



XXI International Congress of Maritime Arbitrators

Hosted by CBMA

Centro Brasileiro de Mediação e Arbitragem

Rio de Janeiro 2020

March 8th - 13th



PROGRAMME

Helena Barretto 2020

Monday March 9th	
09:00 - 11:15	Opening Ceremony and Welcome Address Cedric Barclay Lecture
11:15 - 12:15	Plenary 1: Arbitration Today - Contemporary Issues
13:00 - 14:00	Lunch, sponsored by CMBA
14:00 - 15:15	Concurrent 1: National Arbitration Issues - (South America & UAE) Concurrent 2: National Arbitration Issues - (Europe & North America)
15:15 - 15:45	Afternoon break, sponsored by EMAC
15:45 - 17:15	Concurrent 3: National Arbitration Issues - (Asia) Concurrent 4: Current Arbitration Issues
From 19:00	CAM-CCBC Barbecue Dinner
Tuesday March 10th	
09:00 - 10:30	Concurrent 5: Procedural - Arbitration Clauses and Jurisdiction Concurrent 6: Insurance Issues
10:30 - 11:00	Morning break, sponsored by EMAC
11:00 - 12:30	Concurrent 7: Procedural - Alternative Dispute Resolution Concurrent 8: Current Arbitration Issues
12:30 - 13:30	Lunch sponsored by CIESP / FIESP
13:30 - 15:30	Concurrent 9: Charterparty Issues Concurrent 10: Bills of Lading / Carrier's Liability
From 16:00	Sunset at Sugar Loaf
Wednesday March 11th	
From 08:30	Social Day Out
17:00	Happy Hour at Enxadas Island
Thursday March 12th	
09:00 - 10:30	Plenary 2: Current Arbitration Issues
10:30 - 11:00	Morning break, sponsored by EMAC
11:00 - 12:30	Concurrent 11: Interim Measures Concurrent 12: Limitation of Liability / General Average
12:30 - 13:30	Lunch sponsored by FGV CÂMARA
13:30 - 15:00	Concurrent 13: Damages Concurrent 14: Shipbuilding / Ship Finance
15:00 - 15:30	Afternoon break, sponsored by EMAC
15:30 - 17:00	Concurrent 15: Enforcement Concurrent 16: Offshore / Future
From 19:30	Congress Dinner
Friday March 13th	
09:00 - 10:30	Plenary 3: AI / Technology
10:30 - 11:00	Morning break sponsored by EMAC
11:00 - 13:00	Plenary 4: Industry Session
13:00 - 14:00	Lunch sponsored by VALE
14:00 - 16:00	Plenary 5: Industry Session
16:00 - 16:30	Closing notes

Opening 07:30

Buses will leave at 07:30 to transfer guests to the opening ceremony venue. (Return to hotel at 12:30)

09:00 - 11:15

Location: Escola de Guerra Naval, School of Navy War (Av. Pasteur, 480 - Urca, Rio de Janeiro).
Moderator: Camila Mendes Vianna Cardoso (Brazil)

Opening Ceremony - **Clive Aston, Steering Committee Chair**

Welcome Address - **Gustavo Schmidt – President of CBMA**

Cedric Barclay Lecture - **Former President of the Federal Supreme Court, Justice Ellen Gracie Northfleet**

Addresses by:

- Admiral Ilques Barbosa Junior (Minister of the Navy)
- Justice Jose Antonio Dias Toffoli (President Federal Supreme Court)
- Justice Luiz Fux (Federal Supreme Court)
- Justice João Octavio de Noronha (President Superior Court of Justice)
- Justice Luis Felipe Salomão (Superior Court of Justice)
- Justice Benedito Gonçalves (Superior Court of Justice)
- Justice Raul de Araújo Filho (Superior Court of Justice)
- Justice Paulo de Tarso Vieira Sanseverino (Superior Court of Justice)
- Justice Marco Aurélio Bellizze (Superior Court of Justice)
- Justice Antonio Saldanha Palheiro (Superior Court of Justice)
- Judge Claudio de Mello Tavares (President Court of Appeals of Rio de Janeiro)
- Admiral José Roberto Bueno Junior (Rep. Ministry of Energy)
- Felipe Santa Cruz (President Brazilian Bar Association)

Plenary Session 1: Arbitration Today - Contemporary Issues

11:15 - 12:15

Room: Opening Ceremony venue

Moderator: Godofredo Mendes Vianna (Brazil) and Gisela Gadelha (Brazil)

