



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



## AGENDA

|                          |                 |  |
|--------------------------|-----------------|--|
| <b>7 JUNE 2018</b>       | (14:00 – 19:00) | <a href="#">Assemblée Générale/ Algemene Vergadering/ General Assembly</a>   |
| <b>7 JUNE 2018</b>       | (17:00 – 18:00) | <a href="#">Prof. Ferrari: "Limits to party autonomy in International Commercial Arbitration"</a>  |
| <b>8 JUNE 2018</b>       | (9:00 – 12:00)  | <a href="#">Clinical Seminar BSC-CEPANI on "Arbitration and Competition"</a>   |
| <b>27 JUNE 2018</b>      | (10:30 – 12:00) | Mission Princière économique belge Argentine-Uruguay /<br>Belgische Prinselijke Economische Missie Argentinië-Uruguay<br>Event CEPANI: "Brussels, International Arbitration Hub" in Buenos Aires |
| <b>7 SEPTEMBER 2018</b>  | (12:00 – 14:00) | <a href="#">Lunch Debate - TRAC Arbitration: A reliable forum in Iran</a>  |
| <b>14 SEPTEMBER 2018</b> | (8:30 – 20:00)  | <a href="#">Young ICCA/CEPANI40 Skills Training Workshop on Cross-examination in International Arbitration</a>   |
| <b>18 OCTOBER 2018</b>   | (12:00 – 18:30) | <a href="#">CEPANI40 Half-day Academic Conference - "Annulment and Enforcement from a comparative law perspective"</a>   |

## REPORTS

- » [INTERVIEW OF MARC HENRY, CHAIRMAN OF THE FRENCH ASSOCIATION OF ARBITRATION \(AFA\)](#)
- » [IMPRESSIONS DES ÉTUDIANTS DE L'UNIVERSITÉ DE LIÈGE À LA SUITE DE LEUR PARTICIPATION À LA 25ÈME ÉDITION DU WILLEM C. VIS INTERNATIONAL COMMERCIAL ARBITRATION MOOT](#)
- » [REPORT ON THE CEPANI40 / LYDIAN EVENT ORGANISED AT THE OCCASION OF THE 25TH ANNUAL WILLEM C. VIS INTERNATIONAL COMMERCIAL ARBITRATION MOOT \(VIENNA, 24 MARCH 2018\)](#)

**INTERVIEW OF MARC HENRY,  
CHAIRMAN OF THE FRENCH  
ASSOCIATION OF  
ARBITRATION (AFA)**



*Marc Henry*

*Chairman of the French  
Association of Arbitration (AFA)*

Marc Henry, newly appointed Chairman of the AFA, shared with us his ambitions for the institution.

**CEPANI. You recently became Chairman of the French Arbitration Association (AFA). What is the background to your appointment?**

**Marc Henry.** The AFA has been part of the French legal landscape for over 60 years. It was created by Jean Robert, one of the fathers of modern arbitration. The AFA has always maintained close relations with the judiciary and its institutions. For this reason, its presidents have always combined both arbitral and judicial expertise. That is one of the reasons why I was elected. I also represent generational change and renewal of the Board, which has presented an increasingly modern, feminine and international membership to the world in recent years.

**CEPANI. What characterizes the AFA?**

**Marc Henry.** The AFA is an independent and financially autonomous arbitral institution. I am very attached to these values. I devoted my doctoral thesis to the question of the independence of arbitrators and since then, I have focused most of my academic work on this issue, as well as on ethics. You will therefore understand why I am very sensitive to the independence underpinning the functioning of the AFA. The institution is also very anxious to maintain a certain degree of flexibility in how it operates and to guarantee complete confidentiality. It is governed by arbitration professionals, lawyers, in-house lawyers and law professors who are among some of the most renowned in Paris.

**CEPANI. What dynamic do you intend to give to the AFA?**

**Marc Henry.** The AFA must lay claim to its Francophone culture while pursuing an international role. This means that I intend to promote domestic institutional arbitration because I feel it is the best response, along with mediation, to the shortcomings of justice as administered by the court system. I also intend to encourage the AFA's international presence because I think it is perfectly suited to oversee international arbitration proceedings.

