A conference presented by the IBA Arbitration Committee

23rd Annual IBA Arbitration Day

Innovation 360: new and novel ideas for the practice of arbitration - critically tested

24–25 March 2022

Ciragan Palace Kempinski, Istanbul, Turkey

Under the theme of Innovation 360: new and novel ideas for the practice of arbitration – critically tested, the 2022 Arbitration Day will present a series of panels, with each panel presenting one new idea that challenges a key aspect of the way in which international arbitration is presently practiced.

Each panel discussion will start with the proponents of the new idea making their case. Both the other panellists and the audience will then subject the new idea to critical testing and rigorous assessment.

Topics include:
Procedural timetable no 1 – topped and tailed: improved case management
• Quantum academy: training and certification on assessing damages
• Rethinking the justification for, preparation and presentation of witness testimony
• Procedural rules and institutional reforms to promote diversity and inclusion

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FOR MORE INFORMATION AND TO BOOK ONLINE VISIT WWW.IBANET.ORG/CONFERENCE-DETAILS/CONF2064
Programme

Conference Co-Chairs
Valeria Galíndez  Galíndez Arbitragem, Sao Paulo; Co-Chair, IBA Arbitration Committee
Samaa Haridi  Hogan Lovells, New York; Co-Chair, IBA Arbitration Committee

Programme Committee
Julie Bedard  Skadden Arps Slate Meagher & Flom, New York
Gaetan Verhoosel  Three Crowns, London

Organising Committee Chair
Utku Cosar  Cosar Avukatlik Burosu, Istanbul

Organising Committee
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Cecilia Carrara  Legance Avvocati Associati, Rome
Wade M Coriell  King & Spalding, Singapore
Sandra De Vito Bieri  Bratschi Ltd, Zurich
Georgi Dimitrov  Georgi Dimitrov Attorney at Law, Skopje, Macedonia
Raed Fathallah  Bredin Prat, Paris
Matthew Gearing QC  Fountain Court Chambers, London
Teresa Giovannini  LALIVE, Geneva
Paula Hodges QC  Herbert Smith Freehills, London
Sara Koleilat-Aranjo  Al Tamimi & Company, Dubai; Secretary, IBA Arab Regional Forum
Melissa Magliana  LALIVE, Zurich
Nania Owusu-Ankomah Sackey  Bentsi-Enchill Letsa & Ankomah, Accra; Co-Chair, Africa Arbitration Group
Professor Patricia Saiz  Professor of Arbitration and Director of International Relations, Esade Ramon Llull University, Barcelona; Diversity and Inclusion Officer, IBA Arbitration Committee
Ank Santens  White & Case, New York
Franz Schwarz  WilmerHale, London
Vilija Vaitkute Pavan  Ellex Valiunas, Vilnius
Dalibor Valinčić  Wolf Theiss, Zagreb
Alvin Yeo  WongPartnership, Singapore
Roland Ziadé  Linklaters, Paris

Host Committee
Akinci Law Office
Erdem & Erdem Law Office
Esin Attorney Partnership
GKC Partners
Hergün Bilgen Özeke Attorney Partnership
Kabine Law Office
Kolcuo lu Demirkan Koçaklì Attorneys at Law
Moru lu Arseven Law Firm
Osmanoglu Law Firm
Pasksoy Law Firm

Headline social event sponsor  Conference welcome reception sponsor

MOROĞLU ARSEVEN

KOLCUOĞLU DEMİRKAN KOÇAKLI
HUKUK BÜROSU • ATTORNEYS AT LAW
Thursday 24 March

1300 – 1800 Young Practitioners’ Symposium
Further event details such as full programme and booking information can be found at www.ibanet.org/conference-details/CONF2185

1900 – 2100 Welcome reception
Ciragan Palace Kempinski
The reception is open to all registered delegates. Please indicate your attendance when registering either online or via the registration form included within this programme.

Friday 25 March

0730 – 1745 Registration

0750 – 0900 IBA Mediation Committee panel and breakfast:
The golden age of mediation and the role of arbitration
Ciragan Palace Kempinski
Ticket price: €75.
Please indicate your attendance when registering either online or via registration form included within this programme.

