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

Co-organizers

Presidency of the Scientific Committee for the Conference:
Dr. Ana Mercedes López Rodríguez (Loyola University Andalusia) and
Dr. Katia Fach Gómez (University of Zaragoza)
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 - 10:30: PLENARY SESSION. 60 Years of the NY Convention: A Success Story
- Moderator: Steve Hammond, Partner, Hughes Hubbard & Reed, New York

09:45 - 10:15: 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

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?
- 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 Rio, Associate, Baker McKenzie, Milan. The New York Convention and the UN Convention on Electronic Communications in International Contracts
  - 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:
  - Marike Paulsson, Director of the University of Miami School of Law’s International Arbitration Institute, Lecturer in Law. The New York Convention’s 60th Anniversary. A Restatement for the New York Convention?
  - Joe Tirado, Partner, Garrigues, London. Time for a New York Convention? Was Albert van der Berg Right?
  - 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 Mittarbeiter, 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, Özyeğin 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

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
  - José Ricardo Feris, Partner, Squire Patton Boggs, Paris. Partial Awards on Jurisdiction and Article V (1) (a) New York Convention
  - 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
16:45 - 17:15: Coffee Break

17:15 - 18:30: GROUNDS FOR REFUSAL UNDER THE NY CONVENTION (II)

PARALLEL SESSION A: Other Grounds

- Moderator: CEA representative

- Speakers:
  - Fabien Gélinas, Full Professor, McGill University, Montreal & Giacomo Marchisio, Research Associate, McGill University, Montreal. *Procedural Irregularities in Arbitration under the New York Convention: Toward a Transnational Approach*
  - Didem Kayali, Assistant Professor, TOBB University of Ankara. *Independence and Impartially of Arbitrators as a Refusing Ground under Article V of the New York Convention*

PARALLEL SESSION B: Enforcement of Anulled Awards

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

- Speakers:
  - Vladimir Gladyshev, Attorney-at-law, member of the Moscow bar. *Enforcement of Awards Annulled by the Courts of the Russian Federation: Developing the Practice of European Courts*
  - Kenneth Figueroa, Partner, Foley Hoag, Washington D.C. *Deference to Nullity?: The New York Convention and Enforcement of Anulled Awards*
  - Víctor Mancera, Associate, Osborne Clarke, Madrid. *Particularities of the Enforcement Proceedings of an Anulled Award*

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. *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, Garrigues, 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 exequátur*

11:00 - 11:30: Coffee Break
### 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, Senior Lawyer, 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*
  - Fabricio 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. *Enforcement of Foreign Arbitral Award in Lithuania – GAZPROM Case from a National Perspective*
  - Attila Nagy, Legal advisor, Local administration, City of Subotica, Serbia. *Recognition and Enforcement of Arbitral Decisions in Post-Conflict Societies*
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 & Néstor Londoño, Tenured Professor, University 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*
  - Juan Carlos Herrera, Master in International Dispute Settlement (MIDS), Geneva. *Disregard of the New York Convention in Ecuador: Hurdles and Hazards of the Recognition and Enforcement of Foreign Arbitral Awards*
  - José Manuel Álvarez Zárate, Program Director, Externado University, Colombia & 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)
14:15 - 15:45: THE NY CONVENTION AND INVESTMENT ARBITRATION

PARALLEL SESSION A: Applicability of the NY Convention to Investment Treaty Awards

- **Moderator:** Katia Fach Gómez, Tenured Professor, University of Zaragoza

- **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:**
  - Catharine Titi, Tenured Research Scientist, French National Center for Scientific Research, Paris & CREDIMI, University of Burgundy, Dijon. *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