THE 6th CARTAL CONFERENCE ON INTERNATIONAL ARBITRATION

“Leaps and Bounds: Arbitration Evolving”

April 1–3, 2022

NATIONAL LAW UNIVERSITY, JODHPUR
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National Law University, Jodhpur [“University”] is a premier law university in India, which endeavours to develop legal professional skills par excellence. The University has excelled in traditional legal education and inculcates an innovative hands-on approach to the study of emerging legal fields. The University enjoys an unparalleled reputation for its excellent hospitality and management capabilities and is fully equipped with the requisite facilities required for the organisation of such events.

CENTRE FOR ADVANCED RESEARCH AND TRAINING IN ARBITRATION LAW

The Centre for Advanced Research and Training in Arbitration Law [“CARTAL”] has been set up by National Law University, Jodhpur to promote research and scholarship in the field of arbitration. CARTAL is headed by Executive Director Dr. Nidhi Gupta. The Centre’s Board of Advisers includes some of the most pre-eminent personalities in the field of arbitration such as Prof. Gary B. Born, Mr. Alexis Mourre, Mr. Fali S. Nariman, Prof. Loukas Mistelis, Prof. W. Michael Reisman, Prof. Lakshmi Jambholkar, Mr. Promod Nair and Prof. Gabrielle Kaufmann-Kohler. CARTAL comprises of a dedicated body of Faculty members and students, who are responsible for organisation of the events hosted by the Centre. The University and CARTAL regularly organize guest lectures and roundtable conferences on topical issues in arbitration.

INDIAN JOURNAL OF ARBITRATION LAW

The Centre publishes the Indian Journal of Arbitration Law [“IJAL”], a bi-annual, open-access student-run journal. IJAL is widely recognized as the leading Indian dispute resolution journal and an excellent source of reference in the field. IJAL endeavours to cover a wide range of subjects in the field of arbitration and, despite the nomenclature of being the ‘Indian’ Journal of Arbitration Law, it has maintained a focus on transnational debates in international commercial arbitration and investment treaty arbitration. IJAL has successfully published ten volumes and continues to host contributions from globally renowned experts and is indexed on HeinOnline, Kluwer Arbitration and Westlaw. More information about the journal, CARTAL, its Board of Advisers and members can be found at can be found at http://ijal.in.
MESSAGE FROM THE CHIEF PATRON – PROF. DR. POONAM PRADHAN SAXENA

Over the past decade, the international arbitration has witnessed several watershed moments. There has been a constant effort to make international arbitration more cost and time efficient, with numerous deliberations and developments in expedited arbitration and third-party funding. In the future, the integration of technology with arbitration, specifically, the introduction of blockchain in arbitration may reorganise the functionality of the arbitral process. International arbitration has indeed grown by leaps and bounds. Some of these notions, although at an embryonical stage, have heralded further evolution of international arbitration.

The CARTAL Conference on International Arbitration is an effort to broaden the horizon of the understanding of these emerging tenets of arbitration amongst the students, academicians, lawyers, and professionals. The Conference’s various sessions have been curated with an eye towards the dual objective of the conference, in which participants will not only gain knowledge, expertise and efficiency in these facets of modern arbitration, but will also have the opportunity to interact with eminent panellists. On this point, I would like to extend a warm welcome to all panellists and attendees at the 6th edition of the Conference, and hope that this event is makes meaningful contribution to the discourse on forward-looking issues in international arbitration.
The Conference

CARTAL endeavours to further academic research and study in the field of arbitration and dispute resolution. Since its inception, CARTAL’s initiatives have provided an impetus to dialogue and discourse on arbitration in India. The workshops, guest lectures and conferences organized by CARTAL have furnished a platform for academicians, professionals and students to interact and discuss contemporary issues in arbitration law. In line with its objectives, the Centre proposes to organize the 6th CARTAL Conference on International Arbitration, 2022, titled “Leaps and Bounds: Arbitration Evolving” [“Conference”].

The Conference would include panel discussions organised over the course of three days (from April 1 to April 3) on the following topics:

Panel 1: Blockchain Technology and Arbitration

April 1, 2022 (Friday), 5:00 PM – 18:15 PM (Indian Standard Time)

Blockchain-related technologies are rapidly developing and its relevance in arbitration is widely being discussed. Smart contracts are self-executing contracts that are automating execution by expressing the terms of the agreement in lines of code. The use of smart contracts may limit the scope of disputes to be resolved by arbitration to errors in code, etc. There may also be issues such as inherent limitations of smart contract and their legal status. Cryptocurrencies provide a decentralised, digital and encrypted medium of exchange. While cryptocurrency arbitrations remain rare, they are likely to become more mainstream in the future. Arbitration provides the parties with flexibility and party autonomy and also enables adjudication by arbitrators with the knowledge and expertise that becomes essential due to the highly technical nature of such disputes. Nevertheless, the problems related to cryptocurrencies in arbitration are several, especially concerning obtaining freezing orders, custody of crypto assets and enforcement of awards. This Panel will discuss the relevance and use of blockchain in arbitration, the kinds of disputes that may arise in this area, and the potential problems associated with the use of blockchain in arbitration.