0915 – 0930 Opening remarks
Samaa Haridi Hogan Lovells, New York; Co-Chair, IBA Arbitration Committee

0930 – 1045 Procedural timetable no 1 – topped and tailed: improved case management
Lucy Reed will make the case for a more robust Procedural Order template to include, as encouraged options:
• A tribunal session before the hearing to discuss the case and flag questions for counsel
• Regular short teleconferences with the presiding arbitrator to anticipate, air and decide minor issues
• A ‘Kaplan early opening’
• Key points in the schedule for the parties to consider settlement/mediation
• Brief bullet-point post-hearing submissions on key open points
• Reserve dates for subsequent in-person/telephone deliberations

Proponent
Lucy Reed Arbitration Chambers, New York; President of ICCA (2020 – 2023) and President of Singapore International Arbitration Centre

Commentators
Georges Affaki AFFAKI, Paris
Yoshimi Ohara Nagashima Ohno & Tsunematsu, Tokyo
Dorothy Ufot SAN Dorothy Ufot & Co, Lagos; Co-opted Member, IBA Nominations Committee

1045 – 1115 Coffee/tea break

1115 – 1230 Quantum academy: training and certification on assessing damages
Just about every international arbitration presents quantum issues and the value of claims, as well as the complexity of damages calculations, which has also increased substantially. However, lawyers’ knowledge and understanding of the non-legal dimensions of damages calculations has not kept pace.

Mark Friedman will propose a way we can close that critical deficit, make damages calculations more cogent, more reliable and improve confidence in arbitration damages awards.

Proponent
Mark Friedman Debevoise & Plimpton, New York

Commentators
Smitha Menon WongPartnership, Singapore
Gabrielle Nater-Bass Homburger, Zurich
Michael Young QC Quinn Emanuel Urquhart & Sullivan, Paris

1230 – 1400 Lunch

Conference welcome reception sponsor

Exhibitor

Tunç · Fırat | Dereli
ATTORNEY PARTNERSHIP

NCC | Netherlands Commercial Court
Friday continued

1400 – 1430 **Keynote address**

1430 – 1545 **Rethinking the justification for, preparation and presentation of witness testimony**

Witness testimony now dominates most arbitration hearings. Its preparation and presentation has become a lengthy and expensive exercise, with often extensive and heavily lawyered witness statements that require correspondingly extensive cross-examination in order to assess and (frequently) unpack the evidence being adduced.

International arbitral tribunals have become increasingly sceptical about the value of this process. In many cases, the exercise comprises substantial redundancy, and has little impact on the resolution of the case. Further, as highlighted by a recent ICC Task Force as well as a Practice Direction issued by the English Business & Property Courts, witness recollections are frequently compiled without any regard to the science and workings of human memory, such that the evidence is of little value in any event.

**Proponent**
Toby Landau QC  *Duxton Hill Chambers, Singapore*

**Commentators**
Amani Khalifa  *Freshfields Bruckhaus Deringer, Dubai; Senior Vice Chair, IBA Arab Regional Forum*
Reza Mohtashami QC  *Three Crowns, London*
Thomas Sebastian  *Monckton Chambers, London*

1545 – 1615 **Coffee/tea break**

1615 – 1730 **Promoting diversity and inclusion through procedural rules and institutional reforms**

The international arbitration community has certainly embraced the importance of diversity, equity, and inclusion (DEI). Yet, while some progress has been made to level the playing field in terms of opportunities for diversifying the pool of lead counsel, arbitrators, and those engaged in institutional leadership, significant distortions and imbalances remain, raising serious questions amongst important constituencies regarding the legitimacy of international arbitration as a mechanism for the fair and balanced resolution of cross-border disputes.

The time has come for all stakeholders in the international arbitral process to stop tinkering around the edges of the system and to engage in frank and consequential discussions about how to advance DEI in the field of international arbitration in a meaningful way.

Arif Hyder Ali will propose procedural rules, institutional reforms and other structural measures intended to achieve significant advances in addressing the DEI deficit.

**Proponent**
Arif Hyder Ali  *Dechert, Washington, DC*

**Commentators**
Domitille Baizeau  *LALIVE, Geneva*
Karim Hafez  *HAFEZ, Cairo*
Can Yeginsu  *4 New Square Chambers, London*

1730 – 1745 **Closing remarks**
Valeria Galindez  *Galindez Arbitragem, Sao Paulo; Co-Chair, IBA Arbitration Committee*

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The IBA, its officers and staff accept no responsibility for any views expressed, presentations or materials produced by delegates or speakers at the Conference.

