

Two recent Private International Law Articles published by International and Comparative Law Quarterly in 2022

Two recent private international law articles were published by *International and Comparative Law Quarterly*:

B Marshall, “Asymmetric Jurisdiction Clauses and the Anomaly created by Article 31(2) of the Brussels I Recast Regulation”

The English Court of Appeal and German Bundesgerichtshof recently decided that Article 31(2) of the Brussels I Recast Regulation applies to asymmetric jurisdiction clauses. This article contends that while this conclusion is sound, separating the ‘clause’ into two ‘agreements’ to reach it is not. This disaggregation prevents a solution to the anomaly that Article 31(2) creates for asymmetric clauses, where a lender sues under its option and the borrower subsequently sues in the anchor court. This article proposes a solution, based on a uniform characterisation of the clause as a whole, which protects the lender’s option and mitigates the risk of parallel proceedings

TD Grant, “Arbitration, Corruption and Post-Award Control in French and English Courts”

In September 2021, the French Cour de Cassation reversed the annulment that the Paris Cour d’appel earlier had granted in regard to an arbitral award in Alexander Brothers v Alstom on grounds of corruption. This brought French courts in line with their English counterparts, at least in that one case, the latter having accepted the Alexander Brothers award as enforceable. Noteworthy beyond the welcome consistency that the recent French judgment imparts in one case, that and other recent judgments cast light on several issues in international arbitration, including the arbitrability of allegations of fraud or corruption, the relevance of evidence of corruption ‘downstream’ from a contract, and the legal effects (if any) on third parties of internal compliance regimes that enterprises adopt in response to national regulatory and enforcement actions in respect of

corruption.

The CISG Applies to Hong Kong and Mainland China Now: Shall Macau Follow Suit?

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The People's Republic of China (hereinafter "China" or "PRC") deposited its instrument of ratification for the United Nations Convention on Contracts for the International Sale of Goods (hereinafter "CISG") on 11 December 1986. Since its entry into force in 1988, it is beyond doubt that CISG applies to the territory of Mainland China albeit with some reservations and/or declarations (e.g. Article 96). However, businesspeople, courts, practitioners and scholars are split, uncertain and inconsistent over the issue whether the CISG should extend to Hong Kong and Macau after their returns respectively in 1997 and 1999. [1]

This issue stemmed from the unclear intentions of China when it submitted the diplomatic notes to the United Nations, which purported to inform the Secretary-General of the status of Hong Kong and Macau in relation to deposited treaties.

[2] However, China did not mention CISG in the Diplomatic Notes at all. As a result, whether China had expressed its intention of extending or excluding CISG to Hong Kong and Macau has been subject to inconsistent interpretations and enquires conducted by different non-Hong Kong fora. [3]

To solve this problem, China, after seeking the views of Hong Kong SAR Government, determined to actively remove the uncertainty by depositing a declaration of extension of the territorial application of CISG to Hong Kong on 5 May 2022. [4] On and after 1 December 2022, CISG will apply to both Hong Kong and Mainland China. It should be noted that the declaration that China is not bound by Article 1(1)(b) CISG does not apply to Hong Kong. Nevertheless, it remains to be seen whether the Macau SAR government will follow suit on this matter, requesting the Central Government to extend the application of CISG to Macau.

Extension of International Treatises Ratified by China to Hong Kong and Macau

The issue of whether international treaties ratified by China ‘automatically’ applies to the territory of the Hong Kong and Macau SARs was once hotly debated in the investor-State arbitration cases of *Tza Yap Shum v. Peru* [5] and *Sanum v. Laos-I* [6]. Contrary to international tribunals and the Court of Appeal of Singapore’s confirmative and liberal stances, Chinese government and commentators said no. [7] They all insist that China has made its intentions clear in the Diplomatic Notes that the treaty to which China is or will become a party applies to Hong Kong and Macau only after China has decided so and carried out separately the formalities for such application. [8] Moreover, the extension of territorial application to Hong Kong and Macau must be in line with the “One Country, Two Systems” policy and the Basic Laws of Hong Kong and Macau. [9] Accordingly, the PRC Central People’s Government in Beijing has the final say over whether the international treaty to which China is or will be a party applies to Hong Kong and Macau after consulting with the two SARs’ governments.

