



Pakistan International Disputes Weekend 2023

20th May – 21st May 2023

Pearl Continental, Lahore, Pakistan

Event Program

Organised by

Chartered Institute of Arbitrators (Ciarb) Pakistan Branch Est 2022

(Under the auspices of Ciarb United Kingdom; Est 1915)

ciarb.
Pakistan Branch

Hosted by:

MK Consultus LLP UK and TCC ADR Centre

MK TCC
CONSULTUS — ADR CENTRE —



Registration link

<https://forms.gle/eURA5xhfZwigebdEA>

Method to scan QR Code:

1. Open Camera
2. Scan the code
3. Click on the link appearing near the code.

Day I - Saturday 20th May

Summary - Day I - 20th May 2023

09:00 am – 09:40 am	Registrations
09:45 am – 09:55 am	Opening Speech
09:55 am – 10:00 am	Welcome Address
10:00 am – 11:05 am	Panel No.1 - Promoting better practice in Dispute Resolution: Why should courts be the last resort?
11:05 am – 11:15 am	Tea & Coffee Break
11:15 am – 12:20 pm	Panel No.2 – Charting the course of Mediation in Pakistan: Should Pakistan be a signatory to the Singapore Mediation Convention?
12:20 pm – 13:30 pm	Panel No. 3 - Construction Disputes in Pakistan: How should Pakistan deal with CPEC disputes?
13:30 pm – 14:20 pm	Lunch
14:30 pm – 15:35 pm	Panel No.4 - Pro-enforcement attitude and the prospects of establishing Pakistan as a regional seat of arbitration
15:35 pm – 15:45 pm	Tea & Coffee Break
15:45 pm – 17:00 pm	Panel No.5 - Identifying key challenges and weaknesses: Are robust reforms the only way forward in Pakistan's litigation landscape?
17:00 pm – 18:00 pm	Keynote Speeches

Summary - Day 2 - 21st May 2023

09:15 am – 09:45 am	Registrations
09:45 am – 09:55 am	Ciarb Branch Chair Opening Speech
10:00 am – 11:00 am	Panel No 1 - How is Pakistan faring in its performance before the international dispute forums; Lessons and challenges?
11:00 am – 11:10 am	Tea & Coffee Break
11:15 am – 12:15 pm	Panel No. 2 - Introduction of Pakistan's proposed Domestic Arbitration Act 2023
12:20 pm – 12:40 pm	YMG Inauguration
12:45 pm – 12:50 pm	Global YMG Ciarb Chair Welcome Speech
12:45 pm – 12:50 pm	YMG Chair Opening Speech
12:50 pm – 13:50 pm	Lunch
14:00 pm – 15:00 pm	Panel No.3 - Navigating and building a career in arbitration as a young practitioner
15:10 pm – 15:20 pm	Tea & Coffee Break
15:25 pm – 16:25 pm	Panel No.4 - Upholding the rule of law; Perspective, progress and reform by the younger members of the bar
16:30 pm – 18:30 pm	Keynote Speeches

Day I - Saturday 20th May

09:00 am – 09:40 am

Registrations

09:45 am – 09:55 am

Opening Speech

Chief Organizer Lahore International Disputes Weekend 2023



Barrister Mian Sheraz Javaid

Chair at Chartered Institute of Arbitrators (Ciarb) Pakistan Branch

Barrister at No.5 Barristers Chambers, United Kingdom

10:00 am – 11:05 am

Panel No.1 - Promoting better practice in Dispute Resolution: Why should courts be the last resort?

Moderator



Barrister Mohammed Zaman KC

Head Business and Property, No.5 Barristers Chambers, United Kingdom

- Going to court should be the last resort as litigation all around the world is expensive, time consuming, and consists of hidden costs
- Even developed court systems face a backlog of cases
- Advanced jurisdictions are leading by example through prioritizing methods of alternative dispute resolution which are usually quicker, cheaper and provide better outcomes

Panelists



Khwaja Ahmad Hosain

Senior Partner at FGE, Karachi

- Important role of mediation in employment disputes in UAE in common law jurisdiction of DIFC and ADGM, including both offshore and free zone
- All major freezones comprising mediation teams and the characteristics of these teams.
- Well-equipped mediation teams prior to authorizing a dispute to proceed to court in facilitating and finding mutual/common grounds between the parties to avoid pursuing litigation through the courts.
- Mediation is not to be widely used independently outside of any employment litigation process before the courts and as a pre-cursor to initiating proceedings
- Soft role of mediation in playing a pivotal role in bringing the parties closer together and therefore I see real merit in parties looking to mediation early on in the process to try and resolve their differences and ultimately save on unnecessary time and costs being incurred.



