rankings reflect decades of social and economic reform that has transformed Mauritius into an upper middle income country, mainly by diversifying its economy away from the sugar sector, towards the services sector - especially financial services and ICT.

A. LEGAL FRAMEWORK

1. Mauritian International Arbitration Act 2008

Ten years ago, Mauritius did not have a separate regime for international arbitration. This was out of step with the multitude of economic reforms that were happening in the country and a decision was taken to overhaul the legal and institutional framework governing international arbitration. The result was the Mauritian International Arbitration Act 2008 (“IAA”), a modern international arbitration law based on the UNCITRAL Model Law 2006.

Mauritius’s commitment to a modern international arbitration regime that can “promote the use of Mauritius as a jurisdiction of choice in the field of international arbitration”,³ motivated the decision to amend the IAA just four years later. The amendments clarified certain aspects of the legislation and included measures that had not been included in the original 2008 Law. The IAA contains many innovative features, some of which are highlighted below:

a. The Role of the Supreme Court of Mauritius in International Arbitration

The IAA gives exclusive jurisdiction of arbitration matters to the Supreme Court of Mauritius. All matters before the Supreme Court must be heard by a three-judge bench,⁴ made up of three out of the six judges who are designated by the Chief Justice to hear all arbitration.

¹ See more at http://mo.ibrahim.foundation/iiag/data-portal/
² See more at www.doingbusiness.org/rankings. Mauritius ranks 32 out of 189 in the world, and 1 out of 47 for sub-Saharan Africa.
³ Preamble to the IAA
⁴ Section 42(1) of the IAA
matters under the Act. An exception to the three-judge provision occurs in the first instance of an application for interim measures, which may be “made to, heard by and determined by” one judge in chambers in the first instance, although any further hearings will be heard before a three-judge panel, that includes the original judge. This provision strikes a balance between the need for expediency in applications for interim measures, and the collegiate decision-making required by the IAA.

The revised IAA has also allowed the Supreme Court to adopt and promulgate the Supreme Court (International Arbitration Claims) Rules 2013 (the “Rules of Court”). The Rules of Court contain the procedure in the Supreme Court for international arbitration applications, which is completely separate from the procedure for applications related to domestic arbitration. The Rules of Court apply both to applications under the Act and to applications for enforcement under the New York Convention.

The Supreme Court has handed out several judgments under the IAA that have demonstrated a pro-arbitration approach by the judiciary, including the decision in Cruz City v. Unitech, which was nominated for a Global Arbitration Review (GAR) Award for “most important published decision of 2014 for jurisprudential or other reason”.

All final Supreme Court Decisions are subject to an automatic right of appeal to the Privy Council.

b. A Special Role for the Permanent Court of Arbitration (PCA)

In the IAA, some of the functions that would otherwise fall to the Mauritian Courts have instead been entrusted to the PCA. These include the appointment of arbitrators, and decisions on challenges to arbitrators. The decisions of the PCA are final, and cannot be challenged by the parties in Mauritian or other courts. This allows the arbitration to proceed with minimal delay. If a party feels that a decision of the PCA was wrong and that this gives rise to grounds to challenge an award, this can be done in the usual way after the award, by an application to the Supreme Court of Mauritius.

c. Global Business Licence (GBL) Companies

The Act contains specific provisions that allow shareholders of GBL Companies in Mauritius to include an arbitration clause in the constitution of the company that provides for any dispute arising out of the constitution of the company to be referred to arbitration under the IAA. The seat of such an arbitration would be Mauritius despite any agreement to the contrary. This provision does not affect the rights of the shareholders or the company to agree to the

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5 IAA Section 43
6 IAA Section 42(1A)
7 IAA Section 42(1A)
8 Cruz City v Mauritius Holdings v Unitech Limited & Anor 2014 SCJ 100
10 IAA Sections 42(2) and 44
11 See for example, IAA Sections 3C, 12, 14, 15, 16, 18
12 IAA Section 19(5) Mauritian International Arbitration Act 2008
arbitration of disputes under a shareholders agreement, or of any dispute between the company and a third party, with the seat of their choice.\(^{13}\)

**a. Representation of the parties**

Foreign counsel may represent a party in Mauritius through the operation of Section 31 of the IAA, which expressly states that parties may be represented by any person of their choice, who need not be qualified to practise law in Mauritius or any other jurisdiction.

