

Editors in chief: Maxime Berlingin, Maarten Draye, Sophie Goldman and Sigrid Van Rompaey



AGENDA

5 OCTOBER 2017	(12:30 – 18:30)	Joint CEPANI – NAI Colloquium on Tribunal Secretaries
19 OCTOBER 2017	(13.45 - 15.45)	Cepani Bmediation workshop during mediation Week
25 OCTOBER 2017	(16:00 – 18:00)	Joint KCAB – CEPANI Seminar on Arbitration in Corporate Matters
7 NOVEMBER 2017	(17:30 – 19:30)	Colloquium on CEPANI's ADR Rules
23 NOVEMBER 2017	(17:00 – 20:00)	Cepani40 Debate Night on "The new generation of arbitrators: Challenges and Opportunities »

DANKBETUIGING / REMERCIEMENT

Geachte collega's,

Zoals u weet, treedt onze collega Philippe Lambrecht op 1 september aanstaande af als Secretaris-generaal van CEPANI.

Tijdens de 6 jaar van zijn mandaat heeft Philippe aanzienlijk bijgedragen aan de ontwikkeling van onze organisatie. Hij nam meer bepaald de ontwikkeling van de internationale actie van CEPANI alsook de promotie van Brussel als zetel van arbitrage ter harte.

Hij verrichtte dit alles met het talent dat wij hem toekennen, zijn doorzettingsvermogen en visie. Hij begeleidde tevens het Secretariaat met grote vaardigheid, hetwelk een hoofdrol speelt in onze organisatie en wiens uitmuntendheid en efficiëntie zelfs in het buitenland worden erkend.

Om deze redenen, wens ik in naam van een unanieme Raad van Bestuur, mijn dank te betuigen aan Philippe.

Ik ben verheugd dat hij heeft ingestemd om de functie van Vicevoorzitter naast Didier Matray, Dirk Van Gerven en Maud Piers uit te oefenen. Ik kijk er naar uit verder te mogen blijven genieten van zijn ervaring en inzet.

Vanaf 1 september werd Emma Van Campenhoudt Secretaris-generaal van CEPANI.

Jullie kennen haar allen en hebben haar kwaliteiten reeds weten te appreciëren. Ik twijfel er niet aan dat jullie haar uw volle steun zullen verlenen.

Met de meeste hoogachting,

Dirk De Meulemeester

Voorzitter van CEPANI

Chères Collègues,

Chers Collègues,

Comme vous le savez, notre collègue Philippe Lambrecht a quitté ses fonctions de Secrétaire général du CEPANI le 1^{er} septembre dernier.

Pendant les six années de son mandat, Philippe a contribué de manière importante au développement de notre organisation. Il a, en particulier, eu à cœur de développer l'action internationale du CEPANI et de promouvoir Bruxelles comme place d'arbitrage.

Il l'a fait avec le talent que nous lui connaissons, empreint de persévérance et de vision. Il a aussi dirigé avec beaucoup de compétence le secrétariat général, la vraie cheville ouvrière de notre organisation, dont l'excellence et l'efficacité sont reconnues même au-delà de nos frontières.

Pour ces raisons, je tiens au nom du Conseil d'Administration dans son ensemble, à exprimer ma profonde reconnaissance à Philippe.

Je suis heureux qu'il ait accepté d'assumer la fonction de vice-président aux côtés de Didier Matray, Dirk Van Gerven et Maud Piers. Je me réjouis de pouvoir ainsi continuer à bénéficier de son expérience et de son engagement.

Depuis le 1^{er} septembre, c'est Emma Van Campenhoudt qui occupe la fonction de Secrétaire générale du CEPANI. Vous la connaissiez tous et avez déjà pu apprécier ses qualités. Je ne doute pas que vous lui apporterez tout votre soutien.

Je vous prie de croire, Chères Collègues, Chers Collèges, l'expression de mes sentiments les meilleurs.