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Supported by
Information

Date
24 – 25 March 2022

Venue
Ciragan Place Kempinski
Yildiz, Çırağan Cd No 32
34349
Istanbul, Turkey
Tel: +90 212 326 46 46
Email: reservations.ciraganpalace@kempinski.com

Language
All working sessions and Conference materials will be in English.

How to register
Register online by 18 March at www.ibanet.org/conference-details/CONF2064 and make payment by credit card to avail of the ten per cent online registration discount or complete the attached registration form and return it to the Conference Department at the IBA together with your proof of bank transfer payment. You should receive an email confirmation of your registration within five days; if you do not, please contact confs@int-bar.org.

Conference registration criteria
For the protection of all delegates, to attend the conference, you will need to provide evidence acceptable to the IBA and if required, to the relevant host country authorities that shows:

• You have received two vaccinations against the Covid-19 virus with a WHO recognised vaccine, at least three weeks prior to attendance at the conference, or
• you have a negative PCR (polymerase chain reaction) test result not more than 72 hours before the conference begins (NOT a rapid lateral flow negative test). Any costs incurred for vaccinations and tests are the responsibility of the delegate.

By registering for the conference you agree to the following, the delegate code of conduct and all venue precaution notifications:

• You will not attend the conference if you are displaying any Covid-19 symptoms
• Should you develop any Covid-19 symptoms during your attendance at the conference you will immediately:
  inform a member of IBA staff by email (confs@int-bar.org)
  self-isolate
  comply with all local and national restrictions
• If you receive any notification from any source that you have been exposed to a Covid-19 risk, you will immediately inform a member of IBA staff and comply with local or national restrictions that may be required
• You travel at your own risk and you agree that the IBA cannot be held responsible if you contract Covid-19 during the conference or after returning from the conference
• You agree to the extent permitted by law that you shall not hold IBA responsible for: any travel costs incurred for travelling to and from the conference; any travel costs that may be irrecoverable due to the cancellation or postponement of the conference; any losses or liabilities associated with contracting Covid-19 whether on the way to, during or after the conference
• You agree that, if asked by the relevant local or national authorities, the IBA has permission to pass on your personal information and contact details to those authorities should contact tracing be required.

If you do not comply with the above criteria you might be refused entry to the conference.

Fees

Online registrations received:

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* By paying the non-member fee, we welcome you as a delegate member of the IBA for the year in which this Conference is held, which entitles you to the following benefits:

1) Password access to certain parts of the IBA website.
2) Receipt of IBA E-news and access to online versions of IBA Global Insight.
3) Pay the member rate for any subsequent Conference registrations for this calendar year.

** A reduced rate is offered to IBA Corporate Group Members. Please register online to obtain a 25 per cent discount on the IBA Member fee.

If you would like to become a full or general member of the IBA, which includes membership of one committee or more – and inclusion in and access to our membership directory – we encourage you to do so now in order to register for this Conference at the member rate. You can find full details of how to join at www.ibanet.org.

A reduced rate is offered to lawyers who are over the age of 65, have been an IBA member for more than 20 years and are no longer practising law www.ibanet.org

Full payment must be received in order to obtain your Conference documentation.

Fees include:

• Attendance at all working sessions
• Access to the Conference materials from the IBA website (www.ibanet.org), including any available speakers’ papers submitted to the IBA before 18 March.
• Access to live delegate search
• Lunch on Friday
• Tea and coffee during breaks
• Welcome reception on 24 March

Please note that registrations are not transferable.
### Delegate Code of Conduct

- Temperature (under 38°C) and vaccination checks will be operational upon arrival at the Conference venue.
- Face masks must be worn at all times in the venue. This is also subject to local or national restrictions.
- It is recommended that delegates regularly use the hand sanitisers which will be available for use at the conference.
- Delegates are recommended not to share or mix drinking or eating utensils and should dispose of any napkins and other papers or disposable products promptly in waste receptacles.
- No hard copy conference materials will be distributed. Conference programme and lists of participants will only be provided in soft copy by email.
- We request that you do not shake hands with delegates, exchange business cards or any other materials.

