

The Durham Law School International Arbitration Summer School Programme* 21 - 25 July, 2025



Durham
University
Durham Law School

All talks take place in the Hogan Lovells Lecture Theatre
at Durham Law School, Palatine Centre, Stockton Road,
Durham DH1 3LE, UK.

*Please note that, although this agenda is deemed complete, the allocation and timing of individual speaker slots may be subject to adjustment until the week of the event.

Monday 21st July

Fundamentals of Commercial Arbitration

- 9:00 am – 9:30 am: Refreshments served in the Common Room

- 9:30 am – 10:00 am: Introduction to The Programme

Instructor(s): John Fellas

- 10:15 am – 11:30 am: Why Parties Select International Arbitration.

This session will focus explaining what international arbitration is and explaining why parties may choose arbitration for their international commercial contracts.

Instructor(s): Michelangelo Cicogna, John Fellas; Christian Leathley

Assigned Reading: Gary B. Born, *International Arbitration: Law and Practice*, Chapters 1-5 (Kluwer Law International 2012); Jan Paulsson, *International Arbitration is Not Arbitration*, 2 *Stockholm Int'l Arb. Rev.* 1 (2008).

- 11.45 am – 12:45 pm: The Legal Basis for International Arbitration.

This session will focus on the legal basis for arbitration.

Instructor(s): John Fellas; Wendy Miles

Assigned Reading: United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 10 June 1958); UNCITRAL Model Law on International Commercial Arbitration (2006);

- 12:45 pm – 2:45 pm: Lunch served at Van Mildert College.

- 2:45 pm – 3:45 pm: The Law and Rules That Govern International Commercial Arbitration.

This session will focus on the law and rules that governs international arbitration: the New York Convention, domestic law, arbitration rules, and soft law instruments governing the arbitral process.

Instructor(s): John Fellas; Wendy Miles

Assigned Reading: United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 10 June 1958); UNCITRAL Model Law on International Commercial Arbitration (2006); IBA Rules on the Taking of Evidence (2010); ICC Arbitration Rules (2021); LCIA Arbitration Rules (2020); ICDR Arbitration Rules (2021); Arbitration Act of 1996 (Eng.); IBA Guidelines on Party Representation in International Arbitration (2013); IBA Guidelines on Conflict of Interest in International Arbitration (2014); Sample Procedural Order No. 1.

- 3:45 pm – 4:00 pm: Refreshments served in the Common Room
- 4:00 pm – 5:00 pm: How to Draft an Arbitration Clause

Instructor(s): John Fellas

Assigned Reading: Model Arbitration Clauses

Tuesday 22nd July

Fundamentals of Commercial Arbitration

- 9:00 am – 9:30 am: Refreshments served in the Common Room

- 9:30 am – 10.30 am: Enforcement of Arbitration Agreements.

This session will focus on the enforcement of arbitration agreements and in the courts, including the allocation of responsibility between courts and arbitrators, kompetenz-kompetenz and separability in leading arbitration jurisdictions around the world.

Instructor(s): Dr Ronán Feehily

Assigned Reading: Gary B. Born, INTERNATIONAL ARBITRATION: LAW AND PRACTICE, Chapters 1-5 (Kluwer Law International 2012); Jan Paulsson, International Arbitration is Not Arbitration, 2 Stockholm Int'l Arb. Rev. 1 (2008), Ronán Feehily, Separability in International Commercial Arbitration: Confluence, Conflict and the Appropriate Limitations in the Development and Application of the Doctrine, Arbitration International (Volume 34, Issue 3, 2018, 355-383); Ronán Feehily, International Commercial Mediation: Law and Regulation in Comparative Context, Cambridge University Press, Cambridge, United Kingdom (2022), chapters 3 & 8.

- 10:45 am – 12.00 pm: Enforcement of Arbitration Awards.

This session will focus on the enforcement of arbitration awards including the distinction between enforcement and set aside, the various defenses to enforcement and the standards for set aside.

Instructor(s): John Fellas; Wendy Miles

- 12:00 pm – 2:00 pm: Lunch served at Hatfield College.

- 2:30 pm – 4:30 pm: The Arbitration Process.

This session will discuss in detail how a dispute unfolds from the beginning of the dispute to the issuance of an award. It will include a discussion of preliminary relief, the commencement of arbitration proceeding, emergency arbitrators, the preliminary conference, the submission of memorials, witness statements and expert reports, the taking of evidence, and the hearings.

Instructor(s): Michelangelo Cicogna, John Fellas; Wendy Miles

Assigned Reading: United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 10 June 1958); UNCITRAL Model Law on International Commercial Arbitration (2006); IBA Rules on the Taking of Evidence (2010); ICC Arbitration Rules (2021); LCIA Arbitration Rules (2020); ICDR Arbitration Rules (2021); Arbitration Act of 1996 (Eng.); IBA Guidelines on Party Representation in International Arbitration (2013); IBA Guidelines on Conflict of Interest in International Arbitration (2014); Sample Procedural Order No. 1.

- 4:30 pm: Refreshments served in the Common Room and closing remarks

Wednesday 23rd July

Fundamentals of Treaty-Based Arbitration

- 9 am – 9:30 am: Refreshments served in the Common Room
- 9:30 am - 11:30 am: Introduction to Treaty-Based Arbitration.

This session will introduce the theoretical basis of treaty-based arbitration, the various institutions, and mechanisms for dispute settlement

Instructor(s): Charles T. Kotuby Jr.; Christian Leathley

Assigned Reading: Jan Paulsson, The Power of States to Make Meaningful Promises to Foreigners, 1 J. Int'l Disp. Settlement. 341 (2010); Kenneth J. Vandevelde, A Brief History of International Investment Agreements, 12 U.C. Davis J. Int'l L. & Pol'y 157 (2005); U.S. Model BIT

- 12:00 pm – 2:00 pm: Servery lunch served at Collingwood College
- 2:15 pm – 2:30 pm: Refreshments served in the Common Room
- 2:30 pm – 4:30 pm: Issues of Jurisdiction in Treaty-Based Arbitration.

This session will cover the definition of “investment,” issues of temporal jurisdiction, treaty structuring and issues of corruption as a matter of jurisdiction and admissibility

Instructor(s): Charles T. Kotuby Jr., Farouk El-Hosseny

Assigned Reading: Empresas Lucchetti, SA and Lucchetti Peru, SA v. Peru, ICSID Case No. ARB/03/4, Award, 7 Feb. 2005; World Duty Free v. Kenya, ICSID Case No. Arb/00/7

- 4:30 pm: Refreshments served in the Common Room and closing remarks

Thursday 24th July

Treaty-Based Arbitration and Damages

- 9:00 am – 9:30 am: Refreshments served in the Common Room
- 9:30 am – 11:30 am: Expropriation and the Fair and Equitable Treatment Standard.

This session will address the primary substantive protections of investment treaties and their jurisprudential development over the past few years.

Instructor(s): Charles T. Kotuby Jr., Farouk El-Hosseny

Assigned Reading: Kenneth J. Vandeveld, A Unified Theory of Fair and Equitable Treatment, 43 N.Y.U. J. Int'l L. & Politics 43 (2010); Técnicas Medioambientales Tecmed, S.A. v. United Mexican States, ICSID Case No. ARB(AF)/00/2); Kotuby & Sobota, Practical Suggestions to Improve the Legitimacy and Vitality of Investment Arbitration, ICSID Review, Vol. 28, No. 2 (2013).

- 12:00 pm – 2:00 pm: Lunch served at Durham Castle
- 2:30 pm - 3:45 pm: Damages in Commercial and Investment Arbitration.

With the assistance of leading forensic economists, this session will address issues of reparation and compensation, strategic considerations of valuation dates and how various breaches and businesses implicate different quantum models.

Instructor(s): Wendy Miles; Shreya Gupta

Assigned Reading: Mark W. Friedman and Floriane Lavaud, Damages Principles in Investment Arbitration, in The Guide to Damages in Investment Arbitration (Global Arbitration Review 2018)

- 3:45 pm - 4:00 pm: Refreshments served in the Common Room
- 4:00 pm - 5:30 pm: Third-Party Funding in Commercial and Investment Arbitration

Instructor(s): Susan Dunn, Christiane Deniger, Ayse Yazir, Professor Can Eken

- 6:30 pm - 9:30 pm: The Gala Dinner

The Gala Dinner will be held in the evening at St Chad's College, Durham City, and will begin with a drinks reception from 6.30 pm in the courtyard and grounds.

Friday 25th July

Practical Arbitration Skills

- 9:00 am – 9:30 am: Refreshments served in the Common Room
- 9:30 am – 11:00 am: Best Practices in Written Advocacy: Pleadings, Witness Statements and Expert Reports.

This session will highlight best practice in written advocacy, seeking to bridge the divide between different legal traditions

Instructor(s): Christian Leathley; John Fellas, Wendy Miles KC, Charles Kotuby.

Assigned Reading: John Fellas, Cross-Examination in International Arbitration, NYLJ (2015); John Fellas, Preparing Witness Statements in International Arbitration, NYLJ (2017)

- 11:15 am – 12:45 pm: A Fireside Chat with Sir Robin Knowles.

Sir Robin Knowles gave one of the leading judgments on setting aside an arbitral award in *The Federal Republic of Nigeria -v- Process & Industrial Developments Limited* [here](#) on 23 October 2023. He will be introduced by Justice Jawad Hassan, Justice of the Lahore High Court, with reference to the judicial anthology of his arbitration-related judgments

- 12:45 pm – 2:45 pm: Lunch served at Grey College
- 2:45 pm – 4:00 pm: Best Practices in Oral Advocacy: Opening and Closing Statements, Cross-Examination.

This session will address best practices in cross examination statements and include participant discussion and hands-on workshops.

Instructor(s): Christian Leathley; John Fellas, Wendy Miles KC, Charles Kotuby

- 4:00 pm: Refreshments served in the Common Room and closing remarks