CENTER FOR INTERNATIONAL LEGAL STUDIES

11th Biennial

Arbitration Symposium

2-5 June 2022

General Information 2
Schedule 4
Symposium Opening 4
1. Corruption in Contract and Treaty Arbitration 6
2. Human Rights in Natural Resources Cases 8
3. The Future of Investment Arbitration 10
4. Energy Arbitration 12
5. How Lawyers Should Present Damages 14
6. Interim Relief 16
7. Case Management Conference 18
8. Data Protection (In Particular GDPR) 20
9. Use of Technology in Arbitration (including Cybersecurity and Blockchain) 22
10. Social License, CSR, and the Arbitration of Controversial Mining Disputes 24
11. Advocacy 26
12. Users' Expectations 28
13. Optimal Communication between Counsel and Arbitral Tribunal 30
14. Cross Examination 32
15. Best Practices for Arbitrator Behaviour 34
Online Distribution Board 36
Publication of Papers 36
Center for International Legal Studies 36
3rd Biennial Mediation Symposium 36
Participants 37
Foreign Direct Investment International Arbitration Moot 40

General Information

Information relating to SARS Cov2

Few statutory covid restrictions remain in Austria. We still encourage participants to test daily for covid and we will provide delegates with antigen test kits. False negatives can occur, even where the tests are used exactly as prescribed (wait full 15 minutes for results).

If you experience any symptoms of covid (or other communicable illness), irrespective of a negative covid test result, please refrain from mingling with other participants. Austria requires those who have a positive antigen test result to report it to the telephone number 1450. A supervised PCR test will be ordered to confirm or refute the result, and if confirmed quarantine of minimum 5 days.

Masks are no longer generally required, but please do not feel awkward if you prefer to wear a mask or make anyone else feel awkward who prefers to do so.

SARS-Cov-2 Test Offers

When this booklet went to print, official tests for travel could still be obtained at the **Moos Apotheke**, 15 min on foot down the road from the Schloss: Monday to Friday 10:00-14:00. (Moosstraße 15 Tel: 82 02 78); cost is €20. The front desk will be happy to make an appointment for you. A test station offering testing on Saturday - per information from Salzburg Airport - is the **Test station Forum 1** (shopping center at the train station, Südtiroler Platz 13) Monday to Friday: 8:00-18:00, Saturday: 8:00-12:00. No pre-registration necessary. Cost: €39 per person, express testing by appointment on +43 2420 80070. Transmission of the EU-compliant test certificate in German and English on the same day if samples are taken by 12:00 p.m., otherwise within 24 hours; and lastly a test station that is also open on Sunday: **Teststation PMUA** (Strubergasse 21, access via Wallnergasse and courtyard) on Sunday: 15:00-17:00. Cost: €65. Telephone pre-registration +43662 2420 80070 or online: https://www.pmu-applications.at/sonntagstestung-3/. Transmission of the EU-compliant test certificate on the same day by 20:00.

Professional Sessions - Coffee Breaks

Sessions convene according to schedule on Thursday, 2 June, in the *Fellows Hall,* one flight up at end of the lobby in the Meierhof. Coffee Breaks will take place in *Meierhof Lobby*.

Cocktail Reception - Palace Tour - Piano Concert

On Thursday at 18:30 a welcome cocktail is hosted in the *Great Hall* (ground floor) and/or on the *Terrace* (weather permitting) of Leopoldskron Palace. A tour of the palace will commence in the *Great Hall* at 19:15 and end in the *Marble Hall* with the opening dinner. The piano concert before Saturday's concluding dinner will also be held in the *Great Hall*.

Breakfasts - Lunches - Dinners

All breakfasts, lunches and dinners will be served in the *Marble Hall* of Leopoldskron Palace. Breakfasts are scheduled Friday, Saturday and Sunday, lunches Thursday, Friday, and Saturday; and dinners Thursday and Saturday for registered delegates and guests. Dinner drinks, or wine or beer at lunch, are on the individual's tab.

After-Dinner Drinks - Bar Service - Free Evening

Bar service is hosted in the *Meierhof Café* at the entry to the Meierhof. Consumption is on the individual's tab.

Friday is a free evening. Restaurants closest to the Palace are *Marchart's* right next to the Meierhof, the *Strasserwirt* down the road, and the *Weiherwirt* at the other side of the lake. In the near vicinity (about a 3 min drive or 15-20 min walk) there are *Stiegl's Brauwelt, Lemon Chili*, or *Ristorante Pizzeria DaGiacomo*.

For restaurant suggestions in the Old Town, please talk to the Front Desk; there are too many to list.

Check Out

Check out time at the Leopoldskron Palace is at 10:00. If you wish to check out later, please let the front desk know as soon as possible. Accommodation, meeting arrangements, and meals are charged to the CILS account. You will be asked to pay your incidentals (dinner drinks, bar, mini bar, copies…).

Schedule

Thursday

Lunch: 12:30-13:40

Cocktail Reception: 18:30

Opening Dinner: 20:00

Afternoon Coffee: 16:25-16:50

Tour of the Palace. 19:15

Friday

Morning Coffee: 11:15-11:40

Afternoon Coffee: 16:25-16:50

Lunch: 13:00-14:10

Saturday

Morning Coffee: 10:20-10:45

Afternoon Coffee: 16:05-16:30

Lunch: 13:30-14:50

Piano Concert: 18:45

Concluding Dinner: 19:45

Thursday, 2 June **11:00-11:25**

Symposium Opening

Laurent Hirsch, HIRSCH, Geneva, Switzerland

Laurent is a Geneva-based sole practitioner handling international arbitration worldwide. He advises and represents companies before arbitral tribunals in international commercial disputes and serves as an arbitrator. Laurent Hirsch publishes regularly on arbitration topics. He is an organizer of, and speaker at, arbitration conferences.

James Castello, King & Spalding LLP, Paris, France

James has advised and represented clients and has arbitrated disputes in a wide range of commercial and investor-state proceedings under multiple arbitral rules. Based in Europe for 22 of his 35 years in practice, James now serves as both counsel and arbitrator, especially in energy disputes (e.g., contested control of a refinery, privatization of a power plant, gas price readjustments, conflicts on upstream development) and large infrastructure cases (road, tunnel, rail, industrial facilities). As a U.S.

delegate to UNCITRAL's Arbitration Working Groups since 2001, James has assisted in drafting or revising each arbitration and mediation instrument adopted by the UN. James helped draft the LCIA's Arbitration Rules of 2014 as a member of the London Court, and he now serves on both the LCIA's Board of Directors and the International Advisory Board of Vienna's International Arbitral Centre. For six years during the Clinton Administration, James held such senior legal positions as Deputy Counsel to the President at the White House and Associate Deputy Attorney General in the Justice Department, where his portfolio included immigration, hate crimes, and human rights. He began his legal career with clerkships at the U.S. Supreme Court in Washington D.C. and at the Iran-U.S. Claims Tribunal at The Hague.

Sophie Nappert, 3VB, London, England, United Kingdom

Sophie is an arbitrator in independent practice and is dual-qualified as an *Avocat* of the Bar of Quebec, Canada and as a Solicitor of the Supreme Court of England and Wales. Before becoming a full-time arbitrator, she pursued a career as an advocate and was Head of International Arbitration at a global law firm. She holds degrees in common law and civil law from McGill University and a Masters' Degree in Law from King's College London. For over a decade she served as the peer-nominated Moderator of OGEMID, the online discussion forum on current issues of international investment law, economic law and arbitration. Sophie is an award-winning lecturer and the first female recipient of the Global Arbitration Review Award for Best Speech in 2016 for her Inaugural EFILA Annual Lecture on International Investment Arbitration: Escaping from Freedom? The Dilemma of an Improved ISDS. She delivered the 2018 Proskauer Lecture on International Arbitration, Disruption Is The New Black, which was also shortlisted for Best Speech at the 2019 GAR Awards. Sophie takes great interest in the impact of technology in her field. In 2019, she completed the University of Oxford's Saïd Business School Programme on Blockchain Strategy. She pioneered scholarship on technology in arbitration that is cited as a reference on the topic. In 2021, she co-founded ArbTech, a worldwide, online community forum fostering cross-disciplinary dialogue on technology, dispute resolution and the future of justice. Sophie is committed to promoting and achieving diversity in international arbitration. In addition to her capacity-building work in emerging jurisdictions, notably in Latin America and the Caribbean, she serves as a Champion of Burford Capital's Equity Project, a $50 million pool of capital earmarked to fund women-led litigation and arbitration cases. Sophie is the author of a Commentary on the 2010 UNCITRAL Arbitration Rules. She is a regular speaker at conferences and seminars on issues of international arbitration, international investment law and dispute resolution. She is a guest lecturer at Columbia Law School, Harvard Law School and McGill University Faculty of Law. She created the Nappert Prize in International Arbitration, open to young scholars and practitioners worldwide, administered under the auspices of McGill University.

Thursday, 2 June **11.25-12:30**

1. Corruption in Contract and Treaty Arbitration

Following a brief introduction by the Chair, each speaker will take the lead on one of these topics, followed by observations from the chair and other speakers. We will endeavor to leave at least half of the session to interactive discussion.

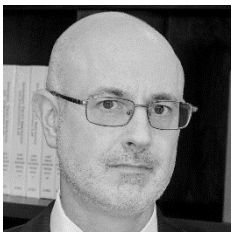
Panel Chair

Aloysius (Louie) Llamzon, King & Spalding LLP, Washington, DC, United States – Partner DC and NY; He represents corporate and sovereign clients in commercial, investment, and inter-State arbitrations seated throughout the world. He also acts as arbitrator in commercial and investment treaty cases. Dr. Llamzon was previously Senior Legal Counsel at the PCA in The Hague; a corporate associate at Skadden in Hong Kong; and an associate at Romulo in Manila. His book *Corruption in International Investment Arbitration* (Oxford, 2014) is the leading treatise in the subject. He holds J.S.D. and LL.M. degrees from Yale Law School; and A.B. and J.D. degrees from the Ateneo de Manila University.

Speakers:

Floriane Lavaud, Debevoise & Plimpton LLP, New York, New York, United States – Counsel Paris and New York; member of the firm's International Dispute Resolution Group. Her practice focuses on public international law and international arbitration, with particular emphasis in the Middle East. She is admitted to the New York and Paris Bars, in addition to being a solicitor in England & Wales. With over fifteen years of experience, Ms. Lavaud advises and represents multinational corporations and sovereign States in a variety of jurisdictions and fora on issues of civil and common law, public international law, and treaty and contract interpretation. She sits as arbitrator, including on the Qatar Sports Arbitration Tribunal, and serves as counsel in a broad range of international matters.

Lucinda Low, Steptoe & Johnson LLP, Washington DC, United States – Partner; She also serves as the Firm's International Practice Leader and co-chairs the International Arbitration Practice Group, in addition to being a member of the Firm's Investigations and White Collar practice. She was appointed to the ICSID Panel of Conciliators in 2016, and the ICSID Panel of Arbitrators in 2017, and currently presides over or serves on a number of arbitral panels, both investor-state and commercial. She is also a recognized authority in anti-corruption matters. Ms. Low is a past President of the American Society of International Law and of the American Bar Association's International Law Section.



Todd J. Weiler, Independent Barrister and Arbitrator, London, Ontario, Canada – Todd Weiler is an independent arbitrator who, as a pioneer in the field of investment treaty arbitration, Dr Weiler has amassed over two decades of experience serving as co-counsel, testifying expert, consulting expert, and arbitrator in many dozens of disputes involving international economic law. Called to the bar of Ontario in 1999,Todd obtained an S.J.D. from the University of Michigan in 2011, which led to his acclaimed 2013 monograph, The Interpretation of International Investment Law: Equality, Discrimination and Minimum Standards of Treatment in Historical Context.