### Venue precautions (these are also subject to the host country’s local and/or national requirements)

- Socially distanced movement and seating rules will be followed. These will comply with relevant local or national restrictions of the venue location at the time of the conference.
- Food and drink will be provided according to the relevant local or national Covid precaution requirements of the venue location at the time of the conference.
- Conference venue meeting and catering rooms will be deep cleaned prior to IBA Conferences.
- Conference venue staff and IBA staff will wear face masks when moving around the venue.
- AV equipment/microphones will be disinfected or have covers changed between use by different speakers.

### Photograph and filming

Certain sessions and/or social functions may be photographed and/or filmed and some of this content may be used for future IBA marketing materials, member communications, products or services. Should you have any concerns with regard to this, or do not wish to be featured in any of these materials please contact the IBA Marketing Department at ibamarketing@int-bar.org.

### Promotion literature

Please note that no individual or organisation may display or distribute publicity material or other printed matter during the Conference, unless by prior arrangement with the IBA. Organisations and companies wishing to discuss promotional opportunities should contact the IBA Sponsorship Department at sponsorship@int-bar.org.

### Payment of registration fees by bank transfer or BACS payment

**Registration forms received without proof of payment will NOT be processed until proof of payment has been received.**

**Euro:** by bank transfer to the IBA account at the National Westminster Bank, St James's & Piccadilly Branch, 208 Piccadilly, London W1A 2DG, United Kingdom.

SWIFT address NWBKGB2L, IBAN GB58NWBK60721106570631

*Please ensure that a copy of the bank transfer details is attached to your registration form.*

**Online credit card payments:** by Visa, MasterCard or American Express. No other cards are accepted.

*PLEASE ENSURE THAT YOUR NAME AND ‘[CONF2064ISTANBUL]’ APPEAR ON ANY TRANSFER OR DRAFT.*

### No deductions or withholdings

All fees payable to us by you in accordance with the terms contained in this ‘Information’ section shall be paid free and clear of all deductions or withholdings whatsoever.

If any deductions or withholdings are required by law to be made from any fees payable to you by you under the terms contained in this ‘Information’ section you shall pay such sum as will, after the deduction or withholding has been made, leave us with the same amount as we would have been entitled to receive in the absence of any such requirement to make a deduction or withholding.

If we obtain the benefit of any tax credit or other relief by reference to any such deductions or withholdings, then we shall repay to you such amount as, after such repayment has been made, will leave us in no worse position than we would have been had no such deductions or withholdings been required.

### Conference sell-outs

The IBA places its conferences in venues of a suitable size for each event; however, there are times when our conferences may sell out. Should this happen, prospective delegates will be informed and a waiting list will operate. The waiting list will function on a ‘first come, first served’ basis, subject to receiving registered delegate cancellations. The waiting list for a conference will close once it has reached ten per cent of the conference venue capacity, as it is very unlikely a place will become available. The IBA will not be liable for any travel or accommodation expenses incurred by an individual who travels to a conference without a confirmed place at the event.

### Cancellation of registration

If cancellation is received in writing at the IBA office by 11 March 2022 fees will be refunded less a 25 per cent administration charge. Refunds will be made minus any monies owed to the IBA.
Travel arrangements and visas
Participants are responsible for making their own travel arrangements. It is recommended that you check your visa requirements with your local embassy or consulate. **We are unable to dispatch visa invitation letters to support your visa application prior to receipt of your registration form and full payment of registration fees.**

Please apply for your visa in good time.

Hotel accommodation
We do not have a room block at the conference hotel. Please contact the hotel directly to book your accommodation.

Ciragan Place Kempinski
Yıldız, Çırağan Cd No 32
34349 Istanbul, Turkey
Tel: +90 212 326 46 46
Email: reservations.ciraganpalace@kempinski.com

Additional accommodation options can be found on the conference webpage under the Accommodation tab.

Delegates are responsible for making accommodation reservations directly with the hotel and entering into an agreement with the hotel regarding credit card guarantees, cancellation terms and conditions, and room rates (should these differ from the special IBA rate). The IBA cannot accept responsibility for hotel accommodation disputes between a delegate and the hotel.

Unauthorized accommodation agents
It has been brought to our attention that there are multiple companies contacting past attendees, claiming to represent the IBA, offering ‘assistance’ with registration and hotel bookings.

They are operating by cold-calling and spamming companies whose names have appeared on previous List of Participants, Programmes and Sponsorship recognition. The only Accommodation Agent the IBA works with is Judy Lane ICS. Judy Lane ICS do not contact delegates on behalf of the IBA without delegates making initial contact. Please ignore any communication that does not come directly from the IBA or Judy Lane ICS.

