



CENTER FOR TRANSNATIONAL LITIGATION,  
ARBITRATION AND COMMERCIAL LAW

The Center for Transnational Litigation, Arbitration, and Commercial Law at NYU School of Law has been established to advance the study and practice of international business transactions and the way to solve related disputes, either through litigation or arbitration. As commercial transactions become increasingly international, it is vital to the legal and business communities to understand and analyze the practices and legal principles that govern relationships between firms and between firms and consumers in the international arena. Subjects such as the appropriate degree of harmonization of domestic laws, sovereign and private lending to developing nations, choice of law in commercial transactions, the proper scope of international arbitration and litigation, and the role of private groups in promulgating principles that have international application will inevitably increase in importance in the immediate future, and both attorneys and their clients who are involved in projects that transcend national boundaries must have an increased understanding and appreciation of the implications of these areas.

**Center for Transnational Litigation,  
Arbitration, and Commercial Law**  
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[www.law.nyu.edu/centers/transnational](http://www.law.nyu.edu/centers/transnational)  
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The Center for Transnational Litigation, Arbitration, and Commercial Law presents

# AUTONOMOUS V. DOMESTIC CONCEPTS IN THE NEW YORK CONVENTION



CENTER FOR TRANSNATIONAL LITIGATION,  
ARBITRATION AND COMMERCIAL LAW

**MARCH 2–3, 2020**

Furman Hall  
Lester Pollack Colloquium Room

# PROGRAM

## MONDAY, MARCH 2

**10:00–10:15 a.m.**  
Welcome Remarks  
**Franco Ferrari**

**10:15–11:00 a.m.**  
Introduction to the  
New York Convention  
as an Instrument of  
International Law  
**August Reinisch**

**11:00–11:45 a.m.**  
Interpretation of the  
New York Convention  
**Filip De Ly**

**12:00–12:45 p.m.**  
The Notion of  
“Arbitral Award”  
**Burkhard Hess**

**12:45–1:30 p.m.**  
Validity Issues  
**Lord Lawrence Collins**

**3:00–3:45 p.m.**  
Matters “Capable of  
Settlement by Arbitration”  
**Alan Rau**

**3:45–4:30 p.m.**  
Incapacity  
**Francesca Ragno**

**4:45–5:30 p.m.**  
The Procedure and  
Composition of the  
Arbitral Tribunal  
**Friedrich Rosenfeld**

## TUESDAY, MARCH 3

**10:00–10:45 a.m.**  
Scope  
**Dennis Solomon**

**10:45–11:30 a.m.**  
Public Policy  
**Andrea Bonomi**

**11:45 a.m.–12:30 p.m.**  
The Procedure  
for Enforcing an  
Arbitral Award  
**George A. Bermann**

**12:30–1:15 p.m.**  
The Formal  
Requirements for  
Enforcing an  
Arbitral Award  
**Fabrizio Marongiu  
Buonaiuti**

## THE NEW YORK CONVENTION OF 1958

owes much of its success to being an international convention setting forth uniform rules. Its uniform enforcement regime not only lowers the parties' transaction costs of identifying under which circumstances an award will be recognized and enforced across jurisdictions; it also ensures that States cannot justify the failure to comply with their obligations under the New York Convention by reference to domestic law. Still, the courts of different contracting States apply the Convention differently. Oftentimes, this is due to the erroneous understanding of concepts employed by the drafters of the Convention. The papers presented at the conference examine whether given concepts must be interpreted autonomously rather than in light of domestic law, and, where this is the case, attempt to define these autonomous concepts. The papers will also examine which domestic law(s) apply, to the extent that recourse to domestic law(s) is required.

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