The panel will discuss three recurring issues in international commercial and investment arbitration:

(i) whether there a need for greater precision in defining what "corruption" amongst international arbitrators and national judges alike;

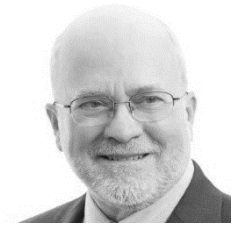
(ii) issues of State responsibility for corruption, including when to attribute knowledge of corrupt acts to companies and the State; and

(iii) the evolution of the use of corruption as a complete defense in contract and treaty-based international arbitration.

2. Human Rights in Natural Resources Cases

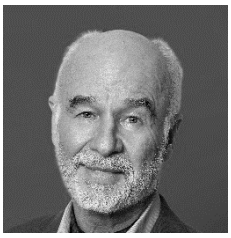
The format will be moderated questions and answers, aiming for a free-flowing discussion, rather than set presentations by panelists.

Panel Chair



Douglass Cassel, King & Spalding LLP, New York, New York, United States – Counsel, specializing in matters of business and human rights. During an academic career of three decades, he taught, published and practiced in the fields of international human rights law and business and human rights. He serves on the editorial board of the American Bar Association's Key Business and Human Rights Documents.

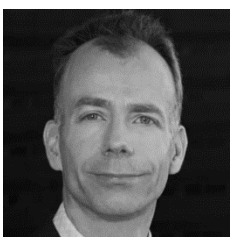
Speakers:



Stéphane Brabant, Trinity International AARPI, Paris, France – Senior Partner, Previously as a partner at Herbert Smith Freehills, Stéphane had 35 years of experience in practice as a project lawyer in oil and gas and mining in Africa and developed a strong practice in crisis management and disputes including arbitration. He was a member of an expert group with John Ruggie, the UN Secretary-General's Special Representative for business and human rights, and developed 20 years of experience in business and human rights and ESG. Chambers awarded him a special prize for his Africa career in 2021 and has ranked him as a Senior Statesperson in various fields of practice, including business and human rights.

Anna Kirkpatrick, Clifford Chance LLP, London, England, United Kingdom – Senior Associate, Anna specialises in business and human rights, ESG risk, international law and international arbitration. She has acted for clients in international arbitrations in the energy, construction, and financial sectors, and for corporates in human rights and environmental disputes. She advises on complaints to OECD National Contact Points under the OECD Guidelines for Multinational Enterprises, and on the implementation of the UN Guiding Principles on Business and Human Rights.

Susan Maples, Curtis, Mallet-Prevost, Colt & Mosle LLP, New York, New York, United States – Counsel; She specializes in representing states and state-owned companies in high-stakes, complex international arbitrations and corporate transactions. Her background and experience include multibillion-dollar energy disputes and negotiations, particularly within the oil and gas sector, where she has led petroleum sharing contract negotiations.



Martijn Scheltema, Pels Rijcken & Droogleever Fortuijn NV, The Hague, Netherlands – Partner, member of the Dutch Supreme Court Bar since 1997. He has specialized in business and human rights and climate change issues. He has been involved in the Srebrenica, SNS expropriation, Urgenda and Shell Kiobel cases. He chairs the business and human rights practice group of his firm and the independent binding dispute resolution mechanism of the Dutch Responsible Business Conduct agreement in the Textile and Natural Stone

sectors. He is professor at Erasmus University Rotterdam and researches business human rights and climate change related issues. He has advised the Dutch State Department on legislative options in the business human rights arena.

International human rights law and norms to date have played only a marginal role in ISDS and commercial arbitrations against States. But steadily advancing trends in the field of business and human rights ("BHR") are moving toward a "hardening" of norms. Human rights may play a far greater role in future arbitrations against States than at present, especially (but not only) in natural resources cases. The panel members are leading experts in the field of BHR and are experienced in international arbitrations involving extractive industries.

The panel will begin with a discussion of basic BHR norms. They will address differences between the State "duty to protect" human rights, and the business "responsibility to respect" human rights, under the *UN Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises*. Then it will address the hardening of these largely soft law norms, through national legislation in France and elsewhere; case law in the UK, The Netherlands and elsewhere; and regional developments, including the European Commission's proposed Corporate Sustainability Due Diligence directive and the Inter-American Court of Human Rights' recent jurisprudence on BHR.

Discussion will then turn to the limited role of human rights to date, as State defenses and counterclaims in ISDS and commercial arbitrations, including the Awards in *Urbaser v. Argentina and Aven v. Costa Rica*, among others. This will be followed by identification of BHR issues often arising in natural resources disputes, including environmental impacts, consultation issues, indigenous rights, and security force overreactions to community protests. *Urbaser* and *Aven* were decided under older treaties. Panelists will also address more recent developments, including BHR-friendly provisions in newer trade and investment treaties and the potential for contracts to include BHR language. Time permitting, broader recent developments will be mentioned – the EU-Canada agreement on a standing tribunal in lieu of traditional arbitration; the Hague Rules on BHR arbitration; State withdrawals from ISDS treaties; and the proposed UN treaty on BHR. Finally, panelists will peer into their crystal balls to explore what the BHR trends portend for the future of arbitration in natural resources disputes.

3. The Future of Investment Arbitration

The format of this panel is a moderated discussion between the panelists. There will be opportunities for other participants in the symposium to ask questions or intervene in the discussion.

Panel Chair:

Dirk Pulkowski, Senior Legal Counsel, Permanent Court of Arbitration, The Hague, Netherlands - has broad experience as registrar in arbitrations between States under public international law and as institutional secretary in investor-State arbitrations and contract-based arbitrations administered by the PCA. He has represented the PCA at various intergovernmental fora, including the Sixth Committee of the United Nations General Assembly, UNCITRAL and the OECD. He teaches international investment law at Université libre de Bruxelles (ULB).

Speakers:

John P. Gaffney, Senior Counsel, Al Tamimi & Co., Abu Dhabi, United Arab Emirates - leads the arbitration practice of the Abu Dhabi office. He is admitted to practice in England & Wales and the Republic of Ireland. He serves as an Adjunct Professor at University College Cork, a Member of the Editorial Board of the ICSID Review, and a Member of the ICC Commission for Arbitration and ADR. He has published and spoken widely on international dispute resolution.

Christina Hioureas, Partner, Foley Hoag LLP, New York, New York, United States - is a partner in the International Litigation & Arbitration Practice Group and Chair of the United Nations Practice Group, a group which she co-founded. Hioureas acts as counsel and arbitrator in international commercial arbitration (ICC, ICDR/AAA, Swiss Rules, LCIA, UNCITRAL), investment arbitration (UNCITRAL, ICSID), and mediated disputes (ICC Dispute Resolution Board). She also represents States in public international law disputes and advises States on matters before the United Nations and its bodies. She serves as a delegate to UNCITRAL Working Groups II and III on behalf of the Republic of Cyprus.

Rostislav Pekař, Partner, Squire Patton Boggs, Prague, Czech Republic - is a partner in the firm's Prague and Paris offices and co-heads its global investment arbitration practice. He is a member of the ICSID Panel of Arbitrators and a chairman of Arbitration Commission at the ICC Czech Republic. Rostislav has represented his clients in more than 25 major international commercial arbitrations and more than 40 investment arbitrations. Rostislav appears before all leading international arbitration institutions (ICC, ICSID, VIAC, SCC and LCIA), and is also experienced with ad hoc arbitration under the UNCITRAL Rules. Since 2012, major legal guides list Rostislav as a leading individual for dispute resolution in the Czech Republic.

The panel discussion of 'The Future of Investment Arbitration' will begin by taking stock of recent initiatives for reforming investor-State dispute settlement (ISDS). Almost five years ago, UNCITRAL Working Group III was mandated with developing a dispute settlement system that is more effective and legitimate than the present one. The panel will take a critical look at the UNCITRAL process and identify reforms that may emerge. The discussion will also address new treaty models that States have recently developed and take account of the Energy Charter Treaty 'modernization' process.

Having thus set the stage, the discussion will assess more specifically some of the likely outcomes and work products of the reform process, including a permanent mechanism (a standing court or an appeal mechanism) and changes to procedural rules for arbitrating investor-State disputes. The discussion will also touch upon the draft Code of Conduct for Adjudicators in International Investment Disputes.

Finally, the panel will look beyond the specific reform proposals currently 'on the table.' It will consider what we regard (or should regard) as the fundamental purpose of ISDS in contemporary international law. On that basis, the panel will address ways to ensure that ISDS takes environmental, social and governance (ESG) issues seriously. Moreover, since the success of any reformed ISDS mechanism will depend on whether it is perceived to be useful by investors, the panel will contemplate whether investors may be looking for alternative mechanisms or fora, including contract-based arbitration.

4. Energy Arbitration

After a brief introduction by the moderator, each of the panelists will present on their respective topics (see below) and comment on each other's presentations. A Q&A session with the audience will follow.

Panel Chair

Silvia Marchili, White & Case LLP, Houston, Texas, United States – With 20 years of experience in investment and commercial arbitration, Silvia has first-chaired dozens of cases against Latin American and European states and state entities. An expert in energy disputes, Silvia is co-head of the Energy Americas practice at White & Case. Silvia has been recognized as a leader in her area of practice by Chambers Latin America, Chambers Global, and Legal500. Most recently, the General Counsel of a leading LNG company told Thomson Reuters: "She has a lot of experience in developing trial strategies, which is what helped us win the case." She is active in several international law and international arbitration organizations, serving as a Member of the FDI Moot Advisory Board, the Miami International Arbitration Society (MIAS) Board, and the Institute for Transnational Arbitration (ITA) Advisory Board. In addition, Silvia is a member of the ICC Commission on Arbitration.

Speakers:

Patrick Baeten, ENGIE, Brussels, Belgium – Patrick graduated in law from the University of Ghent and holds an LLM in international law from the University of Louvain-la-Neuve. He joined ENGIE in 1996 after three years at the Brussels' bar and held several senior positions at regional level (general counsel Europe 2006-2015, general counsel Brazil 2019-2021) and at corporate level (chief legal officer competition & regulation 2003-2006, chief legal officer global disputes 2016-2018). He now serves as ENGIE's chief legal officer for mergers, acquisitions and investments. Patrick lectured European energy law at the University of Leuven. He is a member of the Scientific Committee of the CEPINA, of the ICC Institute of World Business Law and of several ICC task forces. He is a regular speaker at conferences, in particular on climate change and litigation.

Patrick's topic: Do the 2018 Achmea and 2021 PL Holdings judgements erode the possibility for private energy operators to settle their disputes by means of commercial arbitration?

Francesca Salerno, Enel SpA, Rome, Italy – Head of Group Significant Litigations; She has held leadership positions at the AIJA – International Association of Young Lawyers, and was counsel at Legance, where she practiced for 13 years. Francesca is skilled in international law, civil and commercial matters, arbitration and international arbitration, renewable energy, and construction disputes. She obtained a law degree from Università degli studi Roma TRE, where she graduated *cum laude*.

Francesca's topic: Energy transition—a look into the future of energy disputes.