Kamran Rehman

Partner at Penningtons Manches Cooper LLP

- The cost(s) of litigation and the burden on courts
- How have other jurisdictions dealt with court pendency?

Day I - Saturday 20th May



Barrister Iftikharuddin Riaz

Partner at Bhandari, Naqvi and Riaz (BNR), Lahore

- Why arbitration and mediation are preferred choices for dispute resolution
- Role of courts in the course of arbitration proceedings
- Enforcement of awards and pro-enforcement bias



Honorable Mr. Justice Shahid Jamil Khan

Lahore High Court, Lahore

- Concluding Remarks
- Is Pakistan a litigious society by nature, culture or circumstances
- Court pendency in Pakistan: A way forward

Q&A Session

11:05 am – 11:15 am

Tea & Coffee Break



11:15 am – 12:20 pm

Panel No.2 – Charting the course of Mediation in Pakistan: Should Pakistan be a signatory to the Singapore Mediation Convention?

Moderator



Noor ul Aqtab Siddiqui

Solicitor - Director at Tower Bridge Legal, United Kingdom

- Can mediation help in resolution of freshly instituted cases?
- Is mediation suitable for all category of cases?
- How is the panel of neutrals appointed by the Islamabad High Court helping in resolution of disputes through mediation
- Can Pakistan benefit by becoming a signatory to the Singapore Mediation Convention?

Panelists



Sarah Tarar

Director at International Centre for Dispute Resolution Lahore, Lahore

- How can private ADR centre help and support mediation in Pakistan?
- Recommendations and way forward in Pakistan



Barrister Asad Ladha

Partner at Raja Muhammad Akram and Co, Islamabad

- Shortfalls of Mediation in certain disputes
- How can mediation and other ADR methods complement each other?

Day I - Saturday 20th May



Barrister Martin Lau

Essex Court Chambers, United Kingdom

- The development of Singapore Convention
- The impact of Singapore Convention on the mediation sector with a focus on the enforceability of settlement agreements



Sultan Mazhar

Additional Advocate General (KP) at Supreme Court of Pakistan

- The role of training in promoting and developing skills in mediation in Pakistan
- Current updates and initiatives of Islamabad High Court
- The accessibility of mediation services in Pakistan

Q&A Session

12:20 pm – 13:30 pm

Panel No. 3 - Construction Disputes in Pakistan: How should Pakistan deal with CPEC disputes?

Moderator



Virginie Colauita

Partner at LMS Legal LLP, United Kingdom

- Main characteristics of construction disputes.
- The use of FIDIC red book in CPEC Contracts and other international construction contracts
- Advantages and disadvantages of multi-tier dispute resolution clauses
- Dispute boards and arbitration

Panelists



Mr. Justice Mushir Alam (Rtd)

Foreign Practitioners of the Supreme Court of Pakistan

- Establishment of International Arbitration Centers to cater to CPEC disputes and disputes in general
- Introduction of Financial courts and Commercial Courts in Pakistan
- Appointment of foreign practitioners in International Arbitration Centers and Financial Courts



Karamat Ullah Chaudary

Independent Consultant Construction Disputes

- Discussion regarding the Major CPEC Projects
- The dispute mechanism on CPEC Projects
- Number of disputes referred to Dispute Avoidance and Adjudication Board
- Key causes of these disputes
- The implementation of Dispute Avoidance and Adjudication Board

Day I - Saturday 20th May



Barrister Mian Sheraz Javaid

Barrister at No.5 Barristers Chambers, United Kingdom

- Need for the establishment of a forum for the provision of neutrals i.e arbitrators, mediators and dispute board members
- Multi Tier Dispute Resolution Mechanism available in CPEC contracts
- Dispute Resolution Mechanism available in Bilateral Investment Treaty (BIT) and Free Trade Agreement (FTA) between China and Pakistan
- Provision of Dispute Appointment Service (DAS) for construction disputes in Pakistan



Honorable Mr. Justice Asim Hafeez

Lahore High Court, Lahore

- Concluding remarks
- Encashment of bonds (a major issue in construction disputes)
- Price and time claims: Courts' approach towards such matters

