

8<sup>th</sup>

## Biennial IFCAI Conference

# Key Current Issues in International Arbitration

**State Parties**

**Party Autonomy**

**Interim Measures**

**Conflicts of Interest**

jointly organised by



**International Federation of  
Commercial Arbitration Institutions**



**International Centre for Settlement  
of Investment Disputes**

**3 June 2005**

The World Bank  
Lewis Preston Auditorium  
1818 H Street, N.W.  
Washington, D.C.



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**Party Autonomy**  
**Interim Measures**  
**Conflicts of Interest**

# Conference Program

**8:00 – 9:00**    **Registration**  
**9:00 – 9:30**    **Opening Addresses:**

Roberto Dañino,  
*Senior Vice President and General Counsel,  
World Bank; Secretary-General, ICSID*  
Ulf Franke,  
*President, IFCAI*

## MORNING SESSIONS

### 9:30 – 11:00    **State Parties in Arbitration**

There has been a significant growth in international arbitrations involving State parties over the past decade, including those arising from investment treaties and those arising from general commercial contracts. With this growth has come a range of problems peculiar to arbitrations involving State parties, which this session will address.

**Moderator:**    Stephen Schwebel  
**Panel:**         Alexander S. Komarov  
                     Antonio R. Parra  
                     Roberto Echandi

### 11:00 – 11:30    **Break**

### 11:30 – 13:00    **Party Autonomy and Institutional Rules**

Party autonomy is one of the mainstays of arbitration and an increasing number of arbitration clauses are drafted to provide for institutional arbitration, whilst varying the rules of the chosen institution. This session will consider to what extent institutions should, and do, allow derogation from their rules and the consequences if the proposed derogation is rejected by the institution.

**Moderator:**    Gerald Aksen  
**Panel:**         William K. Slate II  
                     Anne Marie Whitesell  
                     Adrian Winstanley

### 13:00 – 14:30    **Lunch**

## AFTERNOON SESSIONS

### 14:30 – 15:30    **Amendments to the UNCITRAL Model Law**

A status report on the work of the UNCITRAL working group on international commercial arbitration, with particular emphasis on the requirements for the written form of the arbitration agreement and the proposed amendments on the interim-measures section of the Model Law.

**Speakers:**    Jernej Sekolec  
                     Carole Malinvaud

### 15:30 – 16:00    **Break**

### 16:00 – 17:15    **Conflicts of Interest**

The globalisation of international business, and the expansion and merger of international law firms, has created growing problems of conflicts of interest in the selection of independent and impartial arbitrators. This session will discuss how conflicts are best handled, by reference to the recently-promulgated IBA guidelines on conflicts, and to other standards and criteria, including those applied by the leading arbitral institutions.

**Moderator:**    M.I.M. Aboul-Enein  
**Panel:**         John M. Townsend  
                     Éva Horváth  
                     Michael Hwang

### 17:15 – 17:30    **Closing**

### 17:30 – 19:30    **Cocktail Reception**



## International Federation of Commercial Arbitration Institutions (IFCAI)

The International Federation of Commercial Arbitration Institutions was established in 1985. It now consists of 64 member organizations worldwide. The Federation's aims are to establish and maintain permanent relations between commercial arbitration institutions, foster a broad exchange of information on all aspects of arbitration and conciliation, encourage the responsible use of these dispute resolution techniques and facilitate the exchange of information on member organization services.

## International Centre for Settlement of Investment Disputes (ICSID)

The International Centre for Settlement of Investment Disputes (ICSID) is one of the five intergovernmental organizations in the World Bank Group. The Centre was established in 1966 under the Convention on the Settlement of Investment Disputes between States and Nationals of Other States. ICSID currently has 142 member countries. Under the Convention, ICSID helps encourage foreign investment by providing international facilities for conciliation and arbitration of investment disputes. Many international agreements concerning investment refer to ICSID arbitration. In addition to its dispute settlement activities, ICSID carries out research and has an active publications program.

