

# Arbitral Awards

Under the auspices of the **International Court of Arbitration®**

**Dubai, 19-20 October 2010**

**Venue: Dubai Chamber of Commerce & Industry**  
Baniyas Road, Dubai

EARN

**13,5 CLE Credits**  
**11,5 MCLE Credits**  
**11,5 CPD Hours**  
**11,5 CNB Hours**

## Objective

Understanding the nature and impact of an arbitral award enhances awareness of the issues at stake in an arbitral proceeding. This two day conference will examine various aspects of arbitral awards ranging from their historical perspective and theoretical basis, to technical and practical sessions designed to promote efficiency of the arbitral process. The following questions, amongst others, will be addressed:

- Do arbitral awards create binding case law?
- Does an award have a nationality?
- What is an award and the difference between the various types of awards?
- What can and cannot be enforced?
- Correction and interpretation issues will also be mentioned.

Highlights of the conference will include a look into the scrutiny process of the ICC International Court of Arbitration with a mock ICC Court session in which the Chairman and Secretary General of the ICC Court will participate, together with ICC Court members from the Region and around the world.

Issues related to enforcement of arbitral awards, notably when a State party is involved, will be raised during a round table session with a special focus on the particularities of the Region.

Last but not least, a whole afternoon will be dedicated to construction disputes, in cooperation with FIDIC, to examine decisions and recommendations of Dispute Boards as well as the specificities of disputes in construction arbitration.

The ICC has invited internationally renowned experts in arbitration and construction disputes to deal with this key aspect of the arbitral process, to share their experiences and propose concrete solutions.

## Who should attend?

All professionals involved in international trade and dispute resolution: lawyers, arbitrators and mediators, corporate counsel, contract managers, magistrates and academics.

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## Hosted by

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**The ICC International Court of Arbitration** is reputed for being the world's leading institution for resolving international commercial and business disputes. It has a distinguished and longstanding history of international dispute resolution spanning 85 years. In 2009 alone, it received a record 817 requests for arbitration worldwide.

The proliferation of international commercial disputes, many of them involving multiple parties and contracts, is an inevitable by-product of the global economy. Today's business and operating conditions underscore the advantages of arbitration over litigation, especially in cross-border disputes. The parties are often from different national, cultural and legal backgrounds and wish to avoid litigation, which is perceived as giving a "home advantage" to one side due to potential bias by national courts and unfamiliarity with national court procedures. Parties may also wish to be spared negative publicity arising from open court proceedings. ICC arbitration is an attractive alternative because it is inherently flexible, international and confidential.

*Tuesday 19 October 2010*

**Chair of the Conference: John Beechey, Chairman, ICC International Court of Arbitration**

**MORNING 09.00 – 12.30**

#### **Welcoming addresses and introduction**

#### **A historical perspective: review and analysis of the major arbitral awards related to the Middle East**

Selected awards will be analysed to examine whether they may have influenced the building and the development of international arbitration practise. Light will be shed on arbitral awards that made the history of arbitration in the Middle East.

#### **What is an award?**

- Definition of an award, classification and differences between orders and awards and description of different types of awards: Interim, partial and final award. What can and cannot be enforced.
- Content
- Should an award be reasoned or not? If reasoned is less more?
- Correction and interpretation
- Award by consent
- New forms of award? (Is a DB decision an award?)

*Lunch*

**AFTERNOON 14.30 – 17.30**

#### **Afternoon dedicated to the specificities of construction decisions, with a focus on the Region and with the participation of FIDIC**

#### **Decisions and recommendations of Dispute Boards**

Short introduction to Dispute Boards. The purpose, different types and functions of Boards. Comparison of Dispute Board decisions with awards. Use of Boards in main contracts and subcontracts. Current issues with Dispute Boards and their solutions. Enforcement of Dispute Board decisions by partial award.

#### **Awards regarding construction disputes**

Admissibility of claims, satisfaction of time-bars and other condition precedents to arbitration, including referral to a Dispute Board. Summary disposition by partial award or procedural order. Declaratory awards regarding defective work. Cost awards and "Calderbank" offers.

*Dinner hosted by the Dubai Chamber of Commerce & Industry*

*Wednesday 20 October 2010*

**MORNING 09.00 – 12.30**

#### **Role of the co-arbitrators in the decision-making process - Dissenting opinions**

Respective roles of the chairman and co-arbitrators in drafting awards. Dealing with dissenting opinions.