**b. Confidentiality in Court Proceedings**

Mauritian Courts may hold proceedings under the IAA and the New York Convention in private, and can restrict the publication of documents in the proceedings.\(^{14}\)

**2. The New York Convention**

Mauritius became a signatory to the New York Convention in 1996. The Convention was domesticated in Mauritius through Act No 8 of 2001 (The Convention on the Recognition and Enforcement of Foreign Arbitral Awards Act 2001 (amended in 2013) (the “New York Convention Act 2001”). A notable feature of the domesticating Act is that it stipulates that English and French are official languages for the purposes of Article IV of the New York Convention, so that “any arbitral award made in the English or French language shall be deemed to have been made in the official language of Mauritius”.\(^{15}\)

**B. THE INSTITUTIONAL FRAMEWORK**

**1. LCIA-MIAC Arbitration Centre**

The LCIA-MIAC is a neutral and independent arbitration institution based in Mauritius. It was set up in 2011 through a cooperation agreement with the London Court of International Arbitration (LCIA). This is the first arrangement of its kind in Africa, and the LCIA-MIAC has already been recognised as an up-and-coming regional arbitration centre by the Global Arbitration Review.

LCIA-MIAC derives support and learning from the LCIA, which is one the world’s leading institutions for the administration of arbitration and other dispute resolutions proceedings. LCIA-MIAC offers all the services provided by the LCIA in London, with the same care to ensure the neutral, professional, efficient and cost effective administration of arbitration and other forms of alternative dispute resolution (ADR).

LCIA-MIAC administers arbitration under its own rules, and under ad hoc, rules and procedures. It has access to the LCIA’s database of neutrals to assist with the selection of arbitrators, and appointments and other functions carried out by the LCIA Court - an independent panel of international arbitration experts.

\(^{13}\)IAA Section 3D  
\(^{14}\)IAA Sections 42(1B) and 42(1C)  
\(^{15}\)Article 4A New York Convention Act 2001
The LCIA-MIAC has a Users’ Council which is open to any person or organisation that has a genuine interest in international commercial arbitration and other forms of ADR. Members of the Users’ Council help to promote the work of the centre, and benefit from a series of talks and seminars.

The LCIA-MIAC Secretariat is involved in organiseing the bi-annual Mauritius International Arbitration Conference (MIAC), and has been assisting the ICCA 2016 Host Committee with preparations for the 23rd ICCA Congress.

The LCIA-MIAC Arbitration Centre is located in Ebène Cyber City, a modern commercial complex within easy reach from the capital city, Port Louis, and SSR International Airport in Plaisance. The Centre is working with the government of Mauritius to set up a state-of-the-art hearing centre in Mauritius.

You can read more about LCIA-MIAC at www.lcia-miac.org

2. Permanent Court of Arbitration

The Permanent Court of Arbitration (PCA) is an independent intergovernmental organization established by treaty in 1899, which facilitates arbitration, conciliation, fact-finding, and other dispute resolution proceedings among various combinations of States, State entities, intergovernmental organizations, and private parties. Its current docket consists of over 100 registry cases, including territorial, maritime, treaty and environmental disputes between States, as well as commercial and investor-State disputes. The PCA has 118 Member States from all continents, including 23 from Africa. The PCA’s headquarters is located at the Peace Palace in The Hague, the Netherlands.

Since 2010, the PCA also has a permanent office in Ebène, Mauritius. The PCA’s office in Mauritius is the first – and so far the only – permanent PCA presence outside of The Hague. The office was opened pursuant to the PCA-Mauritius Host Country Agreement, which foresees the permanent deployment of a PCA legal officer in Mauritius. The PCA representative in Mauritius acts under the direct authority of the PCA Secretary-General, assists with the exercise of the PCA Secretary-General’s responsibilities under the Mauritian International Arbitration Act 2008, and promotes Mauritius as a venue for international arbitration and PCA services throughout the African region.