How Lawyers can help Arbitrators - **Bruce Harris (UK)**

Overview of significant developments in New York Arbitration, 2017-2019 - **John D Kimball (USA)**

The role of courts in supporting arbitration: a review of recent developments in the Asia-Pacific - **Angus Stewart (Australia)**

Development in the Amendments to Maritime Code of China -
Professor Beiping Chu (China) (presenting by video)

13:00 - 14:00 Lunch at Nobre Room, sponsored by CBMA

Concurrent 1: National Arbitration Issues - (South America and UAE)

14:00 - 15:15 **Room: Cristal Room**
Moderator: Alison Baxter (UK)

Dispute Resolution in Cabotage Shipping: Reality and Prospects for Regional Arbitration Hubs – **Cesar Pereira (Brazil)**

Maritime arbitration proceedings in Argentina – **Diego Esteban Chami (Argentina)**

Navigating Maritime Arbitration in the UAE – **Richard Briggs (UAE)**

Are users really happy? – **Joaquim Muniz (Brazil)**

Concurrent 2: National Arbitration Issues - (Europe and North America)

14:00 - 15:15 **Room: Palm Room**
Moderator: Roger Moisey (Greece)

Two Systems Divided By A Common Law: Some Examples –
LeRoy Lambert (USA) and **Lindsay East (UK)**

What is hot in the Netherlands, how do the judiciary and arbitrators cooperate and – as the case may be – under which circumstances can arbitral awards be set aside by the judiciary?
– **Mark Padberg (The Netherlands)**

The Nordic Offshore & Maritime Arbitration Association – pushed forward with the three-blade propeller of efficiency –
Jens V. Mathiasen (Denmark)

Comparative insights into maritime arbitration: The judicial review of arbitral awards – **Eva Litina (Greece)**

15:15 - 15:45 Afternoon break, sponsored by EMAC

Concurrent 3: National Arbitration Issues - (Asia)

15:45 - 17:15 **Room: Cristal Room**
Moderator: Luiza Chang (Brazil)

One Belt, One Road - Issues and Challenges – **Peter Koh (Canada)**

Latest Development of Law and Practices of China's Maritime Arbitration – **Bo Chen (China)** (presenting by video)
Maritime Arbitration in Singapore and Proposed Changes to the International Arbitration Act – **Corina Song (Singapore)**

Arbitration in Singapore - Too Many Options? – **Kenny Yap (Singapore)**

Maritime Arbitration in Malaysia : 2020 and Beyond – **Jeremy Joseph (Malaysia)**

Concurrent 4: Current Arbitration Issues

15:45 - 17:15 **Room: Palm Room**
Moderator: Marc de Man (Canada)

The Importance of Arbitral Institutions for the Development of Maritime Arbitration – **Eleonora Coelho (Brazil)**

The Application of the Prague Rules in the Context of Maritime Arbitration Disputes – **André Pereira da Fonseca (Portugal)**

Ad hoc arbitration and its enemies – **James Clanchy (UK)**

Thinking on the Soft Law of Evidentiary Rules in International Commercial Arbitration under The Belt and Road Initiative –
Qinghua Zhou (China) (presenting by video)

The Alleged Crisis in International Arbitration and Some Possible Fixes – **Michael Cover (UK)**

From 19:00

The CAM-CCBC Barbecue Dinner

Concurrent 5: Procedural - Arbitration Clauses and Jurisdiction

09:00 - 10:30

Room: Cristal Room

Moderator: Daniella Horton (UK)

Freedom to Choose a Foreign Seat of Arbitration - From PRC law perspective - **Dihuang Song (China)** (presenting by video)

The Essential Practice of Finding Jurisdiction – **Peter McQueen (Australia)**

Does a Court Decide Arbitral Jurisdiction or Defer the Question to the Arbitral Tribunal, and what is the Applicable Law of the Challenge? – **Lawrence Teh (Singapore)**

Invoking an Arbitration Agreement as Bar to Litigation – **Byung-Suk Chung (South Korea)**

Med-Arb Clause in charter contracts - **Marcella Paiva (Brazil)**

Concurrent 6: Insurance Issues

09:00 - 10:30

Room: Palm Room

Moderator: Fabiane Verçosa (Brazil)