#### **The ICC International Court of Arbitration's scrutiny process of awards**

#### **Mock ICC Court Session**

During this session, participants will observe a mock ICC Court plenary session where the ICC Court is called upon to scrutinize draft awards. Chaired by John Beechey, Jason Fry will play his role of Secretary General and act as Counsel in charge of the cases at issue. Court Members from around the world will also participate.

#### **What weight do arbitrators give to arbitral case law?**

*Lunch*

**AFTERNOON 14.30 – 17.30**

#### **International effect of setting aside an award at the place of arbitration**

#### **Enforcement of an arbitral award – Round Table**

Amongst others: enforcement of an arbitral award with a State party and specificities in the Region in enforcing an arbitral award (Examples of Saudi Arabia and the UAE)

#### **Synthesis and closing**

*End of the Conference*



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## Discussion leaders

- [Ziya Akinci](#), Partner, Akinci Law Office, Turkey; Court Member, ICC International Court of Arbitration
- [Habib Al Mulla](#), Founder and Executive Chairman, Habib Al Mulla & Company, Dubai, United Arab Emirates; Associate Member, ICC Institute of World Business Law
- [Essam Al Tamimi](#), Founder & Managing Partner, Al Tamimi & Company, Dubai, United Arab Emirates; Court Member, ICC International Court of Arbitration
- [John Beechey](#), Chairman, ICC International Court of Arbitration, Paris
- [Ahmed Saif Belhasa](#), Chairman, ICC UAE, Dubai
- [Hamad Buamim](#), Director General, Dubai Chamber of Commerce & Industry, Dubai, United Arab Emirates
- [Ricky Diwan](#), Barrister, Essex Court Chambers, United Kingdom
- [Jason Fry](#), Secretary General, ICC International Court of Arbitration, Paris
- [Lara Hammoud](#), Associate, Shearman & Sterling LLP, Abu Dhabi, United Arab Emirates; Vice-Chair, ICC UAE Commission on Arbitration
- [Richard Harding QC](#), Keating Chambers, United Kingdom; Chairman, Society of Construction Law (Gulf)
- [Sami Houerbi](#), Director, Eastern Mediterranean, Middle East & Africa, ICC International Court of Arbitration, Tunis
- [Joachim Kuckenburg](#), Rechtsanwalt, KAB - Kuckenburg Bureth Associés, France; Former Counsel, ICC International Court of Arbitration
- [Frank Leech](#), Projects Director, Taisei Corporation, Abu Dhabi, United Arab Emirates; UAE Country Representative, The Dispute Resolution Board Foundation
- [Ghaleb Mahmassani](#), Attorney-at-Law, Member of the Beirut Bar and International Arbitrator, Lebanon; Former Member, ICC International Court of Arbitration; Associate Member, ICC Institute of World Business Law
- [Reza Mohtashami](#), Partner, Freshfields Bruckhaus Deringer LLP, Dubai, United Arab Emirates; Vice-Chair, ICC UAE Commission on Arbitration
- [Ciccu Mukhopadhaya](#), Partner, Amarchand & Mangaldas & Suresh A. Shroff & Co., New Delhi, India; Vice-President, ICC International Court of Arbitration
- [Heba Osman](#), Senior Legal Counsel, Emaar Properties PJSC, Dubai, United Arab Emirates
- [Jan Paulsson](#), Principal Consultant, Freshfields Bruckhaus Deringer LLP, Bahrain & France; Vice-President, ICC International Court of Arbitration; Council Member, ICC Institute of World Business Law
- [Philip Punwar](#), Partner, Fulbright & Jaworski, Dubai, United Arab Emirates; Vice-Chair, ICC UAE Commission on Arbitration
- [Michael E. Schneider](#), Partner, Lalive Attorneys-at-Law, Switzerland; Vice-President, ICC Commission on Arbitration; Member, DIAC Executive Committee
- [Christopher Seppälä](#), Partner, White & Case LLP, France; Alternate Member for the United States, ICC International Court of Arbitration; Associate Member, ICC Institute of World Business Law; Legal Advisor, FIDIC Contracts Committee
- Representative of the Dubai International Arbitration Centre (DIAC), Dubai, United Arab Emirates
- [Jean-Benoît Zegers](#), Lawyer, Law Firm of Salah Al-Heijailan, Riyadh, Saudi Arabia

