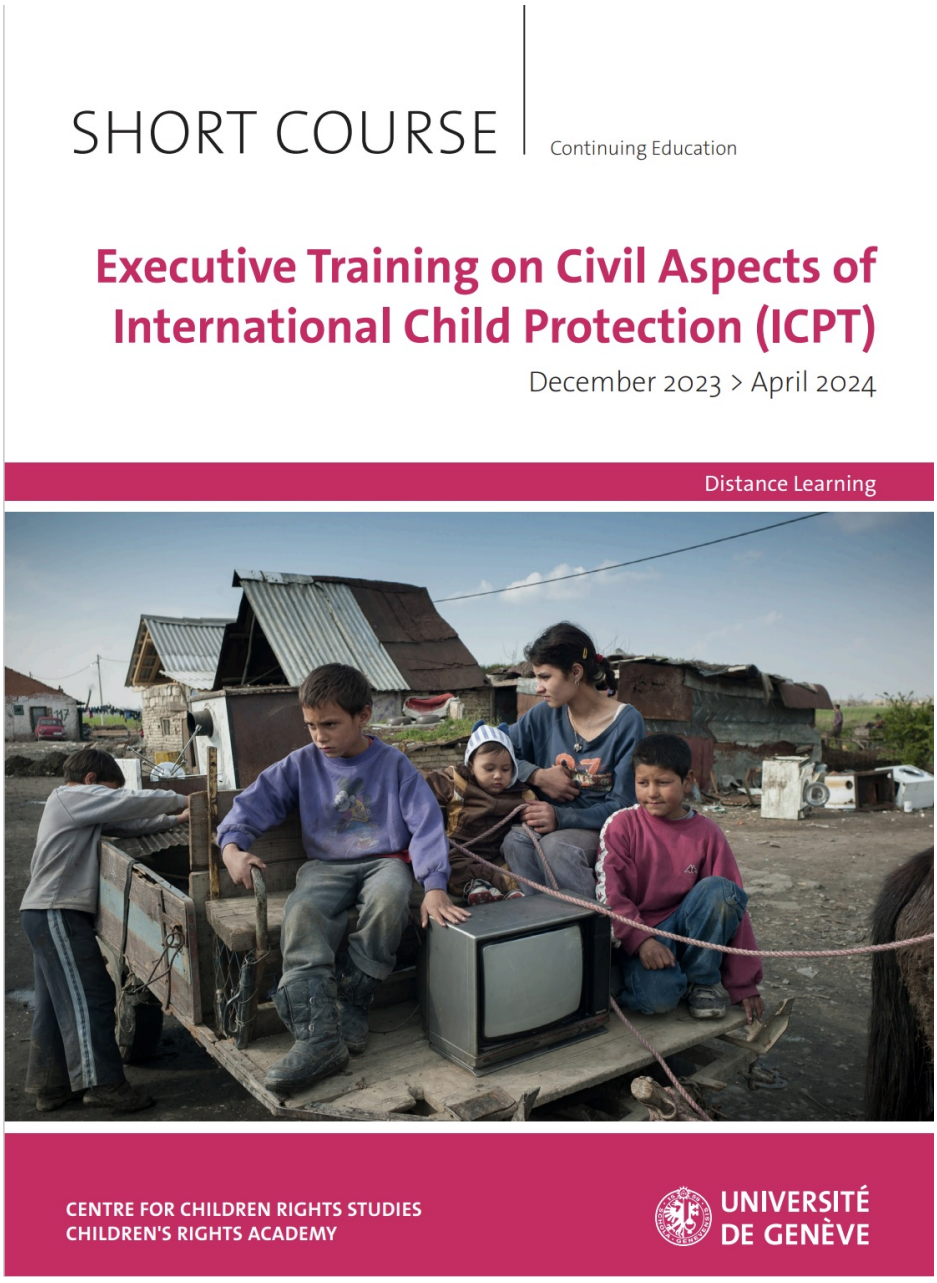
University of Geneva: Executive Training on Civil Aspects of International Child Protection (ICPT) – from December 2023 to April 2024



The Children's Rights Academy of the University of Geneva is organising an online **Executive Training on Civil Aspects of International Child**

Protection (ICPT) from December 2023 to April 2024. For more information, click here.

The training is divided into four modules and is being coordinated by Dr. Vito Bumbaca. There is a registration fee (for the full programme or per module). Click here to register (registration is possible until **18 January 2024**).

See below for a description of the modules.

Module 1 – 07 December 2023, 14:15 – 18:45 (online learning)

Children's Individual Rights in Transnational Parental Relationships

This module pertains to the intersection of international child protection and children's rights. Children in need of protection hold individual rights that are impacted by parental relationships, behaviours and conduct. Such rights are enshrined in universal, regional and national legal instruments, such as the UN Convention on the Rights of the Child, the European Convention on Human Rights and national Constitutions at first. Inherently, the UN Committee on the Rights of the Child and the European Court of Human Rights, respectively as quasi-judicial and judicial bodies, have in many occasions pinpointed the undeniable legal consequences, arising from parental relationships and litigation in national and transnational contexts, on the protection of children and their fundamental rights. Particularly, but not exhaustively, civil abduction, custody, adoption, surrogacy, family reunification, migration status, children's properties have been crucial in the courts view for the determination of children as individual rights holders and subject to international protection. Lecturers will present selected topics of current research and practice, focusing on the above intersection. Discussions will follow after each intervention.