Ximena Herrera-Bernal, GBS Gaillard Banifatemi Shelbaya Disputes, London, England, United Kingdom – is counsel in Shearman & Sterling's International Arbitration and Public International Law practices. She has advised companies and States in international arbitrations under the Rules of the ICC, ICSID, CIAC, LCIA and UNCITRAL, with a focus on disputes in oil & gas, energy infrastructure, telecommunication, construction, agency and distribution sectors. Her experience includes investment treaty arbitrations under both bilateral and multilateral treaties as well as commercial arbitrations. Ximena is admitted to the practice in Colombia, New York and England and Wales. She received an LLM from Harvard Law School and was a Visiting Researcher in the University of Oxford, where she focused in Public International Law and Law of the Sea.

Ximena's topic: A new wave of gas pricing disputes—the ramifications of the war in Ukraine.

5. How Lawyers Should Present Damages

After a 5-minute introduction by the panel chair, the format will be a roundtable discussion and debate of the issues among the speakers (with interaction from the audience) for approximately 65 minutes, followed by 10 minutes of questions from the audience.

Panel Chair

Craig Miles, King & Spalding LLP, Houston, Texas & Miami, Florida, United States – Partner; Craig's practice focuses on representing foreign investors in disputes with host governments, primarily before ICSID, ICC, AAA/ICDR and other international arbitral institutions. He has first- or second-chaired dozens of arbitral hearings involving disputes throughout North and South America, Europe, Asia, Africa, and the Middle East, with particularly strong experience in bilateral investment treaty (BIT) disputes in the energy/infrastructure sectors and in Latin America. He is also the co-editor of K&S's Quantum Quarterly and Juris Publishing's *Journal of Damages in International Arbitration.*

Speakers:

Vanessa Alarcon Duvanel, King & Spalding, Geneva, Switzerland – Counsel; Vanessa is a member of the Firm's International Arbitration and Construction and Engineering groups. Her practice focuses on complex international disputes in the construction, engineering, and infrastructure sector and in the pharmaceutical industry. She advises and represents clients in cases governed by both civil and common law under the leading institutional rules of arbitration as well as in ad hoc arbitration cases around the world.

Katharina Kitzberger, Weber Rechtsanwälte GmbH & Co KG, Vienna, Austria – Partner; Katharina is heading the dispute resolution team specialising in commercial litigation, asset recovery and arbitration. She has extensive experience in representing clients in Austrian court proceedings and arbitration proceedings (ICC and Vienna Rules) and also sits as arbitrator. Katharina regularly advises clients in civil; commercial and construction law matters and has conducted court and arbitral proceedings being of both, large amount in dispute as well as of utmost complexity due to e.g. the involvement of foreign clients, the application of international law and other complex legal issues to be dealt with. Clients include Austrian and multinational corporations, financial institutions, board members of Austrian corporations etc.

Amy Kläsener, Jones Day, Frankfurt, Germany – Partner; Amy is a seasoned international arbitration practitioner with deep experience in engineering and construction disputes in the nuclear, energy, chemical, and manufacturing sectors. She also advises frequently in software development and M&A disputes. Amy takes a pragmatic and solution-oriented approach to dispute resolution. As a U.S. lawyer based in Europe for over 15 years, she has developed a deep understanding of multiple legal cultures.

Vasuda Sinha, Freshfields Bruckhaus Deringer LLP, Paris, France – Counsel; Vasuda is an experienced advocate with particular expertise in commercial and investment arbitrations, cross-border and jurisdictional disputes, and commercial litigation, including insolvency litigation. Vasuda has appeared as counsel before various arbitral tribunals and courts, including SCC, ICC and ICSID tribunals and the Supreme Court of Canada. Vasuda presents and publishes on a variety of legal topics, including damages in investment arbitration and human rights and litigation. She is interested in diversity in the profession and the importance of mentorship and sponsorship.

It is trite to observe that the main goal in the vast majority of international arbitrations is either to obtain or defeat (or at least limit) an award of monetary damages to the claimant. Yet damages often get short shrift in the preparation and presentation of a case. Parties often spend months developing complicated factual details and arcane legal theories, only to wait until relatively late in the game to develop their damages story—which is then relegated to the back end of the written pleadings and the last day or so of oral arguments. This on top of the fact that many (if not most) advocates and arbitrators are not "numbers people" to begin with yet are tasked with presenting or deciding the "right" quantum result based on economic models that can often become exceedingly complex. How do lawyers cut through the haze and present a compelling damages case?

The panel expects to address some or all the following topics:

- What factors are likely to influence an arbitrator's decision on quantum, and how can lawyers best exploit them to their client's advantage (including avoiding the so-called "baby-splitting" phenomenon)?
    - For example, degree of harm or loss, relative time spent on quantum (in the briefs and witness statements and at the hearing), the parties' respective conduct (including in the arbitration proceeding itself), etc.
    - To what extent do (or should) arbitrators' views on quantum play a role in their selection?
- What is the pre-hearing role of the "independent" quantum expert?
    - When should the expert(s) be retained? Is earlier always better?
    - Should the testifying expert(s) be actively engaged in assisting counsel in telling the damages story in the briefs, or should the expert(s) instead be "siloed" to their instructions?
- When should (or should not) the damages phase be bifurcated from the merits?
- The use of multiple damages approaches — helpful or just a source of confusion that buries the Tribunal in numbers?
- Joint expert reports — are they useful?
    - Pre-hearing, post-hearing or both?
- What about the hearing itself?
    - How much of the opening statement should be devoted to quantum?
    - Should counsel be the "master of quantum" or leave it to the experts?
    - What makes for an effective quantum presentation, be it from counsel, the experts, or both?
    - Is "hot-tubbing" of quantum experts useful?
- Is quantum in construction cases unique?
    - E.g., interplay between delay and quantum experts?
    - How best to manage/present in order to persuade the Tribunal?
- Tribunal-appointed quantum experts — boon and/or bane?

6. Interim Relief

Following a brief introduction by the moderator (5 minutes), each of the main sub-topics will be introduced by one of the speakers (10 minutes maximum), followed by an interactive discussion among the panel members and with the audience.

Panel Chair

Annet van Hooft, van Hooft SARL, Paris, France – is an independent arbitrator and counsel based in Paris. Admitted to practice in both common and civil law jurisdictions, Annet worked at major U.S. and U.K. law firms in Brussels, New York and Paris, and acted as Counsel at the ICC International Court of Arbitration before setting up her own independent law firm. She is a former Vice-Chair of the ICC Commission on Arbitration and ADR, Co-Chair of the Open Commission on International Arbitration of the Paris Bar and Honorary President of the Bucharest International Arbitration Court (BIAC).

Speakers:

Diana Akikol, Walder Wyss AG, Geneva, Switzerland – Partner; Diana has been practising as a full-time arbitration specialist for over 15 years, with a particular focus on sales, mergers & acquisitions, shareholder agreements, joint ventures, construction and engineering, agency agreements, and licence and distribution agreements. She has also sat as arbitrator (president, co-arbitrator, sole or emergency arbitrator) in more than 40 cases. Diana is the Swiss member of the ICC International Court of Arbitration and a member of the ICC Commission on Arbitration and ADR. She furthermore serves on the Arbitration Court of the Swiss Arbitration Centre, the International Advisory Board of the Vienna International Arbitral Centre (VIAC) and the Board of the Swiss Arbitration Association (ASA). Diana Akikol holds a law degree from the University of Fribourg and a doctorate degree from the University of Lucerne. She was admitted to the bar in 2002. Her working languages are English, French and German (native).

Sébastien Besson, Lévy Kaufmann-Kohler, Switzerland – Partner; Sébastien serves as counsel, arbitrator and legal expert in international and domestic arbitral proceedings, ad hoc and under a variety of institutional arbitration rules (including the ICC, LCIA, UNCITRAL, CAM, Swiss Rules and CAS). He is a former member of the Special Committee and of the Arbitration Court of the Swiss Chambers' Arbitration Institution (now Swiss Arbitration Centre), and currently a member of the Board of Swiss Arbitration Association (ASA), the IBA Subcommittee on International Arbitration Case Law, the Singapore International Arbitration Centre (SIAC) Users' Council, and other arbitration-related organizations. Sébastien teaches arbitration-related courses in various graduate university programmes in Switzerland and abroad, and is the author of numerous publications, including the well-known treatise Comparative Law of International Arbitration (Sweet & Maxwell, 2007, with Jean-François Poudret).

Silvia Dahlberg, Advokatfirman Vinge KB, Gothenburg, Sweden – Partner; Silvia's practice covers both arbitration (commercial and investor-state) and complex civil litigations in Swedish courts of all levels. She has extensive experience as counsel in arbitrations seated in various jurisdiction and under most major arbitration rules and is also regularly appointed as arbitrator. Her practice covers a number of different industries, such as construction, the manufacturing industry, insurance, energy and financial services. Silvia has also handled several high-profile arbitration related court proceedings in Sweden.

David Goldberg, White & Case LLP, London, United Kingdom – Partner; solicitor-advocate, David's practice focuses on international commercial and investment arbitration. He is recognised by the leading legal directories for the strength and particular expertise in complex investment disputes and disputes involving states, as well as those arising out of corporate transactions. He is ranked as a Leading Lawyer for International Arbitration in the UK by Chambers and Legal 500. David has experience of arbitrations conducted under all major arbitral institutions and rules, including LCIA, ICC, ICAC, ICSID, SCC and UNCITRAL arbitrations. He also represents clients in court proceedings concerning the conduct of arbitral proceedings, including the enforcement or challenge to arbitral awards, the appointment of arbitrators and applications for interim measures such as disclosure and worldwide freezing orders. His experience covers a broad range of sectors, including oil and gas, metals and mining, telecommunications, manufacturing, financial services and insurance. David is also regularly appointed as an arbitrator, with recent appointments including arbitrations conducted under the LCIA, ICC, SCC, ICAC and UNCITRAL rules. David is a board member of the LCIA.

Obtaining an efficient and speedy interim relief is often of vital importance to a party whose rights and interests may be breached by the conduct of the opposing party. Nowadays the need for interim measures in arbitration is no less important than in state court litigation. As a result, requests for interim relief have become more popular and frequent in international arbitration.

In this interactive session, Diana Akikol, Sebastien Besson, David Goldberg, Silvia Dahlberg, and Annet van Hooft will discuss the topic of interim relief in international arbitration. The members of the panel will share their views and practical experience on obtaining interim measures in international commercial and investment arbitration, the role of national courts in this process, as well as the emergency arbitrator mechanism.

In her introduction, Diana will discuss how equipped arbitral tribunals are to order interim measures, taking Switzerland as an example. She will then address recent developments in this area, including the establishment of the new commercial court in Geneva.

Sebastien will provide an overview of the role of national courts in dealing with matters of interim relief and, in particular, court intervention in the field of provisional measures.

In her subsequent introduction, Silvia will address the topic of emergency arbitrations, including their legal and strategic advantages and disadvantages, time constraints and efficiency, as well as jurisdictional and enforcement issues.

David will then discuss interim relief in the context of investment arbitration, offering an insight into how international tribunals treat applications for provisional measures.

Following these introductions, we expect to engage in a lively discussion among panel members and with the audience regarding the various topics as introduced by our panel members.

7. Case Management Conference

The audience will be encouraged to participate interactively in relation to many of these issues as the mock CMC progresses and 15 minutes will be set aside at the end of the CMC for a general discussion and follow up

Panel Chair:

Peter Rosher, Reed Smith LLP, Paris, France – Global Chair of Reed Smith's international arbitration practice. A dual-qualified (English solicitor/French avocat) lawyer and advocate with nearly 30 years' experience in international arbitration, Peter advises clients on contentious issues as well as providing extensive advisory services in relation to "live" major projects. He has handled arbitration cases both on an ad hoc basis (including UNCITRAL) and under the rules of international arbitration institutions (ICC, LCIA, SCC, SIAC, ICSID) across the world. Peter is an experienced advocate and also frequently sits as arbitrator. A founding member of Paris Arbitration Week and Vice Chair of Paris Arbitration Week's Organizing Committee, Peter is a member of the Dispute Resolution Board Foundation, sits on the board of the *Association Française d'Arbitrage*, and is Vice President of the association Paris, Home of International Arbitration.