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**Dubai, 19-20 October 2010**

**Venue:** Dubai Chamber of Commerce & Industry, Baniyas Road, Dubai

## Registration fees

**Amount (excluding VAT)** for taxable residents in the European Union (*Intra-Community VAT No. compulsory*) and residents outside the European Union:

### Until 31 August 2010: "Early bird special"

- For ICC members: 750 euros
- For non-members: 850 euros

### After 31 August 2010

- For ICC members: 890 euros
- For non-members: 990 euros

**Amount (including VAT 19,6%)** for residents in France and residents in the European Union without an Intra-community VAT No.

### Until 31 August 2010: "Early bird special"

- For ICC members: 897 euros
- For non-members: 1016,60 euros

### After 31 August 2010

- For ICC members: 1064,44 euros
- For non-members: 1184,04 euros

The registration fee includes all conference activities including documentation, lunches, and dinner on Tuesday. Travel and hotel expenses are not included.

## How to register

**Easier, faster and save 20 euros, register online\* at [www.iccevents.org](http://www.iccevents.org)** (\*Secured payment by credit card) or complete and return the registration form indicating method of payment to:

**E-mail:** [events@iccwbo.org](mailto:events@iccwbo.org)

**Post:** ICC SERVICES – Event Department

**Fax:** +33 (0)1 49 53 30 30

Events Department

**Tel:** +33 (0)1 49 53 28 91

38 Cours Albert 1er, 75008 Paris, France

Registration will be confirmed upon receipt of the registration form and registration fees.

## Travel and accommodation

Participants are responsible for making their own travel and hotel arrangements. ICC has however negotiated a quota of rooms at the **Park Hyatt, Sheraton Dubai Creek Hotel & Towers and Hilton Hotel** at preferential rates. Participants will be provided with details on receipt of their registration.

We are unable to dispatch visa invitation letters to support your visa application prior to receipt of your registration form and full payment of your registration fees.

**Working language:** English

## Credits and hours

ICC Events is eligible for CLE credit under **New York's** approved jurisdiction procedures, is a State Bar of **California** approved MCLE provider and is a Solicitors Regulation Authority and General Council of the Bar of **England and Wales** External CPD Course Provider. **French Bars:** This conference has been sent for CNB approval.

## Cancellation

50% of the registration fee will be refunded if notice of cancellation is received in writing **before 17 September 2010**. Cancellations after this date are not refundable. Subject to agreement from ICC Events prior to the event, the registration may be transferred to another person from the same company or organization at no extra charge. Updated registration material will be required.

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# Registration Form

## S 1011

**Dates:** 19-20 October 2010

**Venue:** Dubai Chamber of Commerce & Industry  
Baniyas Road, Dubai

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### Arbitral Awards

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**Participant information:** (please print or type)

Title (Mr/Dr/Mrs/etc.) .....  
Family name..... First/given name .....  
Position.....  
Company.....  
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City/state ..... Zip/postal code.....  
Country..... E-mail.....  
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**Amount (excluding VAT)** for taxable residents in the European Union (*Intra-Community VAT No. compulsory*) and residents outside the European Union:

**Until 31 August 2010: "Early bird special"**

**After 31 August 2010**

- For ICC members: 750 euros
- For non-members: 850 euros
- For ICC members: 890 euros
- For non-members: 990 euros

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\* As of 1st January 2010, in accordance with Article 196 of the Council Regulation (EC) N° 143/2008 of 12 February 2008, it is now up to the client to process VAT statements and returns with its tax authorities.

**Amount (including VAT 19,6%)** for residents in France and residents in the European Union without an Intra-community VAT No.

**Until 31 August 2010: "Early bird special"**

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The details you provide on this form will be used for registration purposes. They will be stored in ICC's databases for the sole use of ICC (the International Chamber of Commerce and its wholly-owned affiliate ICC Services). Under the French law 'informatique et libertés' of 6 January 1978, you may have access to these details and request deletions and corrections at any time by contacting ICC at [registrationevents@iccwbo.org](mailto:registrationevents@iccwbo.org). The details you provide may be used by ICC to keep you informed of developments in your area of activity through publications, subscriptions, events and other commercial offers. Please indicate if you wish to receive such information:

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