

International Federation of Commercial
Arbitration Institutions



IX BIENNIAL INTERNATIONAL CONFERENCE ON
**CRITICAL ISSUES
IN INTERNATIONAL
COMMERCIAL ARBITRATION**

A conference hosted by

Indian Council of Arbitration
(India's apex Arbitral Institution)



Federation House, Tansen Marg, New Delhi
19 & 20 October 2007



IX BIENNIAL IFCAI CONFERENCE

CRITICAL ISSUES IN INTERNATIONAL COMMERCIAL ARBITRATION

"International commercial arbitration is at an exciting stage of development, both in practice and in related law. However, there are recurring problems that need to be addressed, as the further development of dispute resolution mechanisms is linked closely to international cross-border investment, and commercial arbitration is the foremost of such mechanisms. Thus, for example, one needs constantly to review the role of state courts in the arbitration process, and steps must always be taken to keep pace with the requirements of the business community, in terms of the effective management of the arbitration process. The arbitral community is also following with great interest the revision of the UNCITRAL arbitration rules, which are now over 30 years old. These and other areas of particular interest in the field of arbitration are the issues to be examined, and debated, at this conference."

About The Conference

Panels of eminent and experienced international arbitration practitioners will make presentations on developments in the most important areas of international commercial arbitration, critical to establishing and maintaining an arbitration-friendly environment, in which the international business community may have confidence, with particular emphasis on India. There will be ample opportunity for delegates to participate in discussions of the issues raised.

Who should attend ?

Arbitrators, in-house counsels, practitioners, academics and members of the local and international business community who are interested in, and affected by, current developments and best practice in the field of international commercial arbitration, particularly in India and the wider Asian region.

**CRITICAL ISSUES IN
INTERNATIONAL COMMERCIAL
ARBITRATION**

DAY-1 - 19 OCTOBER 2007

1.00 p.m. – 2.00 p.m. – REGISTRATION

2.00 p.m. – 3.00 p.m. – INAUGURAL SESSION

Opening remarks

Mr. Ulf Franke, *President, IFCAI*

Welcome

Mr. Habil Khorakiwala, *President, ICA*

Inauguration

Mr. Justice K G Balakrishnan,

Hon'ble Chief Justice of India

Key-note address

Mr. Fali S. Nariman, *Hon. Chairman, ICCA*

**“The Function and Utility of International
Commercial Arbitration in International Trade and
Investment”**

Vote of thanks

Mr. N. Srinivasan, *Sr. Vice President, ICA*

Dr M Aboul-Enein *Vice President, IFCAI*

3.00 p.m. – 3.30 p.m.– Tea break

3.30 p.m. – 5.00 p.m. – WORKING SESSION I

**Trends and Developments in Arbitration in
India and the Region**

Moderator:

Mr Justice Altamas Kabir

Judge of the Supreme Court of India

Panelists:

Mr Justice A. K. Sikri, *Judge, High Court of Delhi*

Mr Dushyant Dave, *Senior Advocate and President
LCIA Asia Pacific Users' Council*

Mr. Toby Landau, *Barrister, Essex Court Chambers,
London*

5.00 p.m. – 6.00 p.m.– WORKING SESSION II

**How will the revision of the UNCITRAL arbitration
rules affect institutional arbitration rules and
other regulations in international commercial
arbitration?**

Moderator:

M.I.M. Aboul-Enein, *Director, Cairo Arbitration
Centre, Secretary General, Arab Union of
International Arbitration*

Panelists:

Mr Philip Yang, *President, Asia Pacific Regional
Arbitration Group (APRAG)*

*Former Chairman, the Hong Kong International
Arbitration Centre*

Mr. Brooks W. Daly, *Deputy Secretary-General,
Permanent Court of Arbitration (PCA)*

10.00 p.m. – 11.30 p.m. – WORKING SESSION III

**Avoiding mistakes in Drafting Arbitration Clauses:
What should be included and what should not; multi-
party arbitration clauses**

