International Arbitration and Economic Sanctions

Legal and Practical Considerations for Arbitrators, Counsel, Parties and Institutions

Zurich, 24 September 2015

Venue
Radisson Blu Hotel, Zurich Airport, Switzerland

Objective
Open forum for the sharing of experience/practices amongst experienced arbitrators and counsel (both external and in-house) in relation to International Arbitration and economic sanctions. Chatham House Rules apply. This Event will be unique and there shall be no publication of the conference proceedings.

Who should attend?
• In-house counsel
• Arbitrators
• Counsel
• Academics
• Arbitral institutions
• Government officials in charge of foreign policy and sanction regulations
• Senior Managers in international corporations and Compliance Officers

The conference will be preceded by a Welcome cocktail on 23 September 2015, 19:00-22:00, Radisson Blu Hotel, Zurich Airport, Switzerland

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PROGRAMME

9:00   Introductory Remarks by Host Organisation ICC Switzerland

9:20   Setting the Scene: The Interaction between International Arbitration and Economic Sanctions

Georges Affaki, Independent Arbitrator, Partner, Affaki Avocats, Paris

9:30   I. The Legal Authority of Sanction Regulations through the Prism of International Arbitrators

- Economic Sanctions as Claims or Defenses: Elements of facts, of law, mandatory rules, public policy, international public policy?
- National and Supra-National Sanction Regimes: Do They Carry the Same Authority vis à vis the international arbitrator?
- Illegality of Contracts v. Illegality of Economic Measures: an open debate
- Economic Sanctions and Investment Arbitration
- Q&As

Speakers
Wendy Miles QC, Partner, Boies, Schiller & Flexner LLP, London
Hans van Houtte, President Iran-US Claim Tribunal, Professor of Law – University of Leuven
Hamid Gharavi, Partner, Derains & Gharavi International, Paris

Moderator
Georges Affaki, Independent Arbitrator, Partner, Affaki Avocats, Paris

10:40  Contact Break

11:00  II. Economic Sanctions in International Arbitration Practice

- How do Foreign Sanction Regimes become relevant in Arbitral Proceedings?
- The personal liability of arbitrators and counsel in relation to sanction-related arbitral proceedings
- Recognition and Enforcement of Awards Prospects
- Q&As

Speakers
Sébastien Besson, Partner, Lévy-Kaufmann Kohler, Geneva
Pierre Mayer, Independent Arbitrator, Paris
Audley Sheppard, Partner, Clifford Chance, London

Moderator
Homayoon Arfazadeh, Partner, Python & Peter, Geneva
III. Arbitral Institutions’ Approach to Administering International Disputes involving the application of economic sanctions: A survey amongst European and international arbitration institutions and a dialogue with their representatives
An open debate.

Speakers
Mark Appel, International Centre for Dispute Resolution (ICDR)
Chiann Bao, Hong Kong International Arbitration Centre (HKIAC)
Ulrike Gantenberg, Heuking Kühn Lüer Wojtek, on behalf of Deutsche Institution für Schiedsgerichtsbarkeit (DIS)
Gregor Grubhofer, Baier Attorneys at Law, on behalf of Vienna International Arbitral Centre (VIAC)
Emmanuel Jolivet, International Chamber of Commerce (ICC)
Annette Magnusson, Arbitration Institute of the Stockholm Chamber of Commerce (SCC)
Jacomijn van Haersolte-van Hof, London Court of International Arbitration (LCIA)
(tbd), Swiss Chambers’ Arbitration Institution (SCAI)

Moderator
Bernhard F. Meyer, Partner, MME Legal AG, Zurich

13:00 Lunch

14:00 Keynote
Brian O’Toole, Senior advisor to the Director, Office of Foreign Assets Control (OFAC), US Department of the Treasury

14:30 IV. Arbitration, Economic Sanctions and Contracts
- Sanctions and Contracts: contracts purporting to neutralize the impact of sanctions, contracts seeking to prolong the scope of sanctions
- The Case of Conflict Between the Applicable Law and the Contract: The Arbitrator’s Approach
- The Fate of the Contract Impacted by Sanction Regulations
- Q&As

Speakers
Günther Horvath, Partner Freshfields Bruckhaus Deringer, Wien
Jakob Ragnwaldh, Partner, Mannheimer Swartling, Stockholm
Felix Dasser, Partner, Homburger AG, Zurich

Moderator
Urs Weber-Stecher, Partner, Wenger & Vieli AG, Zurich

15:30 Contact Break

15:50 V. The Way Forward: What can be done?
An Open Floor discussion with the session moderators Georges Affaki, Homayoon Arfazadeh, Bernhard F. Meyer and Urs Weber-Stecher
LOGISTICS AND REGISTRATION

Time & Venue:

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<td>Conference and Lunch</td>
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Working language:
English

How to register:
Please complete and return the registration form before 18 September to:

Email: info@icc-switzerland.ch
Post: ICC Switzerland
Hegibachstrasse 47
8032 Zurich
Tel: +41 44 421 34 50
Fax: +41 44 421 34 88
Website: www.icc-switzerland.ch

Registration will be confirmed upon receipt of the payment.

Cancellation charge:
50% of the contribution to costs will be refunded if notice of cancellation is received in writing before 10 September 2015. Cancellations after this date are not refundable. However, registration may be transferred to another person from the same company or organization at no extra charge, provided that notice is sent to info@icc-switzerland.ch prior to the Conference.

Hotel:
ICC Switzerland has pre-booked a limited number of rooms at the Radisson Blu Hotel at a preferential rate of 260 CHF per night. The hotel is with direct airport access and offers you total ease of travel. If you wish to book rooms at the Radisson Blu Hotel at this rate, please send an email to info@icc-switzerland.ch.
REGISTRATION FORM

Participant information:

Title (Mr/Dr/Mrs/etc.): ____________________________________________

Family name: __________________________________________________

First/given name: _______________________________________________

Position: __________________________ Company: ______________________

Address: _______________________________________________________

______________________________ Zip/postal code: __________________

City/state: ______________________________________________________

Country: ______________________ Email: ____________________________

Phone: ______________________ Fax: ________________________________

☐ I will attend the Welcome cocktail on 23 September 2015

☐ I will attend the Conference on 24 September 2015

Registration fee:

☐ For members: CHF 400

☐ For non-members: CHF 500

*The fee includes documentation, refreshments and the welcome cocktail on 23 September 2015*

Not subject to VAT
VAT- No. CHE-104.084.999

Payment:

By bank transfer: Credit Suisse, 8070 Zurich

IBAN: CH08 0483 5043 2730 6100 0

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CL. NO. 4835

Please indicate the title of the conference and the participant’s name clearly.

Date: ______ / ______ / Signature:_____________________________

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