Module 2 – 18 January 2024, 14:15 – 18:45 (online learning)

International and Comparative Family Law

This module concerns the implementation of private international law rules governing international child protection, known as 'International Family Law'. The latter includes international conventions and regional instruments typically determining jurisdiction, applicable law, recognition, cooperation among governmental and other bodies. As a comparative assessment, national laws,

known as domestic rules, and national case law are part of this module. Parental relationships and litigation are the subject of multiple legal instruments, of national, regional and international nature, whose knowledge and interplay are fundamental for the timely transnational enforcement of child protection policies and measures. Also, alternative dispute resolution methods (i.e. Arbitration, Mediation) are referred to in this module as a way of preventing parental litigation in court. Lecturers will present selected topics of current research and practice, raising awareness about the above implementation and related issues, with the support of actual case law and law clinic. Discussions will follow after each intervention.

Module 3 – 29 February 2024, 14:15 – 17:45 (online learning)

Vulnerable Migration

This module deals with the protection of unaccompanied minors, as well as with separated and displaced children seeking asylum. The context is the one of transnational movements whereby various vulnerable scenarios would be encountered, such as guardianship, legal representation, family reunification, civil abduction, child custody, recognition of child and family statuses. These are some of the legal situations that are envisaged by parallel family law and migration law procedures involving interconnected issues of vulnerable migration and child protection for civil purposes. Lecturers will present selected topics of current research and practice, handling this specific context in which transversal knowledge of international family law and migration law is required. Discussions will follow after each intervention.

Module 4 – 18 April 2024, 14:15 – 17:45 (online learning)

Practice of Child Protection Stakeholders: Inter-agency Co-operation in Context

This module accentuates both the legislative and practical course of transnational governance of child protection policies and civil measures, addressing the question of “who does what”? What are the potential fora in which international child protection policies are discussed, approved and enforced? Practically, when a child is a victim of international civil abduction, what actors may be involved and how do they cooperate? This module aims to clarify and assess the role of all actors possibly involved in legislating and implementing child protection civil procedures, also with respect to vulnerable migration and asylum contexts,

notably civil abduction, parental responsibility, maintenance, and alternative care. Lecturers will present selected topics of current research and practice from the perspective of the stakeholders involved in international child protection policies and practices. Discussions will follow after each intervention.

Speakers

Dr. Roberta Ruggiero, CIDE, CRA, UNIGE

Prof. Olga Khazova, UNCRC (former member)

Prof. Karl Hanson, CIDE, UNIGE

Prof. Gian Paolo Romano, Law Faculty, INPRI, UNIGE,

Mr Philippe Lortie, Family Law Division, Hague Conference on Private International Law

Mr Michael Wilderspin, DG Just, European Commission

Dr. Ilaria Pretelli, Swiss Institute of Comparative Law

Prof. Vincent Chetail, International Law Department, Global Migration Centre, IHEID

Irina Todorova, Noelle Darbellay, Core Protection Unit, International Organization for Migration

Dr. Mayela Celis Aguilar, University of Maastricht

Prof. Jason Harts, Professor of Humanitarianism & Development at the University of Bath

Dr. Nicolas Nord, International Commission on Civil Status (ICCS/CIEC)

Joëlle Schickel, Federal Office of Justice, Swiss Central Authority

Jean Ayoub, International Social Service General Secretariat

A brochure with detailed information is available here.

Elgar Companion to UNCITRAL: Virtual Book launch

Co-edited by Rishi Gulati, Thomas John and Ben Koehler, the Elgar Companion to UNCITRAL is now out. This is the second in the trilogy of books on the three key international institutions mandated to work on private international and international private law. The Elgar Companion to the HCCH has already been published in 2020, with the Elgar Companion to UNIDROIT out in 2024.

The Elgar Companion to UNCITRAL brings together a diverse selection of contributors from a variety of legal backgrounds to present the past, present and future prospects of UNCITRAL instruments. Split into four key thematic sections, this book starts by providing an institutional background to UNCITRAL, before moving on to discuss the topic of dispute resolution, including contributions on international arbitration, mediation, and online dispute resolution. Further chapters then explore key topics in international contract law, especially relating to the United Nations Convention on Contracts for the International Sale of Goods. The final section of the Companion consists of chapters on a variety of matters considered at UNCITRAL, namely, micro, small and medium-sized businesses; insolvency; secured transactions; negotiable instruments; public procurement; electronic commerce and transport law.

The book will be virtually launched by the Secretary of UNCITRAL, Ms Anna Joubin-Bret, on 14 December 2024 at 13:00 CET. The launch event will also include a highly informative panel discussion. To register, please click at the link below:

https://events.mpipriv.de/book_launch_elgar_companion_to_uncitral

Which Law Governs Subject Matter Arbitrability in International Commercial Disputes?

