

SOFT LAW IN INTERNATIONAL ARBITRATION CONFERENCE



11 January 2018, Thursday, 8.30am to 5.00pm
Singapore, NUS Law (Bukit Timah Campus)
Eu Tong Sen Building, Lee Sheridan Conference Room



Public CPD Points: 3.5
Practice Area: Corporate / Commercial
Training Level: General

Register

Registration Fee: S\$55 + 7% GST

CONVENORS

Associate Professor Gary F. Bell
NUS Law

Professor Franco Ferrari
New York University Law School

Professor Diego Arroyo
Sciences Po Law School, Paris

Professor Marco Torsello
University of Verona School of Law

PROGRAMME SCHEDULE

TIME	DESCRIPTION
0830 - 0900	Registration <i>Venue: NUS Law (Bukit Timah Campus), Eu Tong Sen Building, Lee Sheridan Conference Room</i>
0900 - 0915	Welcome Addresses
0915 - 0945	Soft Law And Arbitral Procedure Diego P. Fernández Arroyo, Sciences Po Law School, Paris
0945 - 1000	Discussion
1000 - 1030	Soft Law in Investment Arbitration Giuditta Cordero-Moss, University of Oslo, Norway
1030 - 1045	Discussion
1045 - 1110	Morning Coffee/Tea Break
1110 – 1140	Soft Law in Arbitration: For Uniformity or For Diversity, Flexibility And Choice? Gary F. Bell, National University of Singapore, Singapore
1140 – 1155	Discussion
1155 - 1225	Soft Law and Damages In International Arbitration Caroline Kleiner, University of Strasbourg, France
1225 – 1240	Discussion
1240 - 1400	Lunch <i>Venue: Block B Staff Lounge</i>

1400 – 1430	The Hardening of Soft Law Friedrich Jakob Rosenfeld, Practitioner and Global Hauser Fellow at New York University, USA
1430 – 1445	Discussion
1445 - 1515	Lex Mercatoria And Other Soft Law in International Commercial Arbitration Marco Torsello, University of Verona, Italy
1515 - 1530	Discussion
1530 - 1550	Afternoon Coffee/Tea Break
1550 - 1620	The Hague Principles on Choice of Law In International Commercial Contracts International Commercial Arbitration Franco Ferrari, New York University in Paris
1620 - 1635	Discussion
1635 – 1705	The IBA Rules on Taking Evidence In East Asia Seungwha Chang, Seoul National University, Korea
1705 - 1720	Discussion
1720 - 1745	The Publication of the Papers
1745	End of Conference

SPEAKERS' PROFILES

Main Conference Convenor - Associate Professor Gary F. Bell National University of Singapore, Faculty of Law



After an undergraduate degree in theology (BTh) at the Université Laval (Quebec City), Gary F. Bell obtained degrees in both the common law (LLB) and the civil law (BCL.) at McGill University in Montreal and an LLM at Columbia University in New York City. He was Editor in Chief of the McGill Law Journal, clerked for Justice Stevenson of the Supreme Court of Canada and taught at McGill University. He teaches in comparative law (Comparative Legal Traditions, International and Comparative Law of Sale, Indonesian Law). He does most of his research on Indonesian law and on the United Nations Convention on Contracts for the International Sale of Goods.

Professor Seung Wha Chang Seoul National University, School of Law



Born in Korea on 1 March 1963, Seung Wha Chang is currently Professor of Law at Seoul National University where he teaches International Trade Law and International Arbitration.

He has served on several WTO dispute settlement panels, including US — FSC, Canada — Aircraft Credits and Guarantees, and EC — Trademarks and Geographical Indications. He has also served as Chairman or Member of several arbitral tribunals dealing with commercial matters. In 2009, he was appointed by the International Chamber of Commerce (ICC) as a Member of the International Court of Arbitration.

Professor Chang began his professional academic career at the Seoul National University School of Law in 1995, and was awarded professorial tenure in 2002. He has taught international trade law and, in particular WTO dispute settlement, at more than ten foreign law schools, including Harvard Law School, Yale Law School, Stanford Law School, New York University, Duke Law School, and Georgetown University. In 2007, Harvard Law School granted him an endowed visiting professorial chair title, Nomura Visiting Professor of International Financial Systems.

In addition, Professor Chang previously served as a Seoul District Court judge, handling many cases involving international trade disciplines. He also practised as a foreign attorney at an international law firm in Washington D.C., handling international trade matters, including trade remedies and WTO-related disputes.

Professor Chang has published many books and articles in the field of International Trade Law in internationally-recognized journals. In addition, he serves as an Editorial or Advisory Board Member of the Journal of International Economic Law (Oxford University Press) and the Journal of

International Dispute Settlement (Oxford University Press).

Professor Chang holds a Bachelor of Laws degree (LL.B.) and a Master of Laws degree (LL.M.) from Seoul National University School of Law; and a Master of Laws degree (LL.M.) as well as a Doctorate in International Trade Law (S.J.D.) from Harvard Law School.

**Professor Diego P. Fernández Arroyo
Sciences Po Law School**



Diego P. Fernández Arroyo is a professor at Sciences Po Law School in Paris. He teaches subjects related to international dispute resolution, arbitration, conflict of laws, comparative law, and global governance, and he is the director of the LLM in Transnational Arbitration & Dispute Settlement. Professor Fernández Arroyo is a member of the Curatorium of the Hague Academy of International Law, an Associate of the Institut de droit international, a former President of the American Association of Private International Law (ASADIP), and the current Secretary-General of the International Academy of Comparative Law. He has been invited in a number of Universities of Europe, the Americas, Asia and Australia and he has been a Global Professor of NYU. Professor Fernández Arroyo is a member of the Argentinean Delegation before UNCITRAL (Working Group on Arbitration) since 2003. Professor Fernández Arroyo is actively involved in the practice of international arbitration as an independent arbitrator and an expert. He is a member of the ICSID panels of arbitrators and conciliators appointed by Argentina. He has developed several projects in the field of arbitration and international business law for international organisations, and has published several books and a number of articles in publications of more than 20 countries.

**Professor Giuditta Cordero-Moss
University of Oslo, Norway, Department of Private Law**



Giuditta Cordero-Moss, Dr. juris (Oslo), PhD (Moscow), JD (Rome), is Professor at the Law Faculty of the University of Oslo. She teaches primarily Norwegian and Comparative Law of Obligations, International Commercial Law, International Commercial Arbitration and Private International Law.

She has published numerous books and articles in Norway and internationally, and is often invited to lecture at universities and organisations internationally. She held the special lectures of Private International Law at the Hague Academy of International Law on the topic Party Autonomy in International Commercial Arbitration (2014), she was scholar in residence at the Center for Transnational Litigation, Arbitration and Commercial Law, New York University (October 2016), she was visiting professor at Sciences Po, Paris, where she held a course on International Business Law and a course on Conflict of Laws (spring 2017), and she was visiting professor at Paris 1– Panthéon Sorbonne, where she held a course on International Contracts at the master on Private International Law (spring 2017).

A former in-house lawyer in multinational companies, since 2002 she has been acting as arbitrator in more than 30 arbitral proceedings administered

under the rules of arbitral institutions in a variety of countries, as well as in ad hoc arbitration.

She is the President of the Administrative Tribunal, European Bank for Reconstruction and Development (since 2017; she has been a judge at the Administrative Tribunal since 2007), Vice Chairman of the Board of the Financial Supervisory Authority of Norway (since 2014), member of the Norwegian Tariff Board (since 2015), member of the Council of the Milan Chamber of Arbitration (since 2017), member of the Board of Directors of the Arbitration Institute of the Norwegian Chamber of Commerce (since 2010). She is the delegate for Norway at the UNCITRAL Working Group on Arbitration (since 2007), member of the Commission on Arbitration of the International Chamber of Commerce, Paris (since 2003), member of the Norwegian National Committee, International Chamber of Commerce (since 2001). Since 2016 she is appointed member of the Norwegian Academy of Science and Letters.

Professor Franco Ferrari
New York University Law in Paris



Franco Ferrari, who joined the NYU School of Law full-time faculty in Fall 2010, was most recently a chaired professor of international law at Verona University in Italy (2002-2016). Previously, he was a chaired professor of comparative law at Tilburg University in the Netherlands (1995-1998) and the University of Bologna in Italy (1998-2002). 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 legal officer at the United Nations Office of Legal Affairs, International Trade Law Branch, 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. Ferrari has published more than 280 law review articles in various languages and 20 books in the areas of international commercial law, conflict of laws, comparative law, and international commercial arbitration. Ferrari is a member of the editorial boards of various peer-reviewed European law journals (Internationales Handelsrecht, European Review of Private Law, Contratto e impresa, Contratto e impresa/Europa, and Revue de droit des affaires internationales). Ferrari also acts as an international arbitrator both in international commercial arbitrations and, most recently, investment arbitrations.

Professor Caroline Kleiner
Université de Strasbourg

Caroline Kleiner is a Professor at the Faculty of Law of the Strasbourg University. She is currently the director of the doctoral program in legal and political studies and belong to the Faculty Committee. She lectures private international law, international litigation and arbitration, international banking, financial and monetary law. Professor Kleiner has been invited to teach in different universities abroad (Kansai University (Japan), High School of Economics (Moscow), Bucarest (Rumania), Universidad del Salvador



(Buenos Aires) and in France (Paris 1 Panthéon-Sorbonne, University of Lorraine). She has been also invited to speak at conferences held abroad in different Universities and in the European Central Bank. Professor Kleiner is a member of the scientific Council and the Treasurer of the Société française pour le droit international. She authored *La monnaie dans les relations privées internationales* (LGDJ 2010), comments annually with other authors the Code monétaire et financier (lexisnexis) and publishes in different books and legal Journals in French and in English, especially in international banking law, private international law and international litigation. She occasionally writes legal opinions in international banking law and international arbitration.

**Dr. Friedrich Jakob Rosenfeld
Practitioner and Global Hauser Fellow at New York University, USA**



Dr. Friedrich Rosenfeld is partner with the arbitration boutique Hanefeld Rechtsanwälte in Hamburg, Germany. He acts as counsel, expert and arbitrator. Before joining his current firm, Friedrich worked as a consultant for the United Nations Assistance to the Khmer Rouge Trials in Cambodia.

Friedrich is also Global Adjunct Professor at NYU (Paris program), lecturer for investment arbitration at the Bucerius Law School in Hamburg as well as Visiting Professor for arbitration at the International Hellenic University in Thessaloniki. In 2014, he was appointed Global Hauser Fellow from Practice & Government at NYU School of Law. Friedrich studied at Bucerius Law School in Hamburg and at Columbia Law School in New York. He earned his PhD summa cum laude and speaks German, English, French and Spanish.

**Professor Marco Torsello
Full Professor of Comparative Private Law, University of Verona, Italy
Partner, Studio ARBLIT Radicati di Brozolo Sabatini Benedettelli Torsello**



JD cum laude (Bologna, Italy, 1994), LLM in European Business Law (Nijmegen, the Netherlands, 1998), admitted to the Bar in 1997 and to the Italian Supreme Court in 2015, Marco is Full Professor of Comparative Private Law at the University of Verona, School of Law, Global Professor of Law at NYU Law School, Law-Abroad Program in Paris (since 2014) and he is currently Visiting Professor at Bucerius Law School, in Hamburg (Fall 2017). In private practice, he's partner at ARBLIT Radicati di Brozolo Sabatini Benedettelli Torsello, a boutique law firm specialized in international arbitration and litigation. His teaching activity covers several subjects, including Comparative Private Law, International Contracts, Transnational Litigation, European and International Business Transactions. His previous Visiting Professorships include those at NYU Law School (Fall 2011 and Fall 2015), Sciences Po (Paris), Fordham Law School, Columbia Law School, the University of Pittsburgh School of Law, Université Ouest Nanterre La Défense (France), the University of Western Ontario (Canada), and many others. He is the author of several books and articles in English and Italian dealing with comparative law, international business transactions, international contracts, transnational litigation, and other issues.

➤ *Sorted by last name, except Main Conference Convenor*



Public CPD Points: 3.5
Practice Area: Corporate / Commercial
Training Level: General

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