



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

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COVER PAGE ARTIST



Malena Barretto, the author of the illustration on the cover of this book, was born in 1952, is a visual artist and professor of Botanical Illustration courses at the National School of Tropical Botany at the Botanical Garden of Rio de Janeiro since 2002. She began her career as a botanical illustrator at the National Museum of the Federal University of Rio de Janeiro in 1976 and later joined the Rio de Janeiro Botanical Garden Research Institute, where she remained until 1989. Her work has been shown around the world, including at the Royal Botanic Gardens at Kew, London.

(CBMA: The Brazilian Center for Mediation and Arbitration)



I am delighted to welcome you to the XXI International Congress of Maritime Arbitrators ("ICMA") in Rio de Janeiro.

Rio de Janeiro is a breathtaking city, with a unique mixture of its natural wonders and some fine pieces of heritage and modern, state-of-the-art architecture. I hope that you will find time to enjoy the city throughout, not least by attending one of the many social events and hosted receptions that will take place at notable local sights, including the Gala Dinner at the world-famous Belmond Copacabana Palace Hotel.

Brazil boasts one of the world's biggest economies, with a vast coastline of more than seven thousand kilometers, providing a sea of opportunities for business. Lately, the country has decisively set a welcoming environment for foreign investment, which in turn suggests a promising scenario for the development of alternative dispute resolution methods, in ever-growing demand. Given some international orientation, Rio de Janeiro, a coastal city itself, could well contribute to the future developments of maritime arbitration.

Regarding the Brazilian Center for Mediation and Arbitration, it is a consolidated chamber with almost 20 years experience of administering arbitrations and mediations. It counts on an efficient secretarial office, a technical body in its board, and a staff of highly competent, respected arbitrators and mediators.

Overall, for such a prominent international arbitration congress as ICMA to be held in booming Rio de Janeiro is a perfect match for the advancement of the city as a leading arbitral venue at the local scene.

This year, ICMA comes with an impressive range of sessions assessing information on the latest developments in maritime law and in the field of arbitration procedure. The Congress' traditional Cedric Barclay Lecture will be delivered by former Brazilian Supreme Court Chief Justice Ellen Gracie Northfleet. Afterwards, an impressive range of equally prominent speakers promises a thoroughly captivating address to our audience.

I look forward to seeing you soon.

Best regards,

Gustavo da Rocha Schmidt
President of CBMA – Brazilian Center for Mediation and Arbitration



I am delighted to welcome you to ICMA XXI in Rio de Janeiro.

A warm 'welcome back' to the many 'veterans' of ICMA attending this week and an equally warm 'hello and welcome' to those attending their first ICMA.

This is the first time that ICMA has taken place in South America and so there will, I am sure, be much to be learned and discovered on both sides and new friendships to be made during the course of the Congress. Indeed, if there are two things that always stand out about ICMA gatherings, it is the quality of the papers and the friendly atmosphere of the week.

ICMA XXI in Rio will, I am certain, be no different.

ICMA was established in 1972 as a forum for maritime arbitrators and lawyers from around the world to exchange news and views on matters of maritime law and dispute resolution, and the challenges posed to both by technological developments and changes in the shipping markets and industry. Those challenges are as strong and compelling as ever now and this week's Congress brings together an impressive range of speakers from, at the last count, 29 countries, providing first-hand information on the latest developments in maritime law and in the field of arbitration in their countries.

To those who knew him, Cedric Barclay was one of the finest, and certainly the most unique, of maritime arbitrators of his (or indeed any) generation and we are delighted that former President of the Federal Supreme Court of Brazil, Justice Ellen Gracie Northfleet will be delivering the Cedric Barclay Lecture in his memory on the first morning of the Congress. After that it is over to you, as we wait to hear and discuss your papers, both in the conference rooms and caipirinha bars during the week.

Maritime law is uniquely international and unceasingly fascinating and stimulating. We are lucky to have the opportunity to gather in the beautiful city of Rio de Janeiro to write the latest chapter in the story of ICMA.

Enjoy the week!

