

A conference presented by the IBA Asia Pacific Arbitration Group (APAG), supported by the IBA Arbitration Committee, the IBA Asia Pacific Regional Forum and the Vietnam International Arbitration Centre (VIAC)



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# IBA APAG International Arbitration Training Day: Introduction of the IBA Soft Laws



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**4 November 2017, Sheraton Hanoi, Hanoi, Vietnam**

## Topics will include:

- How to draft arbitration clauses – an empirical analysis of 'Pathological' arbitration clauses
- Comparison between international arbitration and Vietnamese domestic arbitration – comparison of the VIAC and UNCITRAL rules
- Dealing with evidence, conflict of interest and party representation in international arbitration: the application of the IBA Rules on the Taking of Evidence in International Arbitration, IBA Guidelines on Conflict of Interest in International Arbitration, and IBA Guidelines on Party Representation in International Arbitration
- Recent developments in investment treaty arbitration

ALL WORKING SESSIONS WILL BE IN ENGLISH, WITH SIMULTANEOUS TRANSLATION IN VIETNAMESE.



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# Programme

## **IBA Asia Pacific Arbitration Group**

Dinesh Dhillon *Allen & Gledhill, Singapore; Co-Chair, IBA Asia Pacific Arbitration Group*

Ariel Ye *King & Wood Mallesons, Shenzhen; Co-Chair, IBA Asia Pacific Arbitration Group*

## **Organising Committee**

Hop Dang *Allens, Hanoi*

Do Khoi Nguyen *YKVN, Singapore*

Dzung Manh Nguyen *Dzungst & Associates, Ho Chi Minh City*

Trinh Nguyen *Trinh Nguyen & Partners, Ho Chi Minh City*

## Saturday 4 November

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0830 – 1700 **Registration**

0900 – 0915 **Welcome remarks**

Dinesh Dhillon *Allen & Gledhill, Singapore; Co-Chair, IBA Asia Pacific Arbitration Group*

0915 – 1045 **Session one**

### **How to draft arbitration clauses – an empirical analysis of ‘pathological’ arbitration clauses**

During this session, the panellists will share their experiences on ‘pathological’ arbitration clauses they have encountered and the courts’ and arbitral institutions’ treatment of such clauses. The panellists will also share their unique perspectives on the key pitfalls to avoid when drafting arbitration clauses.

*Moderator*

Dinesh Dhillon *Allen & Gledhill, Singapore; Co-Chair, IBA Asia Pacific Arbitration Group*

*Panellists*

Swee Yen Koh *WongPartnership, Singapore; Co-Chair, IBA Arb40 Subcommittee*

Edmund J Kronenburg *Braddell Brothers, Singapore*

Shaneen Parikh *Cyril Amarchand Mangaldas, Mumbai*

1045 – 1115 **Coffee/tea break**

1115 – 1245 **Session two**

### **Comparison between international arbitration and Vietnamese domestic arbitration – comparison of the VIAC and UNCITRAL rules**

During this session, the panellists will discuss the key similarities and differences between the VIAC and UNCITRAL rules. The panellists will also provide insights on the key issues one should consider when deciding whether to adopt VIAC or UNCITRAL rules in arbitration and the recent developments/trends in this area.

*Moderator*

Phan Trong Dat *Deputy Secretary General, Vietnam International Arbitration Centre, Hanoi*

*Panellists*

Chiann Bao *Skadden, Arps, Slate, Meagher & Flom, Hong Kong SAR*

Dzung Manh Nguyen *Dzungst & Associates, Ho Chi Minh City*

Luan Tran *YKVN, Singapore*

1245 – 1415 **Lunch**

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Conference refreshment break sponsors

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# Saturday continued

1415 – 1530 **Session three**

## **Dealing with evidence, conflict of interest and party representation in international arbitration: the application of the IBA Rules on the Taking of Evidence in International Arbitration, IBA Guidelines on Conflict of Interest in International Arbitration, and IBA Guidelines on Party Representation in International Arbitration**

During this session, the panellists will share their experiences of the challenges frequently faced by practitioners in the application of the IBA Rules and Guidelines, including the different treatment of key issues such as privilege and confidentiality in different jurisdictions. The panellists will also discuss recent developments/trends in arbitral practice in respect of these Rules and Guidelines.

