

INTERNATIONAL ARBITRATION CONFERENCE 2024

## WHEN INTERNATIONAL ARBITRATION MEETS THE RULE OF LAW

LESSONS LEARNED AND CHALLENGES AHEAD

### PROGRAM

23-24 May 2024 | Bocconi University, Milano



Pablo Picasso | La Guerre (1952) Musée National Pablo Picasso di Vallauris © Succession Picasso by SIAE 2024

#### CO-CONVENORS

CATHERINE A. ROGERS Bocconi University

CHIARA GIORGETTI University of Richmond

ANDREA CARLEVARIS BonelliErede

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Università  
Bocconi

ANGELO SRAFFA  
DEPARTMENT  
OF LEGAL STUDIES

# THURSDAY, 23 MAY 2024

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**9:30-10:00AM**      **BREAKFAST AND REGISTRATION**

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**10:00-10:15AM**      **WELCOME**

**CESARE CAVALLINI** Bocconi University

**OPENING & INTRODUCTION TO KEYNOTE**

**CATHERINE ROGERS** Bocconi University

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**10:15-10:45AM**

**KEYNOTE**

**WALKING THE TIGHTROPE: INTERNATIONAL ARBITRATION AND THE GLOBAL RULE OF LAW**

**CHERIE BLAIR** CBE, KC, Founder and Chair of Omnia Strategy, Honorary Chair, World Justice Project; Chancellor Emeritus and Honorary Fellow of Liverpool John Moores University; Governor Emeritus and Honorary Fellow of the LSE and the Open University

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**10:45-11:00AM**

**COFFEE BREAK**

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**11:00AM-12:30PM**

**ROUNDTABLE**

**WHEN INTERNATIONAL ARBITRATION MEETS THE RULE OF LAW**

The ROL is probably the closest thing we have to a universal political ideal. It is routinely heralded by scholars, policymakers, and global institutions as an assurance of political stability and economic development and as a protection for fundamental concepts of fairness and human dignity. Given the appeal of these lofty aims, however, ROL at an international level has never seemed more elusive--from law's seeming irrelevance in the face of violent conflicts to its seeming impotence in deterring global abuses like corruption, environmental degradation, and human rights violations. International arbitration, meanwhile, is arguably one of the most effective means of international resolution and promoting international legal accountability.

Despite this promise, international arbitration is rarely discussed in the context of promoting the rule of law.

In this opening roundtable, participants representing a range of stakeholders will discuss the prerequisites for international arbitration to promote international rule of law and the challenges that may impede that aim.

**CO-CHAIRS**

**LLUIS PARADELL** Freshfields Bruckhaus Deringer

**ALLISON MACDONALD** Essex Court Chambers

**PARTICIPANTS**

**MARIACHIARA MALGUTI** President, UNIDROIT

**VALENTINA FERRI** ENI S.P.A.

**JOONGI KIM** Yonsei University (Seoul)

**ALFREDO BULLARD** Bullard Falla Ezcurra

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**12:30-1:45PM**

**LUNCH**

**1:45-3:30PM****COMMENTARY ON CLAIMS TRIBUNALS & INTRODUCTION TO PANEL****CHIARA GIORGETTI** University of Richmond**WHEN PEACEFUL DISPUTE RESOLUTION MEETS THE WORLD'S CONFLICTS**

Some of the most striking moments in the alternative settlement of international disputes is when it has been invoked to resolve peacefully some of the world's most intractable violent conflicts. The international community has established various types of tribunals, from the Iran-US Claims Tribunal, the Eritrea-Ethiopia Claims Tribunal, and the Holocaust Claims Resolution Tribunals; to compensation commissions such as the UN Compensation Commission (Iraq-Kuwait); to Registries of Damage such as the one established for the Occupied Palestinian Territory and the one contemplated for the Russian Invasion and Occupation of Ukraine; to more traditional arbitration tribunals, like the Abyei arbitration between Sudan and South Sudan, the UNCLOS tribunal in South China Seas disputes, and the tribunal established between Colombia and FARC.

This panel will examine how and under which conditions various alternative mechanisms for the settlement of disputes can contribute to the peaceful resolution of global crises.

**CO-CHAIRS****PATRICIA SHAUGHNESSY** University of Stockholm**KABIR DUGGAL** Columbia University & Arnold & Porter**PARTICIPANTS****MONA ALI KHALIL** MAK LAW International and Harvard Law School**OLENA PEREPOLYNSKA** Integrites & Ukrainian Arbitration Association**DAVID VAUGHN** Chief of Party, USAID/Ukraine Justice for All Activity**EDUARDO ZULETA** Arbitration Chambers**3:30-4:00PM****COFFEE BREAK****4:00-5:30PM****WHEN INTERNATIONAL ARBITRATION MEETS INTERNATIONAL ORGANIZATIONS**

International organizations generally enjoy immunity from suits in national courts. But if individuals who have claims against international organizations cannot sue in national courts, where can they bring their claims? Similarly, if international organizations have claims against other actors, where can they bring their claims? These questions implicate both notions of accountability and access to justice, as well as complex theoretical and practical issues.

