

07-11 DEC 2020



THE HAGUE ACADEMY OF INTERNATIONAL LAW

Advanced Course in Hong Kong

Venue: Grand Hyatt Hong Kong

Enquiry: events@aail.org

ORGANISERS



Department of Justice
The Government of the Hong Kong
Special Administrative Region



ASIAN
ACADEMY OF
INTERNATIONAL
LAW

FIRST EDITION:

Current Trends on International Commercial Dispute Settlement

The first edition of the Advanced Courses in Hong Kong focuses on the means and current practice of the settlement of international commercial disputes. For this special programme, the Secretary-General of The Hague Academy of International Law has invited leading academics and practitioners from Paris (Professor Diego P. Fernández Arroyo), New York (Professor Franco Ferrari), Bonn (Professor Matthias Weller), Singapore (Ms Natalie Morris-Sharma), and Beijing (Judge Zhang Yongjian) to present expert lectures on the United Nations Convention on International Settlement Agreements Resulting from Mediation, Investor-State Dispute Settlement, international commercial arbitration, settlement of international commercial disputes before domestic courts, and the developments of the International Commercial Court. Registered participants will have pre-course access to an e-learning platform that provides reading documents prepared by the lecturers. At the end of the course, a certificate of attendance will be awarded.

Moreover, all registered participants will be invited to attend a seminar organised by the Hague Conference on Private International Law (HCCH) in the late afternoon of 9 December, at the Function Hall of the Justice Place, Central, which is to be followed by a Special Reception hosted by the HCCH Regional Office for Asia and the Pacific (ROAP) for the Official Opening of its new premises.

PROGRAMME

	07 DEC - MONDAY	08 DEC - TUESDAY	09 DEC - WEDNESDAY	10 DEC - THURSDAY	11 DEC - FRIDAY
09:00 - 10:00	<p>Welcome</p> <p>Professor Jean-Marc Thouvenin Secretary-General, The Hague Academy of International Law</p>	<p>LECTURE 1: International Commercial Mediation – The United Nations Convention on International Settlement Agreements Resulting from Mediation (Cont’d)</p> <p>Ms Natalie Morris-Sharma Deputy Senior State Counsel, Attorney-General’s Chambers, Singapore</p>	<p>LECTURE 2: Investor-State Dispute Settlement (Cont’d)</p> <p>Professor Diego P. Fernández Arroyo Member of the Curatorium of The Hague Academy of International Law & Professor at Sciences Po Law School, France</p>	<p>LECTURE 3: International Commercial Arbitration (Cont’d)</p> <p>Professor Franco Ferrari Professor of School of Law, New York University, USA</p>	<p>LECTURE 4: Settlement of International Disputes Before Domestic Courts (Cont’d)</p> <p>Professor Matthias Weller Professor of Law & Director of the Institute for German and International Civil Procedural Law, University of Bonn, Germany</p>
10:00 - 11:00	<p>Foreword</p> <p>Dr Christophe Bernasconi Secretary General, Hague Conference on Private International Law</p>				
11:00 - 12:00	<p>Opening Lecture</p> <p>Ms Teresa Cheng GBS SC JP Secretary for Justice, Hong Kong SAR</p>				
12:00 - 14:00	Lunch	Lunch	<p>Lunch (12:00 - 13:00)</p>	Lunch	Lunch
14:00 - 17:00	<p>LECTURE 1: International Commercial Mediation – The United Nations Convention on International Settlement Agreements Resulting from Mediation</p> <p>Ms Natalie Morris-Sharma Deputy Senior State Counsel, Attorney-General’s Chambers, Singapore</p>	<p>LECTURE 2: Investor-State Dispute Settlement</p> <p>Professor Diego P. Fernández Arroyo Member of the Curatorium of The Hague Academy of International Law & Professor at Sciences Po Law School, France</p>	<p>(13:00 - 16:00)</p> <p>LECTURE 3: International Commercial Arbitration</p> <p>Professor Franco Ferrari Professor of School of Law, New York University, USA</p>	<p>LECTURE 4: Settlement of International Disputes Before Domestic Courts</p> <p>Professor Matthias Weller Professor of Law & Director of the Institute for German and International Civil Procedural Law, University of Bonn, Germany</p>	<p>LECTURE 5: The Latest Development of International Commercial Courts – China International Commercial Court</p> <p>Judge Zhang Yongjian Former Judge, China International Commercial Court</p>

SPEAKERS

(Listed in order of appearance)



THOUVENIN, Jean-Marc

Secretary-General
The Hague Academy of International Law

Jean-Marc Thouvenin is Professor of International and European Law at the Université Paris-Nanterre since 2001. He has been Secretary-General of the French Society for International Law and Director of the Center for International Law of his University. He has been elected Secretary-General of The Hague Academy of International Law in 2017. He is member of the French Society for International Law, American Society of International Law, and International Law Association; he is also an associate member of the Institut de droit international. He acts as member of editorial boards of different international law yearbooks, including the *Annuaire Français de droit international* and the *Peruvian Yearbook of International Law*. He is editor or co-editor of several books, for example, *Traité de droit international de la Mer* (2019), and *The Influence of Human Rights on International Law* (2015). Also, he was appointed as legal adviser and advocate in a number of cases before the International Court of Justice, including for Ukraine, Colombia, Chile, Iran, and Cameroon. He also appears before the ITLOS, the PCA, and the European Court of Justice.