Speakers:

Douglas D. Reichert, of the California Bar and based in Geneva, Switzerland – Independent arbitrator and practitioner, with substantial experience over 35 years of complex international disputes involving in particular infrastructure construction projects (dams, tunnels, pipelines, petrochemical and energy process plants, waste treatment etc.). Served as Registrar for the Egypt-Israel Arbitration Tribunal (Sinai boundary) and Legal Assistant at the Iran-United States Claims Tribunal.

Niels Schiersing, Arbitration Chambers, Hong Kong, China (SAR) and London, London, England, United Kingdom – is a full-time international commercial arbitrator and a part-time scholar. He is a Danish national and is both civil law and common law qualified, giving him in-depth knowledge of the principles of both legal systems. He divides his time between Europe, Asia and Africa. Mr Schiersing specialises in contract law, including the principles for the determination and calculation of damages, with a wide application with regard to industries and sectors and governing laws. He has a particular focus on disputes pertaining to construction and infrastructure projects, post-M&A, JV, partnership and shareholders' agreements, loan and other finance agreements, energy contracts, mining and sale of commodities and technical equipment, agency and distribution as well as insurance/reinsurance. Over the past 5 years, Mr Schiersing has been appointed arbitrator in approx. 100 matters, including several appointments as emergency arbitrator. He has been appointed by all of the key arbitral institutions, including the ICC, LCIA, SIAC, SCC, HKIAC, AFSA, KCAB, DIFC-LCIA and DIAC.

Christina Cathey Schuetz, Clifford Chance LLP, London, England, United Kingdom – Senior Associate in the International Arbitration practice at Clifford Chance LLP in London. Her practice focuses on investment treaty and commercial arbitration as well as complex transnational disputes, often in matters relating to Central and Eastern Europe. A graduate of Columbia University School of Law, she began her career with another major international law firm in New York City and Frankfurt, Germany. At Clifford Chance, Christina spent 18 months seconded to the Firm's Moscow office. She is a co-founder of the Russian and CIS Arbitration Network. Together with Michael Kotrly, whom she first met at the CILS Arbitration Symposium some years ago, she is a Co-Convenor for the EMEA Edition of the Delos Remote Oral Advocacy Programme.

Franz X. Stirnimann Fuentes, Stirnimann Fuentes Dispute Resolution, Geneva, Switzerland – is an international arbitrator and counsel based in Geneva. Dr. iur. (Zurich), lic.iur. (Fribourg, Durham, UK), LLM. (Georgetown) and FCIArb. Admitted to practice in Switzerland, England & Wales and New York, and amongst others one of Switzerland's appointees to the ICSID Panel of Arbitrators and Conciliators. He has worked as a partner in major US, Swiss and Spanish firms before setting up his own independent law firm in Geneva. Of Swiss and Latin American background and also known for his work in disputes in Spanish speaking countries.

Decisions made (or not made) at the case management conference will often determine the length, cost, and efficiency of the arbitration. This panel will explore the choices which the parties and the tribunal face in the form of a lively mock case management conference. The panelists will represent a Claimant team and a Respondent team with the moderator wearing the hat of sole arbitrator. Issues to be covered will include the following:

- method and timing of determining the place, language and applicable law of the arbitration, if these have not previously been agreed;
- requests for interim measures, bifurcation/trifurcation or confidentiality;
- Self-represented Respondent / inexperienced counsel;
- extent and timing of exchange of documents, and method for resolving disputes regarding document exchange/privilege;
- streamlining the number and form of written and evidentiary submissions and witness statements;
- Tribunal fact finding;
- duty to disclose third party financing;
- requirements for appearance and examination of witnesses at hearings; and
- number and venues of hearings ; virtual, in person or hybrid?
- should party representatives be present and if so, any restrictions on number or status?

8. Data Protection (In Particular GDPR)

This panel will discuss in a question and answer format some of the main issues raised by the application of the data protection laws to international arbitration.

Panel Chair

Mark Morril, Morril ADR LLC, New York, New York, United States - independent arbitrator and mediator; His experience covers a wide range of complex commercial disputes, including those concerning transactions and post-closing adjustments, insurance coverage, distribution agreements, joint ventures and partnerships, intellectual property, entertainment and media, technology, telecom, and energy. Prior to becoming a full-time arbitrator and mediator, Mr. Morril was General Counsel of Simon & Schuster, then the world's largest English-language publisher, and Deputy General Counsel of the global media company ViacomCBS, with television, motion picture and related businesses, as well as very significant legacy industrial operations.

Speakers:

Claudia Götz Stähelin, Kellerhals Carrard, Basel, Switzerland - Claudia represents her clients before Swiss courts and arbitration tribunals in all areas of commercial law and, as Head of Investigation at Kellerhals Carrard, leads internal investigations. She advises clients on white collar criminal law, international legal assistance, pharmaceutical law, healthcare compliance as well as data protection, and she assists companies in crisis management, high profile cross-border litigation and compliance. She is also an arbitrator. Based on her experience as former Head of Litigation at Novartis, she regularly assists companies with multi-jurisdictional projects requiring innovative thinking. She has extensive international experience in litigation and investigation risk assessment, and in assisting clients with strategic decision-making. Claudia is chair of the Sedona Conference Working Group 6 working group that is considering data protection principles for international arbitration.

Kathleen Paisley, Ambos Lawyers, Brussels, Belgium - Kathleen is a recognised international arbitrator based between Europe and the US. She is triple qualified in law, finance, and accounting, with a JD from the Yale Law School, an MBA in finance and has completed the CPA exam. Kathleen has acted in commercial cases under all the major international arbitration rules and in investor-State cases both under both the ICSID and UNCITRAL rules. She is widely recognised for her expertise in life sciences, technology, IP, data protection, cyber security, shareholder and post-merger disputes, complex damages and accounting, as well as for her significant experience under the common and civil law, as well as public and private international law and EU law. She has also acted as chief legal officer in both technology and pharmaceutical companies.

This panel will discuss the principal issues raised by the application of the mandatory data protection rules to international arbitration.

While data breaches have been widely covered in the press for many years, the introduction of the EU's General Data Protection Regulation (GDPR) in May 2018 brought unprecedented attention to the importance of data protection and the risks imposed by failure to comply. By tightening the

rules and imposing fines of up to 4% of annual global turnover or €20 million (whichever is greater), the GDPR has captured the interest of both the users of arbitration services and the arbitration community alike.

The pandemic has caused an acceleration in the digitalization and virtualization of international arbitration. It is now more important than ever that international arbitration practitioners understand the basic data protection rules and how they apply to their cases. Data protection in international arbitration matters because:

- Data protection is the law. The protection of personal data in international arbitration proceedings is mandatory law in most jurisdictions and a failure to comply carries significant potential penalties and risks.
- Data protection is good practice. Addressing data protection compliance early and proactively is part of effective case management and limits the risks of the data protection regulations being used as an excuse for delays and gamesmanship.
- Data protection compliance is required whenever data is exchanged. Every transfer of personal data whether it be through digital information exchanges or video conferencing must comply with the data protection laws. The growing need for seamless digital communication requires the arbitration community to consider how effective digital communication can be reconciled with the data protection laws, including data security, lawful data processing and transfer, data minimisation and other mandatory rules.

To assist participants in international arbitration proceedings in understanding the data protection obligations applicable to them, ICCA and the IBA joined forces to produce the "ICCA-IBA Roadmap to Data Protection in International Arbitration." The Roadmap identifies the ways in which data protection should be taken into account during the course of an arbitration. As it is not possible to address all the data protection laws that might apply to an arbitration, the Roadmap uses the GDPR as an example of the types of rules that may be imposed.

While most data protection laws are mandatory in arbitration proceedings, they do not address how they should be applied to arbitration. In the absence of specific guidance from regulators, the draft ICCA-IBA Roadmap ("Roadmap") is intended to help arbitration professionals identify and understand the data protection and privacy obligations to which they may be subject in an international arbitration context. The Roadmap is structured as follows:

- The Roadmap seeks to provide a high-level overview of the relevant aspects of data protection in the context of arbitration;
- The Explanatory Notes give further detail on, and explanation of, the relevant notions by reference to source material and examples; and
- The Annexes provide concrete guidance (in the form of inter alia check lists and sample notices) intended to assist individuals involved in arbitration to determine the applicable data protection regime and to assess how the obligations arising thereunder can be complied with.

The panelists will refer to the Roadmap to explain these concepts and as a source for the audience to address them in their practices, and participants may want to review the Roadmap in advance https://www.arbitration-icca.org/icca-reports-no-7-icca-iba-roadmap-data-protection-international-arbitration.

The panel will address the following topics:

- Data Protection 101 for international arbitration
- Addressing data protection during the arbitral proceedings
- Avoiding data protection compliance from derailing the process
- Impact of data protection on the taking of evidence
- Importance of data breach protocols

9. Use of Technology in Arbitration (including Cybersecurity and Blockchain)

Following a brief introduction, each speaker will take the lead in exploring a particular topic on the use of technologies in arbitration. The panel discussion will end with a Q&A session.

Panel Chair

Gauthier Vannieuwenhuyse, Hogan Lovells (Paris) LLP, Paris, France – Counsel; as a counsel in the International Arbitration Group of Hogan Lovells, Gauthier focuses his practice on commercial and investment treaty arbitration. He brings extensive experience of arbitration under the rules of the ICC, LCIA, ICSID and UNCITRAL, acting for companies from diverse industries as well as on behalf of States and international organizations. Gauthier has particular experience in arbitration in the Technology, Media and Telecommunications, energy, and pharmaceutical sectors, with a focus on emerging markets, particularly in the Middle East and Africa. He also regularly acts in arbitration-related Court proceedings including annulment proceedings before the Paris Court of Appeal. Prior to joining Hogan Lovells, Gauthier was an associate in the international arbitration team at a major international law firm. He also publishes regularly on topical issues in international arbitration.

Speakers:

Christophe Guibert de Bruet, LALIVE, Geneva, Switzerland – Counsel; Christophe joined LALIVE in 2012. His main area of practice is international arbitration, including commercial and investment treaty arbitration, with particular experience in disputes relating to mining, large construction and infrastructure projects, and disputes in the telecommunications and information technology sectors. He has acted as counsel in a number of international arbitral proceedings, either ad hoc (including UNCITRAL) or administered (under the rules of the ICC and ICSID), governed by various procedural and substantive laws, including Swiss, English, U.S., and French. Christophe holds a J.D. (Juris Doctor) from the University of Virginia (2005) and a B.A. from the University of Michigan (1998). Prior to attending law school he co-founded and operated a software company specializing in factory controls and embedded control systems.

Christophe will discuss visualization and telepresence technologies such as virtual and augmented reality and their potential impact on arbitration proceedings, in particular on evidence gathering.

Maria Hauser-Morel, Hanefeld Rechtsanwälte Rechtsanwaltsgesellschaft mbH, Paris, France – Counsel; Maria is based in the Paris office of HANEFELD, a top tier international dispute resolution boutique firm with offices in Germany and France. She is a Polish-qualified lawyer and has also been admitted to practice as an avocat in France. She acts as counsel and arbitrator in international arbitration proceedings, focusing on construction and engineering, real estate, energy law and disputes involving states and state entities. Prior to joining HANEFELD, Maria worked at Polish and international law firms, as well as at the Secretariat of the ICC International Court of Arbitration.