*Written by Kamakshi Puri**[1]***

Arbitrability is a manifestation of public policy of a state. Each state under its national laws is empowered to restrict or limit the matters that can be referred to and resolved by arbitration. There is no international consensus on the matters that are arbitrable. Arbitrability is therefore one of the issues where contractual and jurisdictional natures of international commercial arbitration meet head on.

When contracting parties choose arbitration as their dispute resolution mechanism, they freely choose several different laws that would apply in case of disputes arising under the contract. This includes (i) the law that is applicable to the merits of the dispute, (ii) the institutional rules that govern the conduct of the arbitration, (iii) law that governs the arbitration agreement, including its interpretation, generally referred to as the 'proper law of the arbitration agreement'. Similarly, contracting parties are free to choose the court that would exercise supervisory jurisdiction over such arbitration, such forum being the 'seat' of arbitration.

Since there is no global consensus on the matters that are arbitrable, and laws of multiple states simultaneously apply to an arbitration, in recent years, interesting questions surrounding arbitrability have presented themselves before courts adjudicating cross-border disputes. One such issue came up before the Singapore High Court in the *Westbridge Ventures II v Anupam Mittal*, succinctly articulated by the General Court as follows:

"*which system of law governs the issue of determining subject matter arbitrability at the pre-award stage? Is it the law of the seat or the proper law of the*

arbitration agreement?"

In this piece, I will analyze the varied views taken by the General Court at Singapore ("**SGHC**"), Singapore Court of Appeal ("**SGCA**") and the Bombay High Court ("**BHC**") on the issue of the law(s) that would govern the arbitrability of the disputes in international commercial disputes.

The Westbridge Ventures-Anupam Mittal dispute began in 2021 when Mittal approached the National Company Law Tribunal in Mumbai ("**NCLT Mumbai**") alleging acts of minority oppression and mismanagement of the company, People Interactive (India) Private Limited, by the majority shareholder, Westbridge Ventures. In response to the NCLT proceedings, Westbridge Ventures approached the Singapore High Court for grant of permanent anti-suit injunction against Mittal, relying on the arbitration agreement forming part of the Shareholders' Agreement between the suit parties. Since 2021, the parties have successfully proceeded against one another before various courts in Singapore and India for grant of extraordinary remedies available to international commercial litigants *viz* anti-suit injunctions, anti-enforcement injunctions and anti-arbitration injunctions.

Singapore General Court Decision on Pre-award Arbitrability

Oppression and mismanagement claims are arbitrable under Singapore law but expressly beyond the scope of arbitration under Indian law. To determine whether proceedings before the NCLT were in teeth of the arbitration agreement, the court had to determine if the disputes raised in the NCLT proceedings were arbitrable under the *applicable* law. Thus, the question arose as to the law which the court ought to apply to determine arbitrability.

At the outset, the SGHC noted that the issue of arbitrability was relevant at both initial and terminal stages. While at the initial stage, non-arbitrable subject matter rendered arbitration agreements *inoperative* or *incapable of being performed*, at the terminal stage, non-arbitrability rendered the award liable to be set aside or refused enforcement. Since at the post-award stage, arbitrability

would be determined by the enforcing court applying their own public policy, the lacuna in the law was limited to the issue of subject matter arbitrability at the pre-award stage.

Upon detailed consideration, the SGHC concluded that it was the *law of the seat* that would determine the issue of subject matter arbitrability at the pre-award. The court reasoned its decision broadly on the following grounds:

- Contracts are a manifestation of the party autonomy principle. States being asked to give effect to a contract ought to respect party autonomy but for very limited grounds, such as public policy considerations. Power of the seat court to limit the arbitral tribunal's jurisdiction, and consequently affect party autonomy, ought to be limited to necessary constraints posed by such seat State's public policy;
- Since seat courts their own law at the post-award stage (in setting-aside and enforcement proceedings), it would be a legal anomaly for the same court to rely on different systems of law to determine subject-matter arbitrability at pre and post-award stages. This could also result in a situation where a subject matter, being arbitrable under the law of the arbitration agreement despite being non-arbitrable under the law of the seat, is first referred to arbitration however later the resulting award is set aside;
- Courts should, as a general position, apply their own law unless specifically directed by law to another legal system. Public interest and state policy favoured the promotion of International Commercial Arbitration. It was neither necessary nor desirable for a court to give effect to a foreign non-arbitrability rule to limit an otherwise valid arbitration agreement. Arbitrability was therefore a matter to be governed by national courts by applying domestic law.

Interestingly, despite noting that arbitrability was an issue of jurisdiction and that non-arbitrability made an agreement *incapable of being performed*, the SGHC distinguished the scenarios where a party's challenge was based on arbitrability and where parties challenged the formation, existence, and validity of an agreement. The court held that for the former, the law of seat would apply, however, for the latter, the proper law of arbitration agreement could apply.

Accordingly, the SGHC held that oppression and mismanagement disputes were

arbitrable under the law of the seat, *i.e.*, in Singapore law, the arbitral tribunal had exclusive jurisdiction to try the disputes raised by the parties. An anti-suit injunction was granted against the NCLT proceedings relying on the arbitration agreement between the parties.

