

WORK PROGRAMME – SESSIONS & PAPERS – 5 September 2017

Monday 25 September

8.45am-10.30pm

8.45am – 9.30am **Opening Ceremony and Welcome Address**
Chairman of the Danish Institute of Arbitration Jesper Lett

Chairman of the Steering Committee David Martowski

Justice of the Supreme Court Jon Stokholm

Moderator: Secretary General of the Danish Institute of Arbitration Steffen Pihlblad

9.30am – 10.30am Cedric Barclay Lecture by Bruce Harris

11am-12.30pm

Current Developments in Arbitration (PS1)

The advantages of the Danish system of arbitration – Dan Terkildsen (Denmark)

New York, New York – Highlights – John D Kimball (USA)

The Impetus and Obstacles in Amending China’s Arbitration Law 1995 – Beiping Chu (China)

Navigating through the maritime arbitration: Malaysia in focus – Sundra Rajoo (Malaysia)

Recent developments in Brazilian arbitration – Ana Tereza Basilio (Brazil)

1.30-3pm

National Arbitration Legislation and Institutions – Part 1 (CS1)

Canada Comparison of arbitral process between CMAA Arbitration Rules and the VMAA Arbitration Rules – J.J. McIntyre (Canada)

China A New Chapter of Maritime Arbitration in China: Innovation and New Attraction – Bo Chen (China)

India Amendments to the Indian Arbitration Act – Amitava Majumdar (India)

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- Indonesia Maritime Court and Arbitration in Indonesia – Husseyn Umar (Indonesia)
- Qatar Overview of recent reforms in arbitration rules: key changes and expected results – Minas Khatchadourian (Qatar)
- UAE The benefits of EMAC to the Middle East region, its advantages over other alternatives for maritime and trade communities –EMAC (UAE)

Privacy, Non-Appearing Parties and Third Parties (CS2)

If privacy matters in arbitration how do we preserve it? – Geoff Farnsworth (Australia)

What to do when a party to a maritime arbitration fails to appear? – Malcolm Holmes (Australia)

When may an arbitration clause be invoked by or towards third parties? Some reflections on UNCITRAL and the Nordics – Amund B Torun (Norway)

Status of non-signatory parties in maritime arbitration – New York and London compared – Andre Pereira da Fonseca (Portugal)

3.30-5pm

National Arbitration Legislation and Institutions - Part 2 (CS3)

- Brazil “Public administration arbitration” in Brazil – Jose Roberto Castro Neves (Brazil)
- Germany Judicial review of arbitration – Axel Salander (Germany)
- Hong Kong CMAC Hong Kong’s ad hoc Arbitration Rules – Brad Wang (HK)
- Sweden Nordic maritime and offshore arbitration – an evolution or just a copycat? – Jorgen Almelov (Sweden)
- Turkey Istanbul Arbitration Center – Silahtaroglu, Comert and Ciplak (Turkey)

Dispute Resolution Clauses (CS4)

Parties should not agree to arbitration clauses that require application of substantive law of any specific jurisdiction – Jack Vayda (USA)

Combined dispute resolution process – trends and challenges – heresy or what the market may want? – Michael Cover (UK)

Validity (and effectiveness) of forum selection clauses in combined transport bills of lading – Mario Riccomagno (Italy)

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Maritime arbitration and mediation in international maritime conventions – Jose M Alcantara (Spain and Panama)

Governing law, jurisdiction and arbitration clauses in contracts of carriage by sea – Thomas Kolster (Finland)

Tuesday 26 September

9-10.30am

Bills of Lading (CS5)

Clean Bills of Lading and Letters of Indemnity – John Weale (Canada)

The Hague and Hague-Visby Rules duty to care for goods – Stephen Girvin (Singapore)

The order and burden of proof in cargo claims and the carrier’s “inherent vice” defence – David Semark (UK)

The shipper’s demand for the items to be shown in the Bill of Lading – Hague and Hague-Visby Article III Rule 3 revisited – Jorgen Rasch (Denmark)

The issue of misdelivery and LOIs – Richard Lord (UK)

Is the arbitration clause provided in the Bill of Lading binding on the insurer – Camila Mendes Vianna Cardoso (Brazil)

Fraud, Corruption, Bad Faith and Cybercrime (CS6)

Fraud claims in London maritime arbitration – Charles Williams (UK)

Dual capacity brokers, seen through the prism of man-in-the-middle frauds – Matthew McGhee (UK)