Q&A Session

13:30 pm – 14:20 pm

Lunch



14:25 pm – 15:35 pm

Panel No.4 - Pro-enforcement attitude and the prospects of establishing Pakistan as a regional seat of arbitration

Moderator



Barrister Toby Landau KC

Barrister, Advocate and Arbitrator at Duxton Hill Chambers, Singapore

- An overview of the changing trend from judicial intervention to judicial supervision
- The impact of these changing trends on arbitral proceedings
- Pakistan's position within these global changes
- Predicting the role of Pakistan's courts in arbitral proceedings

Panelists



Barrister Nudrat B. Majeed

Partner at Four Golf Road Chambers, Lahore

- Where does arbitration currently stand within Pakistan's legal landscape?
- Arbitration vs litigation in Pakistan and if/how this relationship is going to change in the future?
- The role of Commercial Courts in supervising arbitration proceedings



Barrister Waleed Khalid

Partner at Cornelius, Lane and Mufti (CLM), Lahore

- Discussion on a leading arbitration case within Pakistan and what it means for the future of arbitration in the country
- A way forward

Day I - Saturday 20th May



Kevin Nash

Senior Management at Singapore International Arbitration Centre (SIAC), Singapore

- Discussion on any one arbitration case within Pakistan and what it means for the future of arbitration in the country
- A way forward



Honorable Mr. Justice Jawad Hassan

Lahore High Court, Lahore

- Pursuant to Tradhol Judgment the confidence of enforcement of foreign awards obtained abroad
- Expeditious decision and enforcement of foreign awards, non interference by Civil Courts
- Supervisory Role of NYC notified Courts in Pakistan for pre, during and post arbitration proceedings
- How can Pakistan's legal fraternity be encouraged to participate in arbitral proceedings in order to help Pakistan's global arbitral footprint grow?

Q&A Session

15:35 pm – 15:45pm

Tea & Coffee Break



15:45 pm – 17:00 pm

Panel No.5 - Identifying key challenges and weaknesses: Are robust reforms the only way forward in Pakistan's litigation landscape?

Moderator



Barrister Maria Mulla

Barrister at Maitland Chambers, United Kingdom

- Current litigation landscape in Pakistan
- Instruments available to introduce reforms
- The Rule-making power of the High Court in introducing reforms and the introduction of pre-action protocols, pre-action disclosure, case management conference and wasted cost order, administrative and trial courts

Panelists



Honorable Mr. Justice Babar Sattar

Islamabad High Court, Islamabad

- The top thing that impedes justice within the litigation landscape of Islamabad
- Discussion of his landmark judgment on litigation cost as a statutory right of the winning party
- What prompted this decision?
- How will it improve the litigation landscape of Pakistan?



Honorable Mr. Justice Syed Muhammad Attique Shah

Peshawar High Court, Peshawar

- Steps taken by the Peshawar High Court in resolving commercial disputes
- Shortcomings
- A way forward



Honorable Mr. Justice Yousuf Ali Sayeed

Sindh High Court, Karachi

- Current landscape of resolution of commercial disputes in Sindh
- Judgment on establishment of commercial courts



Honorable Mr. Justice Abid Hussain Chattha

Judge Lahore High Court, Lahore

- Steps taken by the Lahore High Court including Order IX-A and the case management system
- Shortcomings
- A way forward

Q&A Session

17:00 pm – 18:00 pm

Keynote Speeches



Honorable Mr. Justice Naeem Akhtar Afghan

Honorable Chief Justice Balochistan High Court



Honorable Mr. Justice Muhammad Ameer Bhatti

Chief Justice Lahore High Court, Lahore

Day 2 - Sunday 21st May

09:15 am – 09:45 am

Registration

09:45 am – 09:55 am

Opening Speech Day 2

Chair at Chartered Institute of Arbitrators (Ciarb) Pakistan Branch



Barrister Mian Sheraz Javaid

Chair Chartered Institute of Arbitrators (Ciarb) Pakistan Branch
Barrister at No.5 Barristers Chambers, United Kingdom

09:55 am – 10:00 am

Welcome Address



Catherine Dixon

Director General at Chartered Institute of Arbitrators (Ciarb),
United Kingdom

10:00 am – 11:00 am

Panel No.1 - How is Pakistan faring in its performance before the international dispute forums; Lessons and challenges?

