Economic Sanctions and International Arbitration

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

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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Economic Sanctions and International Arbitration
Zurich, 24 September 2015

PROGRAMME

9:00 Introductory Remarks by Host Organisation ICC Switzerland

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

Georges Affaki, Partner, Affaki Avocats

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, 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
Marc Appel, Senior Vice-President, International Centre for Dispute Resolution (ICDR)
Chiann Bao, Hong Kong International Arbitration Centre (HKIAC)
Gregor Grubhofer, Vienna International Arbitral Centre (VIAC)
Annette Magnusson, Arbitration Institute of the Stockholm Chamber of Commerce (SCC)
(Francesca Mazza), Deutsche Institution für Schiedsgerichtsbarkeit (DIS)
Jacomijn van Haersolte-van Hof, London Court of International Arbitration (LCIA) (tbd), International Chamber of Commerce (ICC) (tbd), Swiss Chambers’ Arbitration Institution (SCAI)

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

14:00 Keynotes
- A keynote speaker representing a relevant governmental or a supranational body
- A senior bank executive to address the challenges for banks in processing payments in relation to arbitration cases involving sanction regulations.

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 ICC Task Force on International Arbitration and Economic Sanctions

Georges Affaki, Homayoon Arfazadeh and Bernhard F. Meyer
LOGISTICS AND REGISTRATION

**Time & Venue:**

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<th>Event</th>
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<tbody>
<tr>
<td>Welcome Cocktail</td>
<td>23 September 2015</td>
<td>19:00 – 22:00</td>
<td>Radisson Blu Zurich Airport</td>
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<tr>
<td>Conference and Lunch</td>
<td>24 September 2015</td>
<td>9:00 – 17:00</td>
<td>Radisson Blu Zurich Airport</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 prior to the Conference.
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 ICC 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, Zurich

IBAN: CH08 0483 5043 2730 6100 0

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

Date:     /     /  Signature:

Please complete and return by 18 September 2015 to ICC Switzerland:
E-Mail: info@icc-switzerland.ch or Fax: +41 44 421 34 88

Registration will only be confirmed upon receipt of the payment