



INTERNATIONAL COUNCIL FOR COMMERCIAL ARBITRATION

**ICCA HONG KONG 2024 PRELIMINARY PROGRAMME**

**ICCA PROGRAMME COMMITTEE**

**Co-Chairs:**

Chiann Bao  
Audley Sheppard KC

**Committee:**

Mark W. Friedman  
Evgeniya Goriatcheva  
Maanas Jain  
Judith Levine  
Michael McIlwrath  
V K Rajah SC  
Patricia Saiz González  
May Tai

**Sunday, 5 May 2024**

**Opening Event**

**Registration**

**26th ICCA Congress Opening Ceremony**

**Opening Cocktail Reception**

(Details to come)



INTERNATIONAL COUNCIL FOR COMMERCIAL ARBITRATION

**DAY 1 – Monday, 6 May 2024, Hong Kong Convention and Exhibition Centre**

**Breakfasts**

(Places limited – details to come)

**Morning – Session 1**

(09.30AM – 10.45AM)

**Panel 1**

**Welcome Remarks**

**Programme Overview**

Chiann Bao and Audley Sheppard KC

**Keynote Address – Prof Bryant G Garth**

Unveiling the Human Dimensions of International Arbitration: Dealing in Virtue Then and Now

**Comment – Prof Chin Leng Lim**

**Coffee Break**

(10.45AM – 11.15AM)

**Morning – Session 2**

(11.15AM – 12.30PM)

**Panel 2: The Arbitrator**

The panel will consider what it means to be an arbitrator entrusted to dispense arbitral justice. Is judging and arbitrating the same? Has the role of arbitrator changed? Have arbitrators become technocrats? What extraneous factors most influence arbitrators? Is there an ideal personality type for an arbitrator? One or three? What is expected of an arbitrator by users? To what extent does it matter to have a person rather than a machine decide disputes?

**Speakers:** Hon Justice Mimmie Chan, Neil Kaplan CBE KC SBS, V K Rajah SC

**Commentators:** Aisha Abdallah, Chris Campbell, Elliott Geisinger

**Rapporteur:** Prof João Ilhão Moreira

**Lunch**

(12.30PM – 02.00PM)

**Afternoon – Session 1**  
(02.00PM – 03.15PM)

**Panel 3: Decision-Making and Biases**

The panel will explore the intricacies of decision-making in international arbitration. Is decision-making a science or art? Do arbitrators approach decision-making differently from judges? Should arbitrators adhere strictly to the traditional judicial doctrine of impartiality, or is a more nuanced perspective warranted? Is nationality still a relevant barometer for independence and impartiality? How profound is the impact of an arbitrator’s personal background on rulings? How do values influence decision-making? The speakers will endeavour to shed light on the various dynamics shaping arbitrators' decisions and influencing case outcomes.

**Moderator:** Patricia Saiz González  
**Speakers:** Sheila Ahuja, Prof Stavros Brekoulakis, Prof Rachel Cahill-O'Callaghan, Dr Henry Forbes Smith KC, Hon Judge Dominique Hascher

**Panel 4: Sociology and Education**

The panel will examine the organisation, structure, and change of participants and institutions in international arbitration, and the effect that education plays. Speakers will address: the key sociological frameworks and associated empirical data; compare dispute resolution approaches in China, the 'west' and other systems; and explore why arbitration is less attractive in some jurisdictions. The panel will also consider the impact of the proliferation of specialised degrees, the increased democratisation of access to arbitration know-how, and the challenge of training advocates and arbitrators whilst at the same time preserving cultural and legal differences.

**Moderator:** Prof Julian DM Lew KC  
**Speakers:** Ginta Ahrel, Prof Kun Fan, Prof Joshua Karton, Nudrat B. Majeed, Jonathan Wood

**Coffee Break**  
(03.15PM – 03.45PM)

**Afternoon – Session 2**  
(03.45PM – 05.00PM)

**Panel 5: Judging the New York Convention**

The panel will discuss the interpretation and application of the New York Convention by courts and the role of judges and practitioners. The discussion will include questions of consistency and uniformity, public policy reflecting societal interests and arbitrability issues in different jurisdictions, and the impact of local legal cultures. The speakers will reflect

**Panel 6: Culture, Localisation and Regionalism**

Individuals fashion the culture of international arbitration, often in their own image. This session will explore how the professional and personal background of participants in the system affect procedure, advocacy and outcomes, attitudes to foreign law and fact-finding. Are we seeing arbitration conducted in different ways in different parts of the world?