The same problem stays with the applicability of CISG in the Hong Kong and Macau SARs. On the one hand, no mention of CISG in the Diplomatic Notes submitted by China, at least on the side of Hong Kong, demonstrates China's true intentions in public international law that the CISG shall not apply in the SAR. [10] In this view embraced by some French and US courts, China's Diplomatic Notes not mentioning CISG qualify as Article 93(1) CISG reservation indicating that CISG does not apply to Hong Kong and Macau. [11] On the other hand, some other foreign courts considered the Diplomatic Notes did not constitute an Article 93(1) CISG reservation and therefore the default rule in Article 93(4) applies, saying that CISG 'automatically' applies to all territorial unites of China. [12] This interpretive approach is similar to the confirmative and liberal approach adopted by the tribunals in *Tza Yap Shum v. Peru* and *Sanum v. Laos-I* on the issue whether Chinese investment treaty absent in the Diplomatic Notes extends to territory of the Hong Kong and Macau SARs. However, such approach was often criticized as contrary to China's expressed intentions. [13]

What Does It Mean for Hong Kong?

Legally speaking, the act of China's depositing the declaration of extension of CISG to Hong Kong has three implications.

Firstly, and most obviously, on and after 1 December 2022 it would be correct for any foreign court or international tribunal to hold that CISG applies to Hong Kong. This will wipe out the "confusion and conflict as to whether or not China's diplomatic notes for Hong Kong and Macao, deposited in 1997 and 1999 respectively, are sufficient to exclude the application of the CISG" to Hong Kong and Macau under Article 93 CISG. [14] Indeed, they are sufficient; but China has now decided to reverse its previous intention.

Secondly, China has impliedly confirmed that the Diplomatic Notes qualify as

Article 93(1) CISG reservation, which means CISG would not automatically apply to territorial units of China such as Hong Kong and Macau unless China has determined so. In other words, China's Central People's Government has the final say on whether a Chinese international treaty applies to Hong Kong and Macau or not.

Thirdly, any construction of the Diplomatic Notes by foreign courts or arbitral tribunals which leads to the 'automatic' application of CISG or other international treaties (including Chinese investment agreements) to Hong Kong and Macau would be incorrect and in disregard of China's true intentions expressed in the Diplomatic Notes. This will possibly prevent foreign courts or investment arbitration tribunals from easily reaching the decision that CISG or Chinese international investment agreement 'automatically' applies to Hong Kong and Macau. It also means Hong Kong might need seek the views of Central People's Government on whether or not to extend Chinese international investment agreement to the Hong Kong SAR, especially in cases where the Hong Kong investors intend to rely on these international instruments to safeguard their rights and interests in investments made overseas.

In parallel with the ongoing Reform and Opening-up within and beyond China, China's accession to CISG has fundamentally shaped the legislative and judicial landscape of codifying Chinese contract law. It is believed that the Ordinance [15] implementing the CISG in Hong Kong would for sure reshape the legislative and judicial landscape of Hong Kong law. [16]

Conclusion: Shall Macau Follow Suit?

The answer is of course yes. As another major player in the Belt and Road Initiative (BRI) and Greater Bay Area (GBA) in China, Macau is now confronted with the same "confusion and conflict" issue once faced by Hong Kong before 5 May 2022. As mentioned earlier, such "confusion and conflict" as to whether the

Diplomatic Notes are sufficient to exclude the application of CISG and other international treaties not mentioned therein to Hong Kong and Macau has been removed. China impliedly reiterated itself through this act of extending CISG to Hong Kong that the Diplomatic Notes are sufficient to do so.

Hence, whether CISG or Chinese investment treaty extends to Macau is likewise subject to the final decision of China's Central People's Government. Despite divergent opinions and interpretations, Chinese government's stance has been consistent - CISG or Chinese international investment agreement outside the Diplomatic Notes does not 'automatically' applies to Hong Kong and Macau, and such extension needs the Central People's Government's final approval. Therefore, according to Article 138(1) of the Macau Basic Law, Macau should follow up on future consultations with the Central People's Government in Beijing to decide whether the CISG (and Chinese investment treaty) should apply to the Macau SAR, and if so, how they should apply. It is foreseeable that China would probably also deposit another separate instrument of extending the application of CISG to Macau. By then, perhaps we can see the dawn of unifying the sales law as key part of inter-regional private laws within the PRC.

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Endnotes

[1] See the Department of Justice of Hong Kong, Consultation Paper titled "Proposed Application of The United Nations Convention on Contracts for the International Sale of Goods to the Hong Kong Special Administrative Region" (hereinafter "Consultation Paper"), Consultation Period expired by 30 December 2020, paras. 3.33-3.44. It is available at <https://www.gov.hk/en/residents/government/publication/consultation/docs/2020/CISG.pdf>.