*Moderator*

**Ariel Ye** *King & Wood Mallesons, Shenzhen; Co-Chair, IBA Asia Pacific Arbitration Group*

*Panellists*

**Aniz Ahmad Amirudin** *Cecil Abraham & Partners, Kuala Lumpur*

**Julie Raneda** *Schellenberg Wittmer, Singapore*

**Yu-Jin Tay** *Mayer Brown, Singapore*

1530 – 1600 **Coffee/tea break**

1600 – 1715 **Session four**

## **Recent developments in investment treaty arbitration**

During this session, the panellists will share their observations on recent developments/trends on jurisdiction and merits issues that often arise in investment treaty arbitration. The panellists will also discuss whether these recent developments have a practical impact on how practitioners conduct their cases.

*Moderator*

**Nicholas Lingard** *Freshfields Bruckhaus Deringer, Singapore*

*Panellists*

**Trinh Nguyen** *Trinh Nguyen & Partners, Ho Chi Minh City*

**Michael Polkinghorne** *White & Case, Paris*

**Henry Winter** *Hogan Lovells, Singapore*

1715 – 1730 **Closing remarks**

1800 – 1930 **Drinks reception**

*Vine restaurant*

*No 7 Xuan Dieu, Hanoi*

The IBA, its officers and staff accept no responsibility for any views expressed, presentations or materials produced by delegates or speakers at the Conference.

### **Continuing Professional Development/Continuing Legal Education**

\*The number of CPD/CLE hours available may vary depending on the rules applied by the members' bar association/law society on time recording criteria.

For conference delegates from jurisdictions where CPD/CLE is mandatory, the IBA will provide a Certificate of Attendance for the conference. Subject to CPD/CLE requirements, this can be used by conference delegates to obtain the relevant number of hours' accreditation.

A CPD/CLE Certificate of Attendance is available to conference delegates on request. Please ask at the IBA conference registration desk for information on how to obtain the certificate.

The organisers may at any time, with or without giving notice, in their absolute discretion and without giving any reason, cancel or postpone the conference, change its venue or any of the other published particulars, or withdraw any invitation to attend. In any case, neither the organisers nor any of their officers, employees, agents, members or representatives shall be liable for any loss, liability, damage or expense suffered or incurred by any person, nor will they return any money paid to them in connection with the conference unless they are satisfied not only that the money in question remains under their control but also that the person who paid it has been unfairly prejudiced (as to which, decision shall be in their sole and unfettered discretion and, when announced, final and conclusive).

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# Information

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## Date

4 November 2017

## Venue

Sheraton Hanoi  
K5 Nghi Tam, 11 Xuan Dieu Road, Tay Ho District  
Hanoi, Vietnam  
Tel: +84 4 3719 9000

## Language

All working sessions and conference materials will be in English. Simultaneous translation in Vietnamese will be provided in all working sessions.

## How to register

Register online by **1 November 2017** at [www.ibanet.org/conferences/conf875.aspx](http://www.ibanet.org/conferences/conf875.aspx) and make payment by credit card, to avail of the ten per cent online registration discount or complete the attached registration form and return it to Haesung Lee at the IBA together with your bank transfer/cheque payment. You should receive emailed confirmation of your registration within five days; if you do not, please contact Haesung Lee at [haesung.lee@int-bar.org](mailto:haesung.lee@int-bar.org).

## Fees

*Online registrations received:*

	on or before 20 October	until 1 November
IBA member	US\$35	US\$50
Non-member*	US\$50	US\$65
Young lawyers (under 30 years)	US\$25	US\$65
Academics/judges/public lawyers	US\$25	US\$65
Corporate counsel	US\$25	US\$65

After **1 November** registrations must be received in hard copy at the IBA office.