Arbitration by Insurance Subrogation and the Judgment of SEC No. 14.930 by the Superior Court of Justice – **José Roberto De Castro Neves (Brazil)**

Subrogation of rights under marine insurance contracts – **André Chateaubriand Martins (Brazil)**

Extension of the Arbitration Agreement to the Subrogated Insurer – **Pablo Hanna (UK)**

Arbitration: The P&I Club Perspective and the SMA – **Claudia Botero Götz (USA)** and **Sandra Gluck (USA)**

Maritime Sanctions Clauses – **Richard Kilpatrick (USA)**

10:30 - 11:00

Morning break, sponsored by EMAC

Concurrent 7: Procedural – Alternative Dispute Resolution

11:00 - 12:30

Room: Cristal Room

Moderator: Anna Mestre (Spain)

Is There Any Value in Very Low Cost Dispute Resolution? – **Trevor Harrison (UK)**

Consolidation of Multiple Arbitral Proceedings in TOMAC Arbitration, Japan – **Shohei Tezuka (Japan)**

How Consolidation Disputes are Decided under the Rules of the Society of Maritime Arbitrators, Inc. – **Robert Shaw (USA)**

Inter-temporal Multi-Dispute Arbitrations, Multi-Party Arbitrations and Involvement of or by Third Parties: What is possible and what not? – **Dieter Schwampe (Germany)**

Considerations on the Participation of the Public Administration in Maritime and Port Law Arbitrations in Brazil – **Ricardo Loretto (Brazil)**

Concurrent 8: Current Arbitration Issues

11:00 - 12:30

Room: Palm Room

Moderator: Mathias Steino (Denmark)

Is Arbitrating all about A,B,C or should it also be about 1,2,3? – **Catherine Jago (UK)**

The third-party funding: overview, types and main issues – **Jessica Antunes (Brazil)**

The Unresponsive Respondent - Problems when a respondent refuses to participate – **Charles Baker (UK)**

Arbitrating Environmental Damage Claims Arising from Vessel Pollution – **Charles Anderson (USA)**

Current Arbitration Issues in South Africa - **Tony Norton (South Africa)**

12:30 - 13:30

Lunch at Nobre Room, sponsored by CIESP / FIESP

Concurrent 9: Charterparty Issues

13:30 - 15:30

Room: Cristal Room

Moderator: Joanna Evje (Norway)

Understanding Performance Claims Part III: Benchmarks, Yardsticks & Current – **Brian Williamson (UK)**

Speed Claims: Weather Routing Companies, Satellites and Charterers – **David Boxall (Germany)**

Time "spent or lost" in the context of laytime or demurrage – **Bengt Nergaard (USA)**

Notice provisions in force majeure clauses: escaping the two unsatisfactory alternatives - **Robert Gay (UK)**

Charter Party Disputes - an Indian Law Perspective - **Gautam Bhatikar (India)**

The Amity - a step back in formality - **Clive Aston (UK)**

Brazilian maritime arbitration: Critical review, challenges and prospects - **Luis Felipe Galante (Brazil)**

Concurrent 10: Bills of Lading /Carrier's Liability
13:30 - 15:30 **Room: Palm Room**
Moderator: Ingrid Zanella (Brazil)

Freight Forwarder and Bill of Lading: Can It Be Responsible for The Issued B/L? Comparative Analysis of Common and Turkish Law – **Banu Bozkurt (Turkey)**

The validity under Brazilian law of a maritime arbitration clause inserted in a bill of lading or another pre-formulated carriage by sea standard agreement - **José Gabriel Assis de Almeida (Brazil)**

Carrier's liability : English law v. French law : any paradigm shift ? – **Philippe Delebecque (France)**

Best Practices for Ship Owners: Letters of Indemnity for Discharge / Delivery of Cargo Without Presentation of Original Bills of Lading – **Ashwin Shanker (India)**

Does “whosoever arising” mean whosoever arising? Deck cargo and the exclusion of liability – **Stephen Hofmeyr (UK)**

Vis Major, Force Majeure and the Allocation of Risk - **Keith Heard (USA)**

“Force Majeure” - a Consequence of State Actions Imposing Trade Barriers or Sanctions? - **JJ McIntyre (Canada)**

16:00 **Buses depart for Sunset at Sugar Loaf**

Plenary 2: Current Arbitration Issues

09:00 - 10:00 **Room: Cristal Room and Palm Room**
Moderator: George Eddings (UK)

