

Autonomous v nationalistic interpretation of the 1958 New York Convention

**Thursday,
January
21**

noon-1:30 pm (Paris time)

SPEAKERS

Franco Ferrari
NYU Law

Burkhard Hess
MPI Luxembourg

Dennis Solomon
University of Passau

Winnie Ma
Bond University

Autonomous interpretation in general
The notion of "arbitral award"
The arbitration agreement - scope issues
Arbitrability

The New York Convention of 1958 owes much of its success to being an international convention setting forth uniform rules. Its uniform recognition and enforcement regime not only lowers the parties' transaction costs of identifying under which circumstances an award will be recognized and enforced across jurisdictions; it also ensures that States cannot justify the failure to comply with their obligations under the New York Convention by reference to domestic law. Still, the courts of different contracting States apply the Convention differently.

Oftentimes, this is due to the erroneous understanding of concepts employed by the drafters of the Convention. The presentations to be given at the two events will examine whether a given concept must be interpreted autonomously rather than nationally, in light of domestic law, and, where this is the case, will attempt to define these autonomous concepts. The presentations will also identify which domestic law(s) to apply, to the extent that recourse to domestic law(s) is required.

**Monday,
January
25**

Incapacity
Deviations from the agreed upon procedure
Public policy
Procedure to enforce an arbitral award

noon-1:30 pm (Paris time)

SPEAKERS

Francesca Rago
University of Verona

Friedrich Rosenfeld
Hanefeld, NYU Paris

Giuditta Cordero-Moss
University of Oslo

Lucas Lim
Drew & Napier, Singapore

Register https://nyu.zoom.us/webinar/register/WN_owSaNbqvSRaVqgO_412WoA

BIOS

Giuditta Cordero-Moss, Dr juris (Oslo), PhD (Moscow), is Professor at the University of Oslo. She publishes and lectures in Norway and internationally within the fields of contract law, private international law and arbitration. A former corporate lawyer, she acts as arbitrator in international disputes since 2002. She is, *inter alia*: Delegate for Norway, UNCITRAL Working Group on Arbitration since 2007; Alternate Member of the ICC Court of Arbitration since 2018; Member of the Curatorium of the Hague Academy of International Law since 2019; former President of the European Bank for Reconstruction and Development Administrative Tribunal.

Franco Ferrari joined the NYU School of Law's full-time faculty in Fall 2010, after serving as professor of law at Verona University (2002-16), Bologna University (1998-2002), and Tilburg University (1995-98). Professor Ferrari, a former legal officer at the UN Office of Legal Affairs, works and does research in the areas of international commercial law, conflict of laws, comparative law, and international commercial arbitration. He is a recipient of the 2018 Certificate of Merit for High Technical Craftsmanship and Utility to Practicing Lawyers and Scholars awarded by the ASIL. He also acts as an international arbitrator both in international commercial arbitrations and investment arbitrations.

Burkhard Hess, born in 1961, became founding director of the Max Planck Institute Luxembourg for Procedural Law in September 2012. He graduated in Munich in 1990. After being granted *Venia Legendi* in civil law, civil procedure, private international law, European law and public international law in 1996, he held chairs at the Universities of Tübingen and Heidelberg. He was a Guest Professor in Taipei, Georgetown, Paris (Sorbonne) and Beijing, and a scholar-in-residence at the Center for Transnational Law at the New York University. He served as a part-time judge at the Court of Appeal of Karlsruhe. He is Chairman of the ILA Committee on the Protection of Privacy. In March 2015, the University of Ghent awarded Professor Hess a doctor honoris causa; in May 2016, the University of Thessaloniki.

Lucas Siyang Lim did his LLB with the National University of Singapore and his LLM with New York University, graduating from both schools in 2020. He is currently a trainee at Drew & Napier in Singapore.

Winnie Jo-Mei Ma is a Fellow and approved faculty member of CIarb (Chartered Institute of Arbitrators), Advisor to CAA (Chinese Arbitration Association, Taipei), and Honorary Assistant Professor of Bond University. She has been teaching in Australia and Taiwan for 20 years while her publications focus on international commercial arbitration and private international law.

Francesca Rago is Associate Professor of International Law at the School of Law of the University of Verona. She graduated in Law (J.D.) with honors at the University of Bologna and obtained her PhD from the University of Verona. Throughout her career, she has researched and lectured in Italy and in several Universities abroad, such as NYU (Paris program) and the University of Pittsburgh (as a Fulbright Distinguished Chair).

Dr. Friedrich Rosenfeld is Partner at HANEFELD, an arbitration boutique with offices in Hamburg and Paris. He has acted as counsel and arbitrator in cases involving a range of applicable substantive laws and seats (e.g. Austria, Denmark, England, Germany, Greece, Israel, Switzerland, Turkey, the United States). Friedrich is also Global Adjunct Professor at NYU Law in Paris, Visiting Professor at the International Hellenic University in Thessaloniki and Lecturer at Bucerius Law School.

Dennis Solomon is Professor of Civil Law, Private International Law and Comparative Law at the University of Passau Faculty of Law, Germany, and Managing Director of its Institute for international and foreign law. Professor Solomon's principal areas of research are private international law, international civil procedure and arbitration. He regularly advises German courts on the application of foreign law.