INTERNATIONAL CONFERENCE
60 YEARS OF THE NEW YORK CONVENTION ON THE RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS: KEY ISSUES AND FUTURE CHALLENGES

LOYOLA UNIVERSITY ANDALUSIA
5-6 April 2018

Venue: Campus Palmas Altas
Energía Solar, 1
Seville

Presidency of the Scientific Committee for the Conference:
Dr. Ana Mercedes López Rodríguez (Loyola University Andalusia) and Dr. Katia Fach Gómez (University of Zaragoza)

Co-organizers
United Nations UNCITRAL
Universidad de Zaragoza
Club Español del Arbitraje
CONFERENCE PROGRAM

4 April 2018
14:30 - 19:15: Under 40's Academics and Lawyers’ Conference
20:30: Welcome Cocktail Reception - Venue TBC

5 April 2018

08:45 - 09:15: Registration
09:15 - 09:45: Opening and Welcome Speeches
- Anna Joubin-Bret, The Secretary of UNCITRAL
- CEA representative
- Loyola University Andalusia representative
- Ana Mercedes López Rodríguez & Katia Fach Gómez, Conference Directors

09:45 - 10:45: PLENARY SESSION. 60 Years of the NY Convention: A Success Story
- Moderator: Steve Hammond, Partner, Hughes Hubbard & Reed, New York
- Speakers:
  - Yas Banifatemi, Partner, Sherman & Sterling, Paris. The Website: newyorkconvention1958.org
  - Corinne Montineri, Legal Officer, UNCITRAL. UNCITRAL Technical Assistance and Training Activities on the New York Convention

10:45 - 11:15: Coffee Break

11:15 - 12:45: APPLICATION OF THE NY CONVENTION AND THE ARBITRAL AGREEMENT

PARALLEL SESSION A: Key Terms, Definitions and Scope
- Moderator: Pilar Perales Viscasillas, Professor, University Carlos III Madrid
- Speakers:
  - Hannah van Roessel, Director, Counsel, Omni Bridgeway, Amsterdam. Practical Limitations to the Scope of Application of the New York Convention - the Frequent User’s Perspective
  - Aníbal Sabater, Partner, Chaffetz Lindsey, New York. Binding, Advisory, or Negligible: Do the New York Convention Provisions Matter to Arbitrators?
  - Félix J. Montero, Partner, Pérez-Llorca, Madrid. New York Convention: Recognition and Enforcement against Sovereign Entities

PARALLEL SESSION B: The Arbitral Agreement
- Moderator: David Arias, Partner, Arias, Madrid
- Speakers:
  - Manuel Penadés Fons, Lecturer, King's College, London & Pedro Tent Alonso, Associate, J & A Garrigues, Valencia and Associate lecturer of Private International Law, University of Valencia. Enforcement of Arbitral Agreements and Kompetenz-Kompetenz
  - Ignacio Santabaya, Of counsel, Jones Day Madrid & Carlota Dominguez, Associate, Jones Day, Madrid. Recognition and Enforcement of Arbitral Awards against Non-Signatories. Do We Really Want to Get Rid of Arbitration Agreements in Writing?
  - Néstor Londoño, Tenured Professor, University Pontificia Bolivariana, Medellín. Scope of Judicial Examination of the Arbitration Agreement (Article II)
  - Maryam Salehijam, Ph.D. candidate, Transnational Law Center, Ghent University. Remediing the Adverse Effect of Multi-Tiered Dispute Resolutions Clauses Calling For Mediation Prior To Arbitration
12:45 - 14:00: Lunch. Executive Room (Loyola University Andalusia)

14:00 - 15:30: NEW ISSUES IN ARBITRATION AND THE NY CONVENTION

PARALLEL SESSION A:
The NY Convention and the Use of Information Technology

- Moderator: CEA representative
- Speakers:
  - Reinmar Wolff, Professor, University Mamburg. *The New York Convention and the UN Convention on Electronic Communications in International Contracts*
  - Nadine Lederer, Associate, Hogan Lovells, Munich. *The New York Convention and the Internet: Friends or Foes?*
  - Irene Ng (Huang Ying), Ph.D. student, University of Vienna & Valeria Benedetti del Río, Associate, Baker McKenzie, Milan. *When the Tribunal is an Algorithm: Complexities of Enforcing Orders Determined by a Software under the New York Convention*
  - Sara Hourani, Lecturer in Law, Middlesex University, London. *Recognition and Enforcement of Cross-border Online Arbitral Awards: Challenges in the Era of Automation*

PARALLEL SESSION B:
Suitability of the NY Convention for Modern Trade. Emergency Arbitration

- Moderator: CEA representative
- Speakers:
  - Orsolya Toth, Assistant Professor, University of Nottingham. *Suitability of the New York Convention for Modern Trade*
  - Poomintr Sooksripaisarnkit, Lecturer, University of Tasmania, Australia & Sai Ramani Garimella, Senior Assistant Professor, South Asian University, New Delhi, India. *The Compatibility of the Emergency Arbitrator under the New York Convention and Domestic Law*
  - Jakob Horn, Wissenschaftliche Mitarbeiter, Friedrich Schiller University Jena. *The Emergency Arbitrator*

15:30 - 16:45: GROUNDS FOR REFUSAL UNDER THE NY CONVENTION (I)

PARALLEL SESSION A:
Public Policy

- Moderator: Corinne Montineri, Legal Officer, UNCITRAL
- Speakers:
  - Margaret L. Moses, Professor, Loyola University Chicago School of Law. *Public Policy under the New York Convention: National, International or Transnational*
  - Ergun Özsuna, Professor of Law, Istanbul University & Murat R. Özsuna, Part-time Professor, Özyegin University, Istanbul. *The Public Policy Exception under New York Convention Other Defences to the Recognition and Enforcement of Foreign Arbitral Awards*
  - Karsten Nowrot, Professor, University of Hamburg & Emily Sipiorski, Senior Researcher, University of Hamburg. *Constitutionalizing the 1958 New York Convention from below by Other Means? The Relevance of Respondent States’ Domestic Constitutional Law in the Enforcement of Awards*
  - Iina Tornberg, Ph.D. Student, University of Helsinki. *Competition Law Provisions as Manifestations of Public Policy within the Meaning of Article V (2) (b) of the New York Convention? Examining Competition Law of the People’s Republic of China to Reveal the Uniqueness of Competition Law in the Context of International Commercial Arbitration*

PARALLEL SESSION B:
Other Grounds

- Moderator: Anna Joubin-Bret, The Secretary of UNCITRAL
- Speakers:
  - Petri Taivalkoski, Partner, Roschier, Helsinki. *Arbitrator’s Perspective in Ensuring Enforceability of the Award against Challenges Based on Alleged Violation of Due Process*
  - Rafael Carlos de Rosal Carmona, International Case Counsel, International Centre for Dispute Resolution, New York. *Lack of Impartiality or Independence as Grounds to Deny Enforcement under the New York Convention*
### GROUNDS FOR REFUSAL UNDER THE NY CONVENTION (II)

#### PARALLEL SESSION A: Other Grounds

- **Moderator:** CEA representative

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<td>Fabien Gélinas, Full Professor, McGill University, Montreal &amp; Giacomo Marchisio, Research Associate, McGill University, Montreal. <em>Procedural Irregularities in Arbitration under the New York Convention: Toward a Transnational Approach</em></td>
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<td>Didem Kayali, Assistant Professor, TOBB University of Ankara. <em>Independence and Impartiality of Arbitrators as a Refusing Ground under Article V of the New York Convention</em></td>
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<td>Stavroula Angoura, Ph.D. Candidate, Research Fellow, Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law. <em>Arbitrator's impartiality under Art. V(1)(d) of the New York Convention</em></td>
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#### PARALLEL SESSION B: Enforcement of Anulled Awards

- **Moderator:** Antonio Sánchez-Pedreño, President, Corte de Arbitraje de Madrid

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<td>Vladimir Gladyshev, Attorney-at-law, member of the Moscow bar. <em>Enforcement of Awards Anulled by the Courts of the Russian Federation: Developing the Practice of European Courts</em></td>
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<td>Kenneth Figueroa, Partner, Foley Hoag, Washington D.C. <em>Deference to Nullity?: The New York Convention and Enforcement of Anulled Awards</em></td>
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<td>Mostafa Fahim Nia, Attorney at Law, Iran Bar Association. <em>Enforcement of Anulled Awards (A Global Comparative Study in Common Law and Civil Law Countries)</em></td>
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<td>Víctor Mancera, Associate, Osborne Clarke, Madrid. <em>Particularities of the Enforcement Proceedings of an Anulled Award</em></td>
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#### 20:30: Gala Dinner - Venue TBC
9:30 - 11:00: JURISDICTION AND COURT ASSISTANCE (Session in Spanish)

PARALLEL SESSION A:
Derecho procesal internacional y la Convención de Nueva York

- **Moderator:** Juan Serrada, President, Corte Civil y Mercantil de Arbitraje, Madrid

- **Speakers:**
  - **Alfonso Luis Calvo-Caravaca,** Senior Professor, University Carlos III, Madrid. *Declinatoria internacional y convenio arbitral: Derecho internacional privado europeo y Convención de Nueva York de 10 junio de 1958*
  
  - **Javier Carrascosa González,** Senior Professor, University of Murcia. *Acciones por daños e incumplimiento del convenio arbitral: Derecho internacional privado europeo y Convención de Nueva York de 10 junio de 1958*
  
  - **Juliana Rodríguez Rodrigo,** Tenured Associate professor, University Carlos III, Madrid. *La Convención de Nueva York y el Arbitraje de Inversiones*
  
  - **Isabel Antón Juárez,** Assistant Professor, University Carlos III, Madrid. *Medidas cautelares en los procedimientos de arbitraje ante Estados miembros partes del Reglamento Bruselas I Bis*
  
  - **Dámaso Javier Vicente Blanco,** Lecturer, University of Valladolid. *El arbitraje internacional como no lugar. Deslocalización del arbitraje y del derecho aplicable y reconocimiento del laudo extranjero*

PARALLEL SESSION B:
La relación entre la Convención de Nueva York y otros instrumentos internacionales sobre jurisdicción

- **Moderator:** Francisco José Garcimartín Alférez, Consultant, Linklaters, Madrid and Senior Professor, Autonomous University of Madrid

- **Speakers:**
  - **Miguel Gómez Jene,** Of counsel, Cuatrecasas, and Professor UNED, Madrid. *Declaración de no reconocimiento del laudo arbitral*
  
  - **Iván Heredia,** Tenured Associate Professor, Autonomous University of Madrid and Associate, Garriques, Madrid. *Reconocimiento de laudos extranjeros y concurso*
  
  - **Laura García Gutiérrez,** Tenured Associate Professor, Autonomous University of Madrid. *La adopción y la ejecución de medidas cautelares en el arbitraje comercial internacional: ¿una cuestión pendiente en la Convención de Nueva York de 1958?*
  
  - **Javier Viaña de la Puente,** Assistant Professor, Deusto University, Bilbao. *Problemas prácticos en la ejecución de laudos extranjeros via artículo V. d) de la Convención de Nueva York. Diálogo entre ‘common law’ y ‘civil law’*
  
  - **Ángel María Ballesteros Barros,** Partner, Concordia Abogados, and Lecturer, University Pablo de Olavide, Seville. *La relación entre la Convención de Nueva York de 1958 y otros instrumentos internacionales sobre jurisdicción, reconocimiento o exequáitur*
### PARALLEL SESSION A: Europe (I)

- **Moderator:** Manuel Conthe, President, Corte Española de Arbitraje, Madrid

- **Speakers:**
  - Álvaro López de Argumedo, Partner, Uría Menéndez, Madrid. *Ten Years of Spanish Case Law on the New York Convention*
  - Maria Nicole Cleis, Chargée d’enseignement, University of Neuchâtel. *Arbitration and the Enforcement of Foreign Awards in Switzerland*
  - Federico Banti, Partner, Osborne Clarke, Milan & Eva de Gotzen, Associate, Ph.D., Osborne Clarke, Milan. *Recognition and Enforcement of Foreign Arbitral Awards in Italy: the Relationship among the Italian Procedural Civil Code, the 1958 New York Convention and the Regulation (EU) n. 1215/2012*
  - Paschalis Paschalidis, Référendaire, Court of Justice of the European Union & Jonathan Wildemeersch, Référendaire, Court of Justice of the European Union. *EU Law Challenges to the Enforcement of Arbitral Awards*
  - Fabrizio Fortese, LL.D. Candidate, Stockholm University. *The Relationship between the New York Convention and other International Instruments on Jurisdiction*

### PARALLEL SESSION B: Europe (II)

- **Moderator:** Javier Íscar de Hoyos, Partner, Íscar Abogados, Madrid

- **Speakers:**
  - Natalya G. Doronina, Chief Researcher, Institute of Legislation and Comparative Law, Head of COMEDIARS, Moscow & Natalia I. Gaidaenko Shaer, Senior Researcher, Institute of Legislation and Comparative Law, Deputy Head of COMEDIARS, Moscow & Natalia G. Semilyutina, Doctor of Law, Head of the Department, Institute of Legislation and Comparative Law, Moscow. *The Russian Federation and the New York Convention*
  - Katažyna Mikša, Associate Professor, Mykolas Romeris University. *Recognition and Enforcement of Foreign Arbitral Decisions in Post-Conflict Societies*
  - Attila Nagy, Legal advisor, Local administration, City of Subotica, Serbia. *Enforcement of Foreign Arbitral Award in Lithuania – GAZPROM Case from a National Perspective*
11:30 - 13:00: NATIONAL AND REGIONAL APPROACHES TO THE NY CONVENTION

