



Chinese Arbitration Association, Taipei



Asian Center for WTO & Int'l
Health Law and Policy

2017 Taipei International Conference on

Arbitration and Mediation

2017 年台北仲裁與調解國際研討會

Grand Hotel

No.1, Sec. 4, Zhongshan N. Rd., Zhongshan Dist., Taipei City

台北市中山北路四段 1 號圓山大飯店 VF 敦睦廳

Conference Program (Tentative)

Monday, August 28, 2017

8:30-9:00 Registration

9:00-9:10 Welcome and Opening Remarks

Fuldien Li (李復甸), Chairman, Chinese Arbitration Association, Taipei (CAA)

Tsai-yu Lin (林彩瑜), Professor, NTU College of Law and Director, ACWH

9:10-11:00 Session I: Defining the Nature of an Arbitration as Institutional or Ad Hoc

Chair: Stephan Wilske, Partner, Gleiss Lutz

1. What Kind of Arbitration – Ad Hoc or Institutional? What Determines Whether an Arbitration is Ad Hoc or Institutional?
Dorothy Ufot, SAN; Partner, Dorothy Ufot & Co
2. Ad Hoc or Institutional Arbitration – A Clear-Cut Distinction? A Closer Look at Borderline Cases
Ulrich Schroeter, Professor, University of Basel
3. The Nature of Arbitration in Mainland China and its Correlation with the Market - Institutional, Ad Hoc, and Foreign Institutions Seated in Mainland China
Gu Weixia, Associate Professor of Law, University of Hong Kong

11:00-11:15 Group Photos and Coffee Break

11:15-12:40 Session II: Distinctions Between Institutional and Ad Hoc Arbitration in Their Duties/Powers, Quality Assurance and Other Issues

Chair: Nigel N. T. Li (李念祖), Partner, Lee and Li

4. The Duty of Arbitral Institutions to Preserve the Integrity of Arbitral Proceedings
Stephan Wilske, Partner, Gleiss Lutz
5. How Arbitration Institutions Can Offer More to their Users
Michael Hwang SC, Independent Arbitrator, Singapore and Non-Resident Chief Justice, Dubai International Financial Centre Courts

6. Scrutiny in ICC Arbitration

Fan Mingchao, Co-director, ICC Arbitration and ADR, North Asia

7. The Appointing Authority – Court, Institution or Individual?

Chiann Bao, Asia Pacific Counsel for Skadden

12:40-14:00 **Lunch**

14:00-15:30 **Session II (continue): Distinctions Between Institutional and Ad Hoc Arbitration in Their Duties/Powers, Quality Assurance and Other Issues**

Chair: Nigel N. T. Li (李念祖), Partner, Lee and Li

8. More Transparency in International Commercial Arbitration: To Have or Not To Have?

Sherlin Hsieh-lin Tung, Attorney-at-Law (California & New York) Litigation and Arbitration Counsel/Semperit AG Holding

9. Standard of Review for Setting Aside Arbitral Award: Convergence or Divergence?

David Shiu Man Fong, Barrister-at-Law, Harcourt Chambers

10. The Problems of Using Changing Institutional Arbitration Rules for Investment Treaty Disputes

Tsai-yu Lin(林彩瑜), Professor, NTU College of Law and Director, ACWH

15:30-15:40 **Coffee Break**

15:40-17:30 **Session III: Issues in Mediation**

Chair: Winnie Jo-Mei Ma (馬若梅), Deputy Secretary-General, CAA

III-1: Institutional as Opposed to Ad Hoc Mediation

11. A Comparative Analysis of the Ethical Obligation of Neutrality and Impartiality in Both Ad Hoc and Institutional Mediation Environments
Rachael Field, Professor, Faculty of Law, Bond University
12. How Institutional Mediation Can Enhance the Regulatory Robustness of Cross-Border Mediation Practice
Nadja Alexander, Academic Director of Singapore International Dispute Resolution Academy
13. Institutional and Ad Hoc Mediation from the Perspective of U.S. Clinical Legal Education
Alexandra Carter, Clinical Professor of Law, Columbia Law

III-2: Preference of Mediation in Asia?

14. Is Mediation Preferable to Arbitration for International Commercial Disputes in Asia?
Nguyen Thu Thuy, Lecture, Department of International Law, Hanoi Law University
15. On the Creation of an Asia-Pacific Regional Mediation Organization for State-to-State Mediation
Chang-fa Lo, Constitutional Court Justice

Tuesday, August 29, 2017

9:30-12:15 **Session IV: Issues in Investment Arbitration**

Chair: Pi-song Tsai (蔡碧松), Partner, Dentons Taiwan

16. Recent Developments in International Arbitration in Singapore

Abraham Vergis, Managing Director, Providence Law Asia LLC

17. The Future of Investment Arbitration in Asia Pacific post TPP

Matthew Hodgson, Partner, Allen & Overy

18. A Critical View of the Vanishing Appeal of Arbitration in Investment Disputes

Filippo Fontanelli, Senior Lecturer in International Economic Law, University of Edinburgh

19. Issues Concerning Host States' Counter-Claims in Investor-State Arbitration

Chi-Chung Kao (高啟中), Associate Professor, Department of Ocean and Border Governance, National Quemoy University, Kinmen, Taiwan, R.O.C

20. Judicially Developed Patent Law and Expropriation under ISDS

Tsai-fang Chen (陳在方), Assistant Professor, National Chiao Tung University

21. Human Rights as a Defense in Investment Arbitration: Are States Bound to Give Priority to Human Rights Obligations over BIT Obligations?

Janice Lee, Associate Counsel & Business Development Manager, Singapore International Arbitration Centre

12:15-12:20 **Closing remarks** Tsai-yu Lin (林彩瑜), Professor, NTU College of Law and Director, ACWH

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