Appeal before the Singapore Court of Appeal

Mittal appealed the SGHC judgment before the Singapore Court of Appeal. The first question of law before the SGCA was whether the SGHC was correct in their holding that to determine subject matter arbitrability, *lex fori* (*i.e.*, the law of the court hearing the matter) would apply over the proper law of the arbitration agreement. Considering the significance of the issue, Professor Darius Chan was appointed as *amicus curie* to assist the court.

Professor Chan retained the view that *lex fori* ought to be the law applicable to the question of arbitrability. This was for reasons of *predictability* and *certainty*, which weighed on the minds of the drafters of the UNCITRAL Model Law. Although the Model Law was silent on the question of pre-award arbitrability since it was clear on the law to be applied post-award, a harmonious reading of the law was preferable. The courts ought to generally apply *lex fori* at both, pre and post-award stages.

The SGCA disagreed. It held that the *essence* of the principle of arbitrability was public policy. In discussing issues of *predictability*, *certainty*, and congruence between law to be applied at pre and post-arbitral stages, the parties had lost sight of the core issue of public policy in considering the question of arbitrability. Public policy of which state? – it unequivocally held that it was public policy derived from the law governing the arbitration agreement. Where a dispute could not proceed to arbitration under the foreign law that governed the arbitration agreement for being contrary to the foreign public policy, the seat court ought to give effect to such non-arbitrability.

The SGCA relied on the same concepts as the General Court albeit to come to the opposite conclusion:

- Arbitration agreements are the manifestation of party consensus. When parties expressly adopt a system of law to govern their arbitration agreement, public policy enshrined under such law ought to be given effect. Further, if arbitrability is a question of jurisdiction, then it necessarily follows that the law of the agreement from which jurisdiction of the tribunal is derived be considered first.
- As regards the potential anomaly with the seat court applying different laws pre and post-award, SGCA held that non-arbitrability under the law of the seat would be an *additional* obstacle to the enforcement of the arbitration agreement. This could, however, not go to say that the law of the seat would be the *only* law to govern arbitrability. Accordingly, the SGCA upheld a *composite approach*:

"55. Accordingly, it is our view that the arbitrability of a dispute is, in the first instance, determined by the law that governs the arbitration agreement. … where a dispute may be arbitrable under the law of the arbitration agreement but Singapore law as the law of the seat considers that dispute to be non-arbitrable, the arbitration would not be able to proceed. In both cases, it would be contrary to public policy to permit such an arbitration to take place. Prof Chan refers to this as the "composite" approach."

- On the state policy to encourage International Commercial Arbitration, the court noted that principles of comity, requiring the court to respect public policy under foreign undoubtedly outweighed the policy to encourage arbitration. This was despite Prof. Chan's concerns that expanding the grounds for refusal of reference of arbitration was *"unnecessarily restrictive and not in line with the general tendency to favor arbitration*".

On facts, however, the court noted that the law of the arbitration agreement was in fact Singapore law itself, and Indian law was but the law of the substantive contract. Accordingly, arbitrability had to be determined under Singapore law and the appeal was dismissed.

Anti-Enforcement Injunction by the Bombay High Court

Mittal approached the Bombay High Court seeking an anti-enforcement injunction against the SGHC decision, and for a declaration that NCLT Mumbai was the only forum competent to hear oppression and mismanagement claims raised by him.

The BHC did not directly consider the issue of the law governing arbitrability, however, the indirect effect of the anti-enforcement injunction was the court determining the same. The BHC's decision reasoned as follows – the NCLT had the exclusive jurisdiction to try oppression and mismanagement disputes in India, such disputes were thus non-arbitrable under Indian law. The enforcement of any ensuing arbitral award would be subject to the Indian Arbitration Act. An award on oppression and mismanagement disputes would be contrary to the public policy of India. Enforcement of an arbitral award in India on such issues would be an impossibility – "*What good was an award that could never be enforced?*". The court noted that allowing arbitration in a case where the resulting award would be a nullity would leave the plaintiff remediless, and deny him access to justice. An anti-enforcement injunction was granted.

The BHC's decision can be read in two ways. The decision has either added subject matter arbitrability under a third law for determining jurisdiction of the tribunal, *i.e.*, the law of the court where the award would inevitably have to be enforced or the decision is an isolated, fact-specific order, not so much a comment on the law governing subject matter arbitrability but based on specific wording of the arbitration clause which required the arbitral award to be enforceable in India, although clearly the intent for the clause was to ensure that neither parties resist enforcement of the award in India and not to import India law at the pre-award stage.

Concluding Thoughts

The SGHC is guided by principles of party autonomy and Singapore policy to encourage International Commercial Arbitration, on the other hand, the Court of Appeal was driven by comity considerations and the role of courts applying foreign law to be bound by foreign public policy. Finally, the Indian court was

occupied with ensuring “access to justice” to the litigant before it, which according to the court overrode both party autonomy and comity considerations. Whether we consider the BHC decision in its broader or limited form, the grounds for refusing reference to arbitration stand invariably widened. Courts prioritizing different concerns as the most significant could potentially open doors for forum shopping.