To what extent may or should commercial arbitrators’ decisions be influenced by ‘sharp practice’ or dealings in bad faith – Bengt E Nergaard (USA)

Arbitration as a target of cybercrime – Jan Wolper (Germany)

11am-12.30pm

Sale and Purchase of Commodities (CS7)

The INCOTERMS rules for sea transport and court jurisdiction: a Belgian perspective – Dodo Chochitaichvili (Belgium)

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Calculation of damages for wrongful rejection of documents in shipment contracts – Gill & Duffus v Berger revisited – Christian Schaap (Denmark)

Letters of Undertaking and Getting it Right – David Colford (Canada)

“Final and binding” quality/quantity determination clauses – are they really final? – Charles Baker (UK) and Paul David (NZ)

Arbitration and Arbitrators (CS8)

Regulation of arbitration: where it comes from, who is it for, and its impact on maritime arbitrators – James Clanchy (UK)

A New Ideological Paradigm in Arbitration – the Need for an Industry Gold-based Standards of Conduct – Aleka Sheppard (UK)

International arbitrator: position, mission or career? – Piotr Nowaczyk (Poland)

The Arbitrator’s Appointment – a frustrating business – Timothy Elsworth (UK)

Arbitrator, conflict of interest and duty of disclosure – Sergio Ferrari (Brazil)

1.30-3pm

Insurance and P & I (CS9)

May a P & I Insurer invoke the jurisdiction clause in the insurer’s policy when the insurer is met with third party direct claims? – Peter Appel (Denmark)

Freight, Demurrage and Defence Cover – Richard Corwin (USA)

When arbitration is not the perfect solution – a Club’s view on counterparty risks – Stinne Taiger Ivo (Denmark)

How to understand the SCOPIC Clause – Philippe Delebecque (France)

Document Production and Evidence (CS10)

Document production in international arbitration – is it a beneficial exercise? – Peter Schradieck (Denmark)

Disclosure in US maritime arbitration – Anthony J Pruzinsky (USA)

“Adverse Inference in New York Maritime Arbitration” – Lucienne C Bulow (USA)

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“We’ll take it and give it the weight it deserves”: an advocate’s view of NY-SMA Arbitration – George M Chalos (USA)

3.30-5pm

Experts, Technicalities and Limitation of Liability (CS11)

The Resolution of shipping disputes: a Product of Applied Expertise – Miriam Goldby (UK)

Wild parties and tame experts – the use of experts in international arbitration – Lars R Overby (Denmark)

Carriage of grain cargoes and fumigation – techno-legal issues in arbitration – John Prasad Menezes (India)

Using Arbitration Effectively to Resolve Bunker Disputes – Trevor Harrison (UK)

Limitation of Liability – Mitsuhiro Toda (Japan)

Security for Costs and Third Party Funding (CS12)

Security for costs in SCC arbitration – Niclas Martinsson (Sweden)

Third Party Funding for Arbitration in Singapore – Kenny Yap (Singapore)

Recovery of third party funding costs - Essar v Norscot – Chirag Karia (UK)

Security for Costs in London Arbitration - Clive Aston (UK)

Thursday 28 September

9-10.30am

Charterparties (PS2)

The Global Santosh: Who risks hire on arrest? Unclearly defined? - Charles Debattista (UK)

The Ocean Victory – Unsafe ports and a time charterer’s entitlement to limit: a missed opportunity – Glenn Winter (UK)

The Athos 1 – safe port/safe berth and terminal operators’ negligence revisited – Alfred Kuffler (USA)

Time Trip Charters: what employment orders is a charterer permitted to give? – Tim Houghton (UK)

Supplytime 2017: knock for knock, and excluding consequential damages – pure and perfect? – Robert Gay (UK)

11am-12.30pm

Interim Measures (PS3)

CMAC protection measures/emergency arbitrator procedures in CMAC Arbitration Rules 2015 – Cai Hongda and Huang Chengliang (China)

Interim and emergency relief in support of maritime arbitration under English law – Ambrose, Collett QC and Maxwell (UK)

Interim measures in international maritime arbitration – Andre C. Martins (Brazil)

Enforcement of interim orders of protection and interim awards under the Arbitration and Conciliation Act of Nigeria – Emmanuel Dike (Nigeria)

1.30-3pm

Contractual Interpretation (CS13)

Differing approaches to construing force majeure clauses in American and English law – Robert G Shaw (USA)

The Supreme Court and Contractual Interpretation – Thomas Raphael (UK)

