

THE 2ND CARTAL CONFERENCE ON INTERNATIONAL ARBITRATION

September 30 – October 1, 2017

“LOOKING EAST: ARBITRATION IN THE ASIAN AGE”

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JODHPUR

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ORGANIZERS

The Centre for Advanced Research & Training in Arbitration Law (CARTAL) has been set up by National Law University, Jodhpur to promote research and scholarship in the field of arbitration. The mandate of the Centre is achieved by organizing lectures, workshops and conferences. CARTAL also publishes the bi-annual Indian Journal of Arbitration Law (IJAL). IJAL covers a wide range of subjects, maintaining a focus on transnational debates in international commercial arbitration and investment treaty arbitration and is recognized as a leading dispute resolution journal in the country as well as globally. IJAL is indexed on HeinOnline, Kluwer Arbitration and Westlaw. The Conference will be hosted at National Law University, one of India's premier law varsities, situated at the vibrant city of Jodhpur, Rajasthan.

The Conference's Organizing Partner, Baker McKenzie, is a premier global law firm that boasts of a clientele of over 500 of the world's largest companies and enjoys presence in as many as 47 countries. The Conference is institutionally supported by the UNCITRAL Regional Centre for Asia and the Pacific, the ICC International Court of Arbitration (Paris), the International Centre for Dispute Resolution (ICDR) of the American Arbitration Association, the Singapore International Arbitration Centre (SIAC), the Hong Kong International Arbitration Centre (HKIAC), the Kuala Lumpur Regional Centre for Arbitration (KLRCA), the Asia Pacific Forum for International Arbitration (AFIA) and the Mumbai Centre for International Arbitration (MCIA).

ABOUT THE CONFERENCE

The theme of the 2nd Annual International Arbitration Conference is "*Looking East: Arbitration in the Asian Age*". The definition of East for the purpose of the Conference encompasses favoured and emerging seats of arbitration in North East, South, South East and Central Asia. The main aim of the Conference is to study the different approaches adopted by various regions in Asia in adapting to the practice of international arbitration. The panel discussions will act as a platform for practitioners and academicians to come together to discuss the new developments and trends in the practice of international arbitration in the region.

GUEST OF HONOUR

Hon'ble Justice Madan B. Lokur
Judge, Supreme Court of India



Justice Lokur was appointed to the Delhi High Court in 1999. He was Acting Chief Justice of the Delhi High Court. He then served as Chief Justice of the Guwahati High Court and of the Andhra Pradesh High Court. In 2012, he was elevated to the Supreme Court of India.

PANEL DISCUSSION I: INTERNATIONAL ARBITRATION ACROSS LEGAL AND ECONOMIC CULTURES

The movement of international arbitration towards emerging seats in the East signals the need for a two-way shift. One, the overhaul of domestic legislation to provide a legal environment more conducive to international arbitration, and two, the recognition and integration of cultural, economic and social differences typical to the Asian Age in norms of international arbitration. This panel will examine the overall framework available for international arbitration in the favoured seats in Asia and explore the necessity of replicating elements of this framework in emerging seats. The question of diversity in international arbitration and the broader representation of Asian arbitrators and centres will also be discussed.

PANELLISTS



Mr. Abhinav Bhushan
Director, South Asia, ICC Arbitration and ADR

As Regional Director, Mr. Bhushan focuses on helping companies, investors, and attorneys efficiently resolve international commercial disputes by raising their awareness of the ICC's Dispute Resolution Services, procedure and thought leadership.



Ms. Neeti Sachdeva
Secretary General and Registrar, MCIA

Ms. Sachdeva has extensively worked as an arbitration practitioner and as an administrator. Her experience includes working with Trilegal, Economic Laws Practice and Freshfields as well as LCIA India, as its Deputy Registrar.



Ms. Dharshini Prasad
Associate, Wilmer Cutler Pickering Hale and Dorr LLP, London

Ms. Prasad has advised States, State entities and multi-national companies on commercial, investment and international law issues. She has also represented clients in arbitrations (under the ICC, SIAC, LCIA and UNCITRAL rules) seated in both civil and common law jurisdictions and across a range of industries.



Ms. Tatiana Polevshchikova
Senior International Case Counsel, KLRCA

Ms. Polevshchikova is involved in the administration of international and domestic arbitrations, and adjudications. She also works on various projects relating to alternative dispute resolution policy, investment arbitration and knowledge dissemination.

PANEL DISCUSSION II: EXPLORING THE VARYING DIMENSIONS OF PUBLIC POLICY IN INTERNATIONAL ARBITRATION

This panel explores the different ways in which the public policy exception has been used in international arbitration and discusses its varying content. The panel will broadly explore the incorporation of public policy into domestic statutes in the Asian States and study if it has been used to veil judicial interference. An important question is how the ambiguity regarding this content will affect the choice of seat. The increasing use of the 'international' public policy exceptions in place of the broader nationally defined exceptions will be considered.

PANELLISTS



Mr. Gunjan Sharma
Senior Associate, Skadden, Arps, Slate, Meagher and Flom, LLP

Mr. Sharma has represented clients in a diverse range of international forums, including before PCA, ICSID, UNCITRAL, ICDR and ICC tribunals and various U.S. courts. He regularly advises clients on various issues related to public international law.



Mr. Greg Lourie
University of Frankfurt

Mr. Lourie has extensive experience in commercial and investment arbitration. His experience includes working at the offices of WilmerHale LLP and at the Permanent Court of Arbitration, where he worked closely with investor-state and state-to-state arbitration tribunals.



