



ICC INSTITUTE
TRAINING

40TH ICC INSTITUTE ANNUAL CONFERENCE

OVERRIDING MANDATORY RULES AND
COMPLIANCE IN INTERNATIONAL ARBITRATION

Online event | 3-4 December 2020



40th ICC Institute Annual Conference Programme

Overriding Mandatory Rules and Compliance in International Arbitration

Economic sanctions, exchange and export control regulations adopted by countries and regional organizations are increasingly interacting with arbitral proceedings across the world. Their overriding mandatory nature with respect to certain territories is unquestionable. But does that make them relevant, or binding, on international arbitral tribunals sitting outside of these territories? Parties' submissions arguing bindingness, or irrelevance, vary greatly whether as a result of sheer ignorance, unease or deliberate attempts to mislead the tribunal. In turn, arbitral awards show no uniform position amongst tribunals. Scarce institutional guidance exists. The world leading arbitrators, counsel, business decision makers, and diplomats – the very drafters of sanctions regulations – will debate openly their conflicting expectations of how those mandatory rules should be complied with, or should they?

Co-chairs of the Conference

Georges Affaki

Partner, Avocat à la Cour, AFFAKI, France; Council Member, ICC Institute of World Business Law

Vladimir Khvalei

Partner, Baker & McKenzie, Russia; Vice-President, ICC Arbitration Commission

14.00 – 14.20 **Opening Session**

Welcome address

- **Yves Derains**, Founding Partner, Derains & Gharavi, France; Chairman, ICC Institute of World Business Law

Introduction of the conference

- **Georges Affaki**, Partner, Avocat à la Cour, AFFAKI, France; Council Member, ICC Institute of World Business Law

Keynote speech

- **Carter Burwell**, Counselor, Office of Terrorism and Financial Intelligence (TFI), Department of the Treasury, United States

14.20 – 15.20 **Economic Sanctions: the politics and practical application of compliance**

- **David Mortlock**, Partner, Willkie Farr & Gallagher LLP, United States
- **Clara Ingen-Housz**, Chief Ethics & Compliance Officer, Group Legal Counsel, Compagnie de Saint-Gobain, France

Moderator:

- **Laurent Cohen-Tanugi**, Managing Partner, Cohen-Tanugi Avocats, France; Former FCPA Compliance Monitor; Member of the Paris and New York Bars

15.20 – 15.35 **Q&A**

15.35 – 15.45 *Break*

15.45 – 16.30 **Economic Sanctions in Courts**

- **Laurence Boisson de Chazournes**, Professor of international law, University of Geneva School of Law, Switzerland
- **Maya Lester QC**, Barrister, Brick Court Chambers, United Kingdom
- **Regis Bismuth**, Professor, Science Po Law School, France

Moderator:

- **Andrew Cannon**, Partner, Herbert Smith Freehills LLP, United Kingdom

16.30 – 16.45 **Q&A**

16.45 – 17.00 **Closing**

14.00– 14.05 **Opening Session**

- **Georges Affaki**: Partner, Avocat à la Cour, AFFAKI, France; Council Member, ICC Institute of World Business Law
- **Vladimir Khvalei**, Partner, Baker & McKenzie, Russia; Vice-President, ICC Arbitration Commission

14:05 – 14:50 **National monetary restrictions: exchange restrictions and export control, sovereign debt moratoria, etc.**

- **Sir William Blair**, Arbitrator, 3 Verulam Buildings, United Kingdom; Chair, Monetary Law Committee of the International Law Association
- **Carolyn Lamm**, Partner, White & Case LLP, United States
- **Ali Malek QC**, Barrister, 3 Verulam Buildings, United Kingdom

Moderator:

- **Bernard Hanotiau**, Partner, Hanotiau & Van Den Berg, Belgium; Council Member, ICC Institute of World Business Law

14.50 – 15.00 **Q&A**

15.00 – 15.10 *Break*

15.10 – 16.05 **Impact of overriding mandatory rules (sanctions violation, money laundering, exchange control) on Arbitration (institutions, venue, arbitrators and counsel, award)**

- **Homayoon Arfazadeh**, Partner, PHYTON, Switzerland
- **Eric de Brabandère**, Professor of International Dispute Settlement, Leiden University Law School, Netherlands; Partner, DMDB Law, Belgium
- **Aasiyah Patel**, Legal Advisor, Legal Services Department, ICC International Chamber of Commerce, Paris

Moderator :

- **Vladimir Khvalei**, Partner, Baker & McKenzie, Russia; Vice-President, ICC Arbitration Commission

16.05 – 16.15 **Q&A**

16.15 – 16.45 **Overriding mandatory rules and international arbitration in a changing world**

- **Dominique Hascher**, Judge, Supreme Judicial Court, France; Adjunct Professor of Law, University Panthéon-Sorbonne; Member, ICCA Governing Board

16.45 – 17.00 Valedictory speech

- **Yves Derains**