



39th ICC Institute Annual Conference Programme

It can be said that international arbitration is under attack, or suffering from a crisis of legitimacy. One of the root causes of this is the perception that sometimes awards contain faulty reasoning, or worse, insufficient reasoning, or even worse, they lack reasoning altogether in the eyes of the parties. While it may concern both parties, for a losing party, having understandable or acceptable reasoning is critical – for corporate leaders, as well as citizens of countries. This year's annual conference examines some of the key issues that are being discussed and debated relating to explaining tribunals' reasoning.

Co-chairs of the training:

Antonio Crivellaro

Head of Arbitration Practice, Bonelli Erede Pappalardo Law Firm, Italy; Council Member, ICC Institute of World Business Law

Mélida Hodgson

Partner, Jenner & Block, New York, United States; Council Member, ICC Institute of World Business Law

Tuesday 17 December 2019

08.30 – 09.00 *Welcome coffee*

09.00 – 09.30 **Opening session**

Welcome address

- **Yves Derains**, Founding Partner, Derains & Gharavi, France; Chairman, ICC Institute of World Business Law

Introduction of the conference

- **Antonio Crivellaro**

Keynote Speech:

- **Charles Jarrosson**, Professor of Law, University of Paris II (Panthéon-Assas), France

09.30 – 10.20 **Civil vs. common law – Does it matter?**

Are differences in the substance of reasoning influenced by the legal system? Should reasoning in awards be different if governed by the law of one system or the other?

- **Carita Wallgren-Lindholm**, Arbitrator, Finland; Chair, ICC Commission on Arbitration and ADR; Member, ICC International Court of Arbitration
- **Mohamed Abdel Wahab**, Founding Partner and Head of International Arbitration, Zulficar & Partners; Chair of Private International Law, Cairo University, Egypt; Vice-President, ICC International Court of Arbitration
- **S.I. Strong**, Manley O. Hudson Professor of Law, University of Missouri, United States of America

10.20 – 10.50 **Q&A**

10.50 – 11.20 *Coffee break*

11.20 – 12.10 **Institutional Perspective**

The only actors in the arbitration regime entitled to require a minimum level of reasoning are the institutions. What do the guardians think?

- **Alexis Mourre**, President, ICC International Court of Arbitration, Paris
- **Anja Ipp**, Legal Counsel, Arbitration Institute of the Stockholm Chamber of Commerce, Sweden
- **Maxi Scherer**, Special Counsel, WilmerHale, United Kingdom

12.10 – 12.40 **Q&A**

12.40 – 14.00 *Lunch*

14.00 – 14.10 **Introduction of the afternoon sessions**

- **Mélida Hodgson**

14.10 – 15.00 **Is Investor-State special?**

Divergent reasoning between tribunals examining similar facts and/or treaty obligations in reaching determinations in investment awards is one reason for the legitimacy crisis in arbitration. This panel examines reasoning in investment arbitration awards.

- **Luca Radicati di Brozolo**, Founding Partner, Arblit, Italy
- **Carolyn Lamm**, Partner, White & Case LLP, United States of America
- **Gabriel Bottini**, Partner, Uría Menéndez, Spain

15.00 – 15.30 **Q&A**

15.30 – 16.00 *Coffee break*

16.00 – 17.00 **What do users want or need?**

Ultimately, it's the users of the system that need to understand the reasoning of awards – what explanations do they want?

- **Teresa Giovannini**, Partner, Lalive, Switzerland
- **Giuditta Cordero Moss**, Professor, Department of Private Law, University of Oslo, Norway
- **Karl Hennessee**, Senior Vice-President Litigation, Investigations & Regulatory Affairs, Airbus, France; Chairman of the Governing Body, ICC International Court of Arbitration

17.00 – 17.30 **Q&A**

17.30 – 18.00 **What does the future hold for reasoning?**

A report on current efforts to reach consensus on satisfactory reasoning.

- **Georgios Petrochilos**, Partner, Three Crowns LLP, France

18.00 *Ceremony for the 2019 ICC Institute Prize*