Moderator:

Ms. Anne Marie Whitesell, *Secretary General, International
Court of Arbitration of the International Chamber of
Commerce (ICC)*

Panelists:

Ms. Diana Droulers *Executive Director, Arbitration Centre of
the Caracas Chamber of Commerce and Industry*

Ms. Zia Mody, *Managing Partner, AZB & Partner*

Mr William K. Slate II, *President, American Arbitration
Association (AAA)*

11.30 p.m. – 12.00 noon – Tea break

12.00 noon – 1.30 p.m. – WORKING SESSION IV

The Tribunal

- Selection and Appointment of Arbitrators
- Challenges and Removal of Arbitrators
- Remuneration of Arbitrators

Moderator:

Mr Stefano Azzali, *Secretary General, Chamber of National
and International Arbitration of Milan*

Panelists:

Mr Adrian Winstanley *Director-General and Registrar,
London Court of International Arbitration (LCIA)*

Mr Jagdeep Dhankar, *Senior Advocate, Supreme Court of India*

Mr Lawrence Boo, *Deputy Chairman, Singapore
International Arbitration Centre (SIAC)*

1.30 p.m. – 2.30 p.m. – Lunch

2.30 p.m. – 4.00 p.m. – WORKING SESSION V

The prompt resolution of disputes: Efficient management of
arbitration

The Initial Stage

The Evidentiary Stage

Multi-party Arbitration

Arbitration including State parties

Moderator:

Dr George von von Segesser *Schellenberg Wittmer*

Panelists:

Mr AK Ganguli *Senior Advocate, Supreme Court of India*

Prof. Alexander S. Komarov

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

4.00 p.m. – 4.30 p.m.– Tea break

4.30 p.m. – 6.00 p.m. – WORKING SESSION VI

The role of the courts in providing support and supervision

Decisions on Jurisdiction

Interim Measures Protection

Setting Aside and Enforcement of the Award

Awards and Public Policy

Moderator:

Mr Justice SH Kapadia

Judge of the Supreme Court of India

Panelists:

Dr. Marc Blessing *Partner, Bär & Karrer*

Honorary President of the Swiss Arbitration Association

Ms. Teresa Cheng *BBS, SC, JP*

Deputy President of the Chartered Institute of Arbitrators

Vice Chairperson, Hong Kong International Arbitration Centre

The Honorable John Charles Thomas

Former Justice of the Virginia Supreme Court

Partner, Hunton & Williams

6.00 p.m. CONCLUDING REMARKS

Mr Goolame Vahanavati *Solicitor General of India*

6.15 p.m. END OF CONFERENCE

MESSAGE

“IFCAI’s mandate in encouraging dialogue in Dispute Resolution has always been taken seriously since its inception in 1985. IFCAI meets every two years to discuss and deliberate upon issues facing the arbitration community at large. These conferences provide an extremely viable opportunity to meet interact and network with some of the worlds greatest names in arbitration. This is the first time we are holding a conference in the South Asian Region, which we believe, is undergoing crucial changes in arbitration law and policy. We invite you to join us at this forum to discuss these changes and contribute to the success of the conference. ”



Looking Forward to See You there,
Regards

Mr. Ulf Franke, President, IFCAI

ABOUT IFCAI



The International Federation of Commercial Arbitration Institutions (IFCAI) was established in 1985 to facilitate permanent relations between commercial arbitration institutions, to make known their services, and to disseminate information on laws, rules, awards and court decisions in the field of international arbitration and conciliation. In the intervening years IFCAI has grown to include all the major arbitral institutions of the world.

MESSAGE

“Institutional Arbitration in the global scenario is taking giant strides in the last few decades. The development of institutional arbitration has proved to be a boon to the commercial houses, giving them recourse from normal court procedures, hence promoting trade, not litigation. In India, on the forefront of this revolution is the Indian Council of Arbitration, India’s Apex Arbitral Institution. In this scenario, the Indian Council of Arbitration is privileged to have the opportunity of hosting the International Federation of Commercial Arbitration Institutions’ (IFCAI) Conference in New Delhi to be held on 19th -20th October 2007.