Maria will raise the question of use of technology in arbitration from the arbitrator perspective based on practical examples (e.g. use of email communication with non-participating parties or solving technical issues during the hearing).

Romain Dupeyré, DWF (France) AARPI, Paris, France – Partner; Romain is experienced in institutional arbitration proceedings, especially ICC, UNCITRAL and Paris Chamber of International Arbitration. He acts as counsel and arbitrator in a large number of arbitrations, ranging from small claims to large bet-the-company disputes. Romain has specific expertise of M&A and shareholders disputes, as well as construction, insurance and reinsurance matters, and a particular focus on disputes in Africa. He is a Chartered Arbitrator of the Chartered Institute of Arbitrators (CArb and FCIArb) and the co-author of the treatise "Règles et pratiques du droit Français de l'arbitrage" (Lextenso). He is also a member of the ICC Commission on arbitration and was member of the ICC Task Force on Arbitration of Climate Change Related Disputes. Romain graduated from his home university of Aix-en-Provence, before obtaining a Master of law in Maastricht and an LLM in International Legal Studies from Georgetown University. He is registered with the Paris and New York bars and is also a shareholder of Case Law Analytics, a French legatech company devoted to developing artificial intelligence tools applicable to legal issues.

Romain will discuss the reasons why many factors are converging in encouraging the development of artificial intelligence tools in the field of arbitration, their potential applications in the arbitration sphere, as well as the limits and challenges they are likely to create for both the parties and the arbitrators.

10. Social License, CSR, and the Arbitration of Controversial Mining Disputes

The introduction to the topic is followed by an open discussion, with 15 minutes reserved for questions from the audience.

Panel Chair

Lorraine de Germiny, LALIVE (London) LLP, London, England, United Kingdom – Partner; A member of the New York and Paris bars, she does both commercial and investment treaty arbitration with a particular interest in the mining and energy sectors. She has acted as counsel or arbitrator in a number of international arbitral proceedings, either ad hoc (including UNCITRAL) or administered (under the rules of the ICC and ICSID). Lorraine is a member of several professional associations and one of the founding members of and Secretary and Legal Officer of Women in Mining Switzerland. She is also on the list of arbitrators with the Court of Arbitration for Art (CAfA). Lorraine previously practiced international arbitration at King & Spalding in Paris (2009-2014) and at Dewey & LeBoeuf in Paris and New York (2006-2009). She holds a License with honors from the University of Rennes, a J.D. (Juris Doctor) cum laude from Tulane University Law School and an LL.M. from Columbia Law School.

Speakers:

Johannes Fahner, Allen & Overy, Amsterdam, Netherlands – Johannes Fahner's experience includes conducting arbitration proceedings under major institutional and UNCITRAL rules as well as proceedings before Dutch and European courts. Johannes holds a PhD degree in Public International Law awarded jointly by the Universities of Amsterdam and Luxembourg, in addition to an MA in International Relations from the University of Utrecht and an LLM from the University of Amsterdam. He lectures at the University of Amsterdam and has published in leading international journals, including the *International and Comparative Law Quarterly, Arbitration International, the European Journal of International Law and the Journal of International Economic Law.* He also authored *Judicial Deference in International Adjudication: A Comparative Analysis* (Hart 2020).

Robert Landicho, Vinson & Elkins LLP, Dubai, United Arab Emirates/Houston, Texas, United States – Counsel; He specializes in inter-state arbitration, international commercial and construction arbitration, investor-state arbitration, public international law matters, and litigation in foreign and U.S. courts. He has experience handling a wide range of disputes, including infrastructure and energy disputes, disputes involving natural resources, and banking, intellectual property, franchising, and post-M&A disputes. Rob is admitted in Texas and has full rights of audience before the Dubai International Financial Centre Courts (Part I & II). Rob is also a current Programs Chair of the Institute for Transnational Arbitration (ITA).

Laurie Achtouk-Spivak, Cleary Gottlieb Steen & Hamilton LLP, Paris, France – Counsel; Laurie has represented investors and sovereigns in numerous high-stake investment treaty arbitrations, under ICSID, UNCITRAL, ICC and other arbitration rules. She often provides companies with investment structuring advice, sovereigns with advice on their treaty networks, as well as advises and lectures on sustainability matters. She is a thought leader in the field, regularly publishing on sustainability issues and investment treaty arbitration, including a recent piece titled "Investor-State Arbitration in the Energy Sector Likely as Green Transition

Accelerates". Laurie also teaches a course at the University of Poitiers in investor-State dispute settlement and is a member of the Peer Review Board of the ICSID Review. She is a co-director of the yearly investment arbitration case law review in the prestigious Cahiers de l'arbitrage / The Paris Journal of International Arbitration. She takes part in the ICC Commission on Arbitration and ADR, as well as the ICC Task Force on "Addressing Issues of Corruption in International Arbitration." Laurie is recognized as a "Rising Star" by Legal 500 and recommended by Who's Who Legal (Global) and Who's Who Legal (France) in arbitration.

In light of the increased demand for critical raw materials needed for the Energy Transition (including copper needed for wind and solar projects and EVs, and lithium, nickel, cobalt, manganese and graphite needed for batteries), an increase in mining projects – and therefore potential mining disputes – is on the horizon. But, mining and extractive industries are particularly susceptible to issues with local populations. This is partially due to the nature of the industry: the extraction of rare minerals is very energy and water intensive, which puts pressure on and has the potential to divert resources from the local populations. These projects have the potential to have significant economic and environmental impacts, depending on how investors are able to mitigate or minimize their environmental impact, and promote the potential for the economic benefits of their projects to local populations. In addition, mining extraction often involves earth movement that makes surface lands unusable (unlike some forms of oil and gas extraction that can be done with more minimal damages to surface rights), which implicate difficult issues of land rights with local populations (potentially in remote areas).

In recent years, there have been a number of investment arbitration awards involving large mining and infrastructure disputes, in which social opposition to the project was a prominent issue in the arbitration. Through the lens of recent investment cases, including *Copper Mesa v. Ecuador, Bear Creek Mining v. Peru, SAS v. Bolivia, Abengoa SA and COFIDES SA v. Mexico*, and *Gabriel Resources v. Romania* (pending), this panel will discuss the recent case law relating to social opposition to mining and infrastructure projects, the emerging idea of a "social license" in investment arbitration, and the development and impact of the concept Corporate Social Responsibility (CSR) as it relates to these investment projects. The panel will discuss how these issues are manifest in arguments (including defenses and counterclaims) in an arbitration, and how these issues may evolve in the future.

11. Advocacy

The keynote for this program is based on the four attributes of "Effective Advocacy" – Actor, Servant, Teacher and Psychologist. Each of these attributes are essential for counsel to be effective before international arbitral tribunals. The keynote will be followed by comments and illustrations of these points from the panelists through a series of questions presented to them by the moderator. Time will also be reserved to allow the delegates in attendance to add their questions and comments and to participate in the discussion.

Panel Chair

John B. Pinney, GRAYDON, Cincinnati, Ohio, United States – focusses his practice on international dispute resolution. He has served as lead trial lawyer in numerous complex commercial, international, banking, securities, products liability, insurance and trust litigation cases, including class actions. Mr. Pinney has practiced in state and federal courts and before arbitration tribunals in approximately 35 states and foreign countries. In the past 30 years, Mr. Pinney has represented clients in a wide variety of business disputes, including successful representations in international arbitrations and litigations on behalf of both domestic and foreign clients.

Speakers:

Manuel Arroyo, Eversheds Sutherland Ltd., Zurich, Switzerland – Partner; He specializes in international arbitration and commercial litigation. Over the past two decades, Manuel has acted in over 100 international commercial arbitrations as counsel or arbitrator. His prior experience includes, inter alia, over ten years as a partner in two business law firms, five years as an associate and several years as a law clerk at the Swiss Federal Supreme Court. Most commercial disputes in which he has been involved concerned the following industry sectors: Construction and Engineering, Chemicals/Pharmaceutical, Oil and Gas, Energy and Infrastructure, Automotive. Manuel studied law at the University of Basel and was admitted to the bar in Switzerland in 2002. He holds an LL.M. in International Commercial Arbitration Law from Stockholm University. Manuel is the editor and co-author of the most comprehensive treatise on arbitration in Switzerland, Arbitration in Switzerland - The Practitioner's Guide (2,957 pages, Kluwer Wolters, 2018). He is the author of more than 50 publications and has been a speaker at over 30 international arbitration conferences.

Duncan Speller, Willkie Farr & Gallagher (UK) LLP, London, England, United Kingdom – Duncan is an English barrister and Global Co-Chair of the International Arbitration Group at Willkie Farr & Gallagher LLP. He has more than twenty years' experience of international arbitration and has successfully represented clients as an advocate in institutional and ad hoc arbitrations, sited in both common and civil law jurisdictions, including England, New York, Hong Kong, Singapore, France, Switzerland, Sweden, Austria and Germany. Duncan also has substantial experience of international commercial litigation in both the English Court of Appeal and in the Commercial and Chancery Divisions of the High Court. He has particular experience of arbitration and litigation concerning aviation, oil and gas, insurance and reinsurance, private equity, telecommunications, banking and competition law issues. Duncan sits as an arbitrator and has been appointed as arbitrator or emergency arbitrator by multiple arbitral institutions. He has taught Commercial Law and the Conflict of Laws at the University of Cambridge.

Nish Shetty, Clifford Chance Pte Ltd, Singapore - Head of International Arbitration and Dispute Resolution practice in Asia Pacific. He is widely recognised as one of the leading arbitration practitioners in Asia. He has advised on many complex cross-jurisdictional disputes for 27 years, including arbitrations in Europe and Asia. Nish is on the panel of arbitrators of most of the key arbitral institutions in the region and beyond. He is the founder and ex-chairman of the SIAC's Users Council; the Co-Chair of the Council of Arbitration of MCIA and the first in Asia to be appointed as a Judge of Appeal on the FIA International Court of Appeal in Paris. He is recognised as a Thought Leader for Arbitration globally by Who's Who Legal 2021 and is in the Hall of Fame for International Arbitration in Singapore by The Legal 500 2022. He is also named as a leading individual by other major legal directories including Chambers & Partners and IFLR 1000. Nish is qualified in Singapore and in both England & Wales.

Edna Sussman, SussmanADR LLC, Scarsdale, New York, United States - is a full-time independent arbitrator and is the Distinguished ADR Practitioner in Residence at Fordham University School of Law. She was formerly a litigation partner at the law firm of White & Case LLP. Ms. Sussman has served as the chair, sole and co-arbitrator in over 200 complex commercial disputes and over 200 complex commercial mediations, both international and domestic, under various institutional rules and ad hoc involving contract interpretation, commercial transactions, mergers/acquisitions, intellectual property, pharmaceuticals, energy, franchises/distributorships, insurance, telecommunications, partnership and joint venture, financing and banking transactions, accounting, environment, securities, hospitality, aviation and professional liability. Ms. Sussman is a member of the panel of many of the leading dispute resolution institutions including the AAA, ICDR, AAA/ICDR Energy Arbitrators list, CPR, Hong Kong, Singapore, South China, Shanghai, Australia, Swiss, Vienna, Korea, Kuala Lumpur, Vietnam, Brazil, British Columbia, and Dubai, U.S. Institute for Environmental Conflict Resolution, Financial Industry Regulatory Authority, and the National Futures Association and is listed by the ICC.