BERNASCONI, Christophe

Secretary General
Hague Conference on Private International Law

Dr Bernasconi is the fourth Secretary General of the Hague Conference on Private International Law (HCCH). He took office on 1 July 2013 and was reappointed for a further term of five years in 2018. Dr Bernasconi joined the Permanent Bureau (PB), the Secretariat of the HCCH, as Secretary in September 1997, and became First Secretary in May 2000 and Deputy Secretary General in July 2011. As Secretary General, Dr Bernasconi is responsible for the administration of the HCCH and the operation of the PB. He has long-standing expertise in the fields of international civil procedural law, international commercial and finance law, international family and child protection law, and international legal cooperation. He designed and is the principal administrator of the electronic Apostille Program. As Secretary General, his current focus is on implementing various strategic directions of the HCCH. Dr Bernasconi holds a law degree from the University of Fribourg in Switzerland, an LL.M. degree from the McGill University in Canada, and a doctoral degree from the University of Fribourg. Prior to joining the PB, Dr Bernasconi lectured on private international law at the University of Fribourg. He also worked as Legal Expert at the Swiss Institute of Comparative Law in Lausanne and as Scientific Collaborator at the Federal Office of Justice in Switzerland. He has advised practitioners on various matters related to private international law.



CHENG, Teresa GBS SC JP

Secretary for Justice
Hong Kong Special Administrative Region, China

Ms Cheng, SC, was appointed as Secretary for Justice in 2018. She was a Senior Counsel in private practice before joining the Government. She is also a chartered engineer, chartered arbitrator and accredited mediator. Apart from being a Past Chairperson of the Hong Kong International Arbitration Centre, Ms Cheng is also a Past President of the Chartered Institute of Arbitrators, Past Vice President of the International Council of Commercial Arbitration and Past Vice President of the ICC International Court of Arbitration. Ms Cheng served as Deputy Judge/Recorder in the Hong Kong High Court from 2011 to 2017. Besides, she is a member of the International Centre for Settlement of Investment Disputes Panel of Arbitrators, and was a member of the World Bank's Sanctions Board.



MORRIS-SHARMA, Natalie

Deputy Senior State Counsel
Attorney-General's Chambers, Singapore

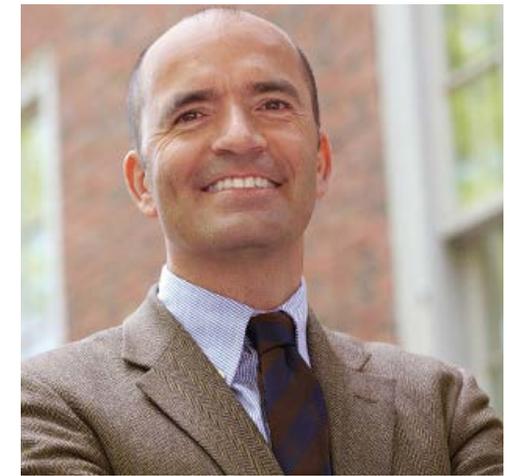
Ms Morris-Sharma is Deputy Senior State Counsel of the International Law Department of Attorney-General's Chambers in Singapore. Prior to this, she served in various capacities, including Director of International Legal Division of Ministry of Law of Singapore and legal advisor to Singapore's Permanent Mission to the United Nations. Ms Morris-Sharma has participated in and led several bilateral and multilateral negotiations. Amongst her roles at the United Nations Commission on International Trade Law (UNCITRAL) were Chairman of the Working Group that developed the new United Nations Convention on International Settlement Agreements Resulting from Mediation (the Convention), Vice-Chairperson of the 50th UNCITRAL Commission session, as well as rapporteur to the UNCITRAL Working Group on investor-State dispute settlement. Ms Morris-Sharma has published on topics such as the Convention, investor-State dispute settlement, law of the sea, and the work of the International Law Commission. She is co-author of the book titled *From Treaty-Making to Treaty-Breaking: Models for ASEAN External Trade Agreements*. She has taught at the ASEAN Law Academy, and serves as a counsellor of the American Society of International Law. Ms Morris-Sharma studied law at the University of Cambridge and obtained her Master of Laws from the New York University. She is called to the Bar in New York and Singapore.



FERNÁNDEZ ARROYO, Diego P.