This is indeed recognition to the efforts we have made for the growth and development of commercial arbitration in India.

India’s foray into arbitration provides us fertile areas to deliberate on various aspects of arbitration. We hope you will join us and contribute to this symbiosis of knowledge exchange and make the conference a successful event.”

Best Wishes,

Mr. Habil Khorakiwala, President, ICA

ABOUT ICA

Indian Council of Arbitration [ICA] was established in 1965 to initiate and popularize arbitration in India. ICA is South Asia’s premier arbitral institution and is extremely well respected in the circles of judiciary, executive and legislature within India as well as in the fraternity of Arbitral institutions abroad. ICA not only administers arbitration but has also contributed to the development of law and practice of arbitration both nationally and internationally.

ICA has 5000 members which includes Corporates, Institutions and experts. It has signed 42 International Mutual Cooperation Agreements with foreign arbitral institutions in the world and has Pan India Network with 8 Branch Offices. More than 2000 members including foreign nationals are empanelled as arbitrators. ICA has hosted number of international and national events including ICCA Congresses in 1975 and 2000. ICA is also in constant consultation with international institutions like ICC, Paris, UNCTAD, UNCITRAL and also with Govt. & apex legal institutions viz. Judicial Academies, ICAI, ICSI, IIFT, IE and NALSA.

For further information please contact :

Mr. G.K. Kwatra
Executive Director



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Website: www.ficci.com/icanet



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Reserve your place today. Application can be accessed
online at www.ficci.com/icanet
They can also be requested via e-mail at
ica@ficci.com, ica@nda.vsnl.net.in, ica@airtelbroadband.in

Name-----

Street-----City-----

State-----Zip-----Country-----

Phone-----Fax-----E-mail-----

Registration Fees

US\$ 350 (Foreign Delegates) **Rs. 7,500 (Delegates from India & SAARC Region)**

Please enclose cheque made payable to **Indian Council Of Arbitration** at New Delhi or check the appropriate credit card and provide the information requested:

Visa Master Card Total\$

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Hotel Accomodations : The following hotels are close to the venue and in the heart of the city:

Five Star : Range of US\$ 300-400, subject to availability.

Inter Continental The Grand New Delhi

Tel : 91 11 23411001/44447777
Email : newdelhi@interconti.com

The Park New Delhi

Tel : + 91+11+ 2374 3000
Email : resv.del@theparkhotels.com

Le Méridien New Delhi

Tel : +91 11 2371 0101
Email : info@lemeridien-newdelhi.com

The Taj Mahal Hotel

Tel : (91-11) 23026162
Email : mahal.delhi@tajhotels.com

Shangri La Hotel

Tel : (91 11) 4119 1919
Email : slnd@shangri-la.com

Four Star : Range of US\$ 200-250, subject to availability.

The Hans Plaza, New Delhi

Tel : +91 11 23316868
Email : reservation@hanshotels.com or
hansplaza@hanshotels.com

Hotel Connaught, New Delhi

Tel : 011 - 23340757
Email : PROMINENT.HOTELS@gems.vsnl.net.in
Website : www.hotelconnaughtdelhi.com



International Federation of Commercial Arbitration Institutions

Supporting Institutions

Australian Centre for International Commercial Arbitration (ACICA)
Melbourne, Australia

International Arbitral Center of the Austrian Federal Economic Chamber
Vienna, Austria

