

## Symposium on Salient Issues in International Arbitration

# DOES A TRANSNATIONAL LEGAL ORDER EXIST IN INTERNATIONAL ARBITRATION?

Live from Washington, D.C., Wednesday and Thursday,  
November 10 and 11, 2021

### Sponsoring Institutions



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## **Symposium Program**

All panels will take place on Zoom

Wednesday, November 10, 2021

9:00 – 9:30 a.m.: **Opening Remarks**

- *Prof. Dr. Horacio A. Grigera Naón*, Director, Center on International Commercial Arbitration, AUWCL
- *Prof. Dr. Krista Nadakavukaren Schefer*, Co-Director, Swiss Institute of Comparative Law
- *Prof. Dr. Ignacio Tirado*, Secretary-General, UNIDROIT, Rome
- *Prof. Dr. Christophe Bernasconi*, Secretary General of the Hague Conference on Private International Law (HCCH), The Hague [pre-recorded welcome and presentation of the HCCH work related to international arbitration.

9:30 – 11:00 a.m.: **The Application of UNIDROIT Principles in International Commercial Arbitration**

- Panel Chair: *Ignacio Tirado*, Secretary-General, UNIDROIT, Rome
- Panelists:
  - o *Michael Joachim Bonell*, Professor Emeritus at the University of Rome I Sapienza; Consultant, UNIDROIT; Editor-in-Chief, UNILEX; and *Eleonora Finazzi Agrò*, PhD, University of Rome I Sapienza; Attorney at law (Rome, Italy); Co-Editor-in-Chief, UNILEX (Section UNIDROIT Principles)  
**Does a Transnational Legal Order Exist in International Arbitration? The Case of the UNIDROIT Principles of International Commercial Contracts**
  - o *Björn Arp*, Fellow, Center on International Commercial Arbitration  
**Communicating between Courts: The influence of foreign “leading cases” in domestic jurisdictions**
  - o *Sébastien Manciaux*, Law Professor (Maître de conférences) at the University of Burgundy (Bourgogne)  
**Some Thoughts on the Arbitral Legal Order Concept**

11:15 – 12:45 p.m.: **A Transnational Legal Order and International Commercial Arbitration**

- Panel Chair: *Jane Willems*, Associate Professor, Tsinghua University, China
- Panelists:
  - o *Oluwaseun O. Ajayi*, Senior Attorney, Office of General Counsel, Government Accountability Office (GAO), Washington, D.C.  
**Recognition of Foreign Arbitral Awards: The Success of the New York Convention in U.S. Courts and its Signal Contribution to International Arbitration**
  - o *Pedro Lacasa*, Lawyer, Universidad Nacional de Asunción  
**Who is liable? The good, the bad and the ugly in the Interim Measures of International Commercial Arbitration**
  - o *Lilit Nagapetyan*, Ph.D. Candidate, Queen Mary University of London  
**Transnational Legal Order in International Arbitration: The Case of Corruption**
  - o *Maryam Pourrahin*, PhD candidate at Tilburg University  
**Arbitration in FRAND-related disputes: challenges and issues**

12:45 p.m.: End of first day

Thursday, November 11, 2021

9:00 – 10:30 a.m.: **A Transnational Legal Order and Investment Arbitration**

- Panel Chair: *Rodrigo Polanco Lazo*, Conseiller juridique, droits hispanophones, Institut Suisse de Droit Comparé, Lausanne (Switzerland)
- Panelists:
  - o *Mary Mitsi*, Lecturer in Commercial Law, Queen Mary university of London  
**Transnational decision-making: Dialogue between legal systems, arbitrators, and judges**
  - o *Ioana Bratu*, Legal Counsel at GE Renewable Energy, London, and PhD candidate at OU London  
**The Preliminary Ruling's Role in the European Union's 'Persistent Objection' as to the Formation of a Transnational Legal Order**
  - o *Qingxiu Bu*, Associate Professor and Chair of the Global Law Initiative, Sussex Law School  
**The Arbitrability of Antitrust Disputes: The Critics of the Chinese Supreme People's Court in *Shell v. Huili***
  - o *Andres Talavera*, Full-time Professor, School of Law, *Universidad del Pacífico*, Perú  
**The Evolution Of The Lex Mercatoria and the emergence of the Transnational Investment Treaty Lex (TRANSIT Lex)**

10:45 a.m. – 12:15 p.m.: **Transnationalism in Action: Preventing Disputes, Allegations of Corruption and International Arbitration**

- Panel Chair: *Krista Nadakavukaren Schefer*, Co-Director, Swiss Institute of Comparative Law
- Panelists:
  - o Aloysius Llamzon, Partner, King & Spalding, Washington, D.C.
  - o Lucinda Low, Partner, Steptoe & Johnson, Washington, D.C.
  - o Roberto Echandi, The World Bank Group

12:15 – 12:30 p.m.: **Conclusions and Closing Remarks**

- *Prof. Dr. Horacio A. Grigera Naón*, Director, Center on International Commercial Arbitration, AUWCL
- *Prof. Dr. Krista Nadakavukaren Schefer*, Co-Director, Swiss Institute of Comparative Law