Halliburton ABC: Arbitrators, Bias and Conflicts – **Nicholas Vineall QC (UK)**

Resignation in the face of confidentiality – **Julia Dias (UK)**

The Anti-Suit Injunction at the Frontiers of Maritime Arbitration – **Tom Raphael (UK)**

Ethics: The Case for Organizations/Associations of Maritime Arbitrators to Adopt (or improve) Standards for Ethical Conduct of their Members – **Dick Corwin (USA)**

The Maritime Arbitration Universe in Numbers and the Chilean Compulsory Arbitration System for Maritime Disputes – **Ricardo Rozas (Chile)**

10:30 - 11:00 Morning break, sponsored by EMAC

Concurrent 11: Interim Measures

11:00 - 12:30 **Room: Cristal Room**
Moderator: Aleka Sheppard (UK)

Interim relief measures in maritime arbitration and the possible use of emergency arbitrators – **Renato Grion (Brazil)**

United States Maritime Attachment Procedures and the impact in Venezuelan law - **Ricardo Maldonado (Venezuela)**

Comparative study on courts in Chinese mainland and Hong Kong in providing interim remedies to off-shore on-going arbitrations - **Brad (Haocheng) Wang (Hong Kong)**

Why Arbitrators Don't Arrest Ships & 7 Maritime Lessons from the Superyacht Equanimity – **Sitpah Selvaratnam (Malaysia)**

Maritime Cross Border Insolvency and Arbitration, A Three -Way Collision? – **Gary Seitz (USA)**

Concurrent 12: Limitation of Liability / General Average

11:00 - 12:30 **Room: Palm Room**
Moderator: Imad Elias (Cyprus)

The grounding of the Costa Concordia in January 2012, mediation and negotiation in France – **Patrick Simon (France)**

Certain Issues on Limitation of Shipowners' Liability under Japanese Law – **Mitsuhiro Toda (Japan)**

Environmental damages due to shipwrecks and The Nairobi Convention – **Roberta Jardim de Moraes (Brazil)**

Resolution of General Average Issues In New York Arbitration – **Anthony Pruzinsky (USA)**

The soft edges of 21st Century seaworthiness – systems and practices – **Richard Lord (UK)**

12:30 - 13:30 Lunch at Nobre Room, sponsored by FGV CÂMARA

Concurrent 13: Damages

13:30 - 15:00 **Room: Cristal Room**
Moderator: Gregor Harbs (Germany)

The Achilleas revisited – **Mark Havelock-Allan (UK)**

Duty to Mitigate: the growing Risk / Reward imbalance – **Philip Bacon (UK)**

Making Losses Good – Navigating the Legal Uncertainty of Mitigation of Damages in International Maritime Arbitration – **James Shaerf (France)**

The Validity of Setoff Clauses in the Application of Penalties by Petrobras – **Patricia Klien Vega (Brazil)**

Forward Curves - the new normal? Calculating damages with the aide of futures markets – **Karina Albers (UK)**

Concurrent 14: Shipbuilding / Ship Finance

13:30 - 15:00 **Room: Palm Room**
Moderator: Munique Mendes (Brazil)

Take-or-Pay-Contracts in Project and Ship Finance - Analysis and Recommendations on the Basis of Brazilian law – **Peter Sester (Brazil)**

Dealing with claims based on "Good Marine Practice" clauses in shipbuilding contracts – **Michael Monahan (UK)**

Ship Mortgages and their Enforcement – **Stephen Girvin (Singapore)**

Effect of IMO 2020 on Shipbuilding Contracts – **Charlotte Winter (UK)**

Ship and rig building contracts: Zhoushan and the prevention principle – **Ian Gaunt (UK)**

15:00 - 15:30 Afternoon break, sponsored by EMAC

Concurrent 15: Enforcement

15:30 - 17:00 **Room: Cristal Room**
Moderator: Peter Swanson (Canada)

Recognition of foreign awards v local court proceedings in Brazil – **Olympio Carvalho (Brazil)**

Enforcement of Foreign Arbitration Award in Japan – **Yosuke Tanaka (Japan)**

Soya Beans to Shipbuilding- Limits on Enforcement of Arbitration Clauses in China – **Mark Sachs (UK)**

Recognition of LMAA Awards in PRC Action – Charterer Won Indemnity Claims in PRC Action against Shipper for Issuance Clean Bs/L under LOI – **Xinwei Zhao (China)** (presenting by video)

