



**CLDP**  
COMMERCIAL LAW DEVELOPMENT PROGRAM



Under the Auspices of:

His Excellency / Dr. Hadeef J. Aldhaheri  
The Minister of Justice, UAE

The Institute of Training and Judicial Studies  
In Cooperation with

Sharjah Chamber of Commerce and Industry  
And

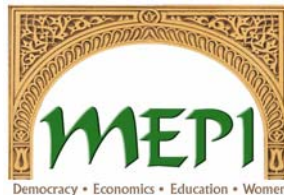
The Commercial Law Development Program (CLDP)  
United States Department of Commerce  
And

The International Chamber of Commerce (ICC)  
International Court of Arbitration  
Present

## **United Arab Emirates Invitational Conference for Judges On International Commercial Arbitration**

May 27 & 28, 2008  
Millennium Hotel  
Sharjah, UAE

Funded by  
**U.S - Middle East Partnership Initiative**



## **Honored Guests**

His Excellency Dr. Hadeef J. Aldhaferi  
Minister of Justice  
UAE

## **Speakers and Organizers**

Dr. Mohamed Mahmoud Al-Kamali  
Director General  
Institute of Training and Judicial Studies  
UAE

Mr. Hussain M. Al Mahmoudi  
Director General  
Sharjah Chamber of Commerce and Industry  
UAE

Sana Akili  
Senior International Program Specialist  
Commercial Law Development Program  
(CLDP)  
United States Department of Commerce  
Washington DC

Sami Huerbi  
Director, ICC Dispute Resolution Services  
for Middle East & Africa  
ICC Dispute Resolution Services  
Tunis

Dr. Ahmed S. El-Kosheri  
Partner  
Kosheri, Rashed & Riad Law Firm  
Legal Consultant and Attorney at Law  
Cairo

The Honorable Jean-Paul Beraudo  
Former Justice of the French Supreme Court  
Associate Professor at Paris Panthéon  
la Sorbonne  
Vice Chair of the ICC International Court of  
Arbitration  
Paris

Mr. Richard Harding  
Barrister  
Keating Chambers  
London

The Honorable M. Margaret McKeown  
United States Court of Appeals  
California

The Honorable Ahmed Ouerfelli  
Judge  
Center for Legal and Judicial Studies  
Tunisian Ministry of Justice  
Tunis

Katlyn Thomas, Esq.  
Attorney at Law  
New York

Dr. Magdy Ibrahim Kassem  
Legal counselor of Securities and  
Commodities Authority  
UAE

Lara Hammoud  
Director  
Legal Coordination and Marketing  
Secretary to the ICC Commission on  
Arbitration  
ICC Dispute Resolution Services  
Paris

James D. Filpi, Esq.  
Attorney-Advisor, International  
Commercial Law Development Program  
(CLDP)  
United States Department of Commerce  
Washington DC

Lamyaa A. Al-Khayat  
Institute of Training and Judicial Studies  
UAE

**Day One – Tuesday, 27 May 2008**

**8:30- 9:00 am**      Registration

**9:00- 9:15 am**      **Opening**

Introduction

Sana Akili

Senior International Program Specialist  
Commercial Law Development Program  
US Department of Commerce

Opening Remarks

His Excellency Dr. Hadeef J. Aldhaferi  
Minister of Justice  
United Arab Emirates

**9:15- 9:30 am**      **Welcome Remarks**

Mr. Hussain M. Al Mahmoudi,  
Director General  
Sharjah Chamber of Commerce and Industry  
UAE

Sami Houerbi  
Director  
ICC Dispute Resolution Services for Middle East & Africa  
ICC Dispute Resolution Services

**9:30-9:45 am**      **Break**

**9:45-10:30 am**      **Introduction to International Arbitration**

**Speaker:**

Dr. Ahmed S. El-Kosheri  
Partner  
Kosheri, Rashed & Riad Law Firm  
Legal Consultant and Attorney at Law  
Cairo

- Features and Advantages/Specifics to International Arbitration
- Enforcement of arbitral awards as opposed to foreign judgments
- General overview and presentation of the New York Convention on its philosophy, history and evolution since its elaboration

**10:30-11:15 am      Pertinent Requirements of the New York Convention: An Overall View**

**Speakers:**

Mr. Richard Harding  
Barrister  
Keating Chambers  
London

The Honorable Jean-Paul Beraudo  
Former Justice of the French Supreme Court  
Associate Professor at Paris Panthéon la Sorbonne  
Vice Chair of the ICC International Court of Arbitration  
Paris

