



INTERNATIONAL COUNCIL FOR COMMERCIAL ARBITRATION

ICCA MADRID 2026 PRELIMINARY PROGRAMME

ICCA PROGRAMME COMMITTEE

Co-Chairs:

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Prof. Vladimir Pavić
Tom Sikora

Committee:

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Prof. Stavros Brekoulakis
Charles H. Brower II
Heidi López Castro
Eva Chan
Valeria Galíndez
Dr. Levent Herberstein
Prof. Dr. Ursula Kriebaum
Dr. Abayomi Okubote, FCI Arb
Dr. Georgios Petrochilos KC
Ana Stanič

Sunday, 12 April 2026

Opening Event

Registration

27th ICCA Congress Opening Ceremony

Opening Cocktail Reception

DAY 1 – Monday, 13 April 2026

Morning – Session 1

Panel 1

Welcome Remarks

Programme Overview

Keynote Address

Coffee Break

Morning – Session 2

Panel 2

Arbitration as a Stabilizing Force in Today's Geopolitical Landscape

International commercial arbitration has played a central role in facilitating international trade and fostering global cooperation. History demonstrates that arbitration can serve as a neutral and trustworthy platform for advancing cooperation, stability and even peace-making.

Long before modern treaties and arbitral institutions, communities and states—relied on neutral third parties, respected elders, merchant guilds, tribal councils, and inter-polity agreements to resolve cross-border disputes and manage trade conflicts or property claims without resorting to war. The modern foundations of international commercial arbitration were laid after the Second World War when a number of key instruments were negotiated and agreed upon, even amidst ideological, economic, and military competition among state actors.

This panel will examine the lessons learned from arbitration's historical development, its role in advancing use of universal instruments and the rule of law in challenging geopolitical environments. The discussion will assess the impact of current challenges, such as sanctions and enforcement obstacles, while also examining the ways in which arbitration can support commercial practitioners in navigating external pressures. The panel will further consider the challenges to arbitration's effectiveness in addressing disputes of a primarily political nature, including sovereignty conflicts and the consequences of armed conflicts, while reflecting on its enduring role as a facilitator of global cooperation and peace-making.

Lunch

Afternoon – Session 1

**Panel 3: Local Ripples, Global Consequences:
How Sanctions Affect Arbitration Proceedings**

Sanctions have long influenced conduct and outcomes of arbitration proceedings. Aside from sanction regimes that are part of the international law (under the auspices of the UN), there has been a proliferation of unilateral restrictive measures. The sheer number of such unilateral measures and their escalatory use has created a qualitatively different setting for dