



# **Commission on Arbitration and ADR**

**Dr. Hélène van Lith**

ICC Sweden Visit | Monday 10 October 2022



# ICC Commission on Arbitration and ADR

## Our Mission

### **The ICC dispute resolution think-tank - Appendix A of the new ToR**

- gathers expertise on arbitration and ADR across the ICC network to enable thought leadership
- raises awareness and understanding on practical issues in arbitration and ADR in the form of reports and other official ICC documents
- provides input and elaborates on proposed modifications of dispute resolution rules
- facilitates engagement from and between National Committee and the wider network active in ICC DRS in the development of arbitration and ADR;
- channels expertise to inform the development of activities led by other ICC DRS departments
- collaborates with other ICC Commissions when so required

# ICC Commission on Arbitration and ADR

## Who we are – 100 + Years old and 900+ Members

### Membership

- 1) Delegates of NC and Groups - Appointed by the 90+ National Committees and Groups
- 2) Direct Members
- 3) *Ex officio* Members:
  - International Court of Arbitration
  - Standing Committee of the International Centre for ADR

### Task Forces Members

- Nominated by NCs according to specifications for required expertise & experience among the Commission members
- 15% non-commission Members directly appointed

# ICC Commission on Arbitration and ADR

## Who we are – Leadership

The Commission's Leadership is formed by its [Steering Committee](#) composed of:

- Chair of the Commission: Melanie van Leeuwen
- Vice-Chairs
  - Babatunde Ajibade Nigeria
  - José Feris Dominican Republic
  - Susanne Gropp-Stadler Germany
  - Vladimir Khvalei Russia
  - Caline Mouawad Lebanon, NY
  - Sharif Ali Zu'bi Jordan
- *Ex officio* Members:
  - President of the Court
  - Secretary General of the Court
  - President of the Standing Committee of ADR Centre
  - Chair of the ICC Institute of World Business Law
- Secretary to the Commission

# ICC Commission on Arbitration and ADR

## How We Meet

Commission Meetings are generally held bi-annually:

- Miami, 29 October 2022 (eve of IBA annual conference)
- Paris, 29 March 2023 (during PAW)

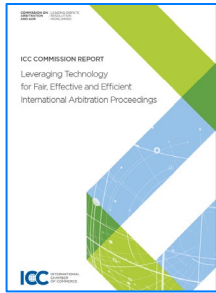
Commission Working Sessions (online)

- additional meetings held to advance specific projects.

Task Force and working group Meetings

# ICC Commission on Arbitration and ADR

## What We Do: Pioneering Reports



Leveraging Technology for Fair, Effective and Efficient International Arbitration Proceedings

Guide for In-House Counsel and Other Party Representatives



Resolving Climate Change Related Disputes through Arbitration and ADR

Emergency Arbitrator Proceedings



Construction Industry Arbitrations

Techniques for Controlling Time and Costs in Arbitration



# ICC Commission on Arbitration and ADR

## What We Do: Rules Revisions

- 2021 ICC Arbitration Rules
- ICC as Appointing Authority in UNCITRAL or other Ad Hoc Arbitration Proceedings
- 2017 ICC Arbitration Rules and the Expedited Procedure
- Task Force on “Revision of the ICC ADR Rules, the ICC Rules for Expertise and the ICC Dispute Board Rules”
  - ICC Mediation Rules 2014
  - ICC Expert Rules 2015
  - ICC Dispute Board Rules 2015
  - ICC DOCDEX Rules 2015



# ICC Commission on Arbitration and ADR

## What We Do: Current Task Forces

- Task Force 'Addressing Issues of Corruption in International Arbitration'
- Task Force 'Disability Inclusion in International Arbitration'
- Task Force 'ADR and Arbitration'



# ICC Commission on Arbitration and ADR

## Current Task Forces

### **Task Force ‘Addressing Issues of Corruption in International Arbitration’**

Co-chairs: Sophie Nappert, José Ricardo Feris & Vladimir Khvalei

Together with the ICC Corporate Responsibility and Anti-Corruption Commission

10 Tracks working

- Track 1 & 2: scope and list of issues
- Track 3: indicators and red flags
- Track 5: NC questionnaires
- Track 8: Standard and burden of proof
- Track 9: Issues relating to arbitrators
- Track 10: Parallel Proceedings
- Track 4, 6 and 7: research cases

# ICC Commission on Arbitration and ADR

## Current Task Forces

### **Task Force ‘ADR and Arbitration’**

Co-chairs: Chiann Bao & Christopher Newmark

Advisory Board: chaired by Gabrielle Kaufmann Kohler

Driven by a significant percentage of in-house counsel

- 4 tracks:
  - ‘Decision Trees & Disputes Resolution Protocols’
  - ‘ADR Services’
  - ‘Settlement in Arbitration’
  - ‘National Courts and ADR’ submissions received from 40 NCs
- In-house Counsel Open-mic Sessions
- Users Survey: 500 + responses

# ICC Commission on Arbitration and ADR

## Current Task Forces

### **Task Force ‘Disability Inclusion in International Arbitration’**

Co-chairs: Simon Maynard, Katherine Ramo & Todd Weiler

Awareness Ambassadors: Yas Banifatemi & Albert Jan van den Berg

Shorter timeline: one-year project

Task Force constituted: 50 members

- Individuals living with disabilities
- Allies or persons engaged in research or advocacy on disability inclusion
- Will include the following sections:
  - Understanding Disability
  - Disability in International Arbitration
  - Recommendations
  - Disability Inclusion Toolkit

# ICC Commission on Arbitration and ADR

## The Evolution

### Overall manageable size

**Specified Number of Delegates** per NC to:

- ensure a fair distribution of Commission Members among NCs;
- ensure regional representation that is proportionate to the composition of the ICC global network;
- reflect the importance of emerging jurisdictions; and
- reflect the strategic importance of arbitration and ADR hubs

# ICC Commission on Arbitration and ADR

## The Evolution

### Fostering professional and regional diversity

#### **Additional Delegates**

NCs may appoint up to five additional NC members as delegates over and above their specified number of delegates within their category, who:

- 1) are in-house counsel or otherwise corporate representatives with experience in arbitration and/or ADR; (professional diversity)
- 2) are nationals of or are professionally based in the same region, in a country where there is no NC. (regional diversity)

# ICC Commission on Arbitration and ADR

## The Evolution

### Fostering professional and regional diversity

- **Balanced Overall Representation and Diversity** - NC Delegation reflects diversity, broadly defined (including but not limited to diversity of origin, culture, generations and gender). NCs should endeavour to reach gender parity within their NC Delegation.
- **Experience and Talent**
- **Balance among Law Firms, Chambers, and Companies**
- **Corporate Engagement**

# ICC Commission on Arbitration and ADR

## ICC Sweden Delegation

### NC-appointed Delegates

- Simon Arvmyren
- Hans Bagner
- Stefan Bocker
- Pontus Ewerlöf
- John Kadelburger  
*Member – Task Force ‘Addressing Issues of Corruption in International Arbitration’*
- Cecilia Möller Norsted
- Polina Permyakova  
*Member – Task Force ‘Addressing Issues of Corruption in International Arbitration’*
- Pontus Scherp
- Rikard Wikström-Hermansen
- Tore Wiwen-Nilsson  
*Member – Task Force ‘Addressing Issues of Corruption in International Arbitration’*
- Aisha Nadar  
*Member – Task Force ‘ADR and Arbitration’*

### Corporate Delegates

- David Gräslund

### Ex-officio Members

- Therese Isaksson  
*Member – ICC International Court of Arbitration*
- Patricia Shaughnessy  
*Member – ICC International Court of Arbitration*



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For more information on the Commission  
its Reports:

<https://iccwbo.org/dispute-resolution-services/commission-on-arbitration-and-adr/>

<https://iccwbo.org/leadership/#leadershipadr>