[2] See United Nations, 'Multilateral Treaties Deposited with the Secretary-General' (hereinafter "Diplomatic Notes"), China: Notes 2 and 3, which informed the Secretary-General of the status of Hong Kong and Macau in relation to treaties deposited with the Secretary-General. The diplomatic notes laid out the

deposited treaties that would respectively apply to Hong Kong and Macau.

[3] See Consultation Paper, *supra* note 1, paras. 3.38-3.39.

[4] For Press Release, see <https://unis.unvienna.org/unis/en/pressrels/2022/unisl327.html>.

[5] See *Tza Yap Shum v. Peru*, ICSID Case No. ARB/07/6, Award, 7 July 2011, where a Hong Kong resident having Chinese nationality relied upon the Peru-China BIT 1994 to bring the ICSID arbitration against Peru.

[6] See *Sanum Investments Ltd. v. Lao People's Democratic Republic*, PCA Case No. 2013-13, Decision on Jurisdiction of 13 December 2013, where a Macau-based company invoked the China-Laos BIT 1993 to initiate the UNCITRAL ad hoc arbitration administered by PCA against Laos.

[7] See e.g., PRC Ministry of Foreign Affairs, 'Foreign Ministry Spokesperson Hua Chunying's Regular Press Conference on October 21, 2016', available at <https://www.mfa.gov.cn/ce/cegv//eng/fyrth/t1407743.htm>; An Chen, 'Queries to the Recent ICSID Decision on Jurisdiction Upon the Case of *Tza Yap Shum v. Republic of Peru*: Should China-Peru BIT 1994 Be Applied to Hong Kong SAR under the "One Country, Two Systems" Policy?' (2009) 10 *Journal of World Investment & Trade* 829, at 832-844.

[8] See Diplomatic Notes, *supra* note 2.

[9] See Article 153 of the Hong Kong Basic Law and Article 138 of the Macau Basic Law.

[10] See Consultation Paper, *supra* note 1, paras. 3.42 ("While it is not disputed that in Hong Kong at least, the CISG should not apply").

[11] See *ibid*, at para. 3.38. The Consultation Paper cited the following cases: *Telecommunications Products Case*, Cour de Cassation, Case No. 04-117726, 2 April 2008 (France); *Innotex Precision Ltd v Horei Image Products*, 679 F. Supp. 2d 1356 (2009) (US); *America's Collectibles Network Inc. v Timlly (HK) Ltd.*, 746 F. Supp. 2d 914 (2010) (US); *Wuhan Yinfeng Data Network Co. Ltd. v Xu Ming* (19 March 2003), Hubei High People's Court (China).

[12] See *ibid*, at para. 3.39. The Consultation Paper cited the following cases:

CNA Int'l Inc. v Guangdong Kelon Electronical Holdings et al. Case No. 05 C 5734 (2008) (US); *Electrocraft Arkansas, Inc. v Super Electric Motors Ltd.* (2009) 4:09 CV 00318 SWW (US).

[13] See Consultation Paper, *supra* note 1, para. 3.42. See also Mahdev Mohan & Siraj Shaik Aziz, 'Construing A Treaty Against States Parties' Expressed Intentions: *Sanum Investments Ltd v Government of the Lao People's Democratic Republic*' (2018) 30 *Singapore Academy of Law Journal* 384.

[14] See Consultation Paper, *supra* note 1, para. 3.42.

[15] <https://www.elegislation.gov.hk/hk/cap641!en>.

[16] For comparison between the CISG and Hong Kong law, see Consultation Paper, *supra* note 1, para. 2.8.

Update: HCCH 2019 Judgments Convention Repository

HCCH 2019 Judgments Convention Repository

In preparation of the Conference on the HCCH 2019 Judgments Convention on 9/10 September 2022, taking place on campus of the University of Bonn, Germany, we are offering here a Repository of contributions to the HCCH 2019 Judgments Convention. Please email us if you miss something in it, we will update immediately...

Update of 20 April 2022: New entries are printed bold.

Please also check the "official" Bibliography of the HCCH for the instrument.

