



Programme

8.30: Welcome coffee and registration

9.00: Chairs' opening remarks

Michael Schneider, *LALIVE*

Lara Hammoud, *Senior Legal Counsel, Abu Dhabi National Oil Company*

9.10: Session one: How to avoid construction arbitration

This session will discuss the big driver of work in the Middle East – construction disputes. What kind of techniques can be used to prevent difficulties and differences of opinion from turning into disputes, and when disputes do arise, how can they be resolved before escalating into a costly arbitration?

In particular, the panel will discuss:

1. Drafting for dispute avoidance

- Features of construction contracts and major potential risks
- Use of standard forms
- Different approaches and methods for dispute avoidance

2. Avoiding arbitration during the performance of the agreement – achieving the early settlement of disputes

- Real life examples of stopping a dispute in its tracks
- Management of disputes while the construction project is ongoing
- Views on dispute boards and other real-time dispute decision mechanisms
- The best techniques to reach a settlement
- To what extent parties should rely on claims experts

3. Good intentions and problems with their implementation

- Defective/inefficient clauses - Not infrequently the parties provide dispute avoidance mechanisms but fail to implement them. E.g. they prescribe the intervention of a dispute board, but fail to set it up



- After a Dispute Board decision is given - what then?
- The place of the Dispute Board decision in a subsequent arbitration
- What role can outside assistance play in helping parties have the courage of their conviction? What organisations exist that can help – e.g. to find members for Dispute Boards/implement a Disputes Board decision?

Moderator:

Phillip Capper, *White & Case*

Panel:

Nael Bunni, *39 Essex Chambers*

Ziad Obeid, *Obeid Law Firm*

Thomas Wilson, *Squire Patton Boggs*

Julian Haslam-Jones, *Senior Commercial Engineer, Amec Foster Wheeler*

10.30: Coffee break

11.00: Session two: Five useful rules

International arbitration continues to attract complaints for being slow – and too expensive. Yet, for years, the IA community has been debating exactly that.

So, what's the problem? Why can't the IA community come up with a product that actively appeals, rather than being the least bad option? (And why, when nobody seems to have the answer, are all institutions copying each other rather than trying to come up with something better?)

As an antidote to all this mirroring, in this session speakers will each present one simple rule change – or other break from the arbitration norm – that they think would make a substantial difference to the approval rating for international arbitration. Such as:

- Shortening time limits - what's the solution?
- Case management – radical techniques
- Financial incentives

Moderator:

Lara Hammoud, *Senior Legal Counsel, Abu Dhabi National Oil Company*



Panel:

José Ricardo Feris, *Deputy Secretary General, ICC International Court of Arbitration*

Ziad Salloum, *Salloum & Partners*

Nadine Debbas Achkar, *Attorney and Arbitrator*

Dyfan Owen, *Ashurst*

12.30: Networking lunch sponsored by Berwin Leighton Paisner

13.45: Session three: Abu Dhabi Global Markets; The DIFC – the rise of the offshore option in the Middle East: How’s the approach working out?

This session will discuss the phenomenon of “legal free zones” and similar experiments in the region – what are the pros and cons of the approach, and how do they work in practice? In particular, the panel will address the latest developments from each project and the most important cases and judgements to know about. What are the factors driving development and what are the obstacles? How does this play out in practice?

Topics expected to be discussed include:

- The pros and cons of free zones
- The historical perspective (Mixed Tribunals; Consular Tribunals in the Ottoman Empire etc; Hong Kong)
- Is the fast growth of centres and zones around the Middle East a help or a hindrance? Will too many similar projects impede each other?

Moderator:

Graham Lovett, *Gibson, Dunn & Crutcher*

Panel:

Raza Mithani, *Berwin Leighton Paisner*

Mark Beer, *Chief Executive & Registrar, DIFC Courts*

Linda Fitz-Alan, *Registrar and Chief Executive, ADGM Courts*

Sami Tannous, *Freshfields Bruckhaus Deringer*

15.15: Coffee break



15.45: Session four: GAR Live Question Time - The Gulf Region: A legal melting pot or a clash of legal cultures?

A panel of four leading figures will discuss questions submitted in advance by the audience. Questions will be encouraged on the unique challenges of working in Middle East, with its blurring of traditional common and civil law lines.

For example:

- What issues arise when an off-shore legal community, mainly common law trained counsel, dominate the legal market in a civil law jurisdiction?
- What is the role of sharia traditions in this context?
- Is there an interaction of the free zones with the local legal community and, if so, how does this play out?
- How do local law and local legal players react and how do they succeed?
- What are the perspectives – fusion or separate developments?
- Is there potential for a comparative legal culture?
- How high is the language barrier between the local legal system and its players and the off-shore legal community?

After 25 minutes of panel discussion, questions will be opened up to the floor.

Moderator:

Michael Schneider, *LALIVE*

Panel:

Alex Bevan, *Shearman & Sterling*

Ali Al Aidarous, *Al Aidarous International Legal Practice*

Aysha Abdulla Mutaywea, *MENA Chambers*

Gervase MacGregor, *BDO*

17.20: Chairs' closing remarks

Michael Schneider, *LALIVE*

Lara Hammoud, *Senior Legal Counsel, Abu Dhabi National Oil Company*

17.30 onwards: All delegates are invited to attend a drinks reception hosted by Freshfields Bruckhaus Deringer