

MIAC 2010



The Mauritius International Arbitration Conference 2010

A Joint conference of
the Government of Mauritius
UNCITRAL, PCA, ICSID, ICC, ICCA and LCIA

- 10 Accredited CPD Hours
- French Bars: Conference sent for CNB Approval

13 and 14 December 2010

Flaws and Presumptions:
Rethinking Arbitration Law and Practice
in a new Arbitral Seat

Intercontinental Resort Hotel, Balaclava, Mauritius



International Court of Arbitration®



COUR PERMANENTE D'ARBITRAGE



PERMANENT COURT OF ARBITRATION

The Conference

This conference will launch the new platform created by the Government of Mauritius for international commercial and investment arbitration, and is the culmination of five years of co-operation between Mauritius and the leading institutions in the field in the course of which Mauritius:

- has adopted (in November 2008) state-of-the art legislation based on the UNCITRAL Model Law, adapted to best serve the interests of international users;
- has concluded (in April 2009) a Host Country Agreement with the Permanent Court of Arbitration at The Hague pursuant to which the PCA is appointing a permanent representative in Mauritius;
- is co-operating with a leading institution to open a dedicated and state-of-the art Centre for International Arbitration.

The conference will be opened by the Prime Minister of Mauritius. It will bring together international and regional leaders in the field, and will be the first step aimed at turning Mauritius into a centre of expertise and training in the field for the African continent and beyond.

Panels under the chairmanship of the heads of the co-hosting institutions will use the new framework created in Mauritius as a blank canvas against which to rethink the cornerstones of international commercial arbitration and of investment arbitration. Specifically, over two days:

- Two panels on investment arbitration, chaired by the Secretary-General of ICSID and the Secretary-General of the Permanent Court of Arbitration will aim to rethink the negotiation of investment treaties and the degree of deference which investment treaty tribunals should pay to the regulatory or judicial acts of a Host State.
- Four panels on international commercial arbitration, chaired by the President of the ICC Court, the second senior-most judge in Mauritius, the Director General of the LCIA and the Secretary of UNCITRAL will aim to rethink issues of jurisdiction, arbitrability, Court intervention and the recognition and enforcement of arbitral awards

Speakers include:

- **Jean-Pierre Ancel** - Président de Chambre Honoraire de la Cour de Cassation
- **John Beechey** – President, ICC International Court of Arbitration, Paris
- **Prof. Emmanuel Gaillard** – Shearman & Sterling LLP, Paris
- **Sir Christopher Greenwood CMG QC** - Judge of the International Court of Justice
- **Prof. Albert Jan van den Berg** - Erasmus University (Rotterdam), Hanotiau & Van Den Berg (Brussels)
- **Meg Kinnear** - Secretary General of the International Centre for Settlement of Investment Disputes
- **H.E Mr Christiaan Kröner** – Secretary-General, Permanent Court of Arbitration at The Hague
- **Toby Landau QC** - Essex Court Chambers
- **Salim Moollan** – Vice-President, ICC International Court of Arbitration, Paris
- **Jan Paulsson** - President of the International Council for Commercial Arbitration
- **The Rt Hon. Lord Phillips of Worth Matravers** - President of the UK Supreme Court
- **Renaud Sorieul** - Secretary, United Nations Commission on International Trade Law
- **Prof. Brigitte Stern** - Professor of Law, University of Paris (Panthéon Sorbonne)
- **V.V. Veeder QC** - Essex Court Chambers
- **Adrian Winstanley** - Director General, London Court of International Arbitration

Senior Government figures from all SADC and COMESA countries and from India are being invited to attend the conference.

The conference will reflect the bilingual tradition of Mauritius and be held **in English and French with simultaneous translation.**

Programme

Sunday 12 December 2010

18.00 - 20.00 Welcome drinks hosted by the Honourable Pravind Jugnauth, Vice Prime Minister, Minister of Finance and Economic Development at Intercontinental Hotel, Balaclava

Day 1 Monday 13 December 2010

Morning

09.30 - 09.40 Welcome address
09.40 - 10.00 Opening address: Dr the Honourable Navinchandra Ramgoolam, Prime Minister of Mauritius
10.00 - 10.30 Coffee break

PART I – INTERNATIONAL COMMERCIAL ARBITRATION

10.30 - 11.40 **Rethinking Jurisdiction, competence - competence and separability**

- Moderator: John Beechey, President, ICC International Court of Arbitration, Paris
- Report to the Conference: Salim Moollan, Essex Court Chambers, Vice-President, ICC International Court of Arbitration
- Responses to the Report:
 - Jan Paulsson, President of the International Council for Commercial Arbitration
 - Brigitte Stern, Professor of Law, University of Paris (Panthéon-Sorbonne)
- A Mauritian perspective: Mr Thierry Koenig, Attorney-at-Law

11.40 - 12.00 Q & A

12.00 - 13.30 Lunch (Intercontinental Hotel)

Afternoon

13.30 - 14.40 **Rethinking arbitrability, including the arbitrability of company disputes**

