

Arbitration Academy launches in Paris

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The Arbitration Academy launched its first summer programme on Monday, with the start of a course on investment arbitration taught by Austrian professor Christoph Schreuer and a speech by Swiss professor Pierre Lalive on international arbitrators' fulfilment of their mandate.

In his speech at the Paris Court of Appeal, Lalive warned that arbitrators should not delegate their power to adjudicate to a "fourth arbitrator" – namely, the assistant to the tribunal or to the chair. He also argued that it is one of the defining characteristics of arbitration that arbitrators should be appointed by the parties themselves (rather than by institutions, as some practitioners advocate). For more pictures of the event, see the gallery at the bottom of the article.



Emmanuel Gaillard and Pierre Lalive

This session of the Academy - an initiative of the French Arbitration Committee - will run until 22 July. Out of 240 applicants, 195 candidates from 66 countries were selected to take part, although some have delayed their places until next year so that they can secure financing.

According to statistics provided to GAR, a quarter of the successful candidates are private practitioners, academics or members of arbitral institutions; a quarter are doctoral students; 5 per cent are government officials who advise on international arbitration or are engaged in related legislative reform in Abu Dhabi, Argentina, Ecuador, Georgia, Italy, Mauritius, Nigeria, Saudi Arabia, Singapore and Ukraine; and the remainder are graduate students.

The Academy

Members of the selection committee say it was hard to choose from high-quality applications. "Participants were selected based on a number of criteria, such as knowledge of arbitration law, experience as well as professional or academic profile," says Marie-Elodie Ancel, a professor at Paris XII University. Jean Baptiste Racine, a professor from the University of Nice, adds that the applications were first reviewed by the committee and then by a plenary meeting of members of the academy's executive board.

A total of 30 scholarships were granted, with the recipients selected based on their academic records and financial needs. “The scholarships were awarded to highly-motivated candidates, many of whom come from Asia, Africa or Latin America,” says treasurer Jean-George Betto, a partner at Hogan Lovells in Paris. “Of course we would have loved to give financial aid to a larger pool of candidates, but we expect that, once they have seen the success of our programme, firms or companies will be keen to contribute funding in the years to come.”

Some participants in the programme have benefited from earmarked sponsorship. Teynier & Pic Associés in Paris is sponsoring two Vietnamese students, Electricité de France is sponsoring a law professor from China and French energy company Total is funding a candidate from an oil-producing emerging country.

The idea of an academy offering advanced teaching in international arbitration was first raised by the secretary-general of the French Arbitration Committee, Alexandre Hory, who is now co-secretary general of the venture with Yas Banifatemi, head of public international law at Shearman & Sterling. He says that he was “most impressed by the applicants’ qualifications and profiles”. The academy’s president Emmanuel Gaillard, the head of international arbitration at Shearman & Sterling and a professor at Paris XII University, adds: “We have a great faculty representing some of the best experts in investment or commercial arbitration, as well as senior representatives of major arbitral institutions teaching workshops on institutional arbitration.”

In recognition of the “diverse and international character and high profile” of the participants, Banifatemi says the academy has decided to create a “Laureate of the Academy” prize, for the best written essay on a given topic. This year’s essay question – announced by Gaillard at the start of the programme - asks “Is arbitration a form of international justice?” Entries must be submitted by 15 July and the winner will be announced during the final week of the programme.

The programme is in English and is being taught at three venues in Paris – the Thomson Reuters conference centre and the universities of Paris II (Panthéon Assas) and Sciences Po. The full programme is reproduced below. The Academy has also announced the faculty members for the 2012 programme, which will include a course on international commercial arbitration taught by Boston University professor William W Park.



Gaillard and Banifatemi with faculty member Christoph Schreuer

On 12 July, the Academy will hold the Berthold Goldman Lecture – named after a French professor and arbitrator. This year the lecture will be given by UK arbitrator VV Veeder. It will be followed by a cocktail reception.

2011 programme

INAUGURAL LECTURE

International arbitrators' fulfilment of their mandate
Pierre Lalive

Emeritus Professor of Law, University of Geneva; Partner, Lalive

GENERAL COURSE

The development of investment arbitration
Christoph Schreuer

Of Counsel, Wolf & Theiss, Vienna; Former Professor of International Law, University of Vienna

SPECIAL COURSES

Gateway issues in international arbitration in the United States
George A. Bermann

Professor of Law, Columbia University School of Law; Director, European Legal Studies Center

State Consent in Investment Arbitration
Pierre-Marie Dupuy

Professor of Law, The Graduate Institute, Geneva

Favor arbitrandum in Latin America
Diego P. Fernández Arroyo

Professor of Law, Sciences Po, Paris

Provisional measures in international arbitration
Francois Knoepfler

Partner, KGG & Associés; Honorary Professor, University of Neuchâtel

The new French law on international arbitration*
Pierre Mayer

Professor of Law, University Panthéon-Sorbonne; Partner, Dechert LLP

Insolvency proceedings and international arbitration
Klaus Sachs

Partner, CMS Hasche Sigle; Lecturer on international arbitration law at the Ludwig Maximilian University in Munich

Evidence and the use of experts in international arbitration
Michael E Schneider

Partner, Lalive; President of the Swiss Arbitration Association (ASA)

WORKSHOPS

Workshop 1 – ICC Arbitration practice
Simon Greenberg

Deputy Secretary General, ICC International Court of Arbitration

Workshop 2 – PCA Arbitration practice
Brooks Daly

Deputy Secretary-General and Principal Legal Counsel, Permanent Court of Arbitration

Workshop 3 – ICSID Arbitration practice
Eloïse Obadia

Senior Counsel, ICSID

THE BERTHOLD GOLDMAN LECTURE

Historic arbitration stories: the Lena Goldfields arbitration
VV Veeder QC

Barrister, Essex Court Chambers
Registered participants come from:

The ICC
The Milan Chamber of Arbitration
The Stockholm Chamber of Commerce
·The Polish Chamber of Commerce
·The Brunei Arbitration Association
Wuhan University School of Law
Beihang University
National University of Singapore
University of the Philippines Collage of Law
Central University of Venezuela
Clearly Gottlieb Steen & Hamilton
WilmerHale
Shearman & Sterling

Fernandéz Quiroga (Argentina)
Tozzini Freire Advogados (Brazil)
Lander & Rogers (Australia)
Anderson Mori & Tomotsune (Japan)
Laszczuk & Partners (Poland)

Funders (aside from those mentioned in the article):

Gide Loyrette Nouel, Clifford Chance, Darrois Villey Maillot Brochier, Dechert, Hogan Lovells, Shearman & Sterling, Salans, Tark Grunte Sutkiene, Templars Chambers, Brill Martinus Nijhoff, Juris, the Geneva Master on International Dispute Settlement (MIDS), University Paris-Est Créteil (UPEC), the International Arbitration Institute (IAI) and the International Chamber of Commerce (ICC).

Faculty members for the 2012 programme

GENERAL COURSE

William W Park, Boston University

SPECIAL COURSES

Gabrielle Kaufmann-Kohler, University of Geneva
Julian Lew, Queen Mary University of London, Head of School of International Arbitration
Eric Loquin, University of Dijon
W. Michael Reisman, Yale Law School
Mohamed Salah, University of Nouakchott
Hi-Taek Shin, Seoul National University
Representatives of the ICC, ICSID and the SCC for workshop sessions



*Lalive's speech at the
Court of Appeal*