**1. Does the New York Convention Apply?**

- Field of application
- The notion of Foreign Arbitral Award
- The reservations of the New York Convention: (Reciprocity and Commerciability)
- The notion of arbitrability
- A written arbitration agreement/Multi-party arbitration
- Pathological clauses or null and void, inoperative or incapable of being performed clauses

**2. If the New York Convention applies, what is the proper role of the courts?**

- The referral by the courts to arbitration
- Selection of arbitrators
- Interim relief
- Removal of arbitrators
- Production of evidence
- Nullification of awards
- Enforcement of awards

**11:15-11:30 am      Coffee and Tea Break**

**11:30-12:15 pm      Legislation Implementing the New York Convention: UNCITRAL and Other Models**

**Speakers:**

Mr. Richard Harding  
Barrister  
Keating Chambers  
London

Dr. Ahmed S. El-Kosheri  
Partner  
Kosheri, Rashed & Riad Law Firm  
Legal Consultant and Attorney at Law  
Cairo

- A few examples of national implementations
- The national rules of procedure for enforcement: possible contradiction with the New York Convention
- The primacy given by Article VII (1) of the New York Convention to legislation more favorable to the enforcement of awards (examples of case law)
- The primacy of the New York Convention on national laws

**12:15-1:15 pm      Grounds for Refusal of Enforcement of the Arbitral Award (Article V)**

**Speakers:**

The Honorable Ahmed Ouerfelli  
Judge  
Center for Legal and Judicial Studies  
Tunisian Ministry of Justice, Tunis

The Honorable M. Margaret McKeown  
United States Court of Appeals

- Grounds for refusal of enforcement to be proven by the Respondent (Art V(1))
- Grounds for refusal of enforcement *ex officio* (Art V (2))
- Grounds for nullification of award compared

**1:15 – 1:30 pm      Break**

**1:30 - 2:30 pm      Pertinent Problems Enforcing the New York Convention and UNCITRAL**

**Speakers:**

The Honorable Ahmed Ouerfelli  
Judge  
Center for Legal and Judicial Studies  
Tunisian Ministry of Justice, Tunis

The Honorable Jean-Paul Beraudo  
Former Justice of the French Supreme Court  
Associate Professor at Paris Panthéon la Sorbonne  
Vice Chair of the ICC International Court of Arbitration

Paris  
Katlyn Thomas, Esq.  
Attorney at Law  
New York

- The assessment by the judge of the enforcing state of the validity of the arbitration agreement having regard to the rules of law chosen by the parties or, in the absence of any choice, the law of the state where the award was made (Article V (1) (a) of the New York Convention)
- Enforcement of annulled awards (Art V(1)(e))
- Adjourning the decision to enforce (Articles VI of the New York Convention and 36(2) of UNCITRAL) (How is this dealt with by the state courts and what are the problems that could arise?)
- Public policy

**2:30- 3:30 pm      Working Lunch**

**3:30- 5:00 pm      Overview of Arbitration National Laws and Practices in the GCC Region**

**Speakers:**

Dr. Magdy Ibrahim Kassem  
Legal Counselor of Securities and Commodities Authority  
UAE

Mr. Sami Huerbi  
Director, ICC Dispute Resolution Services for Middle East  
& Africa  
ICC Dispute Resolution Services  
Tunis

Mrs. Lara Hammoud  
Director, Legal Coordination and Marketing  
Secretary to the ICC Commission on Arbitration  
ICC Dispute Resolution Services  
Paris

Katlyn Thomas, Esq.  
Attorney at Law  
New York

**5:00 pm              End of Day 1**

## Day Two – Wednesday, 28 May 2008

### Case Study Sessions

- 9:00 – 10:30 am** Case Study Session 1  
The implementation of the New York Convention and implementing legislation in specific cases.
- Factual situations based on important or controversial decisions that have been rendered by state courts in various jurisdictions will be submitted to the participants for discussion in each case study session.
- 10:30-10:45 pm** **Coffee and Tea Break**
- 10:45-12:15 pm** Case Study Session 2
- 12:15-12:30 pm** **Coffee and Tea Break**
- 12:30-2:00 pm** Case Study Session 3
- 2:00- 3:00 pm** **Working Lunch**
- 3:00– 4:30 pm** **Evaluations and Closing Remarks**