*Hard copy registration forms and fees received:*

	on or before 20 October	after 20 October
IBA member	\$50	\$65
Non-member*	\$65	\$80
Young lawyers (under 30 years)	\$40	\$80
Academics/judges/public lawyers	\$40	\$80
Corporate counsel	\$40	\$80

\* By paying the non-member fee, we welcome you as a delegate member of the IBA for the year in which this conference is held, which entitles you to the following benefits:

- 1) Password access to certain parts of the IBA website.
- 2) Receipt of *IBA E-news* and access to online versions of *IBA Global Insight*.

If you would like to become a full or general member of the IBA, which includes membership of one committee or more – and inclusion in and access to our membership directory – we encourage you to do so now in order to register for this conference at the member rate. Full details of how to join can be found at [www.ibanet.org](http://www.ibanet.org).

**Full payment must be received in order to process your registration.**

## Fees include:

- Attendance at all working sessions
- Conference materials, including any available speakers' papers submitted to the IBA before 27 October 2017
- Access to the above conference working materials from the IBA website ([www.ibanet.org](http://www.ibanet.org)) approximately seven days prior to the conference
- Access to mobile delegate search application
- Lunch on Saturday
- Tea and coffee during breaks
- Drinks reception

**Please note that registrations are not transferable.**

## List of participants

In order for your name to appear in the list of participants, which will be distributed at the conference, your registration form must be received by **27 October** at the latest.

## Mobile delegate search application

All registered delegates will receive a printed list of participants at the conference; however, delegates are now also able to use the mobile delegate search. This application has been developed to aid networking by giving delegates instant access to an up-to-date list of their fellow attendees, and comes with the added benefit of a built-in messaging service. All registered delegates with an internet or Wi-Fi-enabled device will have access, using their IBA username and password. Simply visit: [m.ibanet.org/conf875](http://m.ibanet.org/conf875).

## Registration confirmation

All documentation regarding your attendance at the conference can now be obtained from the IBA website. Upon receipt of your payment for the conference, a confirmation email will be sent containing instructions on how to download the documents. Registration confirmation will not be distributed by post.

## Photography and filming

Certain sessions and/or social functions may be photographed and/or filmed and some of this content may be used for future IBA marketing materials, member communications, products or services. Should you have any concerns with regard to this, or do not wish to be featured in any of these materials, please contact the IBA Marketing Department at [ibamarketing@int-bar.org](mailto:ibamarketing@int-bar.org).

## Promotional literature

Please note that no individual or organisation may display or distribute publicity material or other printed matter during the conference, unless by prior arrangement with the IBA. Organisations and companies wishing to discuss promotional opportunities should contact the Sponsorship Department at the IBA ([sponsorship@int-bar.org](mailto:sponsorship@int-bar.org)).

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### Payment of registration fees

**US dollars:** by cheque converted at the current rate of exchange and drawn on a US bank and in favour of the International Bar Association. Please send to: 4th Floor, 10 St Bride Street, London EC4A 4AD, United Kingdom.

**OR** by bank transfer to the IBA account number: 01286498 (Sort Code 56-00-03) at the National Westminster Bank, St James's & Piccadilly Branch, 208 Piccadilly, London W1A 2DG, United Kingdom. SWIFT address NWBKGB2L, IBAN GB55NWBK60730101286498. Please ensure that a copy of the bank transfer details is attached to your registration form.

**Pounds sterling:** by cheque drawn on a UK bank and in favour of the International Bar Association. Please send to: 4th Floor, 10 St Bride Street, London EC4A 4AD, United Kingdom.

**OR** by bank transfer to the IBA account number: 13270222 (Sort Code 56-00-03) at the National Westminster Bank, St James's & Piccadilly Branch, 208 Piccadilly, London W1A 2DG, United Kingdom or SWIFT address NWBKGB2L, IBAN GB05NWBK56000313270222. Please ensure that a copy of the bank transfer details is attached to your registration form.

**Use the exchange rate prevailing at the time of registration.**

**Euro:** by cheque or bank draft, drawn on a euro zone bank and converted at the current rate of exchange and in favour of the International Bar Association.

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**Use the exchange rate prevailing at the time of registration.**

**Online credit card payments:** by Visa, MasterCard or American Express. **No other cards are accepted.**

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**Please ensure that your name and 'CONF875' appear on any transfer or draft.**

### No deductions or withholdings

All fees payable to us by you in accordance with the terms contained in this 'Information' section shall be paid free and clear of all deductions or withholdings whatsoever.