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Yuzhakov, D.A.	“Legal Regulation of the Procedures for Enforcement of Decisions of Foreign Courts in Economic Disputes”, Urgent Issues of the Entrepreneurship Law, Civil Litigation and Arbitration (Perm State University) No. 4 (2021), pp. 119-123 (available here)
Zasemkova, Olesya Fedorovna	“ ‘Judicial Convention’ as a New Stage in the Recognition and Enforcement of Foreign Judgments”, Lex Russica 2019-10, pp. 84-103 (available here)
Zasemkova, Olesya Fedorovna	“Recognition and Enforcement of Foreign Judgments in the Context of the Adoption of the « Judicial Convention » 2019”, in Zhuikov V.M., Shchukin A.I. (eds.), Liber Amicorum Natalia Ivanovna Marysheva, pp. 196-211
Zernikow, Marcel	“Recognition and Enforcement of Foreign Decisions in MERCOSUR Letters Rogatory (Carta Rogatória) and National Civil Procedure” Yearbook of Private International Law 22 (2020/2021), pp. 353-380

<p>Zhang, Chunliang; Huang, Shan</p>	<p>“On the Common Courts Rules in Hague Judgments Convention - China’s way for the Judicial Assistance under Belt and Road Initiative”, Journal of Henan University of Economics and Law 2020-05, pp. 103-113</p>
<p>Zhang, Lizhen</p>	<p>“On the Defamation Problem in the Hague Judgments Project: Ever In and Now out of the Scope”, Wuhan University International Law Review 2019-01, pp. 41-58 (available here)</p>
<p>Zhang, Wenliang</p>	<p>“The Finality Requirement of Recognition and Enforcement of Foreign Judgments”, Wuhan University Law Review 2020-02, pp. 19-38</p>
<p>Zhang, Wenliang; Tu, Guangjian</p>	<p>“The Hague Judgments Convention and Mainland China-Hong Kong SAR Judgments Arrangement: Comparison and Prospects for Implementation”, Chinese Journal of International Law 20 (2021), pp. 101-135</p>
<p>Zhang, Wenliang; Tu, Guangjian</p>	<p>“The 1971 and 2019 Hague Judgments Conventions: Compared and Whether China Would Change Its Attitude Towards The Hague”, Journal of International Dispute Settlement (JIDS), 2020, 00, pp. 1-24</p>
<p>Zhang, Zhengyi; Zhang, Zhen</p>	<p>“Development of the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters and Its Implication to China”, International and Comparative Law Review 2020, pp. 112-131</p>
<p>Zhao, Ning</p>	<p>“The HCCH 2019 Judgments Convention, adding essential components for an effective international legal framework on recognition and enforcement”, in UIHJ (ed.), David Walker (dir.), Cyberjustice, de nouvelles opportunités pour l’huissier de justice / Cyberjustice, New Opportunities for the Judicial Officer - XXIVe Congrès de l’Union Internationale des Huissiers de Justice - Dubai - 22 au 25 Novembre 2021, Bruxelles 2021, pp. 120-133</p>

Zhao, Ning	“Completing a long-awaited puzzle in the landscape of cross-border recognition and enforcement of judgments: An overview of the HCCH 2019 Judgments Convention”, Swiss Review of International and European Law (SRIEL) 30 (2020), pp 345-368
Zirat, Gennadii	“Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters: A new Contribution of the Hague Conference on Private International Law to the Unification of International Civil Procedure”, Ukrainian Journal of International Law 2020-03, pp. 105-112 (available here)

III. Recordings of Events Related to the HCCH 2019 Judgments Convention

ASADIP; HCCH	“Conferencia Internacional: Convención HCCH 2019 sobre Reconocimiento y Ejecución de Sentencias Extranjeras”, 3 December 2020 (full recording available here and here)
ASIL	“The Promise and Prospects of the 2019 Hague Convention”, 25-26 June 2020 (full recording available here and here)
Department of Justice Hong Kong; HCCH	“Inaugural Global Conference - 2019 HCCH Judgments Convention: Global Enforcement of Civil and Commercial Judgments”, 9 September 2019 (recording available here)
HCCH	“HCCH a Bridged: Innovation in Transnational Litigation - Edition 2021: Enabling Party Autonomy with the HCCH 2005 Choice of Court Convention”, 1 December 2021 (full recording available here)
HCCH	“22 nd Diplomatic Session of the HCCH: The Adoption of the 2019 Judgments Convention”, 2 July 2020 (short documentary video available here)

