

6th CARTAL Conference on International Arbitration

"Leaps and Bounds: Arbitration Evolving"

April 1–3, 2022

Organised by

Centre for Advanced Research and Training in Arbitration Law,
National Law University, Jodhpur

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The Centre for Advanced Research and Training in Arbitration Law [“CARTAL”] has been set up by National Law University, Jodhpur [“University”] to promote research and scholarship in the field of arbitration. CARTAL is headed by Executive Director Dr. Nidhi Gupta. Its Board of Advisors includes some of the most pre-eminent personalities in the field of arbitration such as Prof. Gary B. Born, Mr. Alexis Mourre, Mr. Fali S. Nariman, Prof. Loukas Mistelis, Prof. W. Michael Reisman, Prof. Lakshmi Jambholkar, Mr. Promod Nair and Prof. Gabrielle Kaufmann-Kohler. CARTAL comprises of a dedicated body of faculty members and students, who are responsible for organisation of the events hosted by the Centre. The University and CARTAL regularly organise guest lectures, courses and conferences on topical issues in arbitration.

Indian Journal of Arbitration Law



The Centre publishes the Indian Journal of Arbitration Law [“IJAL”], a bi-annual, open-access journal. IJAL is widely recognised as one of the leading dispute resolution journals and an excellent source of reference in the field of international arbitration. IJAL endeavours to cover a wide range of subjects in the field of arbitration and, despite the nomenclature of being the ‘Indian’ Journal of Arbitration Law, it has maintained a focus on transnational debates in international commercial arbitration and investment treaty arbitration. IJAL has successfully published ten volumes and continues to host contributions from globally renowned experts and is indexed on HeinOnline, Kluwer Arbitration, Westlaw and SCC Online. More information about IJAL, CARTAL, and our Board of Advisors and members can be found at <http://ijal.in>.

Message from the Chief Patron - Prof. Dr. Poonam Pradhan Saxena

The CARTAL Conference on International Arbitration is an effort to broaden the horizon of the understanding of emerging tenets of arbitration amongst students, academicians, lawyers, and professionals. The Conference's various sessions have been curated with an eye towards the dual objective of the Conference, in which participants will not only gain knowledge, expertise and efficiency in these facets of modern arbitration, but will also have the opportunity to interact with eminent panellists. On this point, I would like to extend a warm welcome to all panellists and attendees at the 6th edition of the Conference, and hope that this event makes meaningful contribution to the discourse on forward-looking issues in international arbitration.



Prof. Dr. Poonam Pradhan Saxena
Vice-Chancellor, National Law University,
Jodhpur

Conference Schedule

PANEL

DATE, TIME

Panel I: Blockchain technology and arbitration

April 1, 2022, 5:00 PM -
6:15 PM (IST)

Panel II: Disclosure of third-party funding in
international arbitration

April 2, 2022, 5:00 PM -
6:15 PM (IST)

Panel III: Expedited arbitration and due process

April 3, 2022, 5:00 PM -
6:15 PM (IST)

Panel I: Blockchain Technology and Arbitration

April 1, 2022 (Friday), 5:00 PM – 6:15 PM (IST)

PANELLISTS



Mr. Calvin Koo
Principal, Kobre & Kim
LLP, Hong Kong



Dr. Sara Hourani
Senior Lecturer,
Middlesex University,
London



Mr. Santiago Rodríguez
Associate, Uría
Menéndez Abogados,
S.L.P., Madrid



Ms. Shilpa Mankar Alhuwalia
Partner, Shardul
Amarchand Mangaldas
& Co., New Delhi

Blockchain-related technologies are rapidly developing and its relevance in arbitration is widely being discussed. Smart contracts are self-executing contracts that are automating execution by expressing the terms of the agreement in lines of code. The use of smart contracts may limit the scope of disputes to be resolved by arbitration to errors in code, etc. There may also be issues such as inherent limitations of smart contracts and their legal status. Cryptocurrencies provide a decentralised, digital and encrypted medium of exchange. While cryptocurrency arbitrations remain rare, they are likely to become more mainstream in the future. Arbitration provides the parties with flexibility and party autonomy and also enables adjudication by arbitrators with the knowledge and expertise that becomes essential due to the highly technical nature of such disputes. Nevertheless, the problems related to cryptocurrencies in arbitration are several, especially concerning obtaining freezing orders, custody of crypto assets and enforcement of awards. This Panel will discuss the relevance and use of blockchain in arbitration, the kinds of disputes that may arise in this area, and the potential problems associated with the use of blockchain in arbitration.

Panel II: Disclosure of Third-Party Funding in Commercial Arbitration

April 2, 2022 (Saturday), 5:00 PM – 6:15 PM (IST)

PANELLISTS



Ms. Ananya Mitra
Associate, Dechert LLP,
Singapore



Mr. Anish Wadia, C.Arb
Chartered Arbitrator,
Accredited Mediator &
Governing Council
Member, Hyderabad
Arbitration Centre, India



Mr. Apoorva Patel
Vice President, Burford
Capital, Washington, D.C.



**Prof. Dr. Catherine
Rogers**
Founder and CEO,
Arbitrator Intelligence



Ms. Katie Chung
Partner, Norton Rose
Fulbright (Asia) LLP,
Singapore

Third-party funding is gaining popularity in the field of commercial arbitration. It is an arrangement whereby the funder undertakes to cover the costs of arbitration—wholly or partly—in return for a percentage of award amount in case of a favourable outcome, and risks losing its investment in case of an unfavourable outcome. The disclosure of the identity of the funders and also the related documents to the other party in the arbitration may become necessary in order to avoid potential conflict of interests with the arbitrators, determine whether to request security for costs, or identify real party in interest. The funders, however, would typically be opposed to the disclosure of their identity, terms of the funding agreement and related documents, and may also include specific provisions to that effect. In such cases, the parties may look to the agreed-upon institutional rules for guidance. Many of these rules do not sufficiently address the issue of disclosure of third-party funding. This Panel will discuss various issues that arise in such cases, how to strike a balance between disclosure and confidentiality, and what can the institutions, parties and arbitrators do to resolve such issues.

Panel III: Expedited Arbitration and Due Process

April 3, 2022 (Sunday), 5:00 PM – 6:15 PM (IST)

PANELLISTS



Mr. Akhil Unnam
Deputy Counsel,
International Chamber
of Commerce



Dr. Hamish Lal
Partner, Akin Gump
Strauss Hauer & Feld
LLP, London



Mr. Maanas Jain
Senior Associate, Three
Crowns LLP, London



Mr. Peter Morton
Partner, K&L Gates,
London



Ms. Shwetha Bidhuri
Head (South Asia),
Singapore International
Arbitration Centre

Arbitration allows parties the flexibility of resolving their disputes according to chosen procedure which suits the peculiarities of their case. The contours of this process, therefore, cannot be made to fit all types of disputes with their varying degrees of complexity. Accordingly, simpler disputes with an expedient need to be resolved are suited to expedited arbitration rules which streamline procedure allowing the parties to have shorter timelines. This may also be construed as the arbitration community's response to the incipient growth of time and costs in arbitral proceedings which do not benefit simpler disputes. Expedited arbitration rules usually include gateway provisions as to the amount in dispute, agreement of the parties and, in some cases, even the urgency of the dispute. There is an interface between these gateway provisions and party autonomy since some rules require overriding the parties' agreement. Furthermore, to achieve the efficiency which is intrinsic to the purpose of expedited arbitration, the tribunal is conferred with discretion to modulate the parties' right to a hearing and other facets of the arbitral procedure which precipitate due process concerns. This Panel will discuss the due process concerns that may arise in expedited arbitration and also the importance of institutions and arbitrators make it successful.

Registration

Please register at:

<https://forms.gle/nhBYYsr4ts4LzCUt6>

There is no registration fee for the conference.

The Conference will take place over Cisco Webex platform.

Participants will be provided certificates of attendance.

The deadline for registration is March 29, 2022.

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