Recognition of foreign judgments in Brazil, with a special note on arbitral awards: the practice of the Superior Court of Justice and the Code of Civil Procedure of 2015 – **Nadia de Araujo (Brazil)**

Concurrent 16: Offshore / Future

15:30 - 17:00 **Room: Palm Room**
Moderator: Lilian Schaefer (Brazil)

Deep Sea Mining: A New Frontier for Maritime Arbitration – **Steffen Pedersen (Singapore)**

"Conflicts and consequences which may arise from the infringement of the provisions of Law No. 26,659 on "Conditions for Hydrocarbon Exploration and Exploitation on the Argentine Continental Shelf" in areas close to Malvinas Islands" – **Maria Belén Espiñeira (Argentina)**

"A VERY RADICAL BREACH" - The limits of knock-for-knock in maritime and offshore contracts – **David Steward (UK)**

Nordic Marine Insurance Plan and Nordic Offshore and Maritime Arbitration (NOMA) - Effective solution for autonomous vessels – **Peter Sandell (Finland)**

The fate of traditional vessel owner protection in an era of automation: The US limitation of liability act - **Utsav Mathur (USA)**

From 19:30 **Congress Gala Dinner**

Plenary 3: AI / Technology

09:00 - 10:30

Room: Cristal Room and Palm Room

Moderator: Ana Tereza Basilio (Brazil)

IT and Artificial Intelligence, wolves in sheep clothes? – **Marcel Verhagen (The Netherlands)**

Artificial Intelligence-based Human Decision Support Framework for Maritime Dispute Resolution: Modelling Human Uncertainty – **Constantina Sampani (UK)**

Blockchain-enabled platforms in the maritime trade: admissibility, authenticity and interpretation – **Victor Fernandes (Brazil)**

Cybersecurity and Arbitrators -are they good friends – **Jes Anker Mikkelsen (Denmark)**

Blockchain and arbitration - **Rui Fernandes (Canada)**

10:30 - 11:00

Morning break, sponsored by EMAC

11:00 - 11:20

Address - Justice Ricardo Villas Bôas Cueva (Superior Court of Justice)

Plenary 4: Industry Session

11:20 - 13:00

Room: Cristal Room and Palm Room

Moderator: Lucas Leite Marques and Marie Lorraine Metz (Brazil)

BIMCO - taking contracts and clauses to the next level – **Søren Larsen (Denmark)**

The Quest for Consent in BIMCO Standard Form Contracts: A Brazilian Perspective – **Marcela Melichar Suassuna (Brazil)**

The future of Maritime Arbitration in Brazil – **Isabella Faria (Brazil)**

The carrier liabilities of non-concluded business and the arbitration clause of third-party contracts - **Rafaela Nogueira (Brazil)**

What should be taken into consideration when choosing and drafting a dispute resolution clause? – **Eduardo Clarkson Lebreiro (Brazil)**

Brazilian Harbor's Approach Channel: Public or Private Concessions? – **Gabriela Heckler (Brazil)**

13:00 - 14:00 Lunch at Nobre Room, sponsored by VALE

Plenary 5: Industry Session

14:00 - 16:00 **Room: Cristal Room and Palm Room**
Moderator: Iwam Jaeger (Brazil) and Mariana Freitas de Souza (Brazil)

What Shipping Lawyers need to know about the new Incoterms 2020 - **Charles Debattista (UK)**

Maritime arbitration. A company's view - **Djan Venturim (Brazil)** and **Rodrigo Prezotti (Brazil)**

Maritime Court, enhancing maritime arbitration in Brazil - **Admiral Wilson Pereira de Lima Filho (Brazil)**

The Influences of Economic Sanctions on Maritime Arbitration - **Fernando Miguel de Sá Carvalho (Brazil)**

Maritime Arbitration as a New Perspective to the Brazilian Shipping and Port Sector - **Najla Buhatem Maluf (Brazil)**

Closing

16:00 - 16:30 **Room: Cristal Room and Palm Room**
Closing notes and announcement of host of ICMA XXII

Clive Aston
David Martowski
Camila Mendes Vianna Cardoso
Jon Elvey (Piano) (TBC)

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ICMA XXI
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www.icma2020.com

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Av. Atlântica, 1702 - Copacabana
Rio de Janeiro - Brasil