Dirk De Meulemeester

Président du CEPANI

REPORTS

- » [REPORT ON THE 5TH DUTCH ARBITRATION DAY ON "ADVOCACY AND EVIDENCE" \(AMSTERDAM, 14 SEPTEMBER 2017\)](#)
- » [REPORT ON THE JOINT SEMINAR BY THE CHAMBER OF COMMERCE OF ANTWERP AND ICC BELGIUM ON "SAFER INTERNATIONAL TRADE WITH SOUND ARBITRATION" \(13 SEPTEMBER 2017\)](#)
- » [REPORT ON THE CEPANI INTERN DAYS \(25 AUGUST 2017\)](#)

REPORT ON THE 5TH DUTCH ARBITRATION DAY ON "ADVOCACY AND EVIDENCE" (14 SEPTEMBER 2017)



Jacob Henriquez
Attorney at
HabrakenRutten
Rotterdam

On 14 September 2017, the 5th anniversary edition of the Dutch Arbitration Day took place in the Hermitage Museum in Amsterdam, covering the topic of "Advocacy and Evidence".

After the opening remarks by Prof. Meijer in which he made some interesting suggestions for the future of arbitration (law) in the Netherlands, Hilary Heilbron QC held an excellent keynote speech on the essence of arbitral advocacy. She gave insights into the 6 P's of oral advocacy which – amongst others – is about purpose, presentation and persuasion. Get to know your tribunal and understand what they want to have addressed.

The following panel discussion was held by Hilary Heilbron QC, Michael Schneider, Prof Arthur Hartkamp and Jeroen van Hezewijk (moderator) and

dealt with capitalizing on arbitration's potential in respect of advocacy and evidence.

M. Schneider mentioned the importance of interaction with the tribunal and making your case acceptable to the tribunal. Prof. Hartkamp added that counsels should try to be brief and really stick to the main points of their argument.

After a lunch on canal boats, Prof. Peter van Koppen gave a lecture on the working of the mind and psychological pitfalls in witness testimony. He demonstrated how witnesses have to deal with three stages of memory – perception, retention and reproduction – each stage affecting the outcome of a witness testimony.

The first expert session with Todd Wetmore, Bregje Korthals Altes, Ragnar Harbst, Kevin Smith and Sophia von Dewall as a moderator dealt with the value of witness evidence and 'tricks of the mind'. Korthals Altes pointed out the importance of preparing your witnesses so that they understand what to expect. T. Wetmore added that preparation improves the witness' ability to deal with cherry picking in the documents by the opposing party. R. Harbst noted that the witnesses are valuable as they bring the story to life.

Steven Finizio, Noel Matthews, Raymond van Hulst and Kate Cervantes-Knox (moderator) gave interesting insights into quantum evidence during the second expert session. R. Van Hulst noted the (lack of) time reserved for quantum issues such as VAT and interest, despite the significant influence it can have on the overall damages.

The last panel discussion by Vanessa Foncke, David Roney and Todd Ptak dealt with the role and future of advocacy in international arbitration. V. Foncke mentioned that the skill of cross examination can also be acquired by civil lawyers through experience and training. D. Roney indicated the importance

of figuring out the role of each individual witness in the dispute in preparing witness examination. The day ended with a cocktail dîatoire in the Hermitage.

**REPORT ON THE JOINT
SEMINAR BY THE CHAMBER
OF COMMERCE OF
ANTWERP AND ICC
BELGIUM ON “SAFER
INTERNATIONAL TRADE
WITH SOUND
ARBITRATION ”**



*Geert De Buyzer
Attorney at SCHOUPS Advocaten
Antwerp*

On 13 September 2017, Voka – Chamber of Commerce Antwerpen-Waasland organized an evening seminar on the close interaction between arbitration and international trade. Just as much as sound arbitration is an important stimulus for international trade, does a flourishing trade allow for the continuous refinement of good arbitration practices.

It was fitting then, that the event was hosted in the very offices where, centuries ago, merchants used to settle their disputes through arbitration.

Mr John Stoop, honorary chairman of Voka, expertly presided the seminar, drawing from his rich experience in both international trade and arbitration.

With **Mr Alexander G. Fessas**, Secretary General of the ICC Court and Director of ICC Dispute Resolution Services as keynote speaker, ICC arbitration was put firmly into the spotlight. Mr. Fessas gave an energetic exposition, emphasizing the high standards that the ICC stands for at every level of the arbitration process, from the choice of the arbitrator(s) to the scrutiny of the award. He also took time to explain recent ICC-developments, such as the expedited procedure and additional transparency regarding arbitrators.



**REPORT ON THE CEPANI
INTERN DAYS (25 AUGUST
2017)**



*Carolina Fernandes
Attorney at Ubirajara Silveira
Brazil*

After having moved to Belgium 1.5 year ago, I was first introduced to the CEPANI by Mr. Luc Demeyere, who is my mentor in Belgium and has spent his valuable time giving me all types of information on the Belgium legal system.

So, when I was doing my research, I found out about the CEPANI Intern Day and subscribed myself. It was said that the CEPANI Intern Day would give the participants a unique learning opportunity of the basics of Belgium arbitration and a “behind the scenes” tour. Without hesitation, I must say that the people involved delivered what they promised and I was pleased with the effort that they put in this endeavor.

During the subsequent panel discussion, **Mr Peter Engels**, senior partner at Elegis, confirmed the position of the ICC as a leading arbitration institute. Choosing ICC arbitration means opting for a globally recognizable and recognized procedural framework, bringing a sense of security and foreseeability that is sometimes lacking in foreign venues. As a result, the arbitral awards are mostly voluntarily executed. Mr. Tom Lenaerts, chief legal officer at DEME, concurred and then emphasized the importance of a suitable contractual dispute resolution mechanism. All too often, dispute resolution clauses do not receive sufficient attention during contract negotiations (so-called “midnight clauses”), which can prove very costly when a dispute occurs. As to recent trends in the arbitration landscape, **Prof. Ralph De Wit** pointed at different initiatives that aim at reducing the costs and improving the efficiency of arbitration. He rightly reminded the participants that opting for a single arbitrator in smaller cases is a simple but effective way to decrease the costs and increase the speed of arbitration.



Vice-Prime Minister and Minister of Foreign Affairs and European Affairs, **Mr Didier Reynders**, had the final word, touching upon delicate issues such as the impact of the Brexit and the evolution of arbitration in international trade agreements after CETA. His address contributed to some animated discussions during the subsequent networking reception.

The event succeeded in its intention of bringing arbitration into scope as the preferred means to settle international trade disputes. Indeed, arbitration should not remain limited to specific sectors such as diamond and transport, where it is already quite common.

The CEPANI Intern Day took place on August 25, 2017, in its headquarters in Brussels.

Around 10 a.m., we were welcomed by Mr. Dirk De Meulemeester, the president of CEPANI himself, for an overview of CEPANI and, of course, arbitration –on the users, the main claims, procedures and so forth, as well as Brussels being an important arbitration hub within Europe and CEPANI having a leading and important role in the development of arbitration.

This part of the day was highly dynamic to the extent that the interaction with the participants went more profoundly as Mr. De Meulemeester showed interest in not only lecturing but also getting to know his audience and their background in arbitration. It became clear to me that Mr. Meulemeester is very passionate about arbitration.

The second presentation during the morning was given by Ms. Sophie Goldman and Mr. Maxime Berlingin, co-chair of CEPANI40 and member of the CEPANI, respectively. It was about the Belgium Law on Arbitration and its global reform in 2013. By the end of the presentation I was happy to realize that arbitration in Brazil and Belgium are quite similar in lots of ways. I was really excited about the day so far.



Lunch time, provided for a moment of relaxation, in a more informal environment, where the interns, Mr. Meulemeester, Ms. Goldman, Mr.

Berlingin and a special guest joined us for small Q&A get together and individual acquaintance. I could share my experience in the Brazilian arbitration market and also the difficulties of establishing arbitration as the main alternative dispute resolution.

Following the lunch, a presentation on the CEPANI40 activities was made by Ms. Goldman. The CEPANI40 consists in a forum where people (young professionals willing to pursue a career in arbitration) can exchange experiences and views about arbitration. Its target audience are practitioners under the age of 40. Then, a brief presentation was made by Ms. Emma van Campenhoudt and Ms. Audrey Goessens, Secretary General and Counsel, respectively, both at CEPANI about the newsletter and up-coming events.

After that, we had the chance of touring in the CEPANI office, namely the library and the secretary general's office, in the company of Ms. Van Campenhoudt.

By the end of the day I left the CEPANI building with a feeling of "wanting more". From my part – and I think I speak in the behalf of all the participants – the Intern Day turned out to be of a great value. Also, the material provided to us was precious. Finally, I would like to thank all involved in the preparation of the Intern Day and I hope that the next participants have the same experience and impression that I did. Thanks a lot CEPANI!

NEWS

» CEPANI ACADEMIC PRIZE 2018

One of CEPANI's goals is to actively promote the knowledge and use of arbitration a.o. by encouraging the study of arbitration on a national and international level. Without a doubt, our young professionals take up a central spot in the elaboration of this mission. To support this young talent in particular, CEPANI takes great pride in organizing an Academic prize which rewards an outstanding paper in the field of national or international arbitration.

The goal of this competition is to offer young professionals with an interest in the field the chance to gain recognition among their peers.

CEPANI's Academic Prize, which amounts to € 5.000, is awarded every three years. The competition is open to anyone who is under the age of 40 on the 1st of September of the year in which the prize is awarded, i.e. 1st of September 2018.

If you wish to participate, please find the Rules, containing all practical information, on our website. They are available in English, Dutch, French and German.

For more information, please contact Ms. Emma Van Campenhoudt, Secretary General of CEPANI, at +32 2 515 08 35 or info@cepani.be

» LE CEPANI RECOMMANDE L'APRÈS-MIDI D'ÉTUDE ORGANISÉE PAR LA COMMISSION ROYALE DROIT ET VIE DES AFFAIRES SUR : "JOINT VENTURES: QUESTIONS CHOISIES DE DROIT BELGE ET INTERNATIONAL"

Le jeudi 12 octobre de 14h00 à 18h00, la Commission Royale Droit et Vie des Affaires organise une après-midi d'étude sur "JOINT VENTURES: QUESTIONS CHOISIES DE DROIT BELGE ET INTERNATIONAL". L'évènement se tiendra à la Fondation Universitaire, Salle Félicien Cattier, Rue d'Egmont 11, 1000 Bruxelles

Le programme promet des sujets actuels présentés par des orateurs extraordinaires comme Eric POTTIER, Li-Yu TU, Xavier DIEUX, Nicolas VANDERSTAPPEN, Olivier CAPRASSE, Laura LEONARD, Gaëlle WILLEMS, Nicolas PETIT, Jean-Michel DEGEE et Laurence PINTE.

Le programme détaillé et les informations relatives à l'inscription sont disponibles sur le site www.cdva.be

» **THE MEDIATION WEEK 16-20 OCTOBER 2017 (CEPANI BMEDIATION WORKSHOP ON 19 OCTOBER 2017)**

CEPANI and BMEDIATION invite you to a joint workshop held during the main day event of the mediation week on 19 October 2017 at the Plaza Hotel in Brussels.

Both Patrick VAN LEYNSEELE (NL/FR) and Charlotte DEMUYNCK (NL) will host the workshop by a practical demonstration of mediation and other dispute resolution methods.

For more invitation visit consult the Mediation Week [Programme](#)

» **ICCA 2018 SYDNEY PRESENTS THE PRELIMINARY PROGRAMME FOR THE 24TH ICCA CONGRESS TO BE HELD IN SYDNEY, AUSTRALIA FROM 15 – 18 APRIL 2018. THE THEME FOR THE 24TH CONGRESS IS “EVOLUTION AND ADAPTATION: THE FUTURE OF INTERNATIONAL ARBITRATION”**

The theme for the 2018 Congress has been chosen to highlight arbitration as a “living” organism which has proven adaptable in the past to new substantive and practical challenges, and that today – under attack from various quarters – will need to demonstrate its adaptability again. Under this theme, a range of programs will be developed to address the evolving needs of users (both commercial and investor-State), the impact of the rapidly changing face of technology on the practice of arbitration, the expectations of the public, and the convergence or divergence of legal traditions and cultures. For more information, click [here](#).

Responsible publisher: D. De Meulemeester

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