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Accomplishments: ITA Academic Council Members

• **Prof. Katia Fach Gómez, University of Zaragoza**, member ITA Academic Council, has published: Katia Fach Gómez, [The Technological Competence of Arbitrators. A Comparative and International Legal Study](#), (Springer, 2023): Arbitration is facing revolutionary changes due to new technologies' irruption into the entire arbitration proceeding. Wide-ranging technical-legal concepts such as e-discovery, e-hearing, cyber-security protocol, e-deliberations, algorithmic decision-making and digital signing have become part of life. Technology's impact on arbitration is unlikely to decrease after the COVID crisis; on the contrary, how the arbitration community positions itself vis-à-vis technology will be a key factor in determining arbitration's future. Faced with this challenging scenario, the book discusses a novel legal topic: arbitrators' relationship with this increasingly ubiquitous, rapidly-changing technology. This innovative book applies journalism's "5 W questions" to the underexplored issue of arbitrators' digital competence. It reaches a workable definition of what digital competence in the current arbitration context is, also providing answers to the essential question of why arbitrators' digital competence is relevant from legal and financial points of view. Attention then shifts to who, with

reflections on arbitrators working in a highly technological context and clarification of their relationship with other legal and non-legal actors. The book equally offers an in-depth comparative study of the question of where arbitrators' technological competence is regulated, with critical analysis of soft and hard law provisions that may impose a digital competence duty. Finally, the book specifies when arbitrators need to be digitally competent and develops legal proposals regarding key procedural stages (initial conference, hearings) and legal topics (cybersecurity, data protection).

• **Assoc. Prof. Dr. Crina Baltag, Stockholm University**, co-chair of the ITA Academic Council, has published: [Articles 27 and 28 of the Energy Charter Treaty: Commentary](#), in Rafael Leal-Arcas (ed.), [Commentary on the Energy Charter Treaty](#) (2nd edition, Edward Elgar, 2023): This is a thoroughly revised edition of the *Commentary on the Energy Charter Treaty*, presenting a comprehensive overview of the latest trends surrounding this important international agreement. Providing a unique, article-by-article, textual analysis, updated chapters cover the full breadth of topics and developments of the Energy Charter

Accomplishments: ITA Academic Council Members

Treaty (ECT), situated in the broader context of international economic law and governance. This edition also offers detailed coverage of the modernization process of the ECT, and carefully analyses important criticisms of the instrument.

• **Assoc. Prof. Joshua Karton, Queens University Faculty of Law, Canada**, vice-chair ITA Academic Council, **Assoc. Prof. Dr. Crina Baltag, Stockholm University**, vice-chair ITA Academic Council, **Prof. Petra Butler, Faculty of Law, Victoria University of Wellington, New Zealand**, member ITA Academic Council, **Prof. Mohamed S. Abdel Wahab, Cairo University, Egypt**, member ITA Academic Council, **Prof. Won Kidane, Villanova University, Pennsylvania, US**, member ITA Academic Council, will speak at the International Council for Commercial Arbitration (ICCA) Hong Kong 2024 Conference: the theme of the Conference is *International Arbitration: A Human Endeavour*, and will take place in Hong Kong on 5 – 8 May 2024; the snapshot program is available at <https://icca2024.hk/assets/frontend/>

[common/documents/programme_snapshot.pdf](https://icca2024.hk/common/documents/programme_snapshot.pdf) and registrations are open at <https://icca2024.hk/registration>

ITA Academic Council Winter Meeting and Works-in-Progress Workshop

In conjunction with the [12th ITA-IEL-ICC Joint Conference on International Energy Arbitration - Houston](#), the ITA Academic Winter Meeting and Works-in-Progress Workshop will take place in person, in Houston, and online, on 20 January 2024.

ITA Academic Council members may present a draft paper at the Work-in-Progress Workshop, to which two discussants are assigned. A “lighting round” is dedicated to works in progress or just germ of idea.

For further information, please contact Assoc. Prof. Joshua Karton, co-chair ITA Academic Council: joshua.karton@queensu.ca



21st ITA-ASIL Conference, April 3, 2024, Washington D.C.

Dean Susan Karamanian, Hamad Bin Khalifa University, College of Law, Doha, QATAR, and Prof. Jason Yackee, Professor of Law, University of Wisconsin Law School USA, members of the ITA Academic Council, will co-chair the [21st ITA-ASIL Conference](#), on April 3, 2024, in Washington D.C. The Conference discussions will focus on *Courts, Arbitral Tribunals, and the Challenge of Building a Constructive Relationship*. The Conference takes place in conjunction with the [American Society of International Law Annual Meeting](#).

21st ITA-ASIL Conference

April 3, 2024

WASHINGTON, D.C.

Save the Date!

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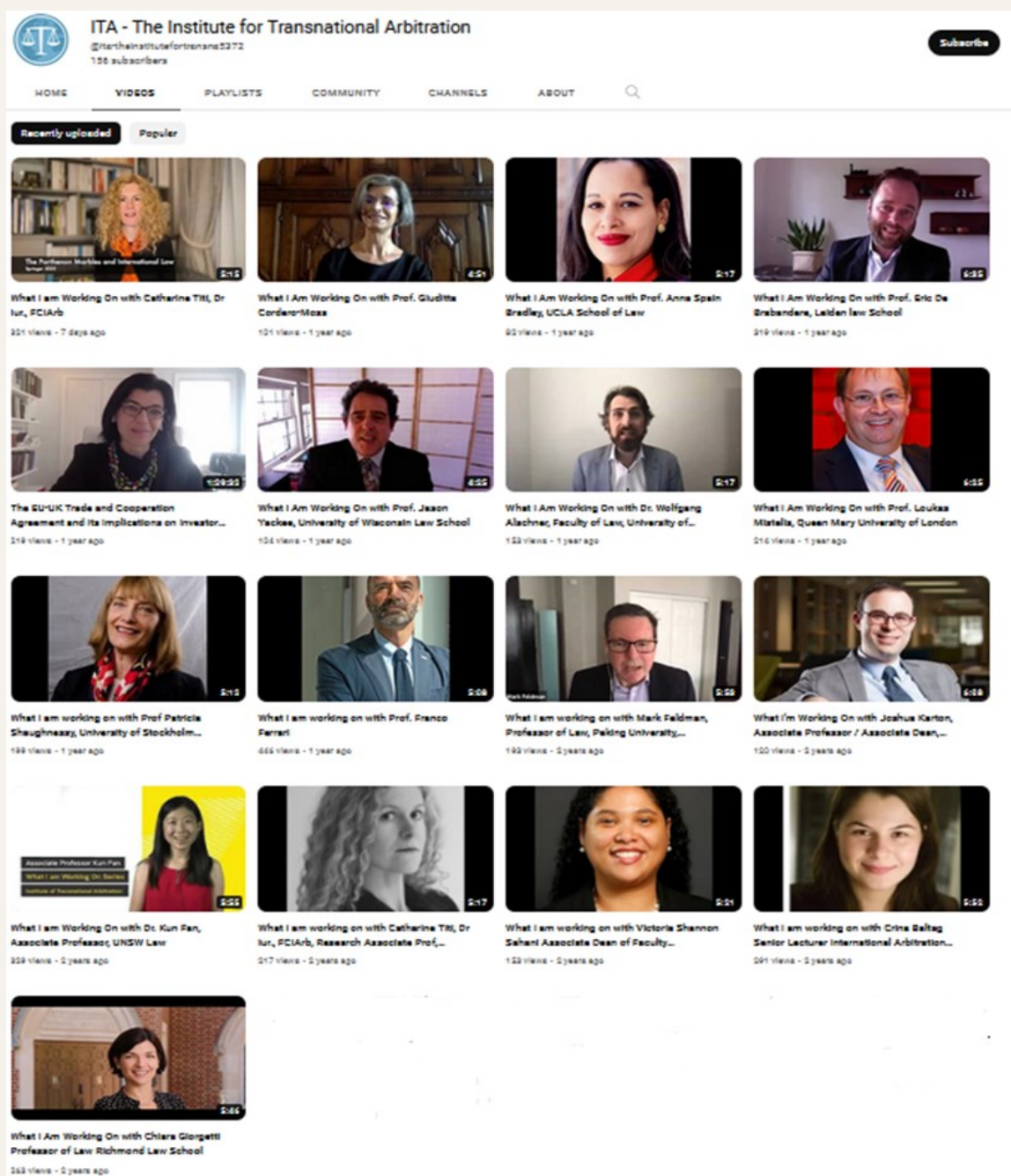
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ITA Academic Council Initiatives

ACADEMIC COUNCIL: What I am Working On

Contribute with your latest research updates!