JPRI; HCCH; UNIDROIT; UNCITRAL	“2020 Judicial Policy Research Institute International Conference - International Commercial Litigation: Recent Developments and Future Challenges, Session 3: Recognition and Enforcement of Foreign Judgments”, 12 November 2020 (recording available here)
UIHJ; HCCH	“3 rd training webinar on the Hague Conventions on service of documents (1965) and recognition and enforcement of judgements (2019)”, 15/18 March 2021 (full recording available here in French and here in English)
University of Bonn; HCCH	“Pre-Conference Video Roundtable on the HCCH 2019 Judgments Convention: Prospects for Judicial Cooperation in Civil and Commercial Matters between the EU and Third Countries”, 29 October 2020 (full recording available here)
Lex & Forum Journal; Sakkoula Publications SA	« The Hague Conference on Private International Law and the European Union - Latest developments », 3 December 2021 (full recording available here)

Cross Border Legal Issues Dialogue Seminar Series - ‘From Certainty to Uncertainty - CISG in

Hong Kong' by Prof. Poomintr Sooksripaisarnkit (Online, 29 September 2022)

The Chinese University of Hong Kong's Centre for Comparative and Transnational Law is organising the seminar *From Certainty to Uncertainty - CISG in Hong Kong*

On 29th September 2021 at 12:30-2:00pm (Hong Kong Time), the Legislative Council of the Hong Kong Special Administrative Region passed the Sale of Goods (United Nations Convention) Ordinance (Cap. 641) in order to give effect to the United Nations Convention on Contracts for the International Sale of Goods (Vienna, 1980) (CISG). The Ordinance is expected to come into force at some points in 2022. While the CISG seems like a successful international treaty with (currently) 94 State Parties, yet it is not uncommon for international commercial parties to in fact "opt out" or exclude its application as per the mechanism provided for in Article 6. Not all provisions in the CISG are written in a clear manner. Certain concepts contained therein are unfamiliar to lawyers trained in the common law legal tradition. This seminar is to argue that the decision to introduce the CISG into Hong Kong was in fact the decision to introduce uncertainty into an area of law which was once certain with well-supported statutes, case law authorities grounded upon the solid common law foundation, and advanced private international law and dispute resolution mechanisms.

About the speaker:

Dr Poomintr Sooksripaisarnkit is a Lecturer in Maritime Law within the Australian Maritime College, University of Tasmania. He is also holding a position of a Research Associate within the Research Centre for Private International Law in Emerging Countries, University of Johannesburg, South Africa. He is a Fellow of the Chartered Institute of Arbitrators and the Supporting Member of the London Maritime Arbitrators Association. His research interests lie in commercial conflict of laws (private international law), insurance law, private aspects of admiralty and maritime law, carriage of goods by sea, international sale of goods carried by sea, and aspects of international arbitration. His recent publications

include: Poomintr Sooksripaisarnkit and Dharmita Prasad (eds), *Blurry Boundaries of Public and Private International Law: Towards Convergence or Divergent Still* (Springer Nature 2022), Poomintr Sooksripaisarnkit and Sai Ramani Garimella (eds), *Contracts for the International Sale of Goods: A Multidisciplinary Perspective* (Thomson Reuters Hong Kong Limited 2019), Poomintr Sooksripaisarnkit and Sai Ramani Garimella (eds), *China's One Belt One Road Initiative and Private International Law* (Routledge 2018)

CPD credit is available upon application and subject to accreditation by the Law Society of Hong Kong (currently pending).

Register here by 5 pm (Hong Kong time) on 26 May 2022 to attend the seminar.

Munich Dispute Resolution Day on 6 May 2022: Human Rights Cases before Civil Courts and Arbitral Tribunals in Germany

by Wolfgang Hau, University of Munich

This year's Dispute Resolution Day of the Munich Center for Dispute Resolution on 6 May is dedicated to the above mentioned highly topical issue: Can companies in Germany be held responsible for human rights violations that have occurred somewhere in the global supply chain? Are civil lawsuits and commercial arbitration at all suitable for enforcing international human rights obligations of business enterprises? Such and related questions will be examined and discussed by renowned speakers. The conference will be held in German at the University of Munich. You can find the programme and registration information here:

https://www.mucdr.jura.uni-muenchen.de/munich_dispute_resolution_day/drd-2022-flyer.pdf

Registration now open: The HCCH 2019 Judgments Convention - Bonn University / HCCH Conference (9 and 10 September 2022)



Conference

**The HCCH 2019 Judgments Convention:
Cornerstones - Prospects - Outlook**

Registration now open!