[1] Kamakshi Puri is an LLM graduate from the University of Cambridge. She is currently an Associate in the Dispute Resolution Practice at Cyril Amarchand Mangaldas. Views and opinions expressed in the text are the author’s and not attributable to any organization.

PhD Studentship in Private International Law at University College London

Written by Ugljesa Grusic, Associate Professor at University College London, Faculty of Laws

Dr Ugljesa Grusic and Prof Alex Mills are pleased to announce that, alongside the UCL Faculty of Laws Research Scholarships which are open to all research areas, this year we have an additional scholarship specifically for doctoral research in private international law. The scholarship covers the cost of tuition fees (home status fees) and provides a maintenance stipend per annum for full time study at the standard UKRI rate. The annual stipend for 2023/24 (as a guide) was £20,622. The recipient of the scholarship will be expected to contribute to teaching private international law in the Faculty for up to 6 hours per week on average, and this work is remunerated in addition to the stipend received for the scholarship.

We particularly welcome applications with research proposals in fields that fall within our areas of interest, which are broad and include the following sub-topics within private international law: protection of weaker parties; environmental protection; business and human rights; sustainable development; digital technology; party autonomy; the relationship between public and private international law; private international law theory and/or methodology; colonialism; and private international law issues in arbitration and foreign relations law.

More information about UCL Faculty of Laws, our PhD programme, the process of applying and the scholarship is available here, here and here. Applicants should apply through the normal UCL Faculty of Laws PhD application process. All applicants within the relevant subject areas will be considered, but we recommend that applicants also specify in their application that they wish to be considered for these scholarships. The deadline date for applications for the 2024/25 academic year is 16 November 2023.

Prospective students are welcome to get in touch with either Dr Grusic at u.grusic@ucl.ac.uk or Prof Mills at a.mills@ucl.ac.uk.

JIIART Online Seminar on Use of ADR in Insolvency: Saturday 21 October

The Japanese Institute for International Arbitration Research and Training (JIIART) will be holding an online seminar investigating use of alternative dispute resolution mechanisms in insolvency this Saturday 21 October 2023 at 14:00-16:00 Japan Standard Time. The event is free to attend but registration is required. You may register here. Details of the programme and speakers can be found in the event poster.

JIIART

Japan Institute for International Arbitration Research and Training
https://www.jiiart.com/

5th Online Seminar

Co-hosted and finacially supported by
the Institute of Comparative Law in Japan (Chuo University)
and its Research Fund

Saturday, Oct. 21, 2023, 14:00-16:00 (JST)
Webinar (Zoom)

Simultaneous translation from English to Japanese

Fee-free, Registration required
https://bit.ly/46cEKgz

Program:

14:00-14:40 Welcome and opening remarks
"Avenues for Putting ADR to Use in Bankruptcy"
JIIART Chairperson: Shin-Ichiro Abe

14:40-14:50 Coffee break

14:50-16:00 Session "Use of Mediation in insolvency"

Mediation is becoming a critical part of the insolvency process in some jurisdictions such as in the United States. Mediation can and should be used in insolvency related disputes to bypass the burdens of litigation either among creditors or among the debtor and its creditors.

If an avenue for mediation can be made available inside an insolvency procedure, this would significantly shorten the path towards rehabilitating the debtor company, and thereby increase the debtor company's chances of a successful turnaround. We shall also explore the possible ways to use mediation in an insolvency situation.

Moderator: Anselmo Reyes: International Judge of Singapore International Commercial Court, Former Judge of Hong Kong High Court, Arbitrator

Panelists:

Justice Chris Sontchi: International Judge of Singapore International Commercial Court, Former Chief Judge of the United States Bankruptcy Court for the District of Delaware

Takeo Kosugi: a Japanese lawyer and former judge with knowledge of mediation / arbitration in insolvency

Nina Mocheva: Senior Financial Sector Specialist (Dispute Resolution & Insolvency) at the World Bank Group

Sumant Batra: an insolvency lawyer and former president of INSOL. Among his many other distinguished achievements, Mr. Batra established the Insolvency Law Academy, the focus of which is mediation in relation to insolvency

Two Fellowship Opportunities: US and the South Pacific Island Jurisdictions

US Supreme Court Fellowship applications open
Fellows conduct independent research and work with one of four offices – the Office of the Counselor to the Chief Justice, the Administrative Office, the Sentencing Commission, and the Federal Judicial Center (the education and research arm of the US federal judiciary).