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ACADEMIC COUNCIL: Kluwer Arbitration Blog

Contribute with your recent research and publications, or conference engagements!

The \$11 Billion Dollar Question in The Federal Republic of Nigeria v. Process & Industrial Development: A Cultural Analysis

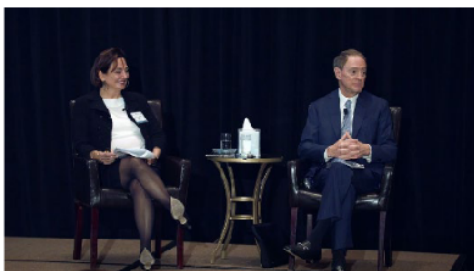
Won Kidane (Villanova University) / November 15, 2023 / 2 Comments
Institute for Transnational Arbitration (ITA)

“You want to tell us you don’t want to sow, you want to reap” asked the Nigerian appointed arbitrator, Chief Bayo OJO, during oral argument in the arbitration proceedings, to which Nigerian counsel, Chief Ayorinde, responded: *“You cannot reap where you do not sow. That is a very Nigerian saying.”* (*Nigeria v. Process & Industrial Development*, para. 360). The Chair of the Tribunal, Lord Hoffmann, then intervened with his own cultural reference and said: *“There is a passage in I think it is Shakespeare’s Henry VI where one of the rebels says: ‘Isn’t it terrible that people should be able to get into such trouble just by signing a document? Let’s kill all the lawyers.’”* (*Nigeria v. Process & Industrial Development*, para. 360). Perhaps, underneath all the arbitral extravagance and incalculable network of disturbing corruption lurks a least appreciated cultural milieu worth \$11 billion dollars.

<https://arbitrationblog.kluwerarbitration.com/2023/11/15/the-11-billion-dollar-question-in-the-federal-republic-of-nigeria-v-process-industrial-development-a-cultural-analysis/>

ITA Academic Council Initiatives

ACADEMIC COUNCIL— The ITA Academic Council Oral History Project: Perspectives on International Arbitration



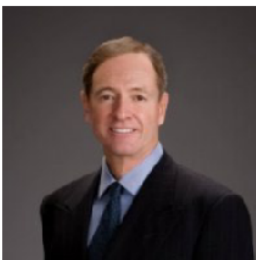
A Conversation with Alan Crain

Independent Arbitrator, Former Senior Vice President,
Chief Legal and Governance Officer
of Baker Hughes, Houston

With

Professor Catherine A. Rogers, Vice Chair, Academic
Council, Università Bocconi (Milan)

(51 minutes)



ALAN R. CRAIN, JR. is an independent arbitrator, having served in more than 100 arbitrations under a variety of rules. He is a member of the Executive Committee of the Institute for Transnational Arbitration and has served on its Advisory Board for over 20 years. Mr. Crain was an adjunct professor of international law at the University of Houston for 10 years and lectured for nine years at Stanford University Law School. He has also taught on multiple occasions at Duke University, the University of Texas, and the Fletcher School at Tufts University. He is currently an adjunct professor at the Graduate School of Business at Rice University. He has served on the boards of directors of numerous companies, including multi-billion dollar publicly listed entities, private companies, and start-ups. Mr. Crain began his career with a law firm in Washington, D.C. He has been General Counsel of three Fortune 500 multinationals in the fields of energy, technology, and manufacturing. He has had global responsibility for legal affairs, government relations, crisis

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Submit your updates to:

crinabaltag@gmail.com and

crina.baltag@juridicum.su.se

ITA Academic Council

All the best wishes for the winter celebrations, and a New Year with health, joy and achievements!

