



SINGAPORE INSTITUTE OF ARBITRATORS

Proudly Presents

“The Dallah Debate and its Implications”

Tuesday, 26 July 2011 | 5.30pm | Maxwell Chambers, Raffles Room (Level 3)

Sign up early to enjoy a 10% discount
(valid till 13 July 2011)

About the Seminar:

On 17 February 2011, in *Gouvernement du Pakistan – Ministère des affaires religieuses v. Société Dallah Real Estate and Tourism Holding Company* (Case No. 09/28553), the Paris Court of Appeal rejected an application by the Government of Pakistan to set aside three ICC awards rendered in Paris, holding that the arbitral tribunal was correct in finding it had jurisdiction over the Government despite it not being signatory to the arbitration agreement.

The Paris Court of Appeal's decision stands in stark contrast to a unanimous decision of the UK Supreme Court rendered just three months earlier, on 3 November 2010. The UK Supreme Court, applying French law, concluded that "there was no material sufficient to justify the tribunal's conclusion" that the Government was a party to the arbitration agreement and therefore refused to enforce the award in the UK.

In other words, the court of the place of enforcement (UK Supreme Court) and the court of the seat (Paris Court of Appeal) applied French law to the same facts but arrived at different conclusions. This reignited debate within the international arbitration community on a broad range of topics, including the reasons for and implications of this difference, on the principle of competence-competence as well as the enforcement of awards under the New York Convention.

What are the implications of the courts of the seat and the courts of the places of enforcement reaching differing views on jurisdiction? Did the UK and French courts adopt divergent approaches or did they simply have different opinions? How does this relate to our understanding of the theory of international arbitration? What lessons or insights can be drawn from these decisions?

The SI Arb is honoured to host a panel discussion presided over by Attorney-General Sundaresh Menon during which these questions and other aspects of the 'Dallah Debate' will be explained and addressed. A significant portion of the seminar will take the form of an open forum discussion so participants are encouraged to read the relevant judgments before attending.

Programme and Format:

5.00pm	Registration and Coffee
5.30pm	Introduction by Peter Leaver QC
5.50pm	Comments by Professor Emmanuel Gaillard
6.10pm	Observations by Attorney General Sundaresh Menon
6.20pm	Panel Discussion followed by Q&A
7.00pm	Closing Remarks
7.10pm	Networking and Refreshments

About the Chairman:



Mr Menon, graduated with Bachelor of Laws (First Class Honours) from the National University of Singapore in 1986 and later obtained a Master of Laws degree from Harvard Law School in 1991. He was admitted as an advocate and solicitor of the Supreme Court of Singapore in 1987 and as an Attorney and Counsellor-at-law of the Bar of the State of New York in 1992. He was appointed Senior Counsel in January 2008.

Mr Menon is recognised as one of the leading lawyers in the fields of commercial litigation and arbitration, insolvency and construction law, in Singapore and abroad. He has advised and represented numerous local and overseas clients in complex and technical disputes and served in arbitration tribunals in various jurisdictions.

From April 2006 to March 2007, Mr Menon served as a Judicial Commissioner of the Supreme Court. After his stint at the Bench, he returned to Rajah & Tann becoming the Managing Partner of that firm in August 2009, a position he held until his appointment as the Attorney-General on 1 October 2010.

During his term as Judicial Commissioner, he presided over several prominent criminal and civil cases in the High Court. He has also served as the Deputy Chairman of the Singapore International Arbitration Centre and has represented Singapore at UNCITRAL.

About the Speaker:



Emmanuel Gaillard has represented corporations, States and State-owned entities in international arbitration matters for over 25 years. He has also acted as sole arbitrator, party-appointed arbitrator or chairman under most international arbitration rules, and is frequently called upon to appear as expert witness on arbitration law issues in international arbitration proceedings or enforcement actions before domestic courts.