Applications are due 17 November 2023. More information is found below.
https://www.supremecourt.gov/fellows/apply.aspx

ACICA Announces First Scholarship Program from Education Fund Established following ICCA Congress

The Australian Centre for International Commercial Arbitration (ACICA) has just announced a new scholarship program supported by the Education Fund Established following the ICCA Congress in Sydney in 2018. The program includes two biennial scholarships to legal practitioners who are admitted in South Pacific Island jurisdictions.
Applications will open in 2024, and recipients will be:
"- awarded the opportunity to attend AAW including the ACICA & Ciarb Australia International Arbitration Conference, the lead event of AAW;
– supported by the ACICA Secretariat to obtain an understanding of ACICA's work;
– offered the opportunity to be a part of an ADR practitioner network that ACICA seeks to encourage in the South Pacific; and
– offered the opportunity to learn more about and participate in ICCA activities directed at aspiring arbitration practitioners, such as the Young ICCA mentoring program, the ICCA Inclusion Fund and the Johnny Veeder Fellowship Program. provided with information or inclusion in relevant ICCA programs."
For more, see
https://protect-au.mimecast.com/s/_yjWCBNqjlCDXpGQoFkYzxS?domain=acica.org.au
or

https://protect-au.mimecast.com/s/2MiXCANpgjCZKLQyYupsjoq?domain=acica.org.au

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Call for Paper: Private International Law and Business Compliance in Asia Pacific

This national conference will be held on 21 February 2024 at The University of Sydney Law School in Australia.

Business compliance in international transactions across the Asia-Pacific region holds immense importance for organizations seeking to expand their activities within this dynamic and evolving landscape. Multinational corporations operating in Asia Pacific often confront unique compliance challenges due to the swiftly changing regulatory and geopolitical environment in the region.

We welcome scholars, irrespective of their career stage, to submit paper or panel proposals for presentation at the conference. The event will take place at the Camperdown campus of the University of Sydney Law School in Sydney, Australia, on February 21, 2024 in a hybrid format (in-person or online presentation). The conference is specifically designed to provide researchers with the opportunity to present their work-in-progress papers to fellow scholars. The primary language of the conference will be English.

We are enthusiastic about receiving proposals that delve into various aspects of business compliance in international business transactions, especially:

- Key Compliance Risk Areas:
    - Criminal Law Compliance: corporate crime, anti-corruption law, fraud and cyber fraud, anti-money laundering and counter terrorism financing, etc.
    - Data Protection and Digital Trade Compliance: cross-border

privacy protections, data security laws, crypto asset regulatory frameworks, governance of AI and digital trade, etc.

- **Dispute Resolution related Compliance: complex private international law issues associated with jurisdiction, choice of law, and judgement recognition and enforcement, arbitration and mediation, sanctions, foreign state sovereign immunity, etc.**
- Environmental, Social and Governance (ESG) Disclosure and Traceability Compliance: climate change disclosure regulations, modern slavery laws, regulations for sustainability of international supply chains in circular economy, etc.

- Compliance Expectations in these Risk Areas
- Recommended Best Practices

Other legal issues related to Business Compliance in International Commercial Transactions in Asia Pacific are also welcome.

Confirmed Keynote Speaker: Professor Andrew Dickinson, Oxford University Faculty of Law

Requirements for Abstract Submission:

For paper proposals, please submit a title and max 200-word abstract, along with a one-page CV. For panel proposals, please submit a title and max 800-word abstract, along with a three-page CV covering 3-4 panel members.

Proposal Due: **1 December 2023**.
Announcement of successful submission: 15 December 2023.
Conference Date: **21 February 2024**

More information can be found here.