Member of the Curatorium, The Hague Academy of International Law & Professor at Sciences Po Law School, France

Diego P. Fernández Arroyo is a professor at Sciences Po Law School in Paris and honorary professor of the Universities of Buenos Aires and Cordoba. Other than being the director of the Sciences Po LL.M. in Transnational Arbitration & Dispute Settlement, he teaches subjects related to international dispute resolution, arbitration, conflict of laws, comparative law, and global governance. Professor Fernández Arroyo is a member of the Curatorium of The Hague Academy of International Law, Associate of the Institut de Droit International, former President of the American Association of Private International Law (ASADIP), and the current Secretary-General of the International Academy of Comparative Law. Not only being a Global Professor of New York University, he has also been invited by a number of universities in Europe, the Americas, Asia, and Australia. Professor Fernández Arroyo is a member of the Argentine delegation before UNCITRAL (Working Groups on Arbitration and on ISDS Reform) since 2003. He is actively involved in the practice of international arbitration as an independent arbitrator and an expert. He has acted as co-arbitrator, sole arbitrator, and President of the Tribunal in many arbitral proceedings, both ad hoc (including UNCITRAL) and institutional (ICC, ICSID, Milan Arbitration Chamber, Bogota Chamber of Commerce, Brazilian Center of Mediation and Arbitration, etc.). He is on the ICSID panels of arbitrators and conciliators and Member of the Permanent Court of Arbitration, both appointed by Argentina. Professor Fernández Arroyo has published several books and a number of articles in publications of more than 20 countries.



FERRARI, Franco

Professor of School of Law
New York University, USA

Professor Ferrari joined NYU School of Law in 2010, and was previously a chaired professor of international law at the University of Verona in Italy, a chaired professor of comparative law at the Tilburg University in the Netherlands and the University of Bologna in Italy. After serving as a member of the Italian delegation to various sessions of the United Nations Commission on International Trade Law (UNCITRAL) from 1995 to 2000, he was appointed as legal officer at the International Trade Law Branch of the United Nations Office of Legal Affairs from 2000 to 2002, where he was responsible for numerous projects, including the preparation of the UNCITRAL digest on applications of the UN Sales Convention. Professor Ferrari has published more than 300 law review articles and book chapters in different languages as well as 30 books in the areas of international commercial law, conflict of laws, comparative law, and international commercial arbitration. In addition, Professor Ferrari was awarded 2018 Certificate of Merit for High Technical Craftsmanship and Utility to Practicing Lawyers and Scholars by the American Society of International Law. He is also a member of the editorial boards of various peer-reviewed European law journals and General Editor of the European International Arbitration Review. Professor Ferrari also acts as an international arbitrator in both international commercial arbitrations and investment arbitrations.



WELLER, Matthias

Professor of Law & Director of the Institute for German and International Civil Procedural Law, University of Bonn, Germany

Professor Weller is Alfried Krupp von Bohlen und-Halbach Professor for civil law, art and cultural property law since 2017, and one of the two Directors of the Institute of German and International Civil Procedure Law in Bonn. He received legal education at the Universities of Heidelberg and Cambridge, UK. He held various positions, including Joseph Story Fellow of Private International Law at the Harvard Law School from 1998 to 1999, Associate to a leading law firm in Frankfurt in 2001, and Research Fellow at the Institute for Comparative Law, the Conflict of Laws and International Business Law at the University of Heidelberg from 2002 to 2010. His prize-winning PhD thesis, supervised by Erik Jayme, focused on the public policy control of international choice of forum agreements. Professor Weller contributed to the foundation of the Institute for Art and Law IFKUR e.V. in Heidelberg, serving as its co-chair from 2006 to 2020, as well as the organisation of the annual Heidelberg Art Law Conference. He worked on appeal cases as an attorney admitted to the bar of the Federal Court of Justice from 2008 to 2009 and obtained his habilitation in 2011. Other than acting as Vice Dean of the EBS Law School and engaging in the foundation of the EBS Law School Research Center for Transnational Commercial Dispute Resolution, he was called to chair for civil law, civil procedure and private international law at the EBS Law School in 2011. Professor Weller has also produced more than 200 publications and delivered nearly 100 presentations on private law, art and cultural property law, private international law, international civil litigation and arbitration as well as transnational commercial law.



ZHANG, Yongjian

Former Judge
China International Commercial Court

Judge Zhang Yongjian was appointed as one of the founding Judges of the China International Commercial Court in 2018. He is also a Senior Judge of the First Rank and has been designated as a National Adjudication Expert. Prior to that, Judge Zhang was appointed as the Vice President of the First Circuit Court of the Supreme People's Court of the People's Republic of China (SPC) in April 2017. He has been a Judge of the SPC since April 2000 and from November 2012, he had held the positions of Chief Judge of the First Civil Division, Chief Judge of the Second Civil Division, Member of the Adjudication Committee and Chief Judge of the Fourth Civil Division in the SPC. Judge Zhang majored in Civil and Commercial Law at Renmin University of China and obtained a doctoral degree of Law.