This panel will address these and other issues raised by international arbitration disputes involving international organizations.

**CO-CHAIRS****CATHERINE ROGERS** Bocconi University**ANNA CHIARA AMATO** Bocconi & Columbia Universities**PARTICIPANTS****AUGUST REINISCH** University of Vienna**ROBERT VOLTERRA** Volterra Fietta**RUTSEL SILVESTRE J. MARTHA** Lindeborg Counsellors at Law**STEVEN HILL** International Institute for Justice and the Rule of Law

**5:30-5:45PM**

**CLOSING REMARKS**

**ANNA BIASIOLO** BonelliErede

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**6:00-8:30PM**

**AN EVENING WITH LAW AND OPERA**

All participants are welcome to a reception that will feature a special multi-media presentation about what happens when the world of law meets the world of opera by the author of the first book ever to take up this intriguing topic.

**FILIPPO ANNUNZIATA** Bocconi University

# FRIDAY, 24 MAY 2024

10:00-10:15AM

## WELCOME

**CATHERINE ROGERS** Bocconi University  
**CHIARA GIORGETTI** University of Richmond

10:15-11:00AM

## COMMENTARY & INTRODUCTION TO KEYNOTE ON CORRUPTION

**ANDREA CARLEVARIS** BonelliErede

### KEYNOTE

## INTERNATIONAL ARBITRATION AND ALLEGATIONS OF CORRUPTION OR ILLEGALITY: IS THERE A RULE OF LAW IMPERATIVE?

**LUCINDA LOW** Senior Counsel at Steptoe & Johnson; Chair of the Board of Directors the Coalition for Integrity; Member of the U.S. Secretary of State's Advisory Committee on International Law

11:00AM-12:30PM

## WHEN INTERNATIONAL ARBITRATION MEETS CORRUPTION

Corruption is, in many ways, the antithesis of the Rule of Law. Corruption is an insidious social phenomenon that is implicated, directly and indirectly, in many international commercial and investment transactions. Decades ago, corruption was considered beyond the scope of arbitrators' powers. Today, arbitrators are increasingly expected to address potential corruption head-on, to raise concerns about corruption *sua sponte*, and potentially to report corrupt behavior to authorities. Despite all the progress, many questions remain about such fundamentals as standards of proof, the substantive and procedural consequences of allegations of corruption, the effect of corruption on the recognition and enforcement of arbitral awards, and the professional duties of arbitration counsel and other participants.

This panel will unpack those complexities, including their treatment in several high-profile recent cases.

### CO-CHAIRS

**PATRICIA NACIMIENTO** Herbert Smith Freehills  
**HUASCAR EZCURRA** Bullard Falla Ezcurra

### PARTICIPANTS

**ALOYSIUS LLAMZON** King & Spalding  
**FLORIANE LAVAUD** Withersworldwide  
**EMILIA ONYEMA** SOAS University of London  
**GIORGIO SACERDOTI** Bocconi University

12:30-1:45PM

## LUNCH

**1:45-3:00PM**

**WHEN INTERNATIONAL ARBITRATION ENGAGES WITH THE WORLD'S GREATEST CHALLENGES**

The most pressing challenges today are beyond the power of any single government to resolve—climate change and pollution, epic levels of migration, pandemics, wars, and global financial crises. At the same time, international law and traditional international organizations have suffered stress fractures under the incredible pressure of these challenges. When these challenges are implicated in disputes, adjudicators must rule on them, even in the absence of contemporaneous inter-governmental cooperation.

This panel will consider whether and how international dispute resolution can rise to meet these various challenges.

**CO-CHAIRS**

**KATIA YANNACA SMALL** Arnold & Porter

**GIACOMO ROJAS ELGUETA** Chiomenti

**PARTICIPANTS**

**ANNETTE MAGNUSON** Climate Change Counsel

**MERIAM NAZIH AL-RASHID** Eversheds

**PAOLO BERTOLI** University of Insubria and Cleary Gottlieb Steen & Hamilton

**HANSEL PHAM** White & Case

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**3:00-3:15PM**

**IL FILO ROSSO: GUIDANCE THROUGH THE MAZE**

Closing remarks will identify the "*filo rosso*" or "red thread" that pervades the topics in the conference and can lead us into a future with a thriving rule of law.

**MAHNAZ MALIK** Twenty Essex Court

**ARRIVEDERCI**

**CATHERINE A. ROGERS, CHIARA GIORGETTI & ANDREA CARLEVARIS**

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