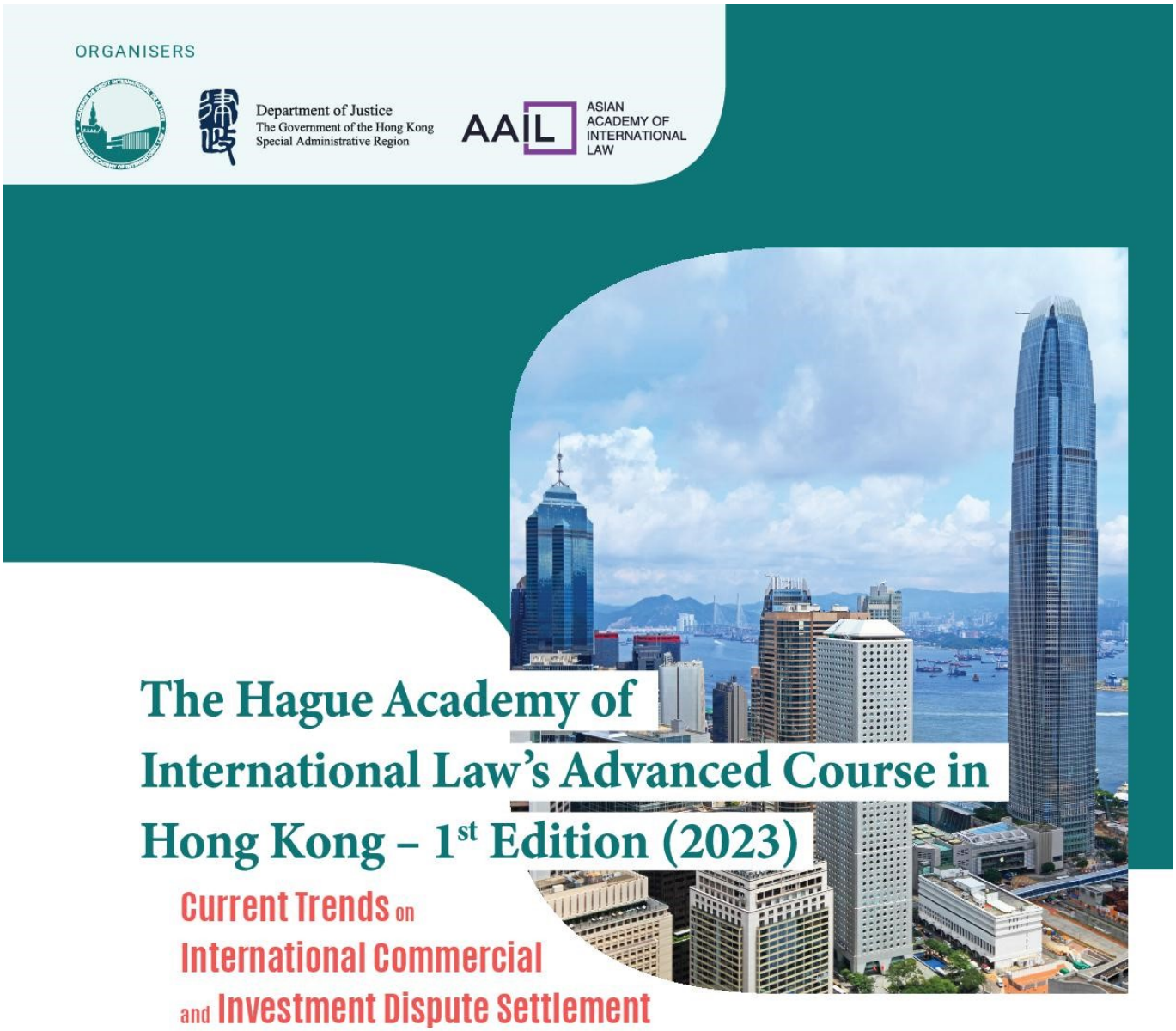
The 2023 NGPIL Lecture Series

Originally posted today on the NGPIL website.

On the **23rd November 2023, 5pm** (WAT/Lagos/Abuja) the NGPIL will host our guest speaker Professor Wale Olawoyin SAN, FCIArb at this year's conference. The event will explore the coming into force of the Arbitration and Conciliation Act 2023 and how, from a private international law perspective, the arbitration appeal process in Nigeria can be enhanced. Discussions will build on practice thus far, and will allow practitioners, judges and academics alike to develop knowledge and insight into its utility.

To register: https://us06web.zoom.us/webinar/register/WN_q5pY1JWARiaUxi1TIw8xBQ

Application Now Open: The Hague Academy of International Law's Advanced Course in Hong Kong – 1st Edition (2023)



The first edition of the **HAIL Advanced Courses in Hong Kong,** organised in cooperation with with the Asian Academy of International Law and (AAIL) and the Hong Kong Department of Justice, will take place on **11-15 December 2023** with a focus on "**Current Trends on International Commercial and Investment Dispute Settlement**".

For this special programme, the Secretary-General of The Hague Academy of International Law (Professor Jean-Marc Thouvenin) has invited **leading academics and practitioners** from around the world to Hong Kong, including **Diego P. Fernández Arroyo** (Science Po, Paris), **Franco Ferrari** (New York University), **Natalie Morris-Sharma** (Attorney-General's Chambers, Singapore), **Matthias Weller** (University of Bonn) and **Judge Gao Xiaoli** (Supreme People's Court, China), who will deliver **five expert lectures** on:

Lecture 1: ‘The United Nations Convention on International Settlement Agreements Resulting from Mediation’ (Natalie Morris-Sharma)
Lecture 2: ‘Investor-State Dispute Settlement’ (Diego P. Fernández Arroyo)
Lecture 3: ‘International Commercial Arbitration’ (Franco Ferrari)
Lecture 4: , ‘Settlement of International Disputes before Domestic Courts’ (Matthias Weller)
Lecture 5: ‘Latest Developments of Dispute Resolution in China’ (Judge Gao Xiaoli)

This course is **free of charge**. However, full attendance is mandatory. Interested candidates are invited to send the completed application form to events@aail.org **by 13 October 2023**. All applications are subject to review. Succesful applicants will receive email confirmation by October 31. Registered participants will have **pre-course access** to the **HAIL e-learning platform** that provides reading materials prepared by the lecturers. A **certificate of attendanc**e will be awarded to participant with a perfect attendance record.

For **further information** provided by the organisers, please refer to the attached HAIL eFlyer and application form.

Symposium for Trevor Hartley at LSE on 27 October 2023

Written by Ugljesa Grusic, Associate Professor at University College London, Faculty of Laws

Jacco Bomhoff (LSE), Ugljesa Grusic and Manuel Penades (KCL) are pleased to announce that the LSE Law School will host a symposium to celebrate the scholarly work of emeritus professor Trevor C Hartley.

Trevor has long been one of the world’s most distinguished scholars of Conflict of

Laws (Private International Law), continuing a tradition started at the LSE by Professor Otto Kahn-Freund. For many decades, he has been at the forefront of developments in the field. As a prominent critic, notably of the Court of Justice's efforts to unify European private international law. But also as an active participant in projects of legislation and modernization. And as author of authoritative treatises and clear and accessible student textbooks.