If any deductions or withholdings are required by law to be made from any fees payable to us by you under the terms contained in this 'Information' section you shall pay such sum as will, after the deduction or withholding has been made, leave us with the same amount as we would have been entitled to receive in the absence of any such requirement to make a deduction or withholding.

If we obtain the benefit of any tax credit or other relief by reference to any such deductions or withholdings, then we shall repay to you such amount as, after such repayment has been made, will leave us in no worse position than we would have been had no such deductions or withholdings been required.

### Conference sell-outs

The IBA places its conference in venues of a suitable size for the event; however, there are times when our conferences may sell out. Should this happen, prospective delegates will be informed and a waiting list will operate. The waiting list will function on a 'first come, first served' basis, subject to receiving registered delegate cancellations. The IBA will not be liable for any travel or accommodation expenses incurred by an individual who travels to the conference without a confirmed place at the event.

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### Cancellation of registration

If cancellation is received in writing at the IBA office by **20 October 2017**, fees will be refunded less a 25 per cent administration charge. Refunds will be made minus any monies owed to the IBA.

We regret that no refunds can be made after this date. Registrations received after 20 October 2017 will not be eligible for any refund of registration fees. Please note that NO exception will be made to this policy. Should you have difficulties in obtaining your visa and are not able to attend the conference this cancellation policy will still apply.

Provided you have cancelled your registration to attend an IBA conference in accordance with the terms of the 'cancellation of registration' clause included in the 'Information' section of the relevant conference programme, you must then confirm to us in writing at the IBA office as soon as possible but in no event later than one year (12 calendar months) from the date of any such conference all necessary details to enable any reimbursement owed to you to be paid. We regret that no refunds will be made after the date that is one year (12 calendar months) after the date of the relevant conference.

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### Travel arrangements and visas

Participants are responsible for making their own travel arrangements. It is recommended that you check your visa requirements with your local embassy or consulate. **We are unable to dispatch visa invitation letters to support your visa application prior to receipt of your registration form and full payment of registration fees.**

**Please apply for your visa in good time.**

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(+84) 24 3574 3001

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Suite 505, 5th floor, 171 Vo Thi Sau Street, District 3, HoChiMinh City, Vietnam

(+84) 28 3932 1632 or (+84) 28 3932 9555

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# Registration form



**IBA APAG International Arbitration Training Day: Introduction of the IBA Soft Laws**  
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## SPECIAL DIETARY REQUIREMENTS

If you have special dietary requirements, due to allergen intolerances, medical, religious reasons or a life choice, please specify the requirement below. The IBA is unable to cater for dietary requirements other than for the above reasons.

Please tick box if you have allergen intolerances and specify \_\_\_\_\_

Please state all other dietary requirements clearly, i.e. I am a vegetarian; I do not eat red meat.

*Disclosure of dietary information denotes you have agreed to the IBA sharing this information with relevant third parties who are providing catering on our behalf.*

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IBA MEMBERS CAN REGISTER ONLINE BY **20 OCTOBER** FOR **US\$35**,  
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HARD COPY REGISTRATION FORMS AND FEES RECEIVED:	on or before 20 October	after 20 October	amount payable
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Academics/judges/public lawyers	US\$40	US\$80	US\$
Corporate counsel	US\$40	US\$80	US\$

**TOTAL AMOUNT PAYABLE US\$**

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PLEASE FIND THE MEMBERSHIP APPLICATION FORM AT **WWW.IBANET.ORG**.

A REDUCED RATE IS OFFERED TO LAWYERS WHO ARE OVER THE AGE OF 65, HAVE BEEN AN IBA MEMBER FOR MORE THAN 20 YEARS AND ARE NO LONGER PRACTISING LAW. PLEASE CONTACT THE IBA OFFICE FOR FURTHER INFORMATION.

FULL PAYMENT MUST BE RECEIVED IN ORDER TO PROCESS YOUR REGISTRATION.  
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If you are agreeable to passing on your details, please tick this box  If you do **not** wish to receive IBA information and materials, please tick this box

Your details will however be included in the list of participants.

## PLEASE SEND THE COMPLETED FORM TO INTERNATIONAL BAR ASSOCIATION ASIA OFFICE:

### Haesung Lee

10th Floor, Seoul Global Center Building, 38 Jong-ro, 63 Seorin-dong, Jongno-gu Seoul 110-792, South Korea

Email: [haesung.lee@int-bar.org](mailto:haesung.lee@int-bar.org) Website: [www.ibanet.org](http://www.ibanet.org)



# International Bar Association Conferences 2017–2018



## 2017

**7 OCTOBER 2017 SYDNEY, AUSTRALIA**  
**Young Lawyers' Training Course: The Fundamentals of International Legal Business Practice**

**8 OCTOBER 2017 ICC SYDNEY, SYDNEY, AUSTRALIA**

**Focus on Advocacy in International Arbitration: Making an Impact**

**8–13 OCTOBER 2017 INTERNATIONAL CONVENTION CENTRE, SYDNEY, AUSTRALIA**  
**IBA Annual Conference 2017**



**IBA 2017 Sydney**  
8–13 OCTOBER  
ANNUAL CONFERENCE OF THE INTERNATIONAL BAR ASSOCIATION



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**2–3 NOVEMBER 2017 MANDARIN ORIENTAL HOTEL, HONG KONG SAR**

**Asia Pacific Mergers and Acquisitions**

**4 NOVEMBER 2017 HANOI, VIETNAM**

**IBA-APAG International Arbitration Training Day: Introduction of the IBA Soft Laws**

**4–5 NOVEMBER 2017 QUEEN MARY UNIVERSITY OF LONDON, LONDON, ENGLAND**

**IBA-ELSA Law Students' Conference: International Human Rights Law**

**6–7 NOVEMBER 2017 HILTON SÃO PAULO MORUMBI, SÃO PAULO, BRAZIL**

**Latin American Anti-Corruption Enforcement and Compliance**

**10 NOVEMBER 2017 MOSCOW MARRIOTT ROYAL AURORA HOTEL, MOSCOW, RUSSIAN FEDERATION**

**9th Annual 'Mergers and Acquisitions in Russia and CIS' Conference**

**15 NOVEMBER 2017 LEVEL 39, 1 CANADA SQUARE, CANARY WHARF, LONDON, ENGLAND**

**European Start Up Conference**

**15–17 NOVEMBER 2017 THE GRANGE ST PAULS, LONDON, ENGLAND**

**8th Biennial Global Immigration Conference**

**15–17 NOVEMBER 2017 LABADI BEACH HOTEL, ACCRA, GHANA**

**Rising to the Challenge of Africa's Economic Development – The Role of the Legal Profession**

**16 NOVEMBER 2017 FOUR SEASONS HOTEL LONDON AT PARK LANE, LONDON, ENGLAND**

**Private Equity Transactions Symposium**

**16–17 NOVEMBER 2017 MONDRIAN LONDON, LONDON, ENGLAND**

**Building the Law Firm of the Future**

**30 NOVEMBER – 1 DECEMBER 2017 HILTON BUENOS AIRES HOTEL, BUENOS AIRES, ARGENTINA**

**The New Era of Taxation: How to Remain on Top in a World of Constant Evolution**

**1 DECEMBER 2017 MOSCOW MARRIOTT HOTEL NOVY ARBAT, MOSCOW, RUSSIAN FEDERATION**

**11th Annual Law Firm Management Conference**

**7–8 DECEMBER 2017 MILLENNIUM BROADWAY HOTEL, NEW YORK, USA**

**Investing in Asia**

**7–8 DECEMBER 2017 JUMEIRAH FRANKFURT, FRANKFURT, GERMANY**

**4th Annual Corporate Governance Conference**

## 2018

**18–19 JANUARY 2018 HONG KONG SAR**

**IBA Law Firm Management Conference: Growth Prospects for Law Firms in Asia**

**29–30 JANUARY 2018 etc. venues FENCHURCH STREET, LONDON, ENGLAND**

**7th Annual IBA Finance and Capital Markets Tax Conference**

**1–2 FEBRUARY 2018 THE WESTIN PARIS – VENDOME, PARIS, FRANCE**

**6th IBA European Corporate and Private M&A Conference**

**14–16 FEBRUARY 2018 PARIS INTERCONTINENTAL, PARIS, FRANCE**

**IBA/ABA International Cartel Workshop**

**23–24 FEBRUARY 2018 HOTEL EUROSTAR GRAND MARINA, BARCELONA, SPAIN**

**3rd Mergers and Acquisitions in the Technology Sector Conference**

**25–26 FEBRUARY 2018 HILTON PUERTO MADERO, BUENOS AIRES, ARGENTINA**

**21st Annual IBA Arbitration Day: the Rule of Law created by International Arbitrators – Between Pacta Sunt Servanda and Bona Fide**

**5–6 MARCH 2018 CLARIDGE'S, LONDON, ENGLAND**

**23rd Annual International Wealth Transfer Practice Law Conference**

**8–9 MARCH 2018 HONG KONG SAR**

**3rd IBA Asia-based International Financial Law Conference**