Panel 2: Disclosure of Third-Party Funding in Commercial Arbitration

April 2, 2022 (Saturday), 5:00 PM – 18:15 PM (Indian Standard Time)

Third-party funding is gaining popularity in the field of commercial arbitration. It is an arrangement whereby the funder undertakes to cover the costs of arbitration—wholly or partly—in return for a percentage of award amount in case of a favourable outcome, and risks losing its investment in case of an unfavourable outcome. The disclosure of the identity of the funders and also the related documents to the other party in the arbitration may become necessary in order to avoid potential conflicts of interest with the arbitrators, determine whether to request security for costs, or identify real party in interest. The funders, however, would typically be opposed to the disclosure of their identity, terms of the funding agreement and related documents, and may also include specific provisions to that effect. In such cases, the parties may look to the agreed upon
institutional rules for guidance. Many of these rules do not sufficiently address the issue of disclosure of third-party funding. This Panel will discuss various issues that arise in such cases, how to strike a balance between disclosure and confidentiality, and what can the institutions, parties and arbitrators do to resolve such issues.

Panel 3: Expedited Arbitration and Due Process

April 3, 2022 (Sunday), 5:00 PM – 18:15 PM (Indian Standard Time)

Arbitration allows parties the flexibility of resolving their disputes according to chosen procedure which suits the peculiarities of their case. The contours of this process, therefore, cannot be made to fit all types of disputes with their varying degrees of complexity. Accordingly, simpler disputes with an expeditious need to be resolved are suited to expedited arbitration rules which streamline procedure allowing the parties to have shorter timelines. This may also be construed as the arbitration community’s response to the incipient growth of time and costs in arbitral proceedings which do not befit simpler disputes. Expedited arbitration rules usually include gateway provisions as to the amount in dispute, agreement of the parties and, in some cases, even the urgency of the dispute. There is an interface between these gateway provisions and party autonomy since some rules require overriding the parties’ agreement. Furthermore, to achieve the efficiency which is intrinsic to the purpose of expedited arbitration, the tribunal is conferred with discretion to modulate the parties’ right to a hearing and other facets of the arbitral procedure which precipitate due process concerns. This Panel will discuss the due process concerns that may arise in expedited arbitration and also the importance of institutions and arbitrators make it successful.
PREVIOUS EDITIONS OF THE CONFERENCE

CARTAL has successfully organized several events in the past and continues to do so with regular frequency. In addition to the annual Gary B. Born Essay Competition on International Arbitration, guest lectures, workshops, certificate courses and webinars, CARTAL has previously organised the following editions of its annual conference:


CARTAL and IJAL organised a three-day virtual international conference on international arbitration, “Riding New Tides: Arbitration in a Changing World,” on October 9–11, 2020. The Conference was institutionally supported by Young ICCA, VIAC, ICC, HKIAC, SCC, AAA-ICDR, LCIA, SIAC, AIAC, CIArb, MCIA, Bar Association of India, SILF, Wolters Kluwer, EBC and SCC Online. The Conference saw participation from panellists from across the globe as well as students from all over the country. A detailed report of the conference can be found [here](#).


CARTAL and IJAL organised a two-day international conference on international arbitration, “Navigating Murky Waters: Addressing Uncertainties in International Arbitration,” at National Law University, Jodhpur (India) on October 5–6, 2019. The Conference was institutionally supported by VIAC, ICC, AFIA, CIArb, MCIA, Bar Association of India, SILF, EBC and SCC Online. The Conference saw participation from panellists from across the globe as well as students from all over the country. A detailed report of the conference can be found [here](#).


CARTAL and IJAL organised a two-day international conference on international arbitration, “Winds of Change: Securing Harmony in Arbitral Practice,” at National Law University, Jodhpur (India) on September 29–30, 2017. The Conference was institutionally supported by ICC, VIAC, HKIAC, AAA, UNCC India, AFIA, AIAC, CIArb, MCIA, Bar Association of India and SILF. EBC and SCC Online were the knowledge partners. The Conference saw participation from panellists from across the globe as well as students from all over the country. A detailed report of the conference can be found [here](#).


CARTAL and IJAL, along with Baker & McKenzie organised a two-day international conference on international arbitration, “Looking East: Arbitration in the Asian Age,” at National Law University, Jodhpur (India) on September 30 – October 1, 2017. The Conference was institutionally supported
by UNCITRAL, ICC, SIAC, KLRCA, HKIAC, MCIA, AFIA and ICDR. SCC Online and EBC were the knowledge partners. The Conference saw participation from panellists from across the globe as well as students from all over the country. A detailed report of the conference can be found here.

v. The First Annual CARTAL Conference on International Arbitration – “Arbitration at Crossroads”

CARTAL and IJAL, along with Baker & McKenzie organised a two-day international conference on the state of arbitration, “Arbitration at Crossroads,” at National Law University, Jodhpur (India) on October 15–16, 2016. The Conference was institutionally supported by ICC, SIAC, HKIAC, MCIA and CIArb. The Society of Indian Law Firms was the principal sponsor. The Conference was a resounding success with panellists who were experts in international arbitration and participants from law schools across the country. A detailed report of the conference can be found here.

ROLES & RESPONSIBILITIES

CARTAL will assume the responsibility for administering the Conference, providing the platform for hosting the Conference, and ensuring proper utilization of the assistance extended towards the organization of the Conference. Other responsibilities, such as sending of invitations to other law schools, co-ordination with conference participants, and organization of panel discussions and lectures would be jointly handled by CARTAL and National Law University, Jodhpur. CARTAL will also assume the responsibility of publicizing the Conference.
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