



**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  
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**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 - 10:45: PLENARY SESSION. 60 Years of the NY Convention: A Success Story**

- **Moderator: Steve Hammond**, Partner, Hughes Hubbard & Reed, New York
- **Speakers:**
  - **Emmanuel Gaillard**, Partner, Shearman & Sterling, Paris. *The UNCITRAL Guide to the New York Convention. Methods and Conclusions*
  - **Yas Banifatemi**, Partner, Sherman & Sterling, Paris. *The Website: [newyorkconvention1958.org](http://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*
  - **Anibal Sabater**, Partner, Chaffetz Lindsey, New York. *Binding, Advisory, or Negligible: Do the New York Convention Provisions Matter to Arbitrators?*
  - **Fernando Mantilla Serrano**, Partner, Latham & Watkins, Paris. *National Awards: the Second Scenario of Article 1.1 New York Convention*
  - **Paul Key QC**, Barrister, Essex Court Chambers, London. *Estoppel and Res Judicata in the Context of Decisions Made by Another State's Courts on Matters Arising Under the New York Convention*
  - **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:**
  - **Ana Armesto**, Independent arbitrator, Bilbao. *Multi-Tiered Dispute Resolution Clauses. Is There a Need for a New York Convention on Mediation/Conciliation?*
  - **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. *Remedying the Adverse Effect of Multi-Tiered Dispute Resolutions Clauses Calling For Mediation Prior To Arbitration*

**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. *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:**
  - **Marika 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 Compability of the Emergency Arbitrator under the New York Convention and Domestic Law*
  - **Elena Gutiérrez García de Cortázar**, Independent arbitrator, Paris. *Enforcement of Decisions of the Emergency Arbitrator under the New York Convention and Domestic Laws*
  - **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 Özsunu**, Professor of Law, Istanbul University & **Murat R. Özsunu**, 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*
  - **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*
  - **Ramona Cirlig**, Associate, Musat & Asociatti, Bucharest. *Party Autonomy in Determining the Rules of Law Applicable in International Commercial Arbitration and its Limits Derived from the New York*

**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 Impartiality of Arbitrators as a Refusing Ground under Article V of the New York Convention*
  - **Stavroula Angoura**, Ph.D. Candidate, Research Fellow, Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law. *Arbitrator's impartiality under Art. V(1)(d) of the New York Convention.*

**PARALLEL SESSION B:**  
**Enforcement of Annulled 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 Annulled Awards*
  - **Mostafa Fahim Nia**, Attorney at Law, Iran Bar Association. *Enforcement of Annulled Awards (A Global Comparative Study in Common Law and Civil Law Countries)*
  - **Víctor Mancera**, Associate, Osborne Clarke, Madrid. *Particularities of the Enforcement Proceedings of an Annulled 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. *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, 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 vía 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*

**11:30 - 13:00: NATIONAL AND REGIONAL APPROACHES TO THE NY CONVENTION**

**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**, Référéndaire, Court of Justice of the European Union & **Jonathan Wildemeersch**, Référéndaire, 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**

**PARALLEL SESSION D:**  
**America**

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

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

- **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?*

- **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
  
- **José Luis Gómara**, State Attorney, Spanish Treasury, Ministry of Economy, Industry and Competitiveness. *The Envisioned Permanent Investment Tribunal and the New York Convention*
  
- **Gabriel Bottini**, Partner, Uría Menéndez, Madrid. *The New York Convention and the Recognition and Enforcement of Investment Arbitral Awards*
  
- **John Adam**, Counsel, Latham & Watkins, Paris. *The New York Convention and Corruption in Treaty Arbitration*
  
- **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:**
- **Álvaro Galindo**, International Counsel, Dechert, Washington. *The World Investment Court and Enforcement of Awards under the New York Convention*
  
- **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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