**9–10 MARCH 2018 THE TAJ MAHAL PALACE, MUMBAI, INDIA**

**The Changing Landscape of M&A in India – New Opportunities in a Dynamic India**

**11–13 MARCH 2018 INTERCONTINENTAL LONDON PARK LANE, LONDON, ENGLAND**

**19th Annual International Conference on Private Investment Funds**

**14–16 MARCH 2018 HYATT REGENCY HOTEL AND INTERCONTINENTAL PRESIDENTE HOTEL, MEXICO CITY, MEXICO**

**Biennial IBA Latin American Regional Forum Conference**

**20 MARCH 2018 NEW DELHI, INDIA**

**Pre-International Competition Network Forum**

**MARCH 2018 LONDON, ENGLAND**

**Insurance – Into the Unknown: Challenges and Opportunities**

**9–11 APRIL 2018 INTERCONTINENTAL, LISBON, PORTUGAL**

**Biennial Conference of the Section on Energy, Environment, Natural Resources and Infrastructure Law (SEERIL)**



# International Bar Association

the global voice of the legal profession

The International Bar Association (IBA), established in 1947, is the world's leading organisation of international legal practitioners, bar associations and law societies. The IBA influences the development of international law reform and shapes the future of the legal profession throughout the world. It has a membership of more than 80,000 individual lawyers and more than 190 bar associations and law societies spanning over 160 countries. It has considerable expertise in providing assistance to the global legal community as well as being a source of distinguished legal commentators for international news outlets.

Grouped into two divisions – the Legal Practice Division and the Public and Professional Interest Division – the IBA covers all practice areas and professional interests, providing members with access to leading experts and up-to-date information. Through the various committees of the divisions, the IBA enables an interchange of information and views among its members as to laws, practices and professional responsibilities relating to the practice of business law around the globe. Additionally, the IBA's high-quality publications and world-class conferences provide unrivalled professional development and network-building opportunities for international legal practitioners and professional associates.

## **IBA Asia Pacific Arbitration Group overview**

The Asia Pacific Arbitration Group (APAG) is a joint practice group established by the IBA Arbitration Committee and the Asia Pacific Regional Forum. The Group is composed of arbitration practitioners, arbitrators, judges and scholars based in the Asia Pacific region and APAG members will gain access to essential legal expertise and networking opportunities, which forms a strong foundation for various activities. The aim is to create an active forum for participation of all relevant stakeholders in the arbitration process in the region.

## **IBA Arbitration Committee overview**

The Arbitration Committee focuses on laws, practice and procedures relating to the arbitration of transnational disputes. Through its publications and conferences, the committee seeks to share information about international arbitration and promote its use and improve its effectiveness.

## **IBA Asia Pacific Forum overview**

In addition to offering an unrivalled opportunity to establish contact among lawyers within and outside the region, and with acknowledged experts on different areas of law, specialist Forum activities provide an unparalleled opportunity to keep abreast of legal business developments in the region. Members also benefit from excellent working relations with national Bars, the Inter-Pacific Bar Association and LAWASIA.

## **Contact information**

### **International Bar Association**

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