



Programme

Developed by:

Klaus Peter Berger and Patricia Peterson

Co-chaired by:

Patricia Peterson and Adeyemi Agbelusi

Master of Ceremony: **Odhiambo Obony**, Senior Associate, Anjarwalla & Khanna LLP, Kenya

Wednesday 28 May 2025

08.00 – 09.00 *Welcome coffee and registration*

09.00 – 09.15 **Welcoming address, introduction and presentation of the training**

- **Adeyemi Agbelusi**, Principal Partner, Berean Associates, Nigeria
- **Luisa Cetina**, Director, Anjarwalla & Khanna LLP, Kenya
- **Patricia Peterson**, Independent Arbitrator, Peterson//ADR, France; Member, ICC Institute of World Business Law

09.15 – 10.10 **Evolution in attitudes towards settlement facilitation in international arbitration**

While arbitrators in some jurisdictions are accustomed to being proactive in facilitating settlements, the traditional viewpoint in most jurisdictions has been that the role of the arbitral tribunal is to decide the case in an enforceable award. In the context of the long-standing debate on techniques to save time and costs in arbitration, this traditional view has changed in recent years. The Report on Facilitating Settlement in International Arbitration, published by the ICC Commission on Arbitration and ADR in 2023, is a milestone in this development. The potential impact of this report, as well as other recent studies, will be examined by this panel. Panellists will also consider relevant provisions in arbitration laws and rules that may have an impact on arbitral practice in this area, and the search for transnational standards.

- **Sana Belaid**, Arbitrator & Mediator, Belaid Advisory, United Arab Emirates
- **Patricia Peterson**

10.10 – 10.30 **Q&A**

10.30 – 10.45 *Coffee break*

Wednesday 28 May 2025 (cont.)

10.45 – 11.30 **Case Management Techniques with a Potential Indirect Effect on Settlement**

This panel addresses the utility of accepted case management techniques and arbitration procedures that may have an indirect effect on the willingness of parties to settle their dispute or parts of it. Examples of such techniques are a proactive first case management

conference, bifurcation, mid-arbitration reviews, dispositive motions, or sealed offers. The focus of the panel debate will be on the arbitrator staying within his or her role of resolving a dispute by rendering a binding decision and not adopting the role of a settlement facilitator or mediator.

- **Adeyemi Agbelusi**
- **John Ohaga**, Senior Partner, TripleOKLaw LLP, Kenya

11.30 – 12.30 **Q&A and case scenarios**

12.30 – 14.00 *Lunch*

14.00 – 14.45 **Arbitrator Techniques for the Direct Facilitation of Settlement**

Whether and, if so, to what extent arbitrators are entitled to facilitate settlement is still a controversial issue and one in relation to which regional differences still exists today. This panel will discuss the full array of available techniques, from raising the settlement option at the first case management conference, the use of mediation windows to the presentation of preliminary views and the conduct of settlement conferences by the arbitral tribunal and other techniques. The impact of failed settlement negotiations on arbitral proceedings will also be discussed.

- **Ulrike Gantenberg**, Partner, Gantenberg Dispute Experts, Germany

14.45 – 15.45 **Simulation of a settlement conference and Q&A**

- Led by **Ulrike Gantenberg**

15.45 – 16.05 *Coffee break*

Wednesday 28 May 2025 (cont.)

16.05 – 16.50 **Drafting consent awards: The practice of the ICC Court**

Pursuant to Art. 33 of the ICC Arbitration Rules, a settlement agreement concluded by the parties during the arbitration shall be recorded in an award by consent, if so requested by the parties and if the tribunal agrees to do so. This Panel will discuss the tribunal's powers with respect to such awards, practical aspects related to the drafting of consent awards from the perspective of the arbitrator and the ICC Court, as well as public policy and enforcement issues.

- **Colleen Parker Bacquet**, Counsel, ICC International Court of Arbitration, Paris
- **Patricia Peterson**

16.50 – 17.50 **Q&A and case scenarios**

*ICC Institute Advanced Training on "Amicable Settlement of Disputes in International Arbitration:
Party Expectations and Arbitrator Techniques
Nairobi, Wednesday 28 May 2025*

17.50 – 18.00 **Closing remarks**

- **Adeyemi Agbelusi**
- **Aisha Abdallah, Partner, Head of Dispute Resolution, Anjarwalla & Khanna LLP, Kenya**
- **Patricia Peterson**

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