CEPANI-Belgium Centre for Arbitration and Mediation
Brussels, Belgium

Institute for National and International Arbitration (INIA)
Ghent, Belgium

CAMARB Chamber of Business Arbitration - Brazil
Brazil

Beijing Conciliation Centre (BCC)
Beijing, China

China International Economic and Trade Arbitration Commission
Beijing, China

China Maritime Arbitration Commission (CMAC)
Beijing, China

Permanent Arbitration Court at the Croatian Chamber of Commerce
Zagreb, Croatia

Arbitration Court
Prague, Czech Republic

The Danish Institute of Arbitration
Copenhagen, Denmark

The Cairo Regional Centre for International Commercial Arbitration
Cairo, Egypt

Arab Union of International Arbitration
Cairo, Egypt

The Chartered Institute of Arbitrators
London, England

London Court of International Arbitration (LCIA)
London, England

The Board of Arbitration of the Central Chamber of Commerce of Finland
Helsinki, Finland

Arab Association for International Arbitration
Paris, France

Chambre Arbitrale Maritime de Paris
Paris, France

Cour Européenne d'Arbitrage
Strasbourg, France

ICC International Court of Arbitration
Paris, France

Deutsche Institution für Schiedsgerichtsbarkeit e.V.
Köln, Germany

Waren-Verein der Hamburger Börse e.V.
Hamburg, Germany

Hong Kong International Arbitration Centre
Hong Kong

The Arbitration Court of the Hungarian Chamber of Commerce
Budapest, Hungary

The Indian Council of Arbitration
New Delhi, India

Tahkeem - Center for Settlement of Commercial Disputes
Palestine, Israel

Associazione Italiana per l'Arbitrato
Roma, Italy

Chamber of National and International Arbitration of Milan
Milano, Italy

The Mediterranean Maritime Arbitration Association
Genoa, Italy

Venice Chamber of Arbitration
Venice, Italy

The Japan Commercial Arbitration Association
Tokyo, Japan

The Japan Shipping Exchange, Inc.
Tokyo, Japan

The Korean Commercial Arbitration Board
Seoul, Korea

The Kuala Lumpur Regional Centre for Arbitration
Kuala Lumpur, Malaysia

The Permanent Arbitration Court of the Mauritius Chamber of Commerce and Industry
Port-Louis, Republic of Mauritius

Mediation and Arbitration Center
Col. Centro, Mexico

Foreign Trade Arbitration Court of the Mongolian Chamber of Commerce and Industry
Ulaanbataar, Mongolia

Netherlands Arbitration Institute
Rotterdam, The Netherlands

Permanent Court of Arbitration
The Hague, The Netherlands

Court of Arbitration at the Polish Chamber of Commerce
Warsaw, Poland

International Commercial Arbitration Court of The Chamber of the Commerce & Industry of Romania
Bucharest, Romania

International Commercial Arbitration Court - Russian Federation Chamber of Commerce and Industry
Moscow, Russia

Maritime Arbitration Commission - International Arbitration Court
Moscow, Russia

Singapore International Arbitration Centre
Singapore

Madrid Court of Arbitration
Madrid, Spain

Sri Lanka National Arbitration Centre
Colombo, Sri Lanka

Arbitration Institute of the Stockholm Chamber of Commerce
Stockholm, Sweden

Association Suisse de L'Arbitrage (ASA)
Basel, Switzerland

WIPO Arbitration and Mediation Center, World Intellectual Property Organization (WIPO)
Geneva, Switzerland

Swiss Chambers' Arbitration
Basel, Switzerland

Mediterranean Arbitration Council
Tunis, Tunisia

Tunis Center for Conciliation and Arbitration
Tunis, Tunisia

International Commercial Arbitration Court at the Ukrainian Chamber of Commerce and Industry
Kiev, Ukraine

Dubai International Arbitration Centre (DIAC)
Dubai, United Arab Emirates

American Arbitration Association
New York, USA

International Center for Settlement of Investment Disputes (ICSID)
Washington, USA

Camara de Comercio de Caracas
Caracas, Venezuela

Yemeni Centre for Conciliation and Arbitration
Sanaa, Republic of Yemen

Foreign Trade Court of Arbitration at the Yugoslav Chamber of Commerce and Industry
Belgrade, Yugoslavia