Dates: Friday, 9 September 2022, and Saturday, 10 September 2022

Venue: Universitätsclub Bonn, Konviktstraße 9, D - 53113 Bonn

Registration: sekretariat.weller@jura.uni-bonn.de

Registration fee:	€ 200.-
Young Scholars rate (limited capacity):	€ 100.-
Conference Dinner on 9 September 2022:	€ 50.-

Registration: Please register with sekretariat.weller@jura.uni-bonn.de. Clearly indicate whether you want to benefit from the young scholars' reduction of the conference fees and whether you want to participate in the conference dinner. You will receive an invoice for the respective conference fee and, if applicable, for the conference dinner. Please make sure that we receive your payment at least two weeks in advance. After receiving your payment we will send out a confirmation of your registration. This confirmation will allow you to access the conference hall and the conference dinner.

Please note: Access will only be granted if you are fully vaccinated against Covid-19. Please confirm in your registration that you are, and attach an e-copy of your vaccination document. Please follow further instructions on site. Thank you for your cooperation.

Further information:
<https://www.jura.uni-bonn.de/professur-prof-dr-weller/the-hcch-2019-judgments-convention-cornerstones-prospects-outlook-conference-on-9-and-10-september-2022>

Programme

Friday, 9 September 2022

8.30 a.m.	Registration
9.00 a.m.	Welcome notes Prof Dr Wulf-Henning Roth, Director of the Zentrum für Europäisches Wirtschaftsrecht, Rheinische Friedrich- Wilhelms-Universität Bonn, Germany Dr Christophe Bernasconi, Secretary General of the HCCH
	Part I: Cornerstones 1. Scope of application Prof Dr Xandra Kramer, Erasmus University Rotterdam, Utrecht University, Netherlands 2. Judgments, Recognition, Enforcement Prof Dr Wolfgang Hau, Ludwig-Maximilians-Universität Munich, Germany 3. Indirect jurisdiction Prof Dr Pietro Franzina, Catholic University of Milan, Italy 4. Grounds for refusal Dr Marcos Dotta Salgueiro, Adj. Professor of Private International Law, Law Faculty, UR, Uruguay; Director of International Law Affairs, Ministry of Foreign Affairs, Uruguay 5. Trust management: Establishment of relations between Contracting States Dr João Ribeiro-Bidaoui, First Secretary, HCCH / Dr Cristina Mariottini, Senior Research Fellow at the Max Planck Institute for International, European and Regulatory Law Luxemburg

<p>1.00 p.m.</p>	<p style="text-align: center;">Lunch Break</p>
	<p style="text-align: center;">Part II: Prospects for the World</p> <p style="text-align: center;">1. The HCCH System for choice of court agreements: Relationship of the HCCH Judgments Convention 2019 to the HCCH 2005 Convention on Choice of Court Agreements</p> <p>Prof Dr Paul Beaumont, University of Stirling, United Kingdom</p> <p style="text-align: center;">2. European Union</p> <p>Andreas Stein, Head of Unit, DG JUST - A1 "Civil Justice", European Commission</p> <p style="text-align: center;">3. Canada, USA</p> <p>Professor Linda J. Silberman, Clarence D. Ashley Professor of Law, Co-Director, Center for Transnational Litigation, Arbitration, and Commercial Law, New York University School of Law, USA</p> <p>Professor Geneviève Saumier, Peter M. Laing Q.C. Professor of Law, McGill Faculty of Law, Canada</p> <p style="text-align: center;">4. Southeast European Neighbouring and EU Candidate Countries</p> <p>Prof Dr Ilija Rumenov, Associate Professor at Ss. Cyril and Methodius University, Skopje, Macedonia</p>
<p>8.00 p.m.</p>	<p style="text-align: center;">Conference Dinner (€ 50.-)</p>

