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Arbitral Awards

Under the auspices of the **International Court of Arbitration®**

Dubai, 19-20 October 2010

19-20 October 2010

Dubai Chamber of Commerce & Industry, Baniyas Road, Dubai

Programme

The ICC International Court of Arbitration is reputed for being the world's leading institution for resolving international commercial and business disputes. It has a distinguished and longstanding history of international dispute resolution spanning 85 years. In 2009 alone, it received a record 817 requests for arbitration worldwide.

The proliferation of international commercial disputes, many of them involving multiple parties and contracts, is an inevitable by-product of the global economy. Today's business and operating conditions underscore the advantages of arbitration over litigation, especially in cross-border disputes. The parties are often from different national, cultural and legal backgrounds and wish to avoid litigation, which is perceived as giving a "home advantage" to one side due to potential bias by national courts and unfamiliarity with national court procedures. Parties may also wish to be spared negative publicity arising from open court proceedings. ICC arbitration is an attractive alternative because it is inherently flexible, international and confidential.

19 October 2010 (09.00-17.30)

Morning

08.00-09.00 *Registration & Networking*

Welcoming addresses and introduction

A historical perspective: review and analysis of the major arbitral awards related to the Middle East

Selected awards will be analysed to examine whether they may have influenced the building and the development of international arbitration practice. Light will be shed on arbitral awards that made the history of arbitration in the Middle East.

What is an award?

- Definition of an award, classification and differences between orders and awards and description of different types of awards: Interim, partial and final award. What can and cannot be enforced.
- Content
- Should an award be reasoned or not? If reasoned is less more?
- Correction and interpretation
- Award by consent
- New forms of award? (is a DB decision an award?)

Lunch

Afternoon

Afternoon dedicated to the specificities of construction decisions, with a focus on the Region and with the participation of FIDIC

Decisions and recommendations of Dispute Boards

Short introduction to Dispute Boards. The purpose, different types and functions of Boards. Comparison of Dispute Board decisions with awards. Use of Boards in main contracts and subcontracts. Current issues with Dispute Boards and their solutions. Enforcement of Dispute Board decisions

by partial award.

Awards regarding construction disputes

Admissibility of claims, satisfaction of time-bars and other condition precedents to arbitration, including referral to a Dispute Board. Summary disposition by partial award or procedural order. Declaratory awards regarding defective work. Cost awards and "Calderbank" offers.

Dinner hosted by the Dubai Chamber of Commerce & Industry

20 October 2010 (09.00-17.30)

Morning

Role of the co-arbitrators in the decision-making process - Dissenting opinions

Respective roles of the chairman and co-arbitrators in drafting arbitral awards. Dealing with dissenting opinions.

The ICC International Court of Arbitration's scrutiny process of awards

Mock ICC Court Session

During this session, participants will observe a mock ICC Court plenary session where the ICC Court is called upon to scrutinize draft awards. Chaired by John Beechey, Jason Fry will play his role of Secretary General and act as Counsel in charge of the cases at issue. Court Members from around the world will also participate.

What weight do arbitrators give to arbitral case law?

Lunch

Afternoon

International effect of setting aside an award at the place of arbitration

Enforcement of arbitral award – Round table

Among others: enforcement of an arbitral award with a State party and specificities in the Region in enforcing an arbitral award (Examples of Saudi Arabia and the UAE)

Synthesis and closing

End of the Conference

18.00 Drinks reception hosted by Freshfields Bruckhaus Deringer