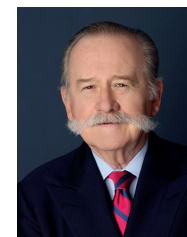
Best regards,

Clive Aston
Chairman of Steering Committee, ICMA

Steering Committee



Clive Aston (Chairman) (UK)



David Martowski (USA)



Camila Mendes Vianna Cardoso (Brazil)



Peter Schaumburg-Müller (Denmark)

Members of The Topics & Agenda Committee

Peter McQueen (Australia)
Camila Mendes Vianna Cardoso (Brazil)
Peter Swanson (Canada)
Ricardo Rozas (Chile)
Professor Chu Beiping (China)
Song Dihuang (China)
Imad Elias (Cyprus)
Mathias Steinoe (Denmark)
Dr Mohamed Hafez (Egypt)
Professor Philippe Delebecque (France)
Gregor Harbs (Germany)
Roger Moisey (Greece)
Ernest Yang (Hong Kong)
Ashwin Shanker (India)
M. Husseyn Umar (Indonesia)
Aldo Mordiglia (Italy)
Mitsuhiro Toda (Japan)
Byung-Suk Chung (Korea)

Harald Sippel (Malaysia)
Ignacio Melo (Mexico)
Marc Padberg (Netherlands)
Paul David QC (New Zealand)
Emmanuel Dike (Nigeria)
Joanna Evje (Norway)
Juan David Morgan (Panama)
Mateus Dias (Portugal)
Dennis Chan (Singapore)
Anna Mestre (Spain)
Tony Norton (South Africa)
Banu Bozkurt Bozabali (Turkey)
Richard Briggs (UAE)
Daniella Horton (Chair) (UK)
Arthur Nitsevych (Ukraine)
John Kimball (USA)
Robert Shaw (USA)

Local Committee

Adrianna Braghetta
 Alison Baxter
 Alnte. Roberto G. Carneiro da Cunha
 Alnte. Wilson P. de Lima Filho
 Ana Flavia Furtado
 Ana Tereza Basilio
 Andre Chateaubriand Martins
 Anete Gomide Pimenta
 Camila Mendes Vianna Cardoso
 Camilla Queiroz Werneck
 Carlos Forbes
 Carlos Rameh
 Carlos Victor Paixão Ximenes
 Cesar Augusto Guimarães Pereira
 Claudio Depes Tallon
 Comte. Wellington Nogueira Camacho
 Eleonora Coelho
 Fabiane Verçosa
 Fernanda Medina Pantoja
 Flavia Ayd Lorette Henrici
 Flavio Spaccaquerche Barbosa
 Frederico Singarajah
 Gisela Gadelha
 Godofredo Mendes Vianna
 Gustavo Schmidt
 Helio Paulo Ferraz
 Ingrid Zanella
 Isabella Genu Faria
 Iwam Jaeger Junior
 Jessica Antunes
 Joaquim de Paiva Muniz
 José Antonio de Souza Batista
 José Gabriel Assis de Almeida
 José Roberto Castro Neves
 Juan Alegre
 Leonardo Soares
 Leonardo Viveiros de Castro
 Lucas Leite Marques
 Luciana Vaz Pacheco de Castro
 Luis Claudio Faria
 Luis Felipe Galante
 Marcela Melichar Suassuna
 Marcello Guimarães
 Marco Deluiggi
 Munique Mendes
 Nadia de Araújo
 Najla Buhatem Maluf
 Nilton Gomes de Mattos Neto
 Octávio Fragata Martins de Barros
 Olympio Carvalho
 Patricia Klien Vega
 Patrícia Kobayashi
 Patrícia O. Ferrari Sabino
 Paulo Cezar Pinheiro Carneiro
 Paulo Henrique Reis de Oliveira
 Pedro Calmon Neto
 Peter Sester
 Rafael da Rocha Castilho
 Rafael Wallbach Schwind
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 Renata Ribeiro Kingston
 Renato S. Grion
 Ricardo Lorette Henrici
 Roberta Frank
 Rodrigo de Assis Torres
 Rodrigo Fux
 Rodrigo Prezotti
 Sérgio Guerra
 Thales Castanheira Ribeiro
 Victor Fernandes
 Arthur Rocha Baptista
 Bruna Fernandes
 Carolina R. Morandi
 Comte. Alvaro Almeida Júnior
 Comte. Jones A. B. Soares
 Daniel da Costa e Silva
 Daniel Tostes
 Eduardo Lebreiro
 Eliane Octaviano Martins
 Elisa Frias Villela
 Erick Mateus Santos Faustino
 Felipe Moraes
 Fernando Miguel de Sá Carvalho
 Flavia Bittar
 Gabriela Heckler
 George Eddings