Moderator



Barrister Mahnaz Malik

Arbitrator and Barrister, Twenty Essex London and Fellow, Hughes Hall, Cambridge University

- Pakistan's performance before International Dispute forums such as ICSID or ICC
- Deep-rooted problems in the international arbitration landscape of Pakistan, traceable to couple of reasons such as lack of a local pool of experts in arbitration and award writing skills
- By September 2021, Pakistan's loss of 17 cases at the International Centre for Settlement of Investment Disputes (ICSID)
- Pakistan faces both, the loss of reputation on International Dispute forums and a staggering monetary loss of hundreds of million dollars paid as a cost of losing Arbitrations

Panelists



Mansoor Usman Awan

Attorney General of Pakistan

- Role of the Attorney General and his office in representing the government of Pakistan in international arbitration
- What qualities in a potential arbitrator equip him to best represent the government's interest in an international arbitration
- Unwavering demands of an international arbitration and do we meet them as a state

Day 2 - Sunday 21st May

- Preserving party autonomy and preventing apprehension of bias in government nominated arbitrators
- How to curate a proficient mechanism of appointing Arbitrators for the Public Sectors of the State?



Zahid Ebrahim

Senior Managing Partner at FGE Ebrahim Hosain, Karachi

- How to evolve as a State and stay on par with emerging trends of global key players of international arbitration
- Common pitfalls to avoid when conducting international arbitrations
- What could be the biggest trends and challenges facing the field of international arbitration in the years ahead, particularly with regard to the selection of arbitrators?



Honorable Mr. Tassaduq Hussain Jilani (Retd)

Former Chief Justice of Pakistan

- How can Pakistan improve its performance before international dispute resolution forums, and what role can civil society and other stakeholders play in this regard?
- Lessons learned by Pakistan through its performance in the past
- How has Pakistan's approach to international dispute resolution evolved over the years?

Q&A Session

11:00 am - 11:10 am

Tea & Coffee Break



Day 2 - Sunday 21st May

11:15 am - 12:15 pm

Panel No.2 - Introduction to proposed Domestic Arbitration Act 2023

Moderator



Barrister Mian Sheraz Javaid

Chair at Chartered Institute of Arbitrators (Ciarb) Pakistan Branch
Barrister at No.5 Barristers Chambers, United Kingdom

Panelists



Feisal Hussain Naqvi

Senior Partner at Bhandari, Naqvi and Riaz

- Should the traditional concept of making of award a 'rule of court' prevail in the current dispensation of cases?



Honorable Mr. Justice Muhammad Raza Qureshi

Judge Lahore High Court, Lahore

- Does the proposed limitation on the role of courts and the introduction of a designated appointing authority in the appointment procedure bring efficiency in the arbitration process?



Honorable Mr. Justice Muhammad Shafi Siddiqui

Sindh High Court, Karachi

- What is the extent of judicial intervention in cases of jurisdiction of the tribunal, procedural or material irregularity and on the question of law/public policy?
- How can the lawyers' representative bodies strengthen the institution of arbitration in Pakistan and impact legal practice of lawyers in Pakistan under the new dispensation?



Honorable Mr. Justice Naeem Akhtar Afghan

Honorable Chief Justice Balochistan High Court

- Should the 'Rule of Court' remain with the Civil or District Level
- When the arbitration award becomes the Rule of Court, should the appeal of lie in the High Court or Civil Court?

Young Members Group (YMG) Pakistan Inauguration

12:20 pm - 12:40 pm

Young Members Group Inauguration



Barrister Marion Smith KC

Chair Board of Trustees at Chartered Institute of Arbitrators (Ciarb),
United Kingdom (Virtually)

Day 2 - Sunday 21st May

12:40 pm – 12:45 pm

Global Young Members Group (YMG) Ciarb Welcome Speech



Baptiste Rigau

Chair at Global Young Members Group (YMG) Ciarb

12:45 pm – 12:50 pm

Young Members Group Pakistan (YMG) Chair Opening Speech



Barrister Maryam Abbasi

Chair at Young Members Group Pakistan (YMG)

12:50 pm – 13:50 pm

Lunch



14:00 pm – 15:00 pm

Panel No.3 - Navigating and building a career in arbitration as a young practitioner

Moderator



Nasir Khan MBE

Vice Chair at Chartered Institute of Arbitrators (Ciarb) Pakistan Branch
Principal at HKA, United Kingdom

- Practicalities of Arbitration
- Much work to be done to remove the “pale, male, and stale” image of international arbitration and achieve greater diversity
- Such diversity should aim at including gender, but should extend to all kinds of diversity, including promoting young practitioners to have on-your-feet roles at arbitration hearings
- Developing the new generation of international arbitration practitioners
- Skills necessary when building a career specific to interstate arbitration
- Courses, higher education and accreditations as a potential pathway in navigating the field of international arbitration

Panelists



Fakhruddin Valika

Deputy Counsel at ICC International Court of Arbitration, Dubai

- As a Pakistani looking to expand your career internationally, what were the biggest challenges you faced?
- Overcoming the said challenges
- Top skills not taught at law schools but are incredibly important within the global arbitration space?