12. Users' Expectations

Following a brief introduction, each of the main sub-topics will be addressed in turn by the group in a round-table discussion during about 50 minutes in total, with approximately 20 minutes reserved for general discussion and follow-up at the end.

Panel Chair

C. Ryan Reetz, Bryan Cave Leighton Paisner LLP, Miami, United States – Ryan is Partner-in-Charge of Bryan Cave's Miami office and a board-certified specialist in International Litigation and Arbitration. In addition to his active dispute-resolution practice, he teaches international commercial arbitration at Emory University School of Law and the University of Navarra Faculty of Law. He has served as chair of the Florida Bar's International Litigation and Arbitration Board Certification Committee, the Miami International Arbitration Society, and the Florida Bar International Law Section. His publications include Public Purpose in International Law: Rethinking Regulatory Sovereignty in the Global Era (Cambridge University Press 2015) (co-authored with Pedro J. Martinez-Fraga).

Speakers:

Jan-Michael Ahrens, Siemens AG, Erlangen, Germany – Jan is Principal Counsel Litigation of Siemens and responsible for managing major disputes of the group worldwide, across all businesses and with a focus on international arbitration. He holds a doctorate in law (Freiburg) and an LL.M. from Geneva and Lausanne universities; he has been admitted to the bar in Germany, Switzerland, and England & Wales. With a private practice background in Switzerland, Jan continues to sit as arbitrator and is a frequent speaker on international dispute resolution.

Kurt Lindquist II, Cozen O'Connor, Charlotte, North Carolina, United States – Kurt chairs the International Arbitration Team at Cozen O'Connor where he is a shareholder and works in the firm's Washington D.C. and Charlotte, North Carolina offices. Kurt focuses his practice on international arbitration (commercial and investor/state) but also enjoys his role as a trusted advisor to many clients in the US and abroad in a number of substantive legal areas. He teaches domestic and international arbitration at Wake Forest University School of Law, and he is the incoming Vice President of the International Law Section of the North Carolina Bar Association.

Lisa Renee Pomerantz, Mediator and Attorney-at-Law, Bohemia, New York, United States –Lisa graduated from Harvard University and Boston University Law School. After graduation, Lisa clerked for a federal judge. Following a stint as a litigation attorney, she worked for fifteen years as a senior-level in-house counsel for NEC. Since 2003, Lisa has practiced business and employment law on Long Island. She mediates and arbitrates commercial, consumer and employment disputes for the American Arbitration Association. She also mediates cases privately and in various New York federal and state courts. At Touro Law School, Lisa has taught Arbitration, Employment Law, Interviewing, Negotiating and Counseling and is the Faculty Advisor to the ADR Society.

Marie Aude Ziadé, Fierville Ziadé, Paris, France – Marie-Aude is the cofounding Partner of independent French boutique firm, dedicated to litigation, arbitration and alternative dispute resolution. She advises and represents French and international companies, as well as senior executives in domestic or cross-border strategic pre-litigations, litigations and arbitrations. She also assists her clients in mediation and other alternative dispute resolution procedures. Marie-Aude acts as counsel, arbitrator and mediator. Marie-Aude started her practice in the international arbitration department of the US law firm White & Case in Paris. She then joined the French "boutique" firm Wilhelm & Associés to practice civil, commercial and white-collar crime litigation. Eager to see how major litigations were handled on the "other side of the fence", she decided to become in-house and joined the legal departments of large corporate groups (Arkema, Amazon and Areva), where she evolved during more than 6 years. Marie-Aude was, until August 2018, the Head of Disputes of the Areva group (now Orano), one of the world leaders in nuclear energy.

Users are the sine qua non of arbitration. No dispute can be arbitrated without their consent. Although users must make the decision to resolve their disputes through arbitration, as a practical matter they often have the least say over how a given arbitration actually proceeds. This panel will explore the expectations that users hold (or profess to hold) in connection with arbitration, the extent to which these expectations are typically fulfilled or frustrated, and whether and how the other participants in the process should contribute to ensuring that they are met.

Among the questions to be considered are the following:

What are some of the key expectations that users have…

…with respect to the arbitral process?

…with respect to the arbitrators?

…with respect to outcomes?

…in other respects?

How do these expectations vary among different categories of users?

Do users really want (or advocate strongly for) what they say they want?

How can other participants in the process – arbitrators, counsel, institutions – help to bridge the gap between what users expect and what actually occurs?

13. Optimal Communication between Counsel and Arbitral Tribunal

The format of this panel is an introduction of the panelists by the moderator (5 minutes) followed by a podium discussion with Q&A throughout the session (75 minutes)

Panel Chair:

Christof Siefarth, BODENHEIMER, Cologne/Berlin, Germany – Partner; Dr. iur. (Cologne), LL.M. (University of Georgia, United States), Attorney-at-Law (New York); mainly representing foreign clients as counsel in international commercial arbitration and litigation proceedings in a variety of areas, such as distribution, international commercial contracts, IP, international investments etc.; recently (after move from GÖRG to BODENHEIMER, an international disputes firm, in 2020) also much more active practice as arbitrator; board member of the Atlanta International Arbitration Society (https://arbitrateatlanta.org/); Recognized in The Best Lawyers in Germany for Arbitration and Mediation.

Speakers:

Alexandra Johnson, Bär & Karrer, Geneva, Switzerland – Partner; with 20 years of experience in international arbitration; acted as counsel in numerous arbitration proceedings, both ad hoc and institutional, such as international joint venture agreements, long-term gas supply contracts, construction and engineering, distribution and licensing, sale of goods, pharmaceutical, governance, M&A and sport-related disputes; Vice-President of the Arbitration Court of the Swiss Arbitration Centre; Head Lecturer and member of the Academic Council of the Swiss Arbitration Academy; co-chair, Swiss Arbitration Association (ASA) local group in Geneva; listed in Legal 500 and in Who's Who Legal's global ranking for all arbitration practitioners; received the Distinguished Service Award from the AAA in 2010.

Vanessa Liborio Garrido de Sousa, Orrick Herrington & Sutcliffe LLP, Geneva Switzerland – Partner, focusing on complex, high-value disputes involving major infrastructure construction projects, energy (including renewables), biotech, consortia and joint venture agreements, sales of goods, collateral management agreements, insurance coverage, aviation, and consultancy agreements. Vanessa is fluent in five languages, has published numerous articles, is often asked to speak on arbitration topics and has been recognized in the Best Lawyers in Switzerland for Arbitration and Mediation since 2016.

Colm Ó hOisín, Senior Counsel, Dublin, Ireland – current Leader of European Circuit of the Bar, has been in practice in Dublin at the Irish Bar since 1988 and became a Senior Counsel in 2005. He is also a member of the Bar of England and Wales, the Bar of Northern Ireland, and an Associate Tenant with Kings Chambers (Manchester, England). He has a wide-ranging practice concentrated on commercial and public law litigation and on international arbitration. Colm was formerly President of Arbitration Ireland and was a Member of the ICC International Court of Arbitration (2015-2021). He is designated by Ireland to the ICSID Panel of Arbitrators.

Robert W. Wachter, Lee & Ko, Seoul, South Korea – Co-head of the International Arbitration Practice at Lee & Ko. Mr. Wachter has been recognized as a leading practitioner by Chambers and Partners, Legal 500, Asialaw, Benchmark Litigation, Asia Business Law Journal, Who's Who Legal (Arbitration), and Who's Who Thought Leaders. He is a Fellow of the Chartered Institute of Arbitrators, a member of KCAB International's International Arbitration Committee, the Asia-Pacific Vice-Chair of the Lex Mundi LADR practice group, and one of the co-founders of KCAB Next. In 2022 he was award an official commendation by the Korean Ministry of Justice for his contributions to the development of international arbitration in Korea.

This panel will focus on traditional but also recently emerging issues on how counsel and arbitral tribunal should communicate and how to cope with upcoming issues.

Ex parte communications, prior to, during, and after the arbitral proceedings are always critical. Have there been any changes in this regard, probably due to revised arbitration rules? What is our/you experience, questions and suggestions?

Is it correct to state that counsel are becoming less respectful when dealing with arbitrators, and is this a trend emerging in litigation, too? What measures may an arbitral tribunal take to avoid too much confrontation.

Are cultural backgrounds still important regarding communication between counsel and the arbitral tribunal? Or are differences less cultural differences but rather based on individual approaches of players in the international arbitration world?

So far, it has been said that civil law arbitrators tend to be more open to settlement discussions. However, the difference between civil and common law is becoming less important in international arbitration. Is there a trend in international arbitration that arbitrators are becoming increasingly mediators or facilitators?

Communication in arbitration is done orally and in writing. Should there be more emphasis on written or more on oral communication? For example, should an Arbitral Tribunal indicate topics to be addressed in Counsel's submissions, particularly in post-hearing briefs?

One may also discuss whether opening/closing arguments are presented not hours or one day prior to the evidentiary hearing, but maybe even weeks before or after the hearing. Or should arbitral tribunals and counsel agree on just skipping opening/closing arguments?

Last but not least, the panel will discuss the impact of the pandemic and the much more sophisticated possibilities of virtual hearings and its influence on communication. This relates to the structure of the proceedings, and the fact that videoconferences instead of personal meeting or conference (phone) calls seem to be the standard now.

Case management conferences may set the pace for the way counsel and the arbitral tribunal communicate. With the trend to virtual and greener arbitration: Will CMCs become usually virtual, even after CoVid?

The interactive panel, encouraging an active participation from the audience at any time, will conclude with an outlook:

What have we learned in the last few years and what will change in any event?

14. Cross Examination

The format of this panel is a 10-minute introduction by the moderator of the panel members, the topic, and to "set the scene" for the mock examinations; 15-minutes for cross and re-direct examinations of a fact witness; 15-minutes for cross and re-direct examinations of an expert witness; and 35-minutes for discussion by the panel, with time reserved for questions and comments from the audience.

Panel Chair:

Lawrence S. Schaner, Schaner Dispute Resolution LLC, Chicago, Illinois, United States – serves as an arbitrator in international and domestic cases. He is a Fellow of the College of Commercial Arbitrators, a Fellow of the Chartered Institute of Arbitrators, member of the ICC Commission on Arbitration, an Adjunct Professor at Northwestern University Pritzker School of Law, and a co-editor of International Arbitration in the United States (Kluwer Law International 2018). Until April 2017, he was a partner and co-chair of the international arbitration practice at Jenner & Block. He is a graduate of Stanford Law School (JD) and Duke University (AB). He is a member of the bars of California, Illinois, and New York.

Speakers:

Roula Harfouche, HKA, London, England, United Kingdom – Partner; She specialises in the assessment of damages and complex valuation issues in litigation and international arbitration contexts. She is experienced in matters involving breaches of contract, investment treaty claims, transaction-related disputes and intellectual property infringements. She has been valuing companies, listed and unlisted securities, and intellectual property rights in commercial and contentious contexts since 2000, and has provided valuation or damages assessment services in over 80 disputes. Roula is recognised among the leading expert witnesses worldwide by Who's Who Legal in the Thought Leaders Global Elite list, in Arbitration, for the quantum of damages and in forensic accounting.

Timothy G. Nelson, Skadden, Arps, Slate, Meagher & Flom LLP, New York, New York, United States – Partner; represents clients in U.S. courts and international arbitration (including before ICSID, AAA, ICC, HKIAC, LCIA, SIAC, the PCA and under UNCITRAL rules). His cases involve sectors such as oil and gas (upstream, midstream), nuclear, solar, mining, cement, finance, insurance, pharmaceuticals, telecommunications, retail, sports, motor racing and hotel/property investment. He is widely published and quoted on matters of international law, cross-border disputes, space law, and international arbitration, is the co-editor of Take the Witness: Cross-Examination in International Arbitration.