Local Committee

Helena Klautau
 Hugo Maestri
 Larissa Toledo
 Leonardo da Silva Gonçalves
 Leonardo Schenk
 Lilian Schaefer
 Luis Peretti
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 Luiza Lucas Bruxellas
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 Meg Montana Kede de Luca
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 Pedro Jardim Barroso
 Pedro Paulo Salles Cristofaro
 Rachel Philomeno
 Rafael Munhoz de Mello
 Raphael Cabral Teixeira
 Raphael Vianna
 Renata Auler Monteiro
 Ricardo Borges Ranzolin
 Roberto Kuster
 Thiago Sban
 Thomas Law
 Tomas Arantes

Registration Desk Opening Hours

March 8th: 7:00 – 19:00
 March 9th: 7:00 – 19:00
 March 10th: 7:00 – 19:00
 March 11th: 7:00 – 19:00
 March 12th: 7:00 – 19:00
 March 13th: 7:00 – 19:00

Internet Access

Wi-Fi in Copacabana Palace -
 Login: Belmond
 Password: belmond2020

Catering

Lunch and coffee servings are included in the registration fees and are served during the meeting period. All lunches will be served in Nobre Room. Coffee breaks will take place in Gallery Room.

Note that the Social Day Out has a different schedule (see page 11)

Badges

Your name badge is required to access lectures, lunch and coffee servings, the exhibition area and social events. Please wear your name badge throughout the Congress.

City Information

Official tourist information site:
<http://visit.rio/en/welcome/>

Official ICMA XXI tourism agency:
 Blumar. Tel: 55 21 2192-9315 / 55 21 99662-0693 (24 hrs)
 Email: icma2020@blumar.com.br

Emergency Contacts

Contact the police by calling 190 to report emergencies.

In a medical emergency call 192 for an ambulance.

In a fire emergency call 193.

Taxi Service

You can find taxis outside Belmond Copacabana Palace. Authorized taxis in Rio de Janeiro are yellow. Most taxis will not communicate in English but you can download Uber and order Uber Black to move safely in Rio de Janeiro.

Conference Dress Code

Business attire

Conference Secretariat

The Meeting Planners
www.meetingplanners.dk
reg@meetingplanners.dk

*** All information included in this printed programme was updated on March 01, 2020. Any changes made to the programme after this date are not included.*

Cbar Run

Date/Time 7:30, March 8th
 Venue Copacabana Beach. Meeting point at Belmond Copacabana Palace lobby.

No need to sign up - just show up! Our registration desk will be open and providing ICMA t-shirts for the run.

Tennis Tournament

Date/Time 9:00, March 8th
 Venue Belmond Copacabana Palace Tennis Court

Our registration desk will be open and providing ICMA t-shirts for the games. Please note that pre registration is required for the Tennis Tournament.

Golf Tournament

Date/Time Tournament starts at 9:00, March 8th
 Venue Campo Olímpico do Rio de Janeiro
 Transportation Shuttle will leave to Campo Olímpico at 8:00 from Belmond Copacabana Palace and return at 14:00 to the hotel.

Please note that pre registration is required for the Golf Tournament.

Welcome Get Together by Kincaid Mendes Vianna Advogados

Date/Time 17:00 – 21:00, March 8th
 Venue Pergula Restaurant - Belmond Copacabana Palace
 Transportation None - In the Congress venue
 Dresscode Casual

CAM-CCBC Barbecue Dinner

Date/Time 19:30 – 21:30, March 9th
 Venue Churrascaria Assador
 (Av. Infante Dom Henrique, s/n - Flamengo, Rio de Janeiro)
 Transportation Buses will leave Belmond Copacabana Palace at 19:00 for the barbecue and return to the hotel at 21:00.
 Dresscode Casual

Sunset at Sugar Loaf

Date/Time 16:30 – 20:00, March 10th
 Venue Av. Pasteur, 520 - Urca, Rio de Janeiro
 Transportation Buses will leave Belmond Copacabana Palace at 16:00 and return at 20:00.
 Dresscode Casual

Happy Hour at Enxadas Island

Date/Time 17:00, March 11th
 Venue Orla Prefeito Luiz Conde, next to Praça Mauá
 Transportation Meet at the pier at 16:30. Boats will leave the pier at 16:45 and 17:00 for the island. If you are doing the social day out program, you will go by bus to the pier. If not, meet at the pier at 16:30.
 Dresscode Formal Dress. Please note that no shorts are allowed.

Congress Gala Dinner

Date/Time 19:30, March 12th
 Venue Golden Room - Belmond Copacabana Palace
 Transportation None - In the Congress venue
 Dresscode Black tie
 Program 19:30 pm to 20:30 pm - New World Wine Tasting (Chile, Argentina and Brazil) at the Copacana Palace Balcony.
 20:30 pm to 22:30 pm - Dinner in the Golden and Nobre Rooms.
 22:30 pm - Concert by Ricardo Rozas band and special guests Peter Schaumburg- Müller and Lawrence Teh. (Golden Room)
 DJ - Papagaio

SOCIAL DAY OUT

Social Day Out - I. Christ Statue

Date/Time 8:00, March 11th
 Duration 8 hours
 Transportation Buses will leave Belmond Copacabana Palace at 8:00 for Christ Statue and follow to lunch at Cais do Oriente at 12:30.
 Lunch Please note that pre registration is required for the lunch at Cais do Oriente.

Social Day Out - II. Maritime Court / Navy Cultural Center

Date/Time 14:30, March 11th
 Venue Av. Alfred Agache, s/n - Praça XV de Novembro, Rio de Janeiro
 Transportation The Maritime Court is walking distance from Cais do Oriente. After the visit, we will walk to Orla Prefeito Luiz Conde to take a boat to the Happy Hour at Enxadas Island (see social events).

SPOUSE PROGRAM

The Green Tour – Botanic Gardens and Lagoa Rodrigo de Freitas

Date/Time 9:00, March 10th
 Duration 6 hours
 Transportation Shuttle will leave Belmond Copacabana Palace at 9:00 and return at 15:00.
 Registration This tour is included for paying spouses.

The Blue Tour – Rio de Janeiro Beaches and Shopping

Date/Time 9:00, March 12th
 Duration 6 hours
 Transportation Shuttle will leave Belmond Copacabana Palace at 9:00 and return at 15:00.
 Registration This tour is included for paying spouses.

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 Concurrent 6: Insurance Issues Clauses and Jurisdiction
10:30 - 11:00	Morning break, sponsored by EMAC
11:00 - 12:30	Concurrent 7: Procedural - Alternative Concurrent 8: Current Arbitration Issues Dispute Resolution
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, Naval War College (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 (Vice President 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)**
- **Judge Reis Friede (President Federal Court of Appeals TRF-2)**
- **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)**

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)**

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 **Richard Corwin (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)**

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)**

– **Jan Dreyer (Germany)**

Considerations on the Participation of the Public Administration in Maritime and Port Law Arbitrations in Brazil – **Ricardo Loretti (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: Sara Gillingham Aukner (Norway)

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

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

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)**

“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 - 10:30

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)** (presenting by video)

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)**

General Average, marine casualties and the importance of an expert witness' view for an arbitration proceedings – **Leonardo Soares (Brazil)**

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** and **Raphael Figueiredo (Brazil)**

Forward Curves - the new normal? Calculating damages with the aid 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)**

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)

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)**

Final Session

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

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