



Enforcing Arbitral Awards Against States



International Arbitration Institute (IAI) Conference

Paris

4-5 October 2018

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Thursday 4 October

INITIATING ENFORCEMENT PROCEEDINGS – PROCEDURAL CONSIDERATIONS

- 17.00 Recognition and enforcement of arbitral awards: An overview
Liu Jingdong, Professor of Law, Chinese Academy of Social Sciences, Institute of International Law
- 17.20 Suspending enforcement of arbitral awards: ICSID v. New York Convention
Elie Kleiman, Partner, Jones Day
- 17.40 Does immunity from jurisdiction preclude recognition of arbitral awards?
Robert Volterra, Partner, Volterra Fietta
- 18.00 The requirement of prior judicial authorisation
Hakim Boularbah, Partner, Liedekerke Wolters Waelbroeck Kirkpatrick
- 18.20 The intervention of the State where enforcement is sought
François Alabrune, Director of Legal Affairs, French Ministry of Foreign Affairs
- 18.40 Discussion

19.00

COCKTAIL RECEPTION

Friday 5 October

ENFORCEMENT AGAINST STATES – RECENT DEVELOPMENTS

- 09.00 Enforcing against States: The strategies of award creditors
Peter R. Griffin, Founder and Director, Slaney Advisors
- 09.20 Multi-jurisdictional enforcement: The *Stati v. Kazakhstan* case
Deborah Ruff, Partner, Pillsbury Winthrop Shaw Pittman LLP
- 09.40 The mounting hurdles to enforcement against States
Laurent Jaeger, Partner, King & Spalding
- 10.00 Immunities and third party funders: Financial impact
Guy Lepage, Co-Founder and Director, La Française International Claims Collection and La Française IC Fund
- 10.20 Discussion

10.40

COFFEE



Friday 5 October (Cont'd)

STATE INSTRUMENTALITIES – PIERCING THE CORPORATE VEIL

- 11.00 Piercing the corporate veil in domestic law: A comparative approach
 - Gilbert Guillaume**, Former President and Judge, International Court of Justice
 - Douglas F. Harrison**, Harrison ADR Professional Corporation
 - Ali Malek QC**, 3 Verulam Buildings Barristers
 - Jean-Yves Garaud**, Partner, Cleary Gottlieb Steen & Hamilton LLP
 - Alexandra Meise**, Partner, Mitchell Silberberg & Knupp LLP

- 12.40 Discussion

13.00

LUNCHEON

SOVEREIGN IMMUNITY

- 14.30 Waiver of immunity
 - Dominique Hascher**, Judge, French Cour de Cassation
- 14.50 The commercial activity exception in international law
 - Nicolas Angelet**, Partner, Liedekerke Wolters Waelbroeck Kirkpatrick - Associate Tenant, Doughty Street Chambers
- 15.10 The commercial activity exception in domestic law: A comparative approach
 - Natalie Reid**, Partner, Debevoise & Plimpton
 - Thomas K. Sprange QC**, Partner, King & Spalding
 - Jacques-Alexandre Genet**, Partner, Archipel
 - Liu Jingdong**, Professor of Law, Chinese Academy of Social Sciences, Institute of International Law
- 16.40 Discussion

CONCLUDING REMARKS

- 17.00 **Emmanuel Gaillard**, Head of International Arbitration, Shearman & Sterling; Visiting Professor of Law, Yale Law School and Harvard Law School