Penalties – a Game Changer – David Martin Clark (UK)

Container demurrage: Wait till when? – Banu Bozkurt Bozabali (Turkey)

Efficiency and Expedition (CS14)

The adoption of project management tools in international arbitration - Lucas Leite (Brazil)

Improving the efficiency of maritime arbitration – George Lambrou (Greece)

A critical view on the trend of expedited proceedings in arbitration – Harald Sippel (South Korea)

E-arbitration – Marcel Verhagen (Netherlands)

3.30-5pm

Damages (CS15)

The New Flamenco – Mark Hamsher (UK)

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Damages for breach/repudiation: Developments in current practice – Peter Daniel (UK)

The Impact of Hedging on Damages – Catherine Jago (UK)

Moneyball for Mitigating Losses with Derivatives. Can Owners and Charterers Be Expected to Hedge Their Losses? – Karina Albers (UK)

Agreed value or market value? – Patrick Simon (France)

Shipping 4.0 (CS16)

Law & Jurisdiction – Esther Mallach (Germany)

Electronic Bills of Lading – uncharted waters for maritime arbitration? – Sabine Rittmeister (Germany)

Cloud solutions in arbitration: chances and risks – Gregor Harbs (Germany)

Digitalization in arbitration – Considerations using the example of Disputes in Offshore Matters – Falk Fischer and Nicoletta Kroeger (Germany)

Friday 29 September

9-10.30am

Insolvency and Maritime Claims (CS17)

The Right of Arrest – Are we making it too difficult? – Sitpah Selvaratnam (Malaysia)

Contemporary Shipping Problems in Japan: Insolvency and Ship arrest and law reform relating to maritime liens – Yosuke Tanaka and Shohei Tezuka (Japan)

The Panama arresting experience in O. W. Bunker cases – Francisco Carreira-Pitti (Panama)

There is no wrong in The Halcyon Isle – A confirmation from Australia! – Poomintr Sooksripaisarnkit (Australia)

The Australian flirtation with foreign maritime liens – is all love lost? - Angus Stewart SC (Australia)

Shipbuilding and Offshore (CS18)

Reflections on Arbitration of Shipbuilding Contract Disputes in London – Ian Gaunt and Lindsay East (UK)

Security Risks and Dispute Resolutions involving Asian Shipbuilders - Peter S K Koh (Singapore)

Defeasibility of Security Interests in a Shipbuilding Contract – Tung Chong Jun (HK)



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My Shipbuilding Contract has been cancelled. What next? – Nick Vineall (UK)

Shipbuilding contracts – limitation of liability: The law of (un)intended consequences – Roderick Cordara (UK)

On the effectiveness of standard delay limitation of liability clauses in shipbuilding contracts governed by German law – Ulrich Helm (Germany)

11am-1pm

Danish Industry Presentation (PS4)

Arbitration – The User’s view

A panel of legal advisers from within the maritime industry will discuss their views on the use of arbitration. What, from a user’s perspective, works and what needs change

Sandro Vuylsteke, Head of Cargo Claims, Maersk Line

Christian Gorrissen, Vice President, Head of Legal, TORM

Carsten Bober, General Manager, Insurance & Claims, Team Tankers International

Per Zerman, Head of Legal – General Counsel, Dampskibsselskabet NORDEN A/S

Martin Juste, Head of Legal Offshore, Denmark, Siemens Gamesa Renewable Energy A/S

Anders Wahl, Lawyer, Head of Liability and Marine Cargo Claims, If P&C Insurance

Stig Gregersen, Vice President, Senior Legal Adviser, Assuranceforeningen SKULD (Gjensidig) Copenhagen Branch

2-4pm

Enforcement of Awards (PS5)

Brazil The new Brazilian Code of Civil Procedure: recognition of foreign arbitral awards – Carlos S Forbes (Brazil)

China Recognition and enforcement of a foreign arbitration award in China – David Zhou Yi (China)



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Nigeria	Enforcement of Arbitral Awards in Nigeria – Issues Arising – Adedovin Afun (Nigeria)
Turkey	Res Judicata and Maritime Arbitration Awards – Melis Ozdel (UK/Turkey)
USA	How have the US courts enforced arbitration agreements in crew contracts? – Pamela Milgrim and Borianna Farrar (USA)
UK	The public policy defence to the enforcement of international arbitration awards under the New York Convention in England and other common law jurisdictions – Neil Henderson (UK)

4-4.30pm

Closing notes and announcement of host of XXI ICMA