Day 2 - Sunday 21st May

- How would you describe the difference in arbitration proceedings within and outside of Pakistan? How should young practitioners prepare themselves for these conflicts?
- How has your time working at the ICC changed the way you view arbitration?
- Finally, can you give us an insight into the arbitration space within the middle east and how Pakistanis can break into that market?



Fatima A. Malik

Treasurer CIArb and International Disputes Lawyer

- How are arbitration proceedings changing?
- How can young practitioners looking to build a career in international arbitration best prepare themselves for these changes?
- As a global arbitration practitioner, what are some challenges within the arbitration field that young practitioners face and what would your advice be to overcome them?
- How can young practitioners build a global career in arbitration?
- Please give 3 key things they should focus on
- How has YMG helped you develop your career in international arbitration?



Dmitry Bayandin

Associate at Willkie Farr & Gallagher LLP, Paris

- Is the switch from litigation towards arbitration difficult?
- Biggest challenges faced during this transition
- What was the stepping stone for your career in international arbitration?
- How can domestic practitioners expand into international arbitration while maintaining a local practice?)
- Top 3 skills that helped you succeed in international arbitration practice



Dr. Nudrat Ejaz Piracha

Senior Associate/Partner – Samdani & Quresh

- Is arbitration becoming more inclusive and how much further does it have to go in terms of racial and gender equality?
- How are international organizations promoting inclusivity?
- Progress made in the last five years in diversifying the field
- Identifying “additional barriers” to obtaining arbitral appointments which included “unconscious bias, gender stereotyping, and information barriers

Q&A Session

15:10 pm – 15:20 pm

Tea & Coffee Break



15:25 pm – 16:25pm

Panel No.4 - Upholding the Rule of Law; Perspective, progress and reform by the younger members of the bar

Moderator



Umer Akram Chaudhry

Partner at Raja Muhammad Akram and Co., Islamabad

- Identifying gaps and causes in why we fare so low in the rule of law index and otherwise
- Can the gaps be attributed to the role of young practitioners or the lack of any role played by them at all?
- Where does the regulation of young practitioners begin, legal education or licensing?
- When untoward and unpleasant incidents take place involving lawyers, who do we hold accountable?
- How does one impart the importance of rule of law on young practitioners?
- What reforms, if any, have been brought to highlight this?
- Are young practitioners contributing to change or are they comfortable with the status quo?

Panelists



Barrister Malik Ahmed Qayyum

Member Punjab Bar Council

- What role does the Bar council play in training young lawyers?
- Why are we witnessing increasing instances of young lawyers disrupting the legal landscape in the country and how does the bar council approach such issues?
- What is the single most important thing that young practitioners can do to preserve the rule of law in the country?
- How is the bar council working towards this goal?
- Finally, can young practitioners thrive within the current legal framework?



Barrister Taimur Malik

Senior Partner Kilam Law

- Role of digitization in the future of the legal profession, particularly with regard to the Rule of Law and access to justice
- Challenges facing the legal profession in the years ahead, particularly with regard to upholding the Rule of Law and promoting progress and reform

Day 2 - Sunday 21st May



Wasif Majeed

Head Education & Training, Ciarb Pakistan Branch
Partner at Lexium Law, Lahore

- How can younger members of the Bar work to promote access to justice, rule of law and inclusivity in the legal profession?
- What steps can be taken to ensure that the legal system reflects the needs and perspectives of young members of the legal society?
- How can Young Members of the Bar ensure that they uphold the Rule of Law in their day-to-day practice?
- Common pitfalls or challenges encountered by Young Members of the Bar in accessing Rule of Law



Honorable Mr. Justice Adnan Iqbal Chaudhry

Sindh High Court, Karachi

- Most important elements of the Rule of Law and their application to young practitioners in particular.
- Balancing the need for stability and continuity in the legal system with the need for reform and progress, particularly in areas where the law may be outdated or ineffective
- Upholding the Rule of Law and promoting progress and reform