More information on the PCA is available on its website: www.pca-cpa.org
Young Arbitration Practitioners (YAP) Conference
13th Young Arbitration Practitioners’ Colloquium jointly hosted with the ICC Young Arbitrators’ Forum
On Sunday, May 8, 2016, the Young Arbitration Practitioners (“YAP”) will hold its 13th Colloquium, in collaboration with ICC YAF, at the Le Labourdonnais Waterfront Hotel in Mauritius.

The 13th YAP Colloquium will address two topics:

**Harmonization in Commercial Arbitration: A Step towards Uniformity?**

**ISDS: Opportunities and Challenges for Africa and Beyond.**

YAP has held colloquia in Paris, Geneva, Cologne, Montreal, Brussels, Dublin, Rio, Miami and Singapore.

The 13th YAP Colloquium, jointly hosted with the ICC Young Arbitrators’ Forum (ICC YAF) adopts the same format as the previous YAP events. The debates will be held under the guidance of Mohammed Abdel Wahab and Joachim Kuckenburg.

We look forward to seeing you at this event.

**Philippe Bärtsch** (YAP)
**Rocio Digon** (ICC YAF)
**Sami Houerbi** (ICC YAF)
**Emmanuel Jacomy** (YAP)
**Marike Paulsson** (YAP)
PROGRAM

11:30  Registration
12:00  Lunch
13:00  Welcoming address
13:15  Harmonization in Commercial Arbitration: A Step towards Uniformity?
14:45  Coffee Break
15:00  ISDS: Opportunities and Challenges for Africa and Beyond

Roundtable Panel Members

Ndanga Kamau (Registrar, LCIA-MIAC, Mauritius)
Swee Yen Koh (Partner, WongPartnership LLP, Singapore)
Dev Krishan (Government of Bahrain, Kingdom of Bahrain)
Jamsheed Peeroo (Barrister, Chambers of A.R.M.A Peeroo SC GOSK, Mauritius)
Sundra Rajoo (Director, Kuala Lampur Regional Centre for Arbitration (KLRCA), Kuala Lumpur)
Guled Yusuf (Associate, Allen & Overy LLP, London)

Moderated by

Mohammed Abdel Wahab (Founding Partner, Zulficar & Partners, Cairo)
Joachim Kuckenburg (Partner, Kuckenburg Bureth Boineau, Paris)

Venue

Le Labourdonnais Waterfront Hotel, Mauritius

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AUSTRALIAN CENTRE FOR INTERNATIONAL COMMERCIAL ARBITRATION
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General Congress Information
MAURITIUS FACT SHEET

Capital
Port Louis

Languages
French
English
Mauritian Creole

National animal
Dodo

Main exports
Clothing
Textiles
Sugar

Total Land Area
1864 km²

Climate
Summer: Oct-Apr
Winter: May-Sep
Average Temperature:
Summer 27 °C
Winter 22 °C

Electricity Voltage
240 Volts

Population
1,220,530 (2015)

Currency
The Mauritian Rupee (MUR)
Approx. 1 USD = 36 MUR
1 EUR = 40 MUR

Useful Numbers
Taxi . 8959
Police . 999
Ambulance . 114
Tourist Info . 152
General Info . 150

Time Zone
GMT + 4

American Express

Places to visit

MACONDE (South)
CHAMAREL (West)
EUREKA (Central Plateau)

GRAND BASSIN (South)
LE MORNE (South-West)
General Congress Information

Congress Venue
Swami Vivekananda International Convention Centre, Pailles, Mauritius

Breakfast Seminars
Breakfast Seminars will take place at the Trou aux Biches Hotel
- Monday 9 May - 07:00 - 08:00
- Tuesday 10 May - 07:00 - 08:00
- Wednesday 11 May - 07:30 - 08:30

Practical Numbers
Trou aux Biches - +230 204 6565
Le Meridien - +230 204 3333
Arcadia Travel - +230 213 9310

Assistance at the Congress
Look for our Congress assistants wearing brightly coloured shirts who will guide you around the Congress.

