



INTERNATIONAL COMMERCIAL AND INVESTMENT ARBITRATION IN THE MEDITERRANEAN

13-14 MAY 2010, Palau de Pedralbes, Barcelona

Presentation

Modern methods of dispute resolution, as alternatives to the ordinary jurisdiction, particularly arbitration, are an essential element of modern trade and investments. Their well-known advantages – speed, lower cost, flexibility, specialisation, confidentiality, win-win effect – are not only attractive but also necessary for business today.

These advantages are useful for all kinds of transactions, but particularly for international transactions in which diverse rights and cultures coexist. They are also useful for SMEs which, given their characteristics, often lack the infrastructures and resources to deal with transnational litigation.

This was recognised by the Final Declaration of the Ministerial Conference “Barcelona Process: Union for the Mediterranean”, held in Marseilles on 3rd April 2008, in which the Ministers of Foreign Affairs of the 43 countries of the UfM affirmed the need to promote investments in the Mediterranean area and to carry out further work on “possible action to improve arbitration procedures in the region” (III “Industrial Cooperation”).

The Mediterranean, given its geographical, climatic, historical and cultural homogeneity, has historically offered characteristics of integrated trade effectiveness and efficiency with innovative formulas to resolve trade disputes. A clear example of this is the fact that King Peter the Ceremonious set up the Consulate of the Sea in the 14th century in Barcelona, originally to resolve maritime conflicts and, later, also trade disputes in general, which arose in the Mare Nostrum and its shores, and is a historical milestone for it and for Barcelona.

Arbitration is also an indispensable incentive for investors who, when deciding on the investment, need the guarantee that, if it fails, they have recourse to a competent, expert and independent “decision-maker”. And, if during the life of the investment, it is affected by disputes with the host state or with other businesses, they need to know that they have a flexible and rapid resolving method at their disposal.

It is important for business people to know and trust the virtues of arbitration; it is essential to train and encourage lawyers so that they include arbitration in contracts; and it is necessary for judges to see arbitration not as competition but as a complement to their excellent function.

This Conference aims to examine the advantages of the alternative methods of dispute resolution and, especially, of arbitration, with the objective of promoting investments and the creation of enterprises, especially SMEs, in the Mediterranean area.

DRAFT PROGRAMME

Thursday 13th May

14:30-16:00 Opening session

Senén Florensa, General Director, European Institute of the Mediterranean (IEMed),
Barcelona

Jordi Hereu, Mayor, Barcelona

Ramón Mullerat, OBE, President, Association for the Promotion of Arbitration (AFA),
Barcelona, KPMG Abogados

Murat Yalçintas, President, Association of the Mediterranean Chambers of Commerce and
Industry (ASCAME)

16:00-17:30 Session 1: The increasing importance of arbitration in trade and investment in the world. General trends, opportunities and challenges.

President-moderator:

Pedro Yúfera, President, Barcelona Bar Association, Barcelona

Speakers:

- **Jalal El Ahdab**, Managing Editor, Journal of Arab Arbitration, Of Counsel, Orrick, Paris
- **Francisco Ramos Romeu**, Professor of Procedural Law, Autonomous University of
Barcelona, Barcelona

Commentators:

- **Karim Hafez**, Director, Hafez, Cairo
- **Evangelos Vassilakakis**, Professor of Private International Law, Thessaloniki University,
Thessaloniki
- **Jesús de Alfonso**, President, Barcelona Arbitration Court, Barcelona
- **Anas Joudeh**, Counsellor, Association for International Arbitration (AIA), Damascus
- **Abdelwahab el Behi**, President, Centre of Conciliation and Arbitration, Tunis

Debate

17:30-17:45 Coffee Break

17:45-19:15 Session 2: Historical and present arbitration experiences in Mediterranean countries. Arbitration and businessmen, lawyers and judges. The Union for the Mediterranean and industrial cooperation and arbitration. Common actions to be considered.

President-moderator:

Ramon Mullerat, OBE, President, Association for the Promotion of Arbitration (AFA),
Barcelona, KPMG Abogados

Speakers:

- **Axel Baum**, Senior Counsel, Hughes, Hubbard & Reed, Paris
- **Màrius Miró**, Roca Junyent Advocats, Vice-president, Association for the Promotion of
Arbitration (AFA), Barcelona

Commentators:

- **Fathi Kemicha**, Attorney at Law, Kemicha & Associés, Tunis
- **Julien Fouret**, Derains Gharavi, OECD-MENA, Paris
- **Pedro Yúfera**, President, Barcelona Bar Association, Barcelona
- **Antonio Hierro**, President, Spanish Club of Arbitration, Madrid
- **Sébastien Bonnard**, Gide Loyrette Nouel, Paris

Debate

20:30 Dinner

Friday 14th May

9:00-10:30 Session 3: The New York Convention 1958 on Recognition and Enforcement of Foreign Arbitral Awards, Application of the Convention by national courts in Mediterranean Countries. Proposals for reform.

President-moderator:

José Miguel Judice, PLMJ, Vice-President, ICC Portuguese National Committee, member, ICC International Court of Arbitration, Lisbon

Speakers:

- **Albert Van Den Berg**, Van den Berg & Hanatiou, Brussels
- **Mohyedin Al-Kaïssi**, ASCAME Arbitration Commission, Beirut

Commentators:

- **Lluís Solà**, Secretary, Spanish National Committee, ICC, Barcelona
- **Abdelilah Barjani**, Chamber president, Appellate Court, Marrakech Trade Court, Marrakech
- **Mohamed S. Abdel Wahab**, Vice-chairman, Chartered Institute of Arbitrators, Cairo
- **Ghazi Kraytem**, Member, Arbitration Commission, Association of the Mediterranean Chambers of Commerce and Industry (ASCAME)

Debate

10:30-10:45 Coffee Break

10:45-12:00 Session 4: How Alternative Dispute Resolution (ADR) and arbitration can assist to promote investments and create business enterprises, especially SMEs in the Mediterranean area.

President-moderator:

Josep D. Guàrdia, President, Academy of Jurisprudence and Legislation of Catalunya, former Minister of Justice, Catalan Government, Barcelona

Speakers:

- **Joaquim Llimona**, President, International Commission, Pimec Employers Association, Barcelona
- **Mordehai Mironi**, Chair, ADR Section, Israel Bar Association, Tel Aviv

Commentators:

- **Cosar Utku**, Cosar Attorneys, Istanbul
- **Mercedes Tarrazón**, Dispute Management SL, Consul, Consolat de Mar, ADR Center of the Barcelona Chamber of Commerce, Barcelona
- **Riyad Fakhri**, member, Governing Board, International Center of Arbitration and Mediation (CIMAR), Rabat
- **Javier Íscar**, General Secretary, European Arbitration Association (Aeade) and Spanish-Moroccan International Court of Arbitration, Madrid

Debate

12:15 Conclusions / Closing session

Senén Florensa, General Director, European Institute of the Mediterranean, Barcelona
Montserrat Tura, Minister of Justice, Government of Catalonia, Barcelona