Saturday, 10 September 2022

<p>9.00 a.m.</p>	<p style="text-align: center;">Part II: Prospects for the World (continued)</p> <p style="text-align: center;">5. Middle East and North Africa (including Gulf Cooperation Council)</p> <p style="text-align: center;">Prof Dr Beligh Elbalti, Associate Professor at the Graduate School of Law and Politics at Osaka University, Japan</p> <p style="text-align: center;">6. Sub-Saharan Africa (including Commonwealth of Nations)</p> <p style="text-align: center;">Prof Dr Abubakri Yekini, University of Manchester, United Kingdom</p> <p style="text-align: center;">Prof Dr Chukwuma Okoli, Postdoctoral Researcher in Private International Law at the T.M.C. Asser Institute, Netherlands</p> <p style="text-align: center;">7. Southern Common Market (MERCOSUR)</p> <p style="text-align: center;">Prof Dr Verónica Ruiz Abou-Nigm, Director of Internationalisation, Senior Lecturer in International Private Law, School of Law, University of Edinburgh, United Kingdom</p> <p style="text-align: center;">8. Association of Southeast Asian Nations (ASEAN)</p> <p style="text-align: center;">Prof Dr Adeline Chong, Associate Professor of Law, Yong Pung How School of Law, Singapore Management University, Singapore</p> <p style="text-align: center;">9. China (including Belt and Road Initiative)</p> <p style="text-align: center;">Prof Dr Zheng (Sophia) Tang, University of Newcastle, United Kingdom</p>
	<p>1.00 p.m.</p>

Part III: Outlook

1. Lessons from the Genesis of the Judgments Project

Dr Ning Zhao, Senior Legal Officer, HCCH

2. International Commercial Arbitration and Judicial Cooperation in civil matters: Towards an Integrated Approach

José Angelo Estrella-Faria, Principal Legal Officer and Head, Legislative Branch, International Trade Law Division, Office of Legal Affairs, United Nations; Former Secretary General of UNIDROIT

3. General Synthesis and Future Perspectives

Hans van Loon, Former Secretary General of the HCCH

HCCH Monthly Update: March 2022

Documents & Publications

On 9 March 2022, the Permanent Bureau announced the launch of the **post-event publication of HCCH a|Bridged - Edition 2021**, focused on contemporary issues relating to the application of the 2005 Choice of Court Convention, including the promotion of party autonomy. More information is available [here](#).

On 9 March 2022, the Permanent Bureau published the results of the **2022 survey for arbitration institutions on the 2015 Principles on Choice of Law in International Commercial Contracts**. More information is available [here](#).

On 16 March 2022, the Permanent Bureau of the HCCH published an Information Note on the subject of “**Children deprived of their family environment due to the armed conflict in Ukraine: Cross-border protection and intercountry adoption**”. More information is available [here](#).

Vacancies

The Permanent Bureau is currently welcoming applications for the position of **Diplomat Lawyer (Secretary or First Secretary)**. The deadline for the submission of applications is 15 April 2022 (5.00 p.m. CEST). More information is available [here](#).

Other

CEDEP's Choice of Law online course is now open to the public, featuring an introductory lecture on the ***Legal Guide to Uniform Instruments in the Area of International Commercial Contracts, with a Focus on Sales***, published year by the Secretariats of UNCITRAL, UNIDROIT and the HCCH. The lecture is available [here](#), and more information about the course is available [here](#).

These monthly updates are published by the Permanent Bureau of the Hague Conference on Private International Law (HCCH), providing an overview of the latest developments. More information and materials are available on the HCCH website.

Determining the Appropriate Forum by the Applicable Law by Prof. Richard Garnett (1 April Online)

The Chinese University of Hong Kong' Cross-Border Legal issues Dialogue Seminar Series presents this online seminar by Professor Richard Garnett on 1st April 2022 12.30pm -2pm (Hong Kong time; GMT +8 hours).

The conflict of laws has traditionally drawn a sharp distinction between

jurisdiction and applicable law. The conventional approach suggests that a court only reaches the question of the law to be applied to the merits after the tribunal has determined that it has the power to adjudicate the action. Common law systems have however long recognised that a court has a discretion to accept or decline jurisdiction (determine the appropriate forum) and that a relevant factor in this discretion is the applicable law.

The purpose of this presentation is to examine the current status of the applicable law in jurisdiction and forum disputes, noting the trend in countries such as Australia to give the factor substantial weight and significance.

About the speaker:

Richard Garnett is Professor of Private International Law at the University of Melbourne, Australia and a consultant in international disputes at Corrs Chambers Westgarth. Richard regularly advises on cross-border litigation and arbitration matters and has appeared as advocate (barrister) before several tribunals including the High Court of Australia. Richard has written extensively in the fields of conflict of laws, foreign state immunity and international arbitration, with his work cited by leading tribunals around the world, including the International Court of Justice, the European Court of Human Rights, the English Court of Appeal, United States federal district courts, the Singapore Court of Appeal and Australian, Israeli and New Zealand courts. Richard has also served as expert member of the Australian Government delegation to the Hague Conference on Private International Law, to negotiate the 2005 Hague Convention on Choice of Court Agreements and the 2019 Convention on Recognition and Enforcement of Foreign Judgments.