Mr. Jayant Mehta
Advocate, Supreme Court of India

Mr. Mehta practices as a Counsel before the Supreme Court, the Delhi High Court and other courts and tribunals in India. He set up his independent practice in 2006 with arbitration and commercial litigation as core areas of practice.



Mr. Manish Aggarwal
Senior Associate, Three Crowns LLP, London

Mr. Aggarwal advises and represents corporations and States in complex, high-value commercial and investment treaty arbitrations under a wide variety of arbitration rules. He is also a tutor in International Arbitration at Queen Mary University's School of International Arbitration.



Mr. Sahil Kanuga
Co-head, International Litigation & Dispute Resolution Practice, Nishith Desai Associates

Mr. Kanuga has worked on an array of matters including Indian and international arbitrations as well as advised on corporate and commercial laws, civil and constitutional matters and criminal offences. He has also negotiated private equity and joint venture transactions.

PANEL DISCUSSION III: THE BRICS DISPUTE RESOLUTION FORUM – OPTIMIZING EFFICACY AND EFFICIENCY

This panel addresses the need for harmonisation of domestic arbitration laws and the hurdles still existing in the enforcement of foreign awards. From an Indian perspective, the main issues would be the enforcement of foreign awards in the country as well as concerns of Indian award-holders in other developing economies. The proposal for a BRICS dispute resolution forum, which entails the landmark coming together of five of the biggest arbitration markets, is taken as an example to facilitate the discussion. The key question is whether the right approach to tackle these issues would be the establishment of a new regional arbitration forum instead of the strengthening of existing forums and institutions. Mapping out the probable gains from such a forum to India as a member country is also important. Parallels of regional arbitration frameworks from Europe and Latin America can also be analysed as potential roadmaps for the development of any regional forum.

PANELLISTS



Ms. Anusha Nagarajan
Advocate, Supreme Court of India and
High Court of Delhi

Ms. Nagarajan is an advocate currently practicing at the Supreme Court of India and the High Court of Delhi. Her experience includes working as a senior associate at Trilegal and as an advocate at the Chambers of Mr. Kapil Sibal.



Ms. Niyati Gandhi
Advocate, Aarna Law, Bangalore

Ms. Gandhi is an advocate at Aarna Law where she specialises in international commercial arbitration and international investment treaty arbitration. She has worked with the UNCITRAL and the ICC International Court of Arbitration. She is presently the co-chair of the Young MCIA, India's first young arbitration practitioners group.



Ms. Sonali Mathur
Partner, AZB & Partners, Mumbai

Ms. Mathur specialises in litigation and arbitration, primarily dealing with corporate, securities and intellectual property law. She has appeared in a wide range of ad hoc and institutional arbitration matters. She holds an LL.M. from the Columbia Law School.

PANEL DISCUSSION IV: THIRD PARTY FUNDING

Despite traditionally being quite wary of litigation funding, recent events have marked a sharp shift in how the Asian arbitration community perceives third party funding (TPF). In 2017, both Singapore and Hong Kong passed legislation allowing for TPF in international arbitration. This shift can pave the way for greater clarity of stance related to TPF in other Asian arbitration centres. Questions that will be examined by the panel include the relevance of TPF in the Asian markets, the likely effects of the recent developments in this regard, the risks associated with TPF, possible conflicts of interest and the issue of security for costs. The panel will also discuss what a good case for funding could be and ways to adapt funding products to meet a client's requirements.

PANELLISTS



Mr. Ashish Kabra
Senior Expert, International Litigation & Dispute Resolution, Nishith Desai Associates, New Delhi

Mr. Kabra has represented individuals, private equity investors and corporate houses before the courts in India and in domestic and international arbitrations. He specializes in private equity exits, shareholder disputes, white collar crimes and corporate insolvency.



Mr. Jeffrey Jeng
Associate, Jones Day, Singapore

Mr. Jeng's practice focuses on international arbitration. Prior to joining Jones Day in 2016, Jeff was counsel at the Singapore International Arbitration Centre (SIAC) and administered more than 100 arbitrations conducted under the SIAC Rules and the UNCITRAL Arbitration Rules.



Mr. Shashi K. Dholandas
Attorney, Bailey Ducquette P.C., New York

Mr. Dholandas is a member of the firm's litigation and arbitration practice. He previously served as a Director and as International Case Counsel with ICDR in New York and Canada. He has also worked as Associate General Counsel with an international specialist broker of litigation and arbitration third party financing and risk insurance.

SCHEDULE

September 30, 2017 (Saturday)

- 3:00PM **INAUGURAL CEREMONY**
Welcome Address: Prof. Poonam Saxena (Vice Chancellor, NLU Jodhpur)
Introduction to the Conference: Ms. Nidhi Gupta (Executive Director, CARTAL)
Presidential Address: Honourable Justice Mr. Madan B. Lokur
- 4:15PM **PANEL DISCUSSION I**
- 5:45PM **PANEL DISCUSSION II**
- 8:00PM Cultural Programme & Dinner

October 1, 2017 (Sunday)

- 8:30AM **PANEL DISCUSSION III**
- 10:00AM **PANEL DISCUSSION IV**
- 11:30AM **CLOSING CEREMONY**
Report of the Conference: Ms. Indulekha Thomas (Convenor)
Vote of Thanks

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Joint Organizing Secretary of the Conference and Managing Editor, IJAL