

CONFERENCE

THE PROMISE OF HYBRID DISPUTE RESOLUTION FORA

November 18, 8:30 am – 5:00 pm
November 19, 9:00 am – 3:30 pm

Minaretein (College of Islamic Studies building),
Education City, Doha

Sponsored By



WHITE & CASE



Organized by



About the Conference

Countries in the Gulf region and beyond have established “international” courts, primarily to deal with commercial law matters. These are hybrid courts in that they are domestic, on the one side, but English is used as the default language of proceedings, their bench is composed of judges from different countries around the world, on the other, while they invariably apply some version of the common law.

Prominent examples are the Qatar International Court and Dispute Resolution Centre (QICDRC), the Dubai International Financial Centre (DIFC) Courts, the Abu Dhabi Global Market (ADGM) Courts, and the Singapore International Commercial Court (SICC). The Astana International Financial Centre (AIFC) Court was also recently established by the Government of Kazakhstan within the Astana International Financial Centre. China also established the China International Commercial Court (CICC) within the Supreme People’s Court of China (SPC) with a seat in Shenzhen and in Xi’an.

A more recent trend is also starting to emerge, namely the creation of similar courts, or chambers, within existing court structures in Europe; these include the Brussels International Business Court (BIBC), the Netherlands Commercial Court and the International Chamber of the Paris Court of Appeal.

The purpose of this conference is to discuss the rationale behind the creation of domestic “international” courts, and to analyse the relationship between these new fora and more established forms of dispute resolution, such as ordinary domestic courts, arbitration and mediation. The nature, purpose, applicable law, enforcement of judgments of the courts, and the various interplays among these diverse dispute resolution fora raise novel legal questions that remain unresolved.

Sunday, November 18, 2018

8:30 am – 5:00 pm

Agenda

8:30 am – 9:00 am Registration

9:00 am – 9:15 am Welcome Address and Introduction to the Conference

- ▶ **Yousef Haik**, Professor and Associate Provost for Academic Affairs, HBKU
 - ▶ **Faisal Rashid Al-Sahouti**, CEO, Qatar International Court and Dispute Resolution Centre
 - ▶ **Georgios Dimitropoulos**, Assistant Professor of Law, College of Law and Public Policy, HBKU
 - ▶ **Stavros Brekoulakis**, Professor of International Arbitration and Commercial Law, Queen Mary University London School of Law, and Associate Member, 3VB
-

9:15 am – 9:30 am **Keynote Speech**

Lord Thomas of Cwmgiedd, President, Qatar International Court and Dispute Resolution Centre

9:30 am – 11:15 am **Panel 1: A Historical and Contextual Perspective to Hybrid Dispute Resolution**

- | | |
|-------|---|
| Chair | Amira Sonbol , Professor of History, Georgetown University – School of Foreign Affairs, Qatar |
| Panel | <ul style="list-style-type: none">▶ Christopher Vajda, Court of Justice of the European Union, <i>Towards a Re-Definition of Dispute Resolution Fora? Insights from the Law and Case Law of the EU</i>▶ Ali Malek QC, 3VB, Competition of Dispute Resolution Fora in Commercial Cases▶ Mikael Rask Madsen, Director, Danish National Research Foundation's Centre of Excellence for International Courts (iCourts), <i>Hybridity in International Adjudication and Hybrid Dispute Resolution Fora</i>▶ Julien Chaisse, Professor of Law, Chinese University of Hong Kong, <i>International Bench and the Common Law – The Hong Kong Experience</i> |
-

11:15 am – 11:30 am Coffee break

Agenda

11:30 am – 1:30 pm **Panel 2: Hybrid Dispute Resolution Fora: Jurisdiction, Applicable Law and Enforcement of Judgments**

- Chair **Stavros Brekoulakis**, Professor of International Arbitration and Commercial Law, QMUL School of Law, and Associate Member, 3VB
- Panel
- ▶ **Sir William Blair**, QICDRC, and Associate Member, 3VB, *The Qatar International Court, and its Role in Commercial Dispute Resolution*
 - ▶ **Sir Rupert Jackson**, AIFC Court, *A Comparative Perspective to Hybrid Dispute Resolution Fora: Jurisdiction, Applicable Law and Enforcement of Judgments*
 - ▶ **Christopher Grout**, Registrar, QICDRC, *Jurisdiction, Applicable Law and Enforcement of Judgments at the QICDRC*
 - ▶ **Una Khng**, District Judge and Assistant Registrar, Supreme Court of Singapore, *Jurisdiction, Applicable Law and Enforcement of Judgments of the Singapore International Commercial Court*
 - ▶ **Claudia El Hage**, Founding and Managing Partner, Al Marri & El Hage Law Office, *The Application of Common Law by Civil Lawyers in Hybrid Dispute Resolution*
-

1:30 pm – 3:00 pm **Lunch break**

3:00 pm – 5:00 pm **Panel 3: Hybrid Dispute Resolution Fora: Procedure, Function, Organization**

- Chair **Georgios Dimitropoulos**, Assistant Professor of Law, College of Law and Public Policy, HBKU
- Panel
- ▶ **Francis Botchway**, Professor of Law and Sir William Blair Chair in Alternative Dispute Resolution, College of Law, Qatar University & **Andrew Dahdal**, Assistant Professor, College of Law, Qatar University, *A Comparative Perspective to Hybrid Dispute Resolution Fora: Organizational and Procedural Aspects*
 - ▶ **Marieke Witkamp**, K&L Gates, Doha, *Internationalizing Domestic Courts in Europe: Procedure, Function, Organization*
 - ▶ **Catherine A. Rogers**, Professor of Law, Penn State Law, and Professor of Ethics, Regulation and the Rule of Law, QMUL School of Law, *The Ethics of Adjudicators of Hybrid Dispute Resolution Fora*
 - ▶ **Zachary Calo**, Professor of Law, College of Law and Public Policy, HBKU, *Legal Representation and Counsel Ethics before Hybrid Dispute Resolution Fora*
 - ▶ **Søren Skibsted**, Partner, Kromann Reumert, *New Technologies and Hybrid Dispute Resolution Fora*
-

Monday, November 19, 2018

9:00 am – 3:30 pm

Agenda

9:00 am – 11:00 am Panel 4: The Interplay between Hybrid and other Dispute Resolution Fora

- Chair **Damilola Olawuyi**, Associate Professor of Law, College of Law and Public Policy, HBKU
- Panel
- ▶ **Julian Bailey**, Partner, White & Case, Doha, *The Interplay between Hybrid Dispute Resolution Fora and Ordinary Courts*
 - ▶ **Zain Al Abdin Sharar**, Senior Counsel, QICDRC, *The Qatar International Court and Domestic Courts*
 - ▶ **Thomas Schultz**, Professor of Law, King's College London, and SNF Research Professor of International Law, Graduate Institute of International and Development Studies, Geneva, *The Recourse to Private Autonomy: International Commercial Arbitration and Hybrid Dispute Resolution Fora*
 - ▶ **Daniel Behn**, Lecturer, Liverpool Law School, *The Recourse to International Law: International Investment Arbitration and Hybrid Dispute Resolution Fora*
 - ▶ **William Cattan**, Senior Partner, Sultan Al-Abdulla & Partners, *Forum Selection between the Qatar International Court, Domestic Courts, and Arbitration Fora*
-

11:00 am – 11:15 am Coffee break

11:15 am – 1:15 pm Panel 5: Global Governance and Hybrid Dispute Resolution Fora

- Chair **Christopher Vajda**, Court of Justice of the European Union
- Panel
- ▶ **Geert Van Calster**, Professor of Law, Chair of the Department of International and European Law, and Head of the Institute of Private International Law, KU Leuven; Barrister (practicing), *Brexit and the Competition of Dispute Resolution Fora in Europe*
 - ▶ **Ilias Bantekas**, Professor of Law, College of Law and Public Policy, HBKU, *Lessons for Hybrid Dispute Resolution Fora from the Experience of the Proliferation of International Criminal Tribunals*
 - ▶ **Paschalis Paschalidis**, Référéndaire, Court of Justice of the European Union, *Courts or Tribunals? The Internationalization of Dispute Resolution in Europe and the Case Law of the ECJ*
 - ▶ **Georgios Dimitropoulos**, Assistant Professor of Law, College of Law and Public Policy, HBKU, *The Place of Hybrid Dispute Resolution Fora in Global Governance*
 - ▶ **Yarik Kryvoi**, Senior Research Fellow in International Economic Law and Director of the Investment Treaty Forum, British Institute of International and Comparative Law (BIICL), *Hybrid Dispute Resolution Fora and the Rule of Law*
-

Agenda

1:15 pm – 2:30 pm Lunch break

2:30 pm – 3:30 pm **Conclusions and General Discussion**

Chair	Susan Karamanian , Dean, College of Law and Public Policy, HBKU
Panel	<ul style="list-style-type: none">▶ Sir William Blair, QICDRC, and Associate Member, 3VB▶ Christopher Grout, Registrar, QICDRC▶ Stavros Brekoulakis, Professor of International Arbitration and Commercial Law, QMUL School of Law, and Associate Member, 3VB▶ Julian Bailey, Partner, White & Case, Doha▶ Georgios Dimitropoulos, Assistant Professor of Law, College of Law and Public Policy, HBKU
