



Co-Chairs:

Bernard Hanotiau, Partner, Hanotiau & van den Berg, Belgium;
Council Member, ICC Institute of World Business Law

Eric A. Schwartz, Partner, King & Spalding, United States and France;
Former Vice-President and Secretary General, ICC International Court of Arbitration;
Vice-Chair, ICC Institute of World Business Law

PROGRAMME

Monday 30 November 2015

09.00-09.05 Introduction

- **Yves Derains**, Founding Partner, Derains & Gharavi, France; Chairman, ICC Institute of World Business Law; Former Secretary General, ICC International Court of Arbitration

09.05-09.20 Definition and scope of the question

- **Bernard Hanotiau**

09.20-10.20 Class arbitration: the North American experience

How has the law and practice concerning class arbitration developed in the United States since the U.S. Supreme Court's decision in *Bazzele*? How has law and practice developed in Canada? And what are the prospects for class arbitration in those two countries in the coming years? What drafting techniques should be used by parties wishing to provide for class arbitration in an arbitration agreement?

Moderated by:

John Fellas, Partner, Hughes Hubbard & Reed LLP, New York, United States

Speakers:

- **James H. Carter**, Senior Counsel, Wilmer Cutler Pickering Hale and Dorr LLP, New York, United States
- **Christopher R. Drahozal**, John M. Rounds Professor of Law, University of Kansas School of Law, United States
- **Geneviève Saumier**, Professor, Faculty of Law, McGill University, Canada

10.20-10.50 Questions and discussion

10.50-11.15 *Coffee break*

11.15-12.15 Collective arbitration: the European experience

Although class arbitration is widely viewed as an American procedural device, efforts have recently been made in Europe, in particular in Spain and Germany, to make collective or group arbitrations possible in certain contexts. What is the nature of those developments and related experience? How do they differ from class arbitration in North America? What other initiatives are being considered in Europe? Are these developments to be welcomed?

Moderated by:

José Miguel Júdece, Founding Partner, PLMJ, Portugal; Member, ICC Institute of World Business Law

Speakers:

- **Philippe Billiet**, Partner, Billiet & Co, Belgium; Director, AIA; Lecturer, Brussels VUB University
- **Christian Borris**, Partner, Borris Hennecke Kneisel, Germany
- **Laura Carballo**, Associate Professor of Private International Law, University of Santiago de Compostela, Spain

12.15-12.45 Questions and discussion

12.45-14.15 *Lunch break (Catering area on the ground floor)*

14.15-15.15 Mass arbitrations in international investment cases

The *Abaclat* case was the first of several investment arbitration cases commenced on behalf of large groups of claimants. What are the jurisdictional and other legal issues that have been raised by these cases and how can they be conducted so as to ensure due process to all of the parties? What types of disputes may be suited to collective resolution in an investment treaty context and what are the principal obstacles that may be confronted?

Moderated by:

Eloïse Obadia, Partner, Derains & Gharavi, Washington D.C., United States; Former Senior Counsel and Team Leader, International Centre for Settlement of Investment Disputes (ICSID, World Bank Group)

Speakers:

- **Zachary Douglas QC**, Barrister and Arbitrator, Matrix Chambers, United Kingdom; Professor of International Law, The Graduate Institute of International and Development Studies, Geneva, Switzerland
- **Carolyn B. Lamm**, Partner, White & Case, Washington, D.C., United States; Member, ICC Institute of World Business Law
- **Luca Radicati di Brozolo**, Partner, Arbit - Radicati di Brozolo Sabatini Benedettelli, Italy; Professor, Catholic University of Milan; Fountain Court Chambers, London; Member, ICC International Court of Arbitration

15.15-15.45 Questions and discussion

15.45–16.05 *Coffee break*

16.05-17.05 Round-table discussion on the future of class, collective and mass arbitrations

What have we learned thus far about such arbitrations? Are they a marginal phenomenon or has their potential yet to be realized? What are possible solutions to the issues that have been encountered? In the future, will we see more such arbitrations?

Moderated by:

S.I. Strong, Professor of Law, University of Missouri, United States

Speakers:

- **Sir Franklin Berman QC**, Barrister and International Arbitrator, Essex Court Chambers, United Kingdom
- **Pierre J. Dalphond**, Senior Counsel, Stikeman Elliott, Montreal, Canada; Member, ICC Institute of World Business Law
- **Elie Kleiman**, Partner, Freshfields Bruckhaus Deringer, France

17.05-17.35 Questions and discussion

17.35-17.45 Concluding remarks

- **Eric A. Schwartz**

17.45-18.15 *Award Ceremony of the 2015 Institute Prize*

18.15-20.15 *Cocktail reception*

On this occasion, John Beechey (Former Chairman of the ICC International Court of Arbitration) will be presented with a book entitled "International Arbitration under Review", a collection of essays written in his honour.