



Chinese Arbitration Association, Taipei



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

**2017 Taipei International Conference on
Arbitration and Mediation**

International Reception Hall, on the VF of The Grand Hotel Taipei

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

2017 年台北仲裁與調解國際研討會

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

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

Chair: Stephan Wilske (韋德方), Partner, Gleiss Lutz

1. *Ad Hoc or Institutional Arbitration – A Clear-Cut Distinction? A Closer Look at Borderline Cases*

Ulrich Schroeter, Professor, University of Basel

2. *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 (顧維遐), Associate Professor of Law, University of Hong Kong

10:00-10:20 Group Photos and Coffee Break

10:20-12:00 Session II: Distinctions Between Institutional and Ad Hoc Arbitration in Their Duties/Powers, Quality Assurance and Transparency

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

3. *The Duty of Arbitral Institutions to Preserve the Integrity of Arbitral Proceedings*
Stephan Wilske (韋德方), Partner, Gleiss Lutz
4. *Scrutiny in ICC arbitration*
Fan Mingchao, Co-director, ICC Arbitration and ADR, North Asia
Wenny Yiwen Huang (黃一文), FCI Arb, ICC Arbitration and ADR, North Asia
5. *The Appointing Authority – Court, Institution or Individual?*
Chiann Bao, Asia Pacific Counsel for Skadden
6. *More Transparency in International Commercial Arbitration: To Have or Not To Have?*
Sherlin Hsieh-lin Tung, Senior Associate at CMS Hasche Sigle (Hong Kong);
Litigation, Arbitration & Special Projects Legal Counsel with Semperit AG
Holdings (Vienna)

12:00-13:30 Lunch

13:30-15:00 Session III: Distinctions Between Institutional and Ad Hoc Arbitration Concerning Setting Aside and Their Uses

Chair: Seung Wha Chang, Professor, Seoul National University

7. *Standard of Review for Setting Aside Arbitral Awards: Convergence or Divergence?*
David Shiu Man Fong, Barrister-at-Law, Harcourt Chambers
8. *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
9. *The Use of Tribunal Secretaries in Institutional and Ad Hoc Arbitrations*
Sarah Grimmer, Secretary General, Hong Kong International Arbitration Center
10. *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

15:00-15:10 Coffee Break

15:10-17:00 **Session IV: 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 Critical 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, Singapore Management University, School of Law

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, Lecturer, 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 (羅昌發), Constitutional Court Justice; NTU Law Professor

Tuesday, August 29, 2017

9:00-10:30 Session V: 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

10:30-10:50 Coffee Break

10:50-12:00 Session V (continued): Issues in Investment Arbitration

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

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, Practicing Lawyer
22. *Restructuring Investments to Obtain Treaty Protection*
Jakob Ragnwaldh, Partner, Mannheimer Swartling

12:00-12:05 Closing Remarks Tsai-yu Lin (林彩瑜), Professor, NTU College of Law and Director, ACWH

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The Agenda of 2016 Taipei International Conference on Arbitration and Mediation is also published by Transnational Dispute Management (TDM, ISSN 1875-4120), which is a comprehensive and innovative information service on the management of international disputes, with a focus on the rapidly evolving area of investment arbitration, but also in other significant areas of international investment (such as oil, gas, energy, infrastructure, mining, utilities etc). It deals both with formal adjudicatory procedures (mainly investment and commercial arbitration), but also mediation/ADR methods, negotiation and managerial ways to manage transnational disputes efficiently. See <http://www.transnational-dispute-management.com> for more information.