Congress Language
The Congress will primarily be held in English but there will be simultaneous translation into French of all main Congress sessions.

Congress Host Body
The Congress is held by the Mauritius Board of Investment with support from the Government of Mauritius.

Problems? Complaints? Suggestions?
Please call Arcadia Travel. If they cannot assist then please ask them to arrange for one member of the Host Committee to call you back.

Congress Organisers
Arcadia Travel - An IBL Group Company
John Kennedy Street
Port-Louis
Mauritius

Name Badges
Name Badges are required to be worn at all times for identification purposes and admission to ALL congress events including the Opening Ceremony and the Gala Dinner.
If you wish to arrange a taxi at any time, you can use the following taxi company numbers: 8909 or +230 206 96 00

If you have any questions about transport, just ask one of the friendly Congress assistants, or find information at your hotel.
TRANSPORT ARRANGEMENTS FOR DELEGATES

The events at ICCA Mauritius 2016 will take place at seven main locations. Frequent transports will be available between all venues and the hotels so that you can move freely between the hotels and the venues for any on-going Congress events.

LOCATIONS:

Trou aux Biches Hotel
Breakfast Seminars

Swami Vivekananda International Convention Centre (SVICC)
All main Congress sessions

Château de Labourdonnais
Gala Dinner

L’Aventure du Sucre, Pamplemousses
Opening Ceremony – Opening Reception

Les Ruines, Maritim Hotel
Debevoise & Plimpton After Party

La Citadelle, Port Louis
White & Case After Party

Westin Turtle Bay Hotel
Shearman & Sterling After Party

Buses will run every few minutes at peak times, before the start of each event and session of the Congress and social events. A complete plan of the peak bus transport times is provided in the Travel Programme below. Throughout the Congress day, and during social events, a frequent shuttle (minimum every 10 minutes from 08.00 to 09.30 and 16.30 to 18.00 (“Peak Times”), and every 30 minutes at other times between 07.30 and 18.30) transfer service will be available between the designated hotels and Congress venue.

WiFi will be available on most buses so you can spend the journey time productively.
I/We wish to register for:

- [ ] PROFESSIONAL MEMBERSHIP (individual)
- [ ] PROFESSIONAL MEMBERSHIP (corporate)
- [ ] PROFESSIONAL MEMBERSHIP (chambers)
- [ ] SPECIAL MEMBERSHIP (new professional)
- [ ] SPECIAL MEMBERSHIP (full-time academic)
- [ ] SPECIAL MEMBERSHIP (public sector)
- [ ] SPECIAL MEMBERSHIP (African national)

INDIVIDUAL MEMBERSHIP

Membership can also be applied for on-line via www.arbitration-icca.org.

Title (Mr., Ms., Dr., etc.): __________________________
First Name: __________________________
Last Name: __________________________
Firm/Organization: __________________________
Job Title: __________________________
Address: __________________________
Tel: __________________________
Fax: __________________________
Email: __________________________
Nationality: __________________________
Date of birth (dd/mm/year): __________________________
Interest Groups (optional)  A  B  C  D  E  F

PAYMENT

Once your application has been processed by ICCA, you will receive payment instructions. Once your payment has been received, you will be provided with log-in details to the ICCA membership directory via www.arbitration-icca.org.

Payment may be made by the following methods:

PayPal

A secure online payment system. It is not necessary to have a PayPal account to use this option.

Credit Card

Payment may also be made by credit card. Please note that your card will not be charged unless your application is approved. Visa or Mastercard only.

Card no: __________________________
Expiry date: __________________________
Name of credit card: __________________________

A card verification value (CVV) is required for all credit card transactions. For security purposes, you will be contacted by email for this number (which appears on the reverse of the credit card).

ICCA’s bank details are available upon request.

INTEREST GROUPS

- [A] Practitioner
- [B] Judicial
- [C] Academic
- [D] In-house Counsel
- [E] Public sector
- [F] Young ICCA (under 40 years of age)