16:30 pm – 18:30 pm

Keynote Speeches



John Bassie

President Ciarb 2023 (Virtually)



Honorable Mr. Justice Naeem Akhtar Afghan

Honorable Chief Justice Balochistan High Court



Honorable Mr. Justice Muhammad Ameer Bhatti

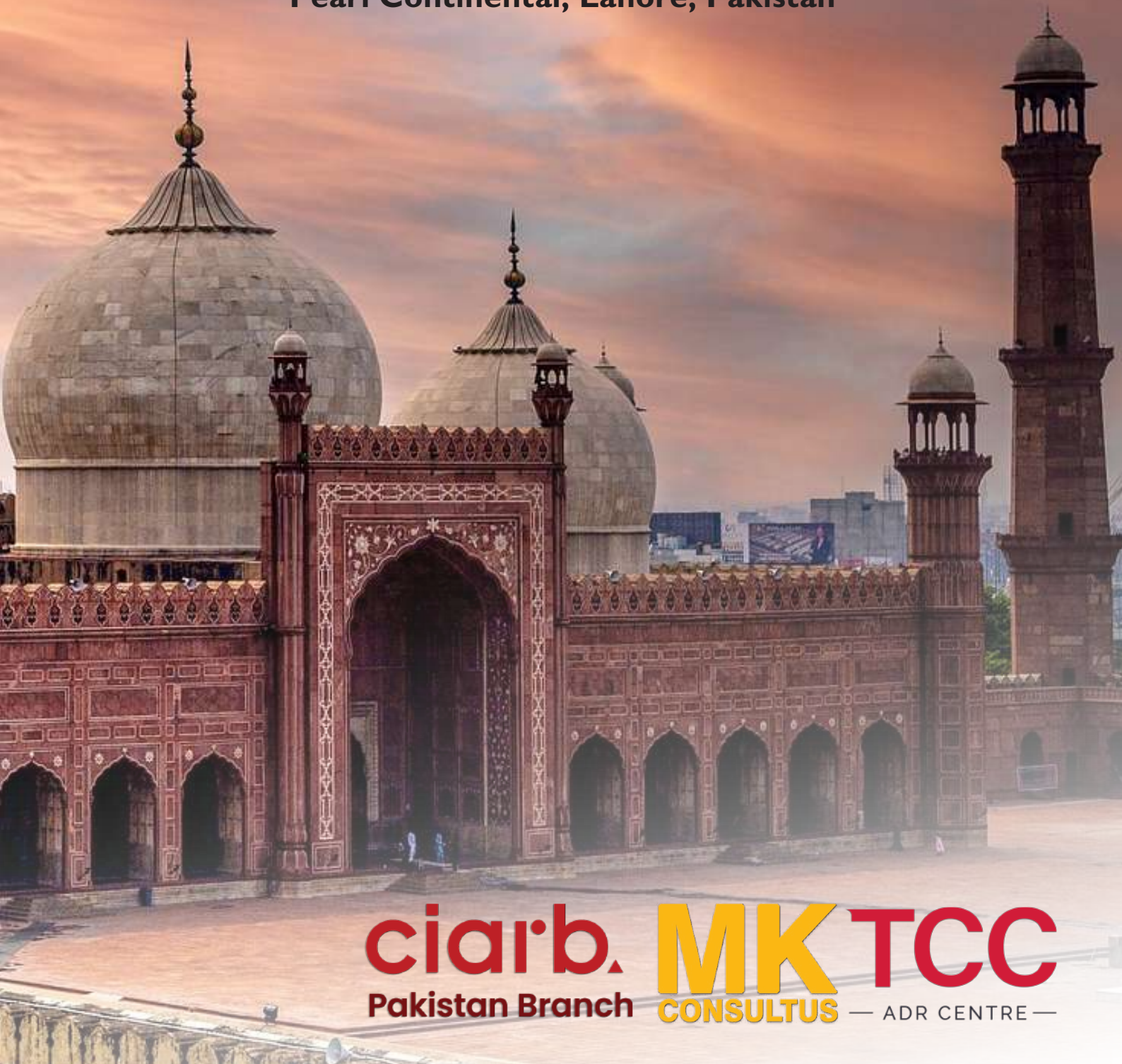
Chief Justice Lahore High Court, Lahore



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