Please register by 5 pm, 31 March 2022 (Hong Kong time; GMT +8 hours) to attend the seminar.

Conference on ‘Regulation Brussels I-bis: a standard for free circulation of judgments and mutual trust in the EU’, 21-22 April 2022

The Conference represents the final event of the JUDGTRUST Project, funded by the Justice Programme of the European Union. The objective of the Project is to identify best practices and to provide guidelines in the interpretation and application of Regulation 1215/2012 (BI-*bis*). The JUDGTRUST Project is coordinated by the T.M.C. Asser Instituut and carried out in partnership with the University of Hamburg, the University of Antwerp and the Internationaal Juridisch Instituut.

The Conference will host panels on, *inter alia*, the scope of application, relationship with other instruments, rules on jurisdiction, provisional measures, as well as enforcement and recognition of foreign judgments. Additionally, the key findings from the National Reports of the EU Member States will be presented. It aims to bring together academics, policy makers and legal practitioners. It will take place on 21 - 22 April 2022 at the T.M.C. Asser Instituut, The Hague.

Further information and a link for registration can be found @ T.M.C. Asser Instituut - Events.

Speakers:

Prof. Dr. Markus Tobias Kotzur, University of Hamburg

Dr. Vesna Lazic, Asser Institute, The Hague; Utrecht University

Prof. Dr. Burkhard Hess, Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law

Mr. David Althoff, International Legal Institute, The Hague

Prof. Dr. Louise Ellen Teitz, Roger Williams University School of Law, Bristol, Rhode Island

Prof. Dr. Wolfgang Hau, Ludwig-Maximilians University of Munich

Prof. Dr. Antonio Leandro, University of Bari
Mr. Michiel de Rooij, Asser Institute, The Hague
Prof. Dr. Javier Carrascosa González, University of Murcia
Prof. Dr. Pietro Franzina, Catholic University of the Sacred Heart in Milan
Prof. Dr. Gilles Cuniberti, University of Luxembourg
Dr. Fieke van Overbeeke, International Legal Institute, The Hague
Dr. Mukarrum Ahmed, University of Lancaster
Prof. Dr. Jachin Van Doninck, Free University Brussels
Prof. Dr. Luis de Lima Pinheiro, University of Lisbon
Ms. Lisette Frohn, International Legal Institute, The Hague
Prof. Dr. Beatriz Añoveros Terradas, University of Barcelona
Dr. Pontian Okoli, University of Stirling
Prof. Dr. Francesca Clara Villata, University of Milan

Moderators:

Prof. Dr. Johan Meeusen, University of Antwerp
Prof. Dr. Marta Pertegás Sender, University of Antwerp
Dr. Fieke van Overbeeke, International Legal Institute, The Hague
Ms. Lisette Frohn, International Legal Institute, The Hague

Coordinator

JUDGTRUST is coordinated by Vesna Lazic, senior researcher in private international law at the Asser Institute. She is part of the 'Public interest(s) inside/within international and European institutions and their practices' research strand. She has published extensively on international trade law, international commercial arbitration, and European private international law.

**Sydney Centre for International
Law Year in Review**

Conference/Panel 3: Developments in Private International Law in 2022

The Sydney Centre for International Law at Sydney Law School is delighted to present the 2022 International Law Year in Review Conference, to be held online on Friday 25 February 2022.

This annual 'year in review' conference brings together expert speakers from around the world to give participants insight into the latest developments in international law over the preceding year, especially those most salient for Australia.

Panel 3 will cover Developments in Private International Law in 2022.

Speakers

Martin Jarrett (Max Planck Institute for Comparative Public Law and International Law and University of Heidelberg), *"Payment of Australian judgment debts as unlawful European state aid: international legal options for Australia against the European Union"*.

Dr Aida Othman (ZICO Shariah and Messrs. Zaid Ibrahim & Co.), *"Arbitration of Shariah and Islamic finance disputes: are the Asian International Arbitration Centre's i-arbitration rules a game-changer?"*

Dr Sarah McKibbin (University of Southern Queensland), *"Implementation of the Singapore Convention on Mediation in Australian Law"*

Chair: **Associate Professor Dr. Jeanne Huang** (Sydney Law School)

Date/Time: 25 February, 1:30pm - 3:00 pm AEDT

View the program here. Register to attend here.