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on the visionaries and influencers who have shaped the NYC.

**Moderator:** Prof Andrés Jana

**Speakers:** Senior judges

**Commentators:** Lindsay Gastrell, Barton Legum, Guled Yusuf

**Rapporteur:** Shirin Gurdova

Does the harmonization of processes enhance understanding and effectiveness or mask misunderstanding? How can greater cultural sensitivity and competence be achieved?

**Moderator:** Evgeniya Goriatcheva

**Speakers:** Prof Mohamed S Abdel Wahab, Prof Giorgio F Colombo, Prof Won Kidane, Fei Lu, Ruth Teitelbaum

### Afternoon – Session 3

(05.00PM – 05:20PM)

#### Panel 7: Launch of the 2<sup>nd</sup> Edition of ICCA’s Guide to the Interpretation of the 1958 New York Convention

with Prof Albert Jan van den Berg and Erica Stein

## DAY 2 – Tuesday, 7 May 2024, Hong Kong Convention and Exhibition Centre

### Breakfasts

(Places limited – details to come)

### Morning – Session 1

(09.30AM – 10.45AM)

#### Panel 8: The Advocate

What makes an effective advocate? Is there a universal ideal? What does the science of the human brain tell us about how persuasion works, and can advocates harness that science? Can advocacy in media, politics or other endeavours provide lessons? What tools or innovations can advocates draw upon? The panel will consider how human qualities, including creativity and fallibility, can shape and inspire the advocate, and will provide pragmatic tips for stronger advocacy.

**Moderator:** Mark W Friedman

**Speakers:** Victor Dawes SC, Karl Hennessee, Jim Lawrence, The Hon Justice Dato Mary Lim FCJ, Noradèle Radjai

### Coffee Break

(10.45AM – 11.15AM)

### Morning – Session 2

(11.15AM – 12.30PM)

#### Panel 9: Procedures and Behaviours

The panel will explore how procedure(s) can impact the behaviour and conduct of different participants in the dispute resolution process. Speakers will approach this topic from a number of distinct vantage points, including procedures specific to certain types of dispute (e.g., sports arbitration and infrastructure proceedings) and particular legal cultures. The panel will also address the importance of tailoring procedure(s) to take account of the human element in the adjudicative process.

#### Panel 10: It's (Not) Just Semantics – the Hidden Power of Language

How much does the language used in an arbitration shape the process and influence the outcomes? Does the language of arbitration come with conscious and unconscious cultural norms and conventions attached or does each case leave space to develop its own speech community by adopting unique elements of culture and language from the relevant industry and various actors in the arbitration. When does (and should) meaning get attached to words and concepts used in a case? In bilingual arbitrations, are tribunals more open to a range

of meaning being given to the words used? Does fluency help or hinder an advocate?

**Moderator:** Maanas Jain

**Speakers:** Susan Ahern, Gourab Banerji SA, Kap-You (Kevin) Kim, Aisha Nadar, David W Rivkin

**Moderator:** May Tai

**Speakers:** Samaa Haridi, Jern-Fei Ng KC, Lei Shi, Rainbow Willard

### Lunch

(12.30PM – 02.00PM)

### Afternoon – Session 1

(02.00PM – 03.15PM)

#### Panel 11: Inter-personal Conduct and Ethics

Civility in the practice of law is an essential aspect of maintaining the rule of law. How we conduct ourselves as participants in the process of international arbitration affects how the institution of international arbitration is perceived and its effectiveness. This panel will discuss ICCA’s Guidelines on Standards of Practice in International Arbitration as they relate to our roles as advocates, arbitrators, experts, witnesses, and administrators, taking into account differing cultural perspectives and legal traditions.

**Moderator:** Abby Cohen Smutny

**Speakers:** Funke Adekoya, Hyung-Sik (Brandon) Bang, Nicolás Gálvez Solis, Matthew Gearing KC, Jonathan Lim

#### Panel 12: Dispute Resolution and the Global Community

For centuries, universally agreed dispute resolution rules have been pivotal in resolving some of humanity’s greatest issues. Building on historical examples, this panel will discuss the challenges and successes of dispute resolution in achieving a more harmonious and prosperous global community. This panel will describe current initiatives tackling climate change, practical experiences of designing rules for state-to-state and multi-stakeholder conflicts, and dispute resolution innovation addressing societal inequalities.

**Moderators:** Judith Levine and Annette Magnusson

**Speakers:** Catherine Amirfar, Prof Petra Butler, Martin Doe, Dyalá Jiménez

### Coffee Break

(03.15PM – 03.45PM)

**Afternoon – Session 2**  
(03.45PM – 05.00PM)

**Panel 13: Working in an Adversarial Environment**

Inspired by the concept of doughnut economics, which prioritises balancing social needs and available resources, this panel will explore how psychology and emotions intersect in adversarial settings, and how a greater understanding of the human condition may lead to more collaborative and sustainable approaches to dispute resolution. The speakers will examine: emotions as catalysts for action; the pressures on advocates (including junior lawyers in the team); the tension of cross-examination; how to optimise expert witness engagement; and practical psychology tips to help survive and thrive in adversarial environments.

**Moderator:** Amanda Lee

**Speakers:** Kathryn Britten, Daniel Kalderimis, Yoko Maeda, Prof Giacomo Rojas Elgueta, Emi Rowse (Igusa)

**Panel 14: Costs and Economics**

Costs are an essential consideration in every arbitration. Commercial arbitrations are increasingly criticised of being too costly, with serious access to justice implications for all but the largest private and public entities. The costs incurred by the parties to an arbitration at various stages of the proceedings, security for costs applications, the barriers for impecunious parties, and the impact that third party funding might have on these issues (and recent legislative developments) will be discussed by this panel.

**Moderators:** Aloysius (Louie) Llamzon, and Thomas Stouten

**Speakers:** Prof Crina Baltag, Rodrigo Garcia da Fonseca, Joanne Lau, Ruth Stackpool-Moore

**Congress Gala Dinner** (Separate ticket required)  
(Details to come)

## DAY 3 – Wednesday, 8 May 2024, Hong Kong Convention and Exhibition Centre

### **Morning – Session 1** (10.00AM – 11.30AM)

#### **Panel 15: International Arbitration: An AI Endeavour**

The panel will explore how the incremental adoption of artificial intelligence across society, including in the delivery of justice, may shape assumptions not only of what is permissible but of how arbitration should be conducted. AI will impact advocacy and decision-making, access and transparency, and the skill sets needed by participants. Speakers will also discuss the impact this will have on the legitimacy of international arbitration. Should we be optimistic or pessimistic?

**Moderator:** Michael McIlwrath

**Speakers:** Christopher Bogart, Emily Hay, Rahim Moloo, Maxim Osadchiy, Winnie Tam SC

### **Coffee Break** (11.30AM – 12.00PM)

### **Morning – Session 2** (12.00PM – 01.00PM)

#### **Panel 16: Closing Session**

**Keynote Address** – Richard Susskind KC  
Innovation and Arbitral Justice

**Closing remarks:** Chiann Bao and Audley Sheppard KC

**Invitation to Madrid:** ICCA 2026 Madrid Host Committee





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**Young ICCA-HK 45 Skills Training Workshop** (Separate ticket required)  
(Details to come)

**Beyond Bargaining: Understanding Human Behavior in Negotiation**

Join Young ICCA and HK45 for an afternoon with Dr. Claudia Winkler from The Negotiation Academy to explore the fascinating intersection of negotiation and human behavior.

In this workshop, participants will immerse themselves in the psychological underpinnings of negotiation strategy and decision-making and explore how to make the world of negotiation psychology work in negotiations through interactive exercises and role-playing simulations. Topics include:

- Game theory in win-win negotiation;
- Anchoring in competitive bargaining; and
- Framing and other unconscious biases.