



Professionals in internal control, risk management and corporate governance

## INTERNATIONAL COMMERCIAL ARBITRATION

Bucharest | 16 May 2019 | Registration till: 29.03.2019 | 09:00 – 16:00 | 14 CPE

### INTRODUCTION

The growth of cross-border trade has brought with it an increase in international commercial disputes and ever greater recourse to arbitration as a neutral and private means of resolution that even comes with its own global framework for award recognition and enforcement.

For Eastern European and Central Asian States, the 'One Belt, One Road' (OBOR) initiative introduced by China has created further opportunities for expansion into new markets and broad cross-border economic co-operation which, in turn, has reinforced the importance to the business and legal communities of international arbitration as the dispute resolution means of choice.

It is no surprise that approaches to arbitration and arbitral practice continue to develop apace, with an ever-increasing emphasis on commercial and legal proactivity in concluding arbitration clauses, preparing for and conducting cases, and addressing post-award issues (whether as winner or loser). At the same time, new arbitral institutions are being established, while existing arbitration hubs are busy vying for new business.

Against such a dynamic arbitral background, this [one day] course comprises highly practical and intensive sessions, focusing on current developments and challenges, identifiable best practices and strategy formulation.

### TOPICS

#### (1) An arbitration snapshot

- The ways in which businesses and their lawyers are getting it right and (sometimes) getting it wrong.
- Around the world of arbitral institutions, institutional rules & recent developments: An overview.

#### (2) Using the Arbitration Agreement to your advantage

- A practical approach to constructing the arbitration clause;
- Choice of seat/procedural law;
- Governing law of the arbitration agreement;
- Jurisdiction;
- The Arbitration Notice.

#### (3) Appointing the arbitrators

- Making the right selection;
- Interviewing a potential arbitrator;
- The arbitrator's contract and fees;
- Making best use of arbitral institutions.

#### (4) Getting your hearing preparation right

- Maximising the value to you of the preliminary meeting;
- Making case management and evidential/procedural choices;
- Document selection and management to best advantage.

---

Address: 9 Doina street, building A, floor 1, district 5, Bucharest, Romania, postal code: 052151

Tel: +40 752 525 525 | E-mail: [contact@incir.ro](mailto:contact@incir.ro) | Website: [www.incir.ro](http://www.incir.ro)

Internal Control Magazine: [revista@incir.ro](mailto:revista@incir.ro)

[Facebook](#) | [Linkedin](#) | [YouTube](#)



## Professionals in internal control, risk management and corporate governance

### (5) Orders and awards

- Use of interim measures/precautionary orders;
- Recourse to the court;
- Partial & final awards;
- Keeping the process on track.

### (6) Following the award

- Current recognition & enforcement issues;
- Challenge & set aside;
- Interest & Costs (maximising recovery and avoiding undue detriment).

### (7) In the news: Current developments

- Third party funding;
- Recovery of third party & internal costs;
- Disputes centred on corruption, misconduct & illegality.

## LECTURERS:

### **Martin Polaine, Barrister, MCIArb, FAiADR**

Martin has advised states, international organisations and corporates and in Africa, Asia and Europe on international arbitration, public international law and international regulatory frameworks. His work has included treaty negotiation and drafting, dispute resolution (both commercial and State-investor arbitration), international human rights law, international trade & investment law, anti-corruption/asset recovery, maritime security, the law of armed conflict, statehood and immunities. He also has a complementary background as a former senior prosecutor.

Martin has had conduct of numerous serious, complex and sensitive cases, with a particular focus on those with an international element and serves as an expert for international and regional organisations (including Commonwealth Secretariat, Council of Europe, EU, UN agencies and the OECD).

He has extensive experience in advising at ministerial and senior official levels and his wide-ranging representational roles have included mutual legal assistance negotiation and serving as the UK's legal representative on the OECD Working Group on Bribery.

He is a published author of legal texts (with Oxford University Press and others), a regular conference speaker and has recently developed and written the international trade & investment law components of a practitioner-focused LLM course. Martin is a Member of the Chartered Institute of Arbitrators (MCIArb) and a Fellow of the Asian Institute of Alternative Dispute Resolution (FAiADR).

Assisted by, **Diana Moise** an experienced legal researcher, with expertise in international economic law, international commercial litigation and international arbitration. On the advisory side, she assisted in disputes across a range of sectors, under the auspices of ICSID and LCIA. Diana is also a Brexit Research Officer at the European Institute of University College London.

Diana has previously worked for several major US law firms where she assisted in several international disputes. She has also published several articles on arbitration and investment policies, and spoken about the effects of Brexit on commercial contracts. Ms. Moise holds degrees from University College London (LL.M.) and West University of Timisoara, Romania (LL.B.).

---

**Address: 9 Doina street, building A, floor 1, district 5, Bucharest, Romania, postal code: 052151**

**Tel: +40 752 525 525 | E-mail: [contact@incir.ro](mailto:contact@incir.ro) | Website: [www.incir.ro](http://www.incir.ro)**

**Internal Control Magazine: [revista@incir.ro](mailto:revista@incir.ro)**

**[Facebook](#) | [Linkedin](#) | [YouTube](#)**



## Professionals in internal control, risk management and corporate governance

**Registration:** fill in the [Electronic registration form](#)

**Location:** will be communicated to the participants.

### INVESTMENT

[INCIR](#) members – 120 EUR\* / participant

**Non members** – 160 EUR / participant

\* BTRL exchange rate from the invoice date

### The fees are final and encompass:

- delivery of the training program
- lunch and coffee / tea break
- course support and course materials
- attendance certificates

[INCIR](#) ensures for each training program certified lecturers, course materials, case studies, attendance certificates and all the necessary logistics.

---

**Address:** 9 Doina street, building A, floor 1, district 5, Bucharest, Romania, postal code: 052151

**Tel:** +40 752 525 525 | **E-mail:** [contact@incir.ro](mailto:contact@incir.ro) | **Website:** [www.incir.ro](http://www.incir.ro)

**Internal Control Magazine:** [revista@incir.ro](mailto:revista@incir.ro)

[Facebook](#) | [Linkedin](#) | [YouTube](#)