- Moderator: Hon. K. P. Matadeen, Senior Puisne Judge, Supreme Court of Mauritius
- Report to the Conference: Christophe Seraglini, Professor of Law, University of Paris XI
- Responses to the Report:
 - V.V. Veeder QC, Essex Court Chambers
 - Sundaresh Menon, Attorney General of Singapore

14.40 - 15.00 Q & A

15.00 - 15.30 Coffee break

15.30 - 16.40 **Rethinking the role of the courts in the arbitral process and interim measures**

- Moderator: Mr Adrian Winstanley, Director General, London Court of International Arbitration
- Report to the Conference: Albert Henke, Research Fellow and Lecturer, University of Milan
- Responses to the Report:
 - The Rt Hon. Lord Phillips of Worth Matravers, President of the UK Supreme Court
 - M. Jean-Pierre Ancel, Président de Chambre Honoraire de la Cour de Cassation
- A Mauritian perspective: Satyajit Boolell, DPP of Mauritius

14.40 - 15.00 Q & A

15.00 - 15.30 Coffee break

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- Report to the Conference: Albert Henke, Research Fellow and Lecturer, University of Milan
- Responses to the Report:
 - The Rt Hon. Lord Phillips of Worth Matravers, President of the UK Supreme Court
 - M. Jean-Pierre Ancel, Président de Chambre Honoraire de la Cour de Cassation
- A Mauritian perspective: Satyajit Boolell, DPP of Mauritius

16.40 - 17.00 Q & A

20.00

Formal Dinner hosted by the Prime Minister of Mauritius

Day 2 - Tuesday 14 December 2010

PART I – INTERNATIONAL COMMERCIAL ARBITRATION (continued)

9.30 - 10.40 **Rethinking the recognition and enforcement of arbitral awards**

- Moderator: Renaud Sorieul, Secretary of UNCITRAL, representing the Secretary-General of the United Nations
- Report to the Conference: Ricky Diwan, Essex Court Chambers
- Responses to the Report:
 - Prof. Albert Jan van den Berg, Professor of Law, Erasmus University (Rotterdam), Hanotiau & van den Berg (Brussels)
 - Zia Mody, AZB & Partners, Mumbai
- A Mauritian perspective: Anwar Moollan, Barrister-at-Law, Mauritius

10.40 - 11.00 Q & A

11.00 - 11.30 Coffee Break



Our Official Carrier

PART II – INVESTMENT TREATY ARBITRATION

11.30 - 12.40 Rethinking the negotiation of Investment Treaties

- Moderator: Ms Meg Kinnear, Secretary-General of the International Centre for Settlement of Investment Disputes
- Report to the Conference: Andrea Menaker, White & Case, LLP, Washington, D.C
- Responses to the Report:
 - Prof. Emmanuel Gaillard, Shearman & Sterling LLP, Paris
 - Makhdoom Ali Khan, former Attorney-General of Pakistan
- A Mauritian perspective: Michael Ali Mansoor, Financial Secretary, Government of Mauritius

12.40 - 13.00 Q & A

13.00 - 14.30 Lunch (Intercontinental Hotel)

14.30 - 16.10

Rethinking the substantive standards of protection under Investment Treaties – what degree of deference should investment treaty tribunals pay to the regulatory or judicial acts of Host States?

- Moderator: Mr Christiaan Kröner, Secretary-General, Permanent Court of Arbitration at The Hague
- Report to the Conference: Stephan Schill, Max Planck Institute for Comparative Public Law and International Law
- Responses to the Report:
 - Toby Landau QC, Essex Court Chambers
 - Sir Christopher Greenwood CMG QC, Judge of the International Court of Justice
- A Mauritian perspective: Rajsoomer Lallah, former Chief Justice of Mauritius

16.10 - 16.30

16.45 – 17.00

Q & A

Closing of Conference: Hon. Bernard Sik Yuen, Chief Justice, Supreme Court of Mauritius

Who should attend?

This conference is a key event for anyone interested in international arbitration in Africa and in the wider region, including:

- commercial concerns with interests and investments in Africa, or with investment vehicles based in Mauritius;
- corporate advisers and lawyers (including offshore management companies) looking to benefit from the new favourable dispute resolution mechanisms provided for Mauritian GBL companies under the new Mauritian International Arbitration Act;
- counsel and arbitrators specialising in international commercial arbitration and investment arbitration.

The eminent panelists who are attending the conference, the subjects discussed, and the format in which they will be addressed will ensure that the conference is appealing and useful both for practitioners experienced in the field of international arbitration, and for those looking to obtain a solid first grounding in the field.

How to Register

The conference is generously supported by the Government of Mauritius and participation fees have been capped at €200 (or \$250) per person. In order to register for the conference, delegates must fill in the application form available on the website (<http://www.miac2010.mu>) and transfer the participation fees to one of the designated bank accounts within 14 days of completing and submitting the form.

Preferential rates have also been negotiated with the conference hotel and with the official carrier (Air Mauritius). These can be accessed on the Air Booking and Accommodation page of the website.

Registration for the conference will close on 30 November 2010

For any additional information regarding registration, payment, the booking of air travel or accommodation, please contact:

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