Nikolaus Pitkowitz, Pitkowitz & Partner, Vienna, Austria - founding partner and head of dispute resolution; He holds law degrees from University of Vienna (JD and PhD) and University of Sankt Gallen, Switzerland (MBL) and is also qualified and certified as a Mediator. His practice of over 30 years as attorney has always been predominantly international and developed from transactional and real estate work to litigation, arbitration and mediation. Dr. Nikolaus Pitkowitz acted as arbitrator and party counsel in over 130 international disputes, in a range from smaller to multibillion cases. He also acted as counsel in many complex

and high-profile litigations in front of Austrian Courts and the European Court of Justice. Dr. Nikolaus Pitkowitz is Vice-President of the Vienna International Arbitral Centre (VIAC), arbitrator and panel member of all leading arbitration institutions, and Fellow of the Chartered Institute of Arbitrators (FCIArb). He also acts as Vice-chair of the International Arbitration Committee of the Section of International Law of the American Bar Association (ABA) and as Court Member of the Casablanca International Mediation and Arbitration Centre (CIMAC). Dr. Nikolaus Pitkowitz frequently speaks and lectures, and is author of over 50 publications. He is co-editor of the Austrian Yearbook on International Arbitration and co-organizer of the Vienna Arbitration Days.

This session will examine the art and science of cross-examination, the single largest component in terms of time of most international arbitration hearings. The panel will be structured around mock cross and re-direct examinations of fact and expert witnesses. The mock examinations will be followed by a *post-mortem* discussion among the panel members, commenting on the mock examinations and sharing their views on “do’s” and “don’ts” of effective cross-examination in an international arbitration and related-matters such as whether you can tell if a witness is lying.

15. Best Practices for Arbitrator Behaviour

The format of the panel will be 5-6 minutes presentation and 4-5 minutes for comments from the panelists and the audience for each individual topic.

Panel Chair:

Teresa Giovannini, LALIVE SA, Geneva, Switzerland – founding partner; She specialises in international arbitration. She has acted as counsel or arbitrator in over 200 international arbitrations, either ad hoc (including UNCITRAL) or administered by institutions such as the AAA/ICDR, CAM, ICC, ICSID, LCIA and SCC. Ms Giovannini was nominated Swiss member of the ICC Court of Arbitration (2015- 2021) and member of the Council of the ICC Institute of World Business Law until 2021. She is a member of the ICC Commission of Arbitration and ADR. Ms Giovannini was a member and vice-president of the LCIA Court (2006 – 2011) and of the Arbitral Council of the Milan Chamber of Arbitration (1997 – 2005). She is presently inter alia, a member of the Board of Directors of the American Arbitration Association and of the New York Arbitration Center. She is also a member of the Advisory Board of the Institute for Transnational Arbitration and of the Club of Arbitrators of the Milan Chamber of Arbitration. Ms Giovannini is a frequent speaker and lecturer on international arbitration and the author of various publications in the field.

Speakers:

Paolo Marzolini, Patocchi & Marzolini, Geneva, Switzerland – founding partner, the law firm specialised in international arbitration based in Geneva. Paolo acts as counsel and sits as arbitrator in Switzerland and many other jurisdictions under various sets of arbitration rules (e.g. ICC Rules, Swiss Rules, LCIA Rules, UNCITRAL Rules, DIAC Rules, VIAC Rules, ISTAC Rules, QICCA Rules, WIPO Rules and JAMS Rules). Paolo serves as a member of the Court of the Swiss Arbitration Centre. He is admitted in Switzerland and Italy.

Kelvin Poon, Rajah & Tann Singapore LLP, Singapore – Deputy Managing Partner; Kelvin is also the head of its international arbitration practice. Kelvin has appeared as counsel in numerous arbitrations across multiple jurisdictions involving the ICC, JCAA, LCIA, SIAC and UNCITRAL rules. He sits as an arbitrator and is a member of the ICC Commission for Arbitration and ADR and a Fellow of the Chartered Institute of Arbitrators (UK).

Stefanie Pfisterer, Homburger AG, Zurich, Switzerland – Partner; member of the firm's litigation and arbitration team. Her practice focuses on international and domestic arbitration, and she also represents clients in complex state court litigations in a broad range of matters. Before joining Homburger in 2014, Stefanie was a senior associate in the arbitration team of Wilmer Cutler Pickering Hale and Dorr in London. She earned her law degree from the University of Bern (MLaw, 2007); she also holds a master's degree from Harvard Law School (LLM, 2012) and a doctoral degree from the University of Zurich (Dr iur, 2012) and is admitted to practise law in Switzerland and New York (she is not practising in the latter). Stefanie Pfisterer is a member of the Arbitration Court of the Swiss Arbitration Centre, the Swiss Commission of Arbitration and ADR of the International Chamber of Commerce (ICC), and a lecturer at the University of St. Gallen.

1. Guidance by the arbitrators on disputed issues:
    a) In favour (Stefanie)
    b) Against (Kelvin)
2. Summoning/hearing witnesses/experts that are not called by the Parties (Stefanie)
3. Defaulting respondent(s): Due process concerns (Kelvin)
4. Decision making process: managing cognitive biases (Paolo)
5. The drafting of the award: best practices with focus on the arbitrators' duty to provide reasons (Paolo)

Symposium Closing 17:35-18:00

Laurent Hirsch, Sophie Nappert, James Castello

18:45

19:45

Online Distribution Board

The online distribution board can be accessed via the following link: **http://cils.org/conferences/322/**

Publication of Papers

Transnational Dispute Management, media partner of the Center for International Legal Studies, is the network for International Arbitration, Mediation and ADR, and International Investment Law and has gained popularity with many (international) companies, governmental organisations, law firms international agencies, academic and think-tank institutions.

Papers will be published in the **TDM Journal** (electronically).

Submission Deadline for papers is 15 July 2022. Email papers to Anton Hoenson ois@xs4all.nl

Center for International Legal Studies

Christian Tyler Campbell, Assistant Director, FDI Moot Director, christian.campbell@cils.org

Manuela Ines Wedam, Event Manager, manuela.wedam@cils.org

Jonathan Hell

Proudly Presents

3rd Biennial Mediation Symposium

Thursday, 18 May – Sunday, 21 May 2023

Participants

Alphabetically listed by Last (Family) Name

Ms. Laurie Achtouk-Spivak, Email: lachtoukspivak@cgsh.com, Cleary, Gottlieb, Steen & Hamilton, 12, rue de Tilsitt, Paris, Paris 75008, Telephone: +33 6 26 04 97 41.

Dr Jan-Michael Ahrens, Email: jan-michael.ahrens@siemens.com, Siemens AG - LC CB LIT, Werner-von-Siemens-Str. 50, Erlangen, Germany 91052, Telephone: +49 9131 735328.

Dr.iur. Diana Akikol, Email: diana.akikol@walderwyss.com, Walder Wyss AG, Rue d'Italie 10, Geneva 3, Switzerland 1211, Telephone: +41 58 658 30 61.

Ms. Vanessa Alarcon Duvanel, Email: valarcon@kslaw.com, King & Spalding LLP, 5 Quai du Mont Blanc, 5th Floor, Geneva, Switzerland 1201, Telephone: +41 22 591 0813.

Dr Manuel Arroyo, Email: Manuel.Arroyo@eversheds-sutherland.ch, Eversheds Sutherland Ltd., Stadelhoferstrasse 22, Zurich, Switzerland 8001, Telephone: +41 44 204 90 90.

Mr Patrick Baeten, Email: patrick.baeten@engie.com, ENGIE, Case courrier A2936, 1 Place Samuel de Champlain, Paris La Défense, France 92930, Telephone: +32479 980 336.

Mr Sébastien Besson, Email: sebastien.besson@lk-k.com, Lévy Kaufmann-Kohler, 3-5, rue du Conseil-Général, P.O. Box 552, Geneva, Switzerland 1211, Telephone: +41 22 8096200.

Mr Stéphane Brabant, Email: Stephane.Brabant@trinityllp.com, Trinity International, 15 rue de Marignan, Paris, France 75008, Telephone: +33 6170 11357.

Hon Colin F. Campbell, Email: ccampbell@omlaw.com, Osborn Maledon PA, 2929 North Central, Ste. 2100, Phoenix, Arizona, United States 85012, Telephone: +1 602 320 4250.

Mr Douglass Cassel, Email: Dcassel@KSLAW.com, King & Spalding LLP, 1185 Avenue of the Americas, 6th Avenue, New York, New York, United States 10036, Telephone: +1 646 659 0186.

Mr James Castello, Email: jcastello@kslaw.com, King & Spalding International LLP, 48 bis rue de Moncea, Paris, France 75008, Telephone: +33 6 2796 8891.

Ms Silvia Dahlberg, Email: Silvia.Dahlberg@vinge.se, Advokatfirman Vinge KB, Nordstadstorget 6, Box 11025, Gothenburg, Sweden 404 21, Telephone: +46 721 791572.

Ms Lorraine De Germiny, Email: ldegerminy@lalive.law, LALIVE (London) LLP, 9 Cloak Lane, London, England, United Kingdom EC4R 2RU, Telephone: +44 753 482 2388.

Mr Romain Dupeyre, Email: r.dupeyre@dwf.law, DWF (France) AARPI, 137 rue de l'Université, Paris, France 75007, Telephone: +33 1 40 69 26 55.

Mr. Johannes Fahner, Email: johannes.fahner@allenovery.com, Allen Overy, Apollolaan 15, Amsterdam, Netherlands 1077 AB, Telephone: +31 20 674 1271.

Hon. Kenneth L. Fields, Email: kfields@fieldsmediation.biz, Fields Mediation, 66 W. Vernon Avenue, Phoenix, Arizona, United States 85003, Telephone: +1 602 5242280.

Mr John P Gaffney, Email: J.Gaffney@tamimi.com, Al Tamimi & Co., Al Sila Tower, 26th Fl, Abu Dhabi Global Market Square, Al Maryah Island, Abu Dhabi, United Arab Emirates, Telephone: +971 2 8130444.

Ms Teresa Giovannini Bugmann, Email: tgiovannini@lalive.law, LALIVE SA, 35, rue de la Mairie, Geneva, Switzerland 1207, Telephone: +41 58 1052000.

Mr David Goldberg, Email: dgoldberg@whitecase.com, White & Case LLP, 5 Old Broad Street, London, England, United Kingdom EC2N 1DW, Telephone: +.

Dr. Claudia Götz Stähelin, Email: claudia.goetz@kellerhals-carrard.ch, Kellerhals Carrard Basel KlG, Henric Petri-Strasse 35, Postfach 257, Basel, Switzerland 4010, Telephone: +41 58 200 30 65.

Mr Christophe Guibert de Bruet, Email: cguibert@lalive.law, LALIVE SA, 35, rue de la Mairie, Geneva, Switzerland 1207, Telephone: +33 6 3227 4305.

Ms Roula Harfouche, Email: roulaharfouche@hka.com, HKA, 100 Victoria Embankment, London, England, United Kingdom EC4Y 0DH, Telephone: +447590485806.

Dr Maria Hauser-Morel, Email: hauser-morel@hanefeld-legal.com, Hanefeld Rechtsanwälte, Rechtsanwaltsgesellschaft mbH, 27, rue Dumont d'Urville, Paris, France 75116, Telephone: +336 1064 9481.