**CEPANI. How do you see AFA's future relationship with the CEPANI?**

**Marc Henry.** As previously indicated, the AFA and the CEPANI share similar characteristics and common objectives. Both have Francophone roots and should work together to defend continental civil law and the French language in the settlement of international disputes. They should also cooperate on promoting institutional arbitration to resolve domestic disputes. I am convinced that in conjunction with the CEPANI, the AFA will shortly find opportunities to engage in joint promotional actions and I am delighted to be able to contribute to strengthening relations between French and Belgian stakeholders in arbitration, bearing in mind that I have a special relationship with Brussels as I worked as a lawyer there for a year and a half!

**IMPRESSIONS DES  
ÉTUDIANTS DE L'UNIVERTIÉ  
DE LIÈGE À LA SUITE DE LEUR  
PARTICIPATION À LA 25<sup>ÈME</sup>  
ÉDITION DU WILLEM C. VIS  
INTERNATIONAL  
COMMERCIAL ARBITRATION  
MOOT**

*Lara Fabri  
Michelle Schauss  
Philippe Thonon  
Florence Winkin*

*Etudiants à l'Université de Liège*

Cette année, nous avons eu la chance de représenter l'Université de Liège lors de la 25<sup>ème</sup> édition du prestigieux *Willem C. Vis International Commercial Arbitration Moot*.

En octobre 2017, nous avons reçu le problème qui allait nous occuper les six prochains mois. Pas de temps à perdre, nous voilà déjà à la bibliothèque. Le planning s'avère intense: les conclusions du "Claimant" devaient être finalisées pour décembre, et celles du "Respondent" pour janvier. Nous avons enchainé avec la préparation aux plaidoiries à partir de février.

Le dossier de cette année nous a plongé, d'une part, dans l'industrie du cacao et du commerce équitable et, d'autre part, dans l'arbitrage *ad hoc*. Le cas offre à l'une et l'autre des parties bon nombre d'arguments à exploiter. Tout l'enjeu consistait donc à se les approprier pour les rendre les plus convaincants possibles. Le travail a été réparti entre les quatre membres de l'équipe, et supervisé par notre coach Maxime Malherbe et plusieurs alumni. Ceux-ci se sont montrés d'une grande aide, tant pour la phase écrite que pour la phase orale.

Cette expérience restera gravée dans la mémoire de chacun des participants. La préparation à la phase orale nous a emmenés aux quatre coins de l'Europe grâce aux Pre-Moots. Nous avons eu la chance de nous rendre à Bruxelles, Londres, Erlangen ainsi qu'à Stockholm afin de s'entraîner et recevoir les conseils d'arbitres de différentes cultures juridiques.

Nous nous sommes finalement rendus à Vienne fin mars où a pris place le Vis Moot. L'occasion pour nous de revoir certains "Mooties" déjà connus et de

créer des nouveaux liens avec d'autres. En effet, un des objectifs du Vis Moot est de permettre à des étudiants venant du monde entier de se rencontrer.



La participation au concours fut un réel enrichissement d'un point de vue professionnel mais aussi personnel. En effet, travailler ensemble sur un même projet nous a offert l'opportunité de vivre une aventure humaine hors du commun. Nous avons appris à travailler en équipe et à faire des concessions, à se soutenir dans les défaites mais aussi à se féliciter dans les victoires. Quelle ne fût pas notre fierté d'atteindre la finale du Pre-Moot de White and Case à Londres et de se classer ainsi meilleure équipe non-anglophone.

Pour conclure, le Vis Moot se présente comme étant "*a once-in-a-lifetime experience*" et notre équipe ne peut que confirmer cette réputation. Nous aimions remercier tous ceux qui nous ont soutenu tout au long de notre parcours, en particulier le Professeur Caprasse et Maxime Malherbe ainsi que l'Université de Liège pour leur confiance.