His publications include the Hartley & Dogauchi Explanatory Report on the 2005 Hague Convention on Choice of Court Agreements, Hague lectures on 'Mandatory Rules in International Contracts: the Common Law Approach' and 'The Modern Approach to Private International Law – International Litigation and Transactions from a Common-Law Perspective', student textbook on *International Commercial Litigation (CUP, now in its third edition from 2020)*, and monographs on *Civil Jurisdiction and Judgments in Europe (OUP, now in its second edition from 2023)* and *Choice-of-Court Agreements under the European and International Instruments (OUP, 2013)*.

This Symposium will bring together colleagues and friends, from the UK and abroad, to celebrate and discuss Trevor's many contributions. It is organised around some of the main themes of Trevor's private international law scholarship.

The first panel will focus on global and comparative private international law. Paul Beaumont, Alex Mills, Veronica Ruiz Abou-Nigm, and Koji Takahashi (chair Roxana Banu) will discuss the 2019 and 2005 Hague Conventions, common law and civil law traditions in private international law, and the role of private international law in protecting global commons.

The second panel will examine contemporary English conflict of laws, through the lens of Trevor's famous ICLQ article on the systematic dismantling of the common law of conflict of laws. Eva Lein, Andrew Dickinson, Jonathan Harris, and Adrian Briggs (chair Pippa Rogerson) will discuss the 'Italian torpedo', anti-suit injunctions, *forum non conveniens*, and the residual influence (if any) of the Brussels I Regulation in English law.

The third panel will focus on dispute resolution. Alexander Layton, Richard Fentiman, Jan Kleinheisterkamp, and Linda Silberman (chair Yvonne Baatz) will explore the reflexive effect of EU private international law and dispute resolution clauses, the interplay between EU (private international) law and arbitration, and

the comparison between the 2005 Hague Convention and the New York Convention.

In addition, Lawrence Collins, Hans van Loon, Damian Chalmers, and Carol Harlow will give keynote speeches, reflecting on Trevor's influence on private international law, the work of the Hague Conference, EU law, and LSE.

This is an in-person event. It is open to all, subject to capacity, but registration is required. Please follow this link for more information about the event, including programme and registration.

Jacco Bomhoff (LSE), Ugljesa Grusic and Manuel Penades (KCL) are pleased to announce that the LSE Law School will host a symposium to celebrate the scholarly work of emeritus professor Trevor C Hartley.

Trevor has long been one of the world's most distinguished scholars of Conflict of Laws (Private International Law), continuing a tradition started at the LSE by Professor Otto Kahn-Freund. For many decades, he has been at the forefront of developments in the field. As a prominent critic, notably of the Court of Justice's efforts to unify European private international law. But also as an active participant in projects of legislation and modernization. And as author of authoritative treatises and clear and accessible student textbooks.

His publications include the Hartley & Dogauchi Explanatory Report on the 2005 Hague Convention on Choice of Court Agreements, Hague lectures on 'Mandatory Rules in International Contracts: the Common Law Approach' and 'The Modern Approach to Private International Law – International Litigation and Transactions from a Common-Law Perspective', student textbook on *International Commercial Litigation (CUP, now in its third edition from 2020)*, and monographs on *Civil Jurisdiction and Judgments in Europe (OUP, now in its second edition from 2023)* and *Choice-of-Court Agreements under the European and International Instruments (OUP, 2013)*.

This Symposium will bring together colleagues and friends, from the UK and abroad, to celebrate and discuss Trevor's many contributions. It is organised around some of the main themes of Trevor's private international law scholarship.

The first panel will focus on global and comparative private international law. Paul Beaumont, Alex Mills, Veronica Ruiz Abou-Nigm, and Koji Takahashi (chair

Roxana Banu) will discuss the 2019 and 2005 Hague Conventions, common law and civil law traditions in private international law, and the role of private international law in protecting global commons.

The second panel will examine contemporary English conflict of laws, through the lens of Trevor's famous ICLQ article on the systematic dismantling of the common law of conflict of laws. Eva Lein, Andrew Dickinson, Jonathan Harris, and Adrian Briggs (chair Pippa Rogerson) will discuss the 'Italian torpedo', anti-suit injunctions, *forum non conveniens*, and the residual influence (if any) of the Brussels I Regulation in English law.

The third panel will focus on dispute resolution. Alexander Layton, Richard Fentiman, Jan Kleinheisterkamp, and Linda Silberman (chair Yvonne Baatz) will explore the reflexive effect of EU private international law and dispute resolution clauses, the interplay between EU (private international) law and arbitration, and the comparison between the 2005 Hague Convention and the New York Convention.

In addition, Lawrence Collins, Hans van Loon, Damian Chalmers, and Carol Harlow will give keynote speeches, reflecting on Trevor's influence on private international law, the work of the Hague Conference, EU law, and LSE.

This is an in-person event. It is open to all, subject to capacity, but registration is required. Please follow this link for more information about the event, including programme and registration.