



## PROGRAMME

### Monday 8 March 2021

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#### 15:00-15:15 CET Welcome address and introductory remarks

- **Eduardo Silva Romero**, Partner, Dechert LLP, France; Chair, ICC Institute of World Business Law; Member, ICC International Court of Arbitration
- **Julian D. M. Lew QC**, Head of the School of International Arbitration, Queen Mary University of London, United Kingdom; Council Member, ICC Institute of World Business Law

#### 15:15-15:45 CET Hardship situations giving recent rise to international commercial and investment arbitrations

- Theoretical framework of the debate
- Set out of the typology of recent hardship situations
- ICC arbitral case-law on hardship situations
- **Alexander G. Fessas**, Secretary General, ICC International Court of Arbitration; Director, ICC Dispute Resolution Services, Paris
- **Mohamed Abdel Wahab**, Founding Partner & Head of International Arbitration, Construction and Energy, Zulficar & Partners, Egypt; Chair of Private International Law & Professor of Dispute Resolution, Cairo University; Vice President, ICC International Court of Arbitration

#### Chaired by:

- **Natalie L. Reid**, Partner, Debevoise & Plimpton LLP, United States

#### 15:45-16:00 CET Questions & Answers

#### 16:00-16:15 CET Break

#### 16:15-17:00 CET News about the legal foundations invoked in international commercial arbitration to remedy hardship situations

- News on hardship clauses
- News on *force majeure* clauses
- The *théorie de l'imprevision*
- Hardship situations and *droit administratif*
- **Daniel Behn**, Associate Professor (Senior Lecturer), International Dispute Resolution, Queen Mary University of London, Centre for Commercial Law Studies, United Kingdom
- **Klaus Peter Berger**, Independent Arbitrator, Germany; Professor, University of Cologne, Faculty of Law; Council Member, ICC Institute of World Business Law
- **Nayla Comair-Obeid**, Founding Partner, Obeid Law Firm, Beirut/Paris; Professor of Law; Chartered Arbitrator; Council Member, ICC Institute of World Business Law

#### Chaired by:

- **Caline Mouawad**, Partner, Chaffetz Lindsey LLP, United States

#### 17:00-17:30 CET Questions & Answers

Tuesday 9 March 2021

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**15:00-15:45 CET    Hardship situations and investment arbitration**

- States' measures as causes of hardship
- State of necessity in investment case-law and under international law
- *Force majeure* in investment case-law and under international law
- Exercise of police powers in investment case-law and under international law

- **Yves Derains**, Founding Partner, Derains & Gharavi International, France; Honorary Chair, ICC Institute of World Business Law
- **Caroline Richard**, Partner, International Arbitration Group, Freshfields Bruckhaus Deringer, United States
- **Patricia Shaughnessy**, Associate Professor, Founder and former Director of ICAL Master Program, Stockholm University, Sweden

*Chaired by:*

- **Audley Sheppard QC**, Partner, Clifford Chance, United Kingdom

**15:45-16:15 CET    Questions & Answers**

*16:15-16:30 CET    Break*

**16:30-17:00 CET    Hardship impact on the management of arbitral proceedings  
(suspension of arbitrations; extension of time-limits; etc) and  
solutions**

- **Chiann Bao**, Independent Arbitrator, Arbitration Chambers, Hong Kong/United Kingdom; Vice President, ICC International Court of Arbitration
- **Teresa Giovannini**, Senior Counsel, LALIVE, Switzerland; Council Member, ICC Institute of World Business Law; Member, ICC International Court of Arbitration

*Chaired by:*

- **Diego P. Fernández Arroyo**, Independent Arbitrator; Professor of Law, Director, LLM in Transnational Arbitration & Dispute Settlement, Sciences Po Law School, France

**17:00-17:15 CET    Questions & Answers**

**17:15-17:30 CET    Closing remarks**

- **Stavros Brekoulakis**, Professor, School of International Arbitration, Queen Mary University of London; Associate Member, 3 Verulam Buildings, United Kingdom