**REPORT ON THE CEPANI40 /  
LYDIAN EVENT ORGANISED  
AT THE OCCASION OF THE  
25TH ANNUAL WILLEM C. VIS  
INTERNATIONAL  
COMMERCIAL ARBITRATION  
MOOT (VIENNA, 24 MARCH  
2018)**



**Mario de Nitto Personè**  
Teaching Assistant at University of  
Pavia (Italy)

Style, class and elegance; adjectives that well describe both the suggestive location of Planter's house - a colonial greenhouse bar that have been the first address for American Cocktail Bars in the Viennese city centre for over 20 years - and the international environment that was created in Vienna on the evening of March 24th, thanks to CEPANI40 and Lydian.

Planter was chosen in line with the tradition of last year, and represented the perfect venue; especially for its well-known effort into the creation of new cocktails. And a new 'cocktail' was created thanks to this event. There could not be better occasion than the 25th Annual Willem C. Vis International Commercial Arbitration Moot, to organize a networking drink that created a space for talks, debates and growth for students, among academics, arbitrators and counsel from all over around the world.



For Lydian, Yves Lenders - leading partner in the law firm's Commercial and Litigation department and heads the Transport & Logistics team - Marijn De Ruysscher and Samuel Delcominette made it at the reception. On behalf of CEPANI, Emma Van Campenhoudt, Secretary General and Audrey Goessens, counsel, and of course Sigrid Van Rompaey and Sophie Goldman, co-chair of the CEPANI40, were present and greeted every single guest.

Sophie and Sigrid thanked Lydian for the invaluable support and already invited everyone to next year's event. The aim of CEPANI40 to promote and make arbitration accessible to younger practitioners, in Belgium and abroad, comes through these always more internationally representative 'cocktails' and events. And looking at the premises of style, class and elegance reproduced in this wonderful event, there is a bright future to come.

## NEWS

### » **ICCA 2018 SYDNEY WILL ADDRESS “EVOLUTION AND ADAPTATION: THE FUTURE OF INTERNATIONAL ARBITRATION”**

ICCA 2018 Sydney released the preliminary programme for the 24th ICCA Congress to be held in Sydney, Australia from 15 to 18 April 2018. The theme for the 24th ICCA Congress is “Evolution and Adaptation: The Future of International Arbitration”

This theme 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](#)

### » **THIRD CO-CHAIRS' CIRCLE GLOBAL CONFERENCE AND CO-CHAIRS' CIRCLE RETREAT**

The Third Co-Chairs' Circle Global Conference and Co-Chairs' Circle Retreat will take place on 18-19 May 2018 in Rome. For more information and registration, [see here](#)

### » **YOUNG ICCA SKILLS TRAINING WORKSHOP ON CROSS-EXAMINATION IN INTERNATIONAL ARBITRATION**

Young ICCA and CEPANI40 organises together a training workshop on Cross-examination in International Arbitration on 14 September 2018 in Brussels, [see here](#)

» **COFFEE TIME PRESENTATION OF THE BOOK: "MEDIATION: CREATING VALUE IN INTERNATIONAL INTELLECTUAL PROPERTY DISPUTES"**

CEPANI, in collaboration with Wolters Kluwer recommends: Coffee time presentation of the book: "Mediation: Creating Value in International Intellectual Property Disputes" on 3 May 2018 at 2 PM. For more information, [click here](#).

» **CABO VERDE 158<sup>TH</sup> MEMBER TO THE NEW YORK CONVENTION**

On 22 March 2018, Cabo Verde deposited its instrument of accession to the Convention on the Recognition and Enforcement of Foreign Arbitral Award of 1958 (New York Convention). On the eve of its 60<sup>th</sup> anniversary, the New York Convention thus has 158 adopting states. For the full list, [click here](#).

## VARIA

- » The [2<sup>nd</sup> ICC European Conference on international arbitration](#) will be held on 9th April 2018 during the [Paris arbitration week](#). It will be followed by an [ICC advanced training on "Drafting enforceable awards"](#), which will take place on 11th April 2018.
- » SAVE THE DATE: Mediation Week from 15 to 19 October 2018.

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