Disabled access
The hotel is wheelchair accessible. Please notify us if you require special assistance.

Social programme
1900 – 2100 Welcome drinks reception
Ciragan Palace Kempinski
The reception is open to all registered delegates. Please indicated your attendance when registering either online or via registration form included within this programme.

One place per registered delegate is permitted.

Continuing Professional Development/Continuing Legal Education
For Conference delegates from jurisdictions where CPD/CLE is mandatory, the IBA will provide a Certificate of Attendance for the Conference. Subject to CPD/CLE requirements, Conference delegates can use this to obtain the relevant number of hours’ accreditation. The number of CPD/CLE hours available may vary depending on the rules applied by the members’ bar association/law society on time recording criteria.

A Certificate of Attendance is available to Conference delegates on request. Please ask at the IBA Conference registration desk for information on how to obtain the certificate.

IBA Harassment Policy
IBA IBA conferences provide unrivalled professional development and network-building opportunities for international legal practitioners and their professional associates. The IBA values the participation of every delegate and member of the IBA and wants all attendees to have an enjoyable and fulfilling experience. Accordingly, all Conference attendees are expected to show respect and courtesy to other attendees, IBA staff and those involved with hosting the events throughout the Conference and at all Conference events, receptions, and parties, whether officially organised by the IBA or others. All delegates, guests, attendees, speakers, exhibitors, staff and volunteers at any IBA event are required to conform to the IBA Harassment Policy.

See www.ibanet.org/iba-harassment-policy
Registration form

23rd Annual IBA Arbitration Day
Innovation 360: new and novel ideas for the practice of arbitration – critically tested
24-25 March 2022, Ciragan Palace Kempinski, Istanbul, Turkey

Please read the ‘Information’ section before completing this form and return it together with your bank transfer/cheque to the Conference Department at the address below.

REGISTER ONLINE AT WWW.IBANET.ORG/CONFERENCE-DETAILS/CONF2064 TO MAKE IMMEDIATE AND SECURE PAYMENT BY CREDIT CARD AND OBTAIN A TEN PER CENT DISCOUNT ON THE FEES BELOW

PERSONAL DETAILS (Please attach your business card or write in block capitals)

Title________________ Given name ____________________________________________ Family name _____________________________________________

Name and country to be shown on badge (if different from above) __________________________________________________________________________

IBA Membership number (if applicable) ______________________________________________________________ Date of birth ________________

Firm/company/organisation____________________________________________________________________________________________________________

Address ____________________________________________________________________________________________________________________________

_______________________________________________________________________________ Country ____________________________________________

Tel _____________________________________________________________ Fax ________________________________________________________________

Email ______________________________________________________________________________________________________________________________

SPECIAL DIETARY REQUIREMENTS

If you have special dietary requirements, due to allergen intolerances, medical, religious reasons or a life choice, please specify the requirement below. The IBA is unable to cater for dietary requirements other than for the above reasons.

☐ Please tick box if you have allergen intolerances and specify __________________________________________________________________________

Please state all other dietary requirements clearly, i.e. I am a vegetarian; I do not eat red meat.

Disclosure of dietary information denotes you have agreed to the IBA sharing this information with relevant third parties who are providing catering on our behalf.

TO OBTAIN A TEN PER CENT DISCOUNT ON THE FEES BELOW, PLEASE REGISTER BY 18 MARCH 2022 ONLINE AT WWW.IBANET.ORG/CONFERENCE-DETAILS/CONF2064
IBA MEMBERS CAN REGISTER ONLINE BY 25 FEBRUARY 2022 FOR €750. PLEASE SEE ‘INFORMATION’ FOR FURTHER ONLINE REGISTRATION DETAILS.

HARD COPY REGISTRATION FORMS AND FEES RECEIVED: on or before 25 February after 25 February amount payable

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Social functions

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TOTAL AMOUNT PAYABLE €
JOIN THE IBA TODAY AND REGISTER FOR THIS CONFERENCE AT THE IBA MEMBER RATE. PLEASE FIND THE MEMBERSHIP APPLICATION FORM AT WWW.IBANET.ORG.

** A REDUCED RATE IS OFFERED TO IBA CORPORATE GROUP MEMBERS. PLEASE REGISTER ONLINE TO OBTAIN A 25 PER CENT DISCOUNT ON THE IBA MEMBER FEE.