Particular attention to emerging countries

PARALLEL SESSION C:
Asia and Africa

- **Moderator:** Julián Aguilar, Partner, Legalsur, Seville and Part-time Professor, Loyola University Andalusia

- **Speakers:**
  - Yeow-Choy Choong, Professor, Faculty of Law, University of Malaya. *Arbitrating and Enforcing Foreign Awards in the ASEAN. Region: Confronting the Perennial Issues*
  - Maria L Rubert, Partner, United Advocates, Dubai. *New York Convention in the UAE, Pass or Fail?*
  - Wasiq Abass, Dept. of Legal Studies, Central European University, Budapest. *Public Policy Exception in India: A Tale of Turbulent Past and a Promising Future*
  - Reyadh M. Seyadi, Assistant professor, University of Bahrain. *Public Policy as a Ground to Refuse Recognition and Enforcement of Foreign Arbitral Awards under the 1958 New York Convention in the Arab Gulf States*
  - Abayomi Okubote, Ph.D. Student, Queen’s University, Kingston. *60 Years of the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards: Are we there yet in Africa?*

PARALLEL SESSION D:
America

- **Moderator:** Julio González García, Senior Professor, Complutense University of Madrid, Director of IDEIR

- **Speakers:**
  - Juan Antonio Gaviria Gil, Professor, Universidad Pontificia Bolivariana, Medellín. *The Conflict Between the New York Convention and the “Acción de tutela” against Colombian Arbitral Awards or against Judgments on Foreign Arbitral Awards*
  - Christa Mueller, Partner, Mueller Abogados, Mexico D.F. *Duty of the Judges to Apply Conventionality Control and the Struggle of the Application of the New York Convention in Mexico*
  - Vanessa A. Giraud Martinelli, Associate, D’Empaire Reyna Abogados, Caracas. *Sovereign Immunity Defenses at the time of the Execution of Venezuela’s ICSID Arbitral Awards v. The Venezuelan Creditor’s Race*
  - Camilo Valenzuela Bernal, Assistant Professor, Externado University, Bogotá. *The Execution of Arbitral Awards Annulled in Colombia through the Tutela Action*

13:00 - 14:15: Lunch. Executive Room (Loyola University Andalusia)
PARALLEL SESSION A:
Applicability of the NY Convention to Investment Treaty Awards

- **Moderator:** Carmen Nuñez Lagos, Hogan Lovells, Paris

- **Speakers:**
  - Anna Joubin-Bret, The Secretary of UNCITRAL
  - Carlo De Stefano, Lecturer, Università Roma Tre & BonelliErede Studio Legale, Milan. *The Circulation of International Investment Awards under the New York Convention*

PARALLEL SESSION B:
State Responsibility for Breach. A World Investment Court

- **Moderator:** Javier Diez Hochleitner, Of counsel, Baker McKenzie, Madrid and Chaired Professor, Autonomous University of Madrid

- **Speakers:**
  - Catherine Titi, Tenured Research Scientist, French National Center for Scientific Research, Paris. *Enforcement of Decisions of an International Investment Court*
  - Yannik Radi, Professor of International Law, University of Louvain. *State Responsibility and Non-Compliance with the New York Convention in Investor-State Arbitration*
  - Zdenek Nový, Assistant Professor, Masaryk University, Brno. *The Legal Consequences of the BIT Provisions Referring to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards and its Breach by the Contracting State*
  - Christine Sim, Research Associate, Centre for International Law, Singapore. *Architecture of a World Investment Court: Where does the New York Convention fit in?*

15:45 - 16:15: **Coffee Break**

16:15 - 17:00: **PLENARY SESSION. Round Table Discussion on the NY Convention as a Framework for the Development of Reforms as Currently Considered by UNCITRAL**

- **Moderator:** Anna Joubin-Bret, The Secretary of UNCITRAL

- **Members of the Roundtable:** Gabriel Bottini, Álvaro Galindo, Fabien Gélinas, José Luis Gómara
17:00 - 17:15: Closing Speeches
- Anna Joubin-Bret, The Secretary of UNCITRAL
- Javier Gassó Matoses, Deputy, Director-General for the United Nations, Spanish Ministry of Foreign Affairs and Cooperation
- CEA representative
- Loyola University Andalusia representative
- Ana Mercedes López Rodríguez & Katia Fach Gómez, Conference Directors

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-40 Conference co-director: Ángel S. Freire, Associate at Araoz & Rueda, Madrid

For registration and further information see the Conference website: https://www.uloyola.es/en/foreign-arbitral-awards