## Moderators and Panellists

### **Gerald Aksen**

Thelen Reid & Priest  
New York, USA

### **Dr. M.I.M. Aboul-Enein**

Director, The Cairo Regional Centre for International Commercial Arbitration, Egypt

### **Roberto Echandi**

Former Special Adjunct Ambassador, Ministry of Foreign Trade,  
Costa Rica

### **Dr. Éva Horváth**

President, Court of Arbitration attached to the Hungarian  
Chamber of Commerce and Industry

### **Michael Hwang, S.C.**

Senior Counsel and Arbitrator, Singapore

### **Prof. Alexander S. Komarov**

President International Commercial Arbitration Court at the  
Chamber of Commerce and Industry of the Russian  
Federation

### **Carole Malinvaud**

Gide Loyrette Nouel  
Paris, France

### **Antonio R. Parra**

Deputy Secretary-General, International Centre for Settlement  
of Investment Disputes (ICSID)  
Washington, D.C., USA

### **Stephen Schwebel**

Former President of the International Court of Justice  
Washington, D.C., USA

### **Dr. Jernej Sekolec**

Secretary, United Nations Commission on International Trade  
Law (UNCITRAL)  
Vienna, Austria

### **William K. Slate II**

President, American Arbitration Association  
New York, USA

### **John M. Townsend**

Hughes Hubbard & Reed  
Washington, D.C., USA

### **Anne Marie Whitesell**

Secretary General, ICC International Court of Arbitration  
Paris, France

### **Adrian Winstanley**

Director General, London Court of International Arbitration  
(LCIA), United Kingdom

# Registration Form

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### State Parties

### Party Autonomy

### Interim Measures

### Conflicts of Interest

### 3 June 2005

The World Bank  
Lewis Preston Auditorium  
1818 H Street, N.W.  
Washington, D.C., 20433, USA

Mr.  Mrs.  Ms.  Prof.  Dr.  other prefix/suffix

Family Name \_\_\_\_\_ First name \_\_\_\_\_

Title \_\_\_\_\_

Organization \_\_\_\_\_

Office Address \_\_\_\_\_

City \_\_\_\_\_ Postal Code \_\_\_\_\_

Country \_\_\_\_\_

Telephone No \_\_\_\_\_

Fax No \_\_\_\_\_

E-mail \_\_\_\_\_

Check enclosed  Money order enclosed  IFCAI Member \$350  Non-Member \$385

Signature \_\_\_\_\_

Date \_\_\_\_\_

### Please return the registration form and your payment to:

International Centre for Settlement of Investment Disputes  
Attn: Ms. Frauke Nitschke or Ms. Sylvie Grégoire  
MSN MC 6-611  
1818 H Street, N.W.  
Washington, D.C. 20433  
USA  
Tel.: (202) 473-2706 or (202) 473-9365  
Fax: (202) 522/2615 or (202) 522-2027  
E-mails: fnitschke@worldbank.org or sgregoire@worldbank.org

# General Information

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## Registration Fees

IFCAI Members: US\$350.00 (per participant)

Non-members: US\$385.00 (per participant)

Fee includes conference materials, continental breakfast, lunch, refreshments during the breaks and a cocktail reception as outlined in the program.

## Registration and payment

The fee for the conference must be paid by check or money order. No credit cards can be charged. Checks or money orders accompanying the registration form should be made payable to the International Centre for Settlement of Investment Disputes and sent to:

International Centre for Settlement of Investment Disputes  
Attn: Ms. Frauke Nitschke or Ms. Sylvie Grégoire  
MSN MC 6-611  
1818 H Street, N.W.  
Washington, D.C. 20433  
USA

Tel.: (202) 473-2706 or (202) 473-9365

Fax: (202) 522/2615 or (202) 522-2027

E-mail: [fnitschke@worldbank.org](mailto:fnitschke@worldbank.org) or [sgregoire@worldbank.org](mailto:sgregoire@worldbank.org)

We encourage you to send the registration form by fax or express mail. We strongly recommend that you register as soon as possible as spaces are limited to a maximum of 200 participants.

## Cancellation

Should you need to cancel your registration, a refund of 50% of the fee is available if a notice of cancellation is received in writing by ICSID at the above address or fax numbers before Friday, May 20, 2005. We regret that no refunds can be made after that date. However, the registration may be transferred to another person of the same institution or company at no extra charge.

## Travel and accommodations

Participants are responsible for making their own travel arrangements and hotel reservations. It is recommended that you check with your local U.S. Consulate and apply in good time for any necessary visa. A list of hotels in Washington, D.C. is available upon request.

## Miscellaneous

Please note that a government issued photo identification document is required to enter the World Bank Group premises.