Ms Ximena Herrera-Bernal, Email: xherrera@gbsdisputes.com, GBS Gaillard Banifatemi Shelbaya Disputes, 66 Lincoln's Inn Fields, London, England, United Kingdom WC2A 3LH, Telephone: +44 07 72 38 80 16.

Ms. Christina Hioureas, Email: chioureas@foleyhoag.com, Foley Hoag, 1301 Avenue of the Americas, New York, New York, United States 10019, Telephone: +1 212812 0307.

Mr Laurent Hirsch, Email: laurent.hirsch@hirsch-law.ch, HIRSCH, 8, rue Eynard, Geneva, Switzerland 1205, Telephone: +41 22 3183000.

Ms Alexandra Johnson, Email: Alexandra.Johnson@BaerKarrer.ch, Bär & Karrer AG, 12, Quai de la Poste, Geneva, Switzerland 1204, Telephone: +41 58 261 5700.

Ms. Anna Kirkpatrick, Email: Anna.Kirkpatrick@CliffordChance.com, Clifford Chance LLP, 10 Upper Bank Street, London, England, United Kingdom E14 5JJ, Telephone: +44 7983 514 705.

Dr Katharina Kitzberger, Email: k.kitzberger@weber.co.at, Weber Rechtsanwälte GmbH & Co KG, Rathausplatz 4, Vienna, Austria 1010, Telephone: +43 1 427 2070.

Ms Amy C. Kläsener, Email: aklaesener@jonesday.com, Jones Day, Thurn-und-Taxis-Platz 6, Frankfurt am Main, Germany 60313, Telephone: +49 172 638 5198.

Mr Robert Landicho, Email: rlandicho@velaw.com, Vinson & Elkins LLP, 1001 Fannin St. Suite 2500, Houston, Texas, United States 77009, Telephone: +17137582193.

Ms Floriane Lavaud, Email: flavaud@debevoise.com, Debevoise & Plimpton LLP, 919 Third Avenue, New York, New York, United States 10022, Telephone: +.

Ms Vanessa Liborio Garrido de Sousa, Email: vliborio@orrick.com, Orrick, 3, rue Francois Bellot, Geneva, Switzerland 1206, Telephone: +41 22 7874024.

Mr Kurt E. Lindquist II, Email: Klindquist@cozen.com, Cozen O'Connor, 205 Presque Isle Lane, Chapel Hill, North Carolina, United States 27514, Telephone: +1 704 264 7742.

Mr Aloysius Llamazon, Email: allamzon@kslaw.com, King & Spalding LLP, 1700 Pennsylvania Avenue, NW, 2nd Floor, Washington, DC, United States 20006, Telephone: +.

Ms Lucinda A. Low, Email: llow@steptoe.com, Steptoe & Johnson LLP, 1330 Connecticut Avenue, NW, Washington, DC, United States 20036, Telephone: +1 202 429 8051.

Ms. Susan Maples, Email: smaples@curtis.com, Curtis, Mallet-Prevost, Colt & Mosle LLP, 101 Park Avenue, New York, New York, United States 10178, Telephone: +1 404 731 1820.

Ms Silvia Marchili, Email: silvia.marchili@whitecase.com, White & Case LLP, 1200 Smith Street, Suite 2300, Houston, Texas, United States 77002-4403, Telephone: +1 713 496 9728.

Mr Paolo Marzolini, Email: marzolini@patocchimarzolini.com, Patocchi & Marzolini, Rue Pedro-Meylan 5, Geneva, Switzerland 1208, Telephone: +41 22 718 33 10.

Mr Craig Miles, Email: CMiles@KSLAW.com, King & Spalding LLP, 1100 Louisiana, Suite 4000, Houston, Texas, United States 77002, Telephone: +1 713 7513259.

Mr. Mark C. Morril, Email: mark.morril@morrilADR.com, MorrilADR, 413 West 53rd Street, New York, New York, United States 10019, Telephone: +1 212 410 1771.

Ms Sophie Nappert, Email: snappert@3vb.com, 3VB Barristers, 3 Verulam Buildings, Gray's Inn, London, England WC1R 5NT, Telephone: +44 789 454 2676.

Mr Timothy G. Nelson, Email: timothy.g.nelson@skadden.com, Skadden, Arps, Slate, Meagher & Flom LLP, One Manhattan West, New York, New York, United States 10001, Telephone: +1 212 735 2193.

Mr Colm Ó hOisín, Email: colm@colmohoisinsc.ie, Senior Counsel, Law Library Building, Suite 3.3, 158/159 Church Street, Dublin, Ireland 7, Telephone: +353 1 8175088.

Ms Kathleen Paisley, Email: kathleen.paisley@amboslaw.be, Ambos Lawyers, Kantersteen 47, Brussels, Belgium 1000, Telephone: + +32 2 290 04 68.

Mr Rostislav Pekar, Email: Rostislav.Pekar@squirepb.com, Squire Patton Boggs, Václavské Námestí 57/813, Prague, Czech Republic 110 00, Telephone: +420 731 979 913.

Ms Stefanie Pfisterer, Email: Stefanie.Pfisterer@homburger.ch, Homburger AG, Prime Tower, Hardstrasse 201, Zurich, Switzerland 8005, Telephone: +41 43 222 10 00.

Mr John B. Pinney, Email: jpinney@graydon.law, Graydon, 312 Walnut St., Ste. 1800, Cincinnati, Ohio, United States 45202, Telephone: +1 513 629 2730.

Dr Nikolaus Pitkowitz, Email: N.Pitkowitz@pitkowitz.com, Pitkowitz & Partners, The Icon Vienna, Tower 24, 3rd Floor, Wiedner Gürtel 13, Vienna, Austria 1100, Telephone: +43 1 41301.

Ms Lisa Renee Pomerantz, Email: lisa@lisapom.com, Attorney-at-Law, 80 Orville Drive, Suite 100, Bohemia, New York, United States 11716, Telephone: +1 631 244 1482.

Mr. Kelvin Poon, Email: kelvin.poon@rajahtann.com, Rajah & Tann Singapore LLP, 9 Straits View #06-07, Marina One West Tower, Singapore, Singapore 018937, Telephone: +65 6232 0403.

Mr Dirk Pulkowski, Email: dpulkowski@pca-cpa.org, Permanent Court of Arbitration, Peace Palace - Carnegieplein 2, The Hague, Netherlands 2517 KJ, Telephone: +31 646 038544.

Mr C. Ryan Reetz, Email: ryan.reetz@bclplaw.com, Bryan Cave Leighton Paisner LLP, 200 S. Biscayne Blvd., Suite 400, Miami, Florida, United States 33131, Telephone: +1 786 322 7370.

Mr Douglas Reichert, Email: dreichert@swissonline.ch, 36, boulevard Helvetique, Geneva 11, Switzerland 1211, Telephone: +41 22 320 0525.

Mr Peter Rosher, Email: prosher@reedsmith.com, Reed Smith LLP, 112 Avenue Kléber, Paris, France 75166, Telephone: +33 1 44 34 80 95.

Ms. Francesca Salerno, Email: francesca.salerno@enel.com, Enel S.p.A., V.le Regina Margherita 137, Rome, Italy 00198, Telephone: +39 3486246566.

Mr Lawrence S. Schaner, Email: lschaner@schanerlegal.com, Schaner Dispute Resolution LLC, 77 West Wacker Drive, Suite 4500, Chicago, Illinois, United States 60601, Telephone: +1 312 624 7715.

Prof. Martijn Scheltema, Email: martijn.scheltema@pelsrijcken.nl, Pels Rijcken & Droogleever Fortuijn N.V., Bezuidenhoutseweg 57, PO Box 11756, The Hague, Netherlands 2502 AT, Telephone: +31 70 515 3908.

Mr Niels Schiersing, Email: niels.schiersing@arbchambers.com, Arbitration Chambers Hong Kong, London & New York, Boulevard Plaza, Tower 2, Level 23, Emaar Square, Downtown, Dubai, United Arab Emirates, Telephone: +971505269745.

Ms Christina Cathey Schuetz, Email: christina.schuetz@cliffordchance.com, Clifford Chance, 10 Upper Bank Street, Canary Wharf, London, England E14 5JJ, Telephone: +44 207 63912.

Mr Nish Shetty, Email: Nish.Shetty@CliffordChance.com, Clifford Chance Pte Ltd, Marina Bay Financial Centre, 25th Floor, Tower 3, 12 Marina Boulevard, Singapore, Singapore 018982, Telephone: +6410 2285.

Dr Christof Siefarth, Email: cs@bodenheimer.legal, Bodenheimer, Torhaus Gerling Quartier| Von-Werth-Str. 2, Cologne, Germany 50670, Telephone: +49 221 291 90 60.

Ms Vasuda Sinha, Email: Vasuda.SINHA@freshfields.com, Freshfields Bruckhaus Deringer LLP, 9 avenue de Messine, Paris, France 75008, Telephone: +33 6 82 56 56 56.

Dr Duncan Speller, Email: dspeller@willkie.com, Willkie Farr & Gallagher (UK) LLP, Citypoint, 1 Ropemaker Street, London, England, United Kingdom EC2Y 9AW, Telephone: +44 203 580 4711.

Dr Franz X. Stirnimann Fuentes, Email: fxs@stirnimannfuentes.com, Stirnimann Fuentes Dispute Resolution, Route de Malagnou 6, Geneva, Switzerland 1208, Telephone: +41 22 552 04 24.

Ms Edna Sussman, Email: esussman@sussmanadr.com, SussmanADR LLC, 20 Oak Lane, Scarsdale, New York, United States 10583, Telephone: +1 914 261 6816.

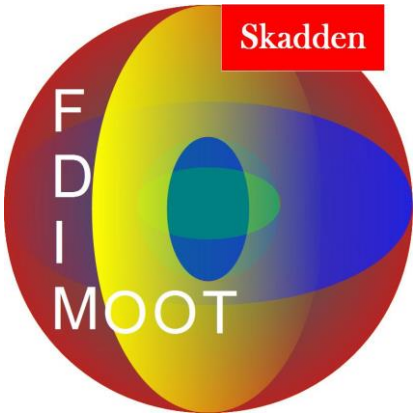
Ms Annet Van Hooft, Email: vanhooft@vanhooft-legal.com, van Hooft SARL, 5, avenue Alphand, Paris, France 75116, Telephone: +33 6 1915 9293.

Mr Gauthier Vannieuwenhuyse, Email: gauthier.vannieuwenhuyse@hoganlovells.com, Hogan Lovells (Paris) LLP, 17, avenue Matignon, Paris, France 75008, Telephone: +33 7 8682 3261.

Mr Robert W. Wachter, Email: robert.wachter@leeko.com, Lee & Ko, 18th Fl., Hanjin Main Bldg. 63 Namdaemun-ro, Jung-gu, Seoul, South Korea 04532, Telephone: +82 2 63866241.

Dr Todd J. Weiler, Email: todd@treatylaw.com, Independent Barrister and Arbitrator, 2014 Valleyrun Boulevard, Unit 19, London, Ontario, Canada N6G 5N8, Telephone: +1 519 204 6165.

Ms Marie-Aude Ziadé, Email: ziade@fiervilleziade.com, Fierville Ziadé, 66 Avenue Kléber, Paris, France 75116, Telephone: +33 6 33 210247.

Foreign Direct Investment International Arbitration Moot

The 2022 Edition of the Global Orals will be held 3-6 November at King's College London, with a virtual option for teams who cannot travel the week before.