Through his practice, extensive writing and teaching, Emmanuel Gaillard has significantly contributed to the shaping of contemporary international arbitration law. His publications include Fouchard Gaillard Goldman On International Commercial Arbitration (1999), a leading treatise on international arbitration, La Jurisprudence du CIRDI (2 volumes, 2004 and 2010), a commentary on ICSID case law; and the first essay on the legal theory of international arbitration, based on his Course at The Hague Academy of International Law (Aspects philosophiques du droit de l'arbitrage international, 2008; Legal Theory of International Arbitration, 2010; Teoría Legal del Arbitraje Internacional, 2010). Emmanuel Gaillard is a Professor of Law at Paris XII University. He heads Shearman & Sterling LLP's International Arbitration practice.

About the Speaker:



Peter Leaver is an experienced international commercial arbitrator, recommended in Chambers and Partners and The Legal 500. He is a member of the Chartered Institute of Arbitrators (MCI Arb) and appointed to The Law Society's Accreditation Panel of Arbitrators.

Through his extensive practice at the Bar, Peter Leaver is experienced in banking, insurance and financial services cases, and related jurisdictional questions. He was a director of IMRO between 1994 and 2000, and a Deputy Chairman of the Regulatory Decisions Committee of the Financial Services Authority until 2005. He is a Deputy High Court Judge. He was a member of a SIB Working Party on the responsibilities of Senior Executives, and was on the Selection Panel for the F.S.A. Ombudsman Board. Between 1997 and 1999 he took a sabbatical from the Bar and was Chief Executive of the F.A. Premier League.

In addition to his experience in international commercial arbitration, Peter Leaver is an experienced arbitrator in the sports sector. He is a member of the Court of Arbitration for

Sport and was appointed as the only British member of the Court of Arbitration for Sport Adhoc Tribunal for UEFA 2000 and 2004, and the FIFA World Cup 2006. He was appointed as a member of the Ad-hoc Division of the Court of Arbitration for Sport for the Salt Lake City Olympic Winter Games 2002 and for the Turin Olympic Winter Games 2006. He is also appointed to the Chairman's List of the Sports Dispute Resolution Panel (SDRP). He is Chairman of the Board of the London Court of International Arbitration, and the President of the National Anti-Doping Panel.

Peter Leaver has a working knowledge of French.

- Programme -

5.00pm	Registration and Coffee
5.30pm	Introduction by Peter Leave QC
5.50pm	Comments by Professor Emmanuel Gaillard
6.10pm	Observations by Attorney General Sundaresh Menon
6.20pm	Panel Discussion and Q&A
7.00pm	Closing Remarks
7.10pm	Networking and Refreshments

*** 2 CPD Points will be awarded ***

REGISTRATION & PERSONAL INFORMATION

	SI Arb & SCL Members	Full-time Students	Others
Early Bird Rate (valid till 13 July)	<input type="checkbox"/> S\$90.00	<input type="checkbox"/> S\$72.00	<input type="checkbox"/> S\$108.00
Regular Rate (after 13 July)	<input type="checkbox"/> S\$100.00	<input type="checkbox"/> S\$80.00	<input type="checkbox"/> S\$120.00

Name (*Prof / Dr / Mr / Mrs / Ms): _____

Company: _____

Address: _____

Primary Profession: _____

Member of *SI Arb / SCL / SOA / IES / LawSoc / SAL / Others (please state): _____

Tel: _____ Fax: _____ Email: _____

Mode of Payment: *Cheque / Cash / Credit Card

Cheque payments should be made to **“Singapore Institute of Arbitrators”**.

Credit Card (Visa / Master) No.: _____ Card Expiry Date: _____(MM/YY)

Cardholder's Name: _____ Signature: _____

(A surcharge of 1.75% will be applied to payments made by credit cards)

Notes:

1. Closing date for registration is **22 July 2011**.
2. The Organiser reserves the right to cancel, curtail or change the content of the programme and the names of speakers without prior notice.
3. The Organiser reserves the right to cancel or postpone the seminar in which case refunds will be given, but otherwise, no refunds will be made for cancellations or no-shows by those who registered. If you are unable to attend the seminar, a substitute may attend in your place at no extra charge with at least 3 days prior notice being given to the Institute, failing which there shall be refund.