A REDUCED RATE IS OFFERED TO LAWYERS WHO ARE OVER THE AGE OF 65, HAVE BEEN AN IBA MEMBER FOR MORE THAN 20 YEARS AND ARE NO LONGER PRACTISING LAW. PLEASE CONTACT THE IBA OFFICE FOR FURTHER INFORMATION.

FULL PAYMENT MUST BE RECEIVED IN ORDER TO PROCESS YOUR REGISTRATION.

**PLEASE NOTE THAT REGISTRATIONS ARE NOT TRANSFERABLE.**

**METHODS OF PAYMENT**

**By credit card**
Register online at www.ibanet.org/conference-details/CONF2064 and make immediate and secure payment by credit card

**Note:** please do not send your credit card details on the registration form or within an email or fax.

**By bank transfer and cheque/draft**
Registration forms received without proof of payment will NOT be processed until proof of payment has been received.

**Euro:** by bank transfer to the IBA account at the National Westminster Bank, St James's & Piccadilly Branch, 208 Piccadilly, London W1A 2DG, United Kingdom.
SWIFT address NWBKGB2L, IBAN GB58NWBK60721106570631

Please ensure that a copy of the bank transfer details is attached to your registration form.

**WHERE DID YOU FIRST HEAR ABOUT THIS CONFERENCE?**

- [ ] IBA CONFERENCE
- [ ] OTHER CONFERENCE
- [ ] DIRECT MAIL
- [ ] INTERNET
- [ ] ADVERTISEMENT
- [ ] EMAIL
- [ ] EDITORIAL
- [ ] RECOMMENDATION
- [ ] OTHER

Please provide further details, quoting code (if applicable)

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The International Bar Association would like to keep in touch with you about relevant news, events, publications and membership. You can opt out of receiving information at any time by emailing member@int-bar.org or by logging into My IBA and updating your preferences. Your details will be included in the list of participants. If you do not want your details to be included in the list, please email confs@int-bar.org.

For further details on how your data is used and stored: www.ibanet.org/web_privacy_policy.aspx.

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**PLEASE SEND THE COMPLETED FORM TO INTERNATIONAL BAR ASSOCIATION:**

Conference Department
5 Chancery Lane, London WC2A 1LG, United Kingdom
Tel: +44 (0)20 7842 0090  Email: confs@int-bar.org  www.ibanet.org
The International Bar Association (IBA), established in 1947, is the world's leading organisation of international legal practitioners, bar associations, law firms and law societies.

The IBA influences the development of international law reform and shapes the future of the legal profession throughout the world. It has a membership of more than 80,000 individual lawyers and more than 190 bar associations and law societies spanning over 170 countries.

Inspired by the vision of the United Nations, the IBA was founded in the same spirit, just before the Universal Declaration of Human Rights was proclaimed in 1948.

The IBA covers all practice areas and professional interests, providing members with access to leading experts and up-to-date information, enabling them to better represent their clients' interests.

Through its various committees, fora and task forces, the IBA facilitates the exchange of information and views among its members as to laws, practices and professional responsibilities relating to the practice of law around the globe.

Arbitration Committee Overview

The IBA Arbitration Committee focuses on laws, practice and procedures relating to the arbitration of transnational disputes. Through its conferences, publications and projects, the Committee seeks to share information about international arbitration, promote its use and improve its effectiveness.

Become a member of the Committee to benefit from networking opportunities, the opportunity to read and write IBA publications and discounts on conferences and webinars. You can also get involved with the work of the Committee.

Contact information:
International Bar Association
5 Chancery Lane
London WC2A 1LG
United Kingdom
Tel: +44 (0)20 7842 0090
Email: confs@int-bar.org
www.ibanet.org

The organisers may at any time, with or without giving notice, in their absolute discretion and without giving any reason, cancel or postpone the Conference, change its venue or any of the other published particulars, or withdraw any invitation to attend. In any case, neither the organisers nor any of their officers, employees, agents, members or representatives shall be liable for any loss, liability, damage or expense suffered or incurred by any person, nor will they return any money paid to them in connection with the Conference unless they are satisfied not only that the money in question remains under their control but also that the person who paid it has been unfairly prejudiced (as to which, decision shall be in their sole and unfettered discretion and, when announced, final and conclusive).