ASA Conference

Commercial Arbitration Involving States: Public Interests and Private Justice?

Friday 22 January 2016

Zurich Marriott Hotel
Neumuehlequai 42
8006 Zurich

PROGRAMME
### Schedule at a glance

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<th>Activity</th>
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<tr>
<td>8:00-9:00</td>
<td><strong>COFFEE &amp; REGISTRATION</strong></td>
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<td>9:00-13:00</td>
<td><strong>CONFERENCE</strong></td>
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<td>13:00-14:00</td>
<td><strong>LUNCH</strong></td>
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<td>14:00-17:40</td>
<td><strong>CONFERENCE</strong></td>
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### Conference Programme

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<tr>
<th>Time</th>
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<td>9:00 – 9:10</td>
<td><strong>WELCOME ADDRESS</strong></td>
<td><strong>PROCEDURAL ISSUES THAT ARISE IN COMMERCIAL ARBITRATION INVOLVING STATES</strong></td>
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<tr>
<td></td>
<td><strong>INTRODUCTION TO THE CONFERENCE TOPIC</strong></td>
<td><strong>STATES AND SPEED</strong></td>
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<td></td>
<td><strong>Elliott Geisinger</strong></td>
<td><strong>Eduardo Silva Romero</strong></td>
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<td>President of ASA – Swiss Arbitration Association, Schellenberg Wittmer Ltd, Geneva</td>
<td>Dechert, Paris</td>
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<td>Constantine Partasides QC</td>
<td>Alexis Mourre</td>
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<td>Three Crowns, London</td>
<td>ICC International Court of Arbitration, Paris</td>
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<td>Sophie Lamb</td>
<td>Georgios Petrochilos</td>
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<td>Debevoise &amp; Plimpton, London</td>
<td>Three Crowns, Paris</td>
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<td>9:10 – 9:50</td>
<td><strong>SETTING THE SCENE: COMMERCIAL ARBITRATION INVOLVING STATES — SUCCESSES AND FAILURES OF THE PROCESS</strong></td>
<td><strong>TRANSPARENCY</strong></td>
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<td></td>
<td>The states’ perspectives</td>
<td><strong>PUBLIC INTEREST DEFENCES TO DOCUMENT PRODUCTION BY STATE PARTIES</strong></td>
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<td>One historic case</td>
<td><strong>DISCUSSION (Panel and Floor)</strong></td>
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<td></td>
<td>One recent case</td>
<td><strong>Discussion (Panel and Floor)</strong></td>
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<td>9:50 – 10:50</td>
<td>Chair: Audley Sheppard QC</td>
<td>Chair: Eduardo Silva Romero</td>
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<td>Clifford Chance, London</td>
<td>Dechert, Paris</td>
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<td>Joachim Knoll</td>
<td>Alexis Mourre</td>
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<td>LALIVE, Geneva</td>
<td>ICC International Court of Arbitration, Paris</td>
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<td>Mohamed Abdel Wahab</td>
<td>Georgios Petrochilos</td>
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<td>Zulficar &amp; Partners, Cairo</td>
<td>Three Crowns, Paris</td>
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<td>Rachael D. Kent</td>
<td>Carole Malinvaud</td>
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<td>Wilmer Hale, Washington, D.C.</td>
<td>Gide Loyrette Nouel, Paris</td>
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<tr>
<td>Time</td>
<td>Session</td>
<td>Chair</td>
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<td>10:50 – 11:20</td>
<td><strong>COFFEE BREAK</strong></td>
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| 11:20 – 12:30 | **PANEL 3**
**REMEDIES AND STATE PARTIES**         | **Michael Ostrove**
DLA Piper, Paris                  |
|              | Interim measures                             | **Christian Leathley**
Herbert Smith Freehills, New York |
|              | Specific performance                         | **Anthony Sinclair**
Quinn Emanuel Urquhart & Sullivan, London |
|              | Damages awards                               | **Noah Rubins**
Freshfields Bruckhaus Deringer, Paris |
|              | Discussion (Panel and Floor)                 |                                |
| 12:30 – 13:00 | **ASA ADVOCACY PRIZE**                      | **Elliott Geisinger**
President of ASA – Swiss Arbitration Association, Schellenberg Wittmer Ltd, Geneva |
| 13:00 – 14:00 | **LUNCH**                                    |                                |
| 14:00 – 15:15 | **PANEL 4**
**SUBSTANTIVE ISSUES THAT ARISE IN COMMERCIAL ARBITRATIONS INVOLVING STATES** | **Wolfgang Peter**
Peter & Partners, Geneva |
|              | Stabilisation                                | **Elizabeth Snodgrass**
Freshfields Bruckhaus Deringer, London |
|              | Environmental and human rights               | **Bart Legum**
Dentons, Paris                    |
|              | International law as part of contractual governing law | **Zachary Douglas QC**
Graduate Institute, Geneva; Matrix Chambers, London |
|              | Discussion (Panel and Floor)                 |                                |
| 15:15 – 16:00 | **Panel 5**  
**Enforcement Issues That Arise in Commercial Arbitrations Involving States**  
The New York Convention through a state prism  
Sovereign immunity  
Discussion (Panel and Floor) | Chair:  
**Nathalie Voser**  
Schellenberg Wittmer Ltd, Zurich  
**Marike Paulsson**  
University of Miami School of Law; Shook, Hardy & Bacon, Miami  
**Michael Kim**  
Kobre & Kim, New York/Seoul/London |
| 16:00 – 16:30 | **Coffee Break** |
| 16:30 – 17:30 | **Panel 6: The Debate: This House Sees No Legitimacy Deficit in Arbitrations Involving States**  
For the motion  
Against the motion | Chair:  
**Sir Franklin Berman KCMG QC**  
Essex Court Chambers, London  
**Howard Mann**  
International Institute for Sustainable Development  
**Lord (Peter) Goldsmith QC**  
Debevoise & Plimpton, London |
| 17:30 – 17:40 | **Conference Close**  
**Sophie Lamb**  
Debevoise & Plimpton, London  
**Constantine Partasides QC**  
Three Crowns, London |
Conference Organisation
Constantine Partasides QC, Three Crowns, London
Sophie Lamb, Debevoise & Plimpton, London

Who should attend?
All professionals involved in dispute resolution: lawyers, arbitrators, corporate counsel, and academics.

Sponsorship opportunities
The ASA Conference provides a meaningful opportunity to gain visibility and build partnerships within the global arbitration business network. For further information, please contact alex.mclin@arbitration-ch.org

CPD/CLE Credits
ASA is a Solicitors Regulation Authority approved external CPD provider (ref. ELA/TSAS) for England and Wales. Certain ASA events are homologated in France by the Conseil National des Barreaux. New York CLE and California MCLE credit may also be available upon request. If applicable, please enquire at info@arbitration-ch.org

About the organisers
ASA – Swiss Arbitration Association
The Swiss Arbitration Association (ASA) has over 1200 members, practitioners and academics engaged and/or interested in domestic and international arbitration, from Switzerland and abroad. ASA contributes to the development of arbitration law and practice through regular conferences and workshops, including this Annual Conference; the Arbitration Practice Seminar; ASA Local Group meetings; ASA below 40 events for young practitioners, and the publication of the ASA Bulletin, a renowned arbitration quarterly, and of the ASA Special Series. For more information and membership enquiries, see www.arbitration-ch.org, or contact Alexander McLin, Executive Director, at alex.mclin@arbitration-ch.org.

Media partner
OGEMID
transnational-dispute-management.com
Practical information

Register early

Early bird registration fee (+ 8% VAT), until 18 December 2015:

ASA members: CHF 550  Non-members: CHF 725

Fee (+ 8% VAT) as of 19 December 2015:

ASA members: CHF 600  Non-members: CHF 775

The fee includes lunch, coffee breaks, and welcome reception. There are no hidden extras. Attendance is limited. Applications are accepted on a first come, first served basis. 50% of the registration fee will be refunded if notice of cancellation is received in writing before 18 December 2015. Thereafter, there will be no refunds for cancellations, but substitutions are accepted. Please note that ASA reserves the right to make minor alterations to the programme or to the identity of the speakers at any time.

Welcome reception and registration

A traditional welcome reception takes place the preceding evening, at 18.00 on Thursday 21 January 2016, at the Zurich Marriott Hotel. Registration for the conference will be available at the reception.

Where?

Zurich Marriott Hotel  
Neumuehlequai 42, 8006 Zurich

How to get there

The Zurich Marriott Hotel is centrally located, 300 metres north of the main Zurich train station. Trains run regularly from Zurich Airport.

Accommodation

Please enquire with the Zurich Marriott Hotel for preferential conference rates, at +41 (0)22 902 66 66, or consult the ASA website.
Registration Form

Customer N°

Name

First Name

Position

Firm/company

Address

City

Country

Tel

Fax

E-mail

Conference Fee

Early bird registration (+ 8% VAT), until 18 December 2015:

☐ ASA members: CHF 550  ☐ Non-members: CHF 725

As of 19 December 2015 (+ 8% VAT):

☐ ASA members: CHF 600  ☐ Non-members: CHF 775

Method of Payment

Payment by bank transfer (or credit card outside of Switzerland) upon receipt of invoice.

Disclaimer

The pictures and/or footage taken by ASA at this event may be used at a later date in printed and/or online materials including but not limited to marketing tools, brochures, and the ASA website.

Confirmation of registration will be sent upon receipt of payment.

Date

Signature

PLEASE RETURN TO:
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CH-1211 Genève 11
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Email : info@arbitration-ch.org