UNCITRAL

gaillard banifatemi shelbaya | DISPUTES

The New York Convention and Sovereign States: Recognition of Awards and State Responsibility

19 November 2026

Anantara Palais Hansen - Theophil Ballroom - Vienna

The New York Convention and Sovereign States: Recognition of Awards and State Responsibility

A Conference Celebrating UNCITRAL's 60th Anniversary and the UNCITRAL Secretariat Guide's Website's 10th Anniversary

Co-hosted by Gaillard Banifatemi Shelbaya Disputes and UNCITRAL

08:30–09:00 Registration & Welcome Coffee

09:00–09:30 Opening Remarks

- Yas Banifatemi
- Anna Joubin-Bret

09:30–11:00 PANEL 1

Recurring Issues Affecting the Recognition of Arbitral Awards

Moderated by
Benjamin Siino

with

- Paul Key
- Diane Desierto
- Dominique Hascher
- Franco Ferrari

Presentations on

1. Sovereign immunity and jurisdiction of domestic courts to recognize awards
2. Issue estoppel/preclusion, transnational issue estoppel and comity
3. Is there any jurisdictional hierarchy between national legal systems reviewing awards?
4. Stay of recognition and security under Article VI of the New York Convention

11:00–11:15 Coffee Break

11:15–12:45

PANEL 2
Breaches of the New York Convention by State Parties

Moderated by
Yas Banifatemi

with
- **Fabienne Schaller**
- **Anna Joubin-Bret**
- **Andrés Jana**

Topics for discussion

1. The philosophy of the New York Convention and the ingenious design of Article VII setting a "ceiling" on the level of control that national courts may exercise over the recognition and enforcement of arbitral awards
2. The concept of a breach of the New York Convention and the absence of a built-in mechanism for resolving disputes between Contracting States concerning its interpretation or application
3. To what extent may an implausible interpretation of the New York Convention or inconsistent judicial reasoning trigger State responsibility under the New York Convention?

12:45–13:15

Presentation of the New York Convention Guide Website on the Occasion of the Website's 10th Anniversary

Yas Banifatemi and **Benjamin Siino**

13:15–14:10 Luncheon

14:15–15:00

GUEST PANEL
The Codification of International Arbitration Rules

Moderated by
Dominique Hascher

with
- **Luca Radicati di Brozolo**
- **Gaston Kenfack Douajni**
- **Hugo Barbier**

15:00–16:30

PANEL 3
Judicial Remedies for Breaches of the New York Convention: *Available International Fora and Their Comparative Advantages*

Moderated by
Judith Knieper

with
- **Christoph Schreuer**
- **Holger Hestermeyer**
- **Attila Tanzi**
- **Ganna Yudkivska**

Topics for discussion

1. When can non-recognition or non-enforcement of a New York Convention award by courts constitute a violation of investment treaty obligations, human rights protections, or obligations among States?
2. What thresholds must be met before claims may be brought before Investor-State tribunals, the European Court of Human Rights, or the International Court of Justice? How should these fora approach the relationship between the New York Convention and other international obligations?
3. What are each forum's advantages and limitations in remedying Convention breaches?

16:30–16:50

Coffee Break

Presentation of the ICCA's Guide to the Interpretation of the 1958 New York Convention

Andrés Jana

16:50–18:20

PANEL 4
Non-Judicial Remedies for Breaches of the New York Convention

Moderated by
Yuri Parkhomenko

with
- **Chiara Giorgetti**
- **Christian Tams**
- **Michael Waibel**

Topics for discussion

1. What non-judicial remedies are available when a State breaches the New York Convention? Who may pursue them, and under what conditions?
2. What do actual disputes reveal about their effectiveness and limits in securing compliance?
3. How can post-award settlements secure performance?
4. What role can international organizations and *ad hoc* arrangements play to facilitate compliance?

18:20–18:45

Concluding Remarks

- **Yas Banifatemi**
- **Anna Joubin-Bret**

Speakers

Yas Banifatemi • *Founding Partner, Gaillard Banifatemi Shelbaya Disputes; Adjunct Professor, Panthéon-Sorbonne University; Visiting Professor of Law, Harvard Law School*

Hugo Barbier • *Professor of Law; Partner, Peter & Kim*

Diane Desierto • *Professor of Law and Global Affairs, University of Notre Dame*

Franco Ferrari • *Clarence D. Ashley Professor of Law, NYU School of Law*

Chiara Giorgetti • *Professor of Law, Richmond Law School; Senior Fellow at International Claims and Reparations Project, Columbia Law School*

Dominique Hascher • *Independent Arbitrator; International Judge, Singapore International Commercial Court; Honorary Judge, Supreme Judicial Court of France (Cour de cassation)*

Holger Hestermeyer • *Professor of International and EU Law, Diplomatische Akademie Wien*

Andrés Jana • *Founding Partner, Jana & Gil Dispute Resolution; Chair of Working Group II, UNCITRAL Working Group II (Dispute Settlement)*

Anna Joubin-Bret • *Secretary of UNCITRAL*

Gaston Kenfack Douajni • *Director of Legislation, Ministry of Justice of Cameroon*

Paul Key KC • *Essex Court Chambers*

Judith Knieper • *Legal Officer, UNCITRAL*

Yuri Parkhomenko • *Partner, Gaillard Banifatemi Shelbaya Disputes*

Luca Radicati di Brozolo • *Founding Partner, Arblit; Former Full Professor at the School of Law of the Università Cattolica di Milano*

Fabienne Schaller • *Honorary Presiding Judge, International Commercial Chamber of the Paris Court of Appeal (ICCP-CA)*

Christoph Schreuer • *Emeritus Professor of International Law, Johns Hopkins University, the University of Salzburg and the University of Vienna; Of Counsel, Zeiler Rechtsanwälte Vienna; legal expert and arbitrator in investment cases*

Benjamin Siino • *Founding Partner, Gaillard Banifatemi Shelbaya Disputes*

Christian Tams • *Professor of International Law, King's College London and Leuphana University Lüneburg; 11 King's Bench Walk*

Attila Tanzi • *Professor of International Law, University of Bologna; Associate Member, 3VB Chambers*

Michael Waibel • *Professor of International Law, University of Vienna*

Ganna Yudkivska • *Partner, Equity Law Firm; Honorary Judge, European Court of Human Rights*

VENUE

Anantara Palais Hansen - Theophil Ballroom
Schottenring 24
Wien 1010

REGISTRATION

Attendance is free of charge but subject to registration.

REGISTER

https://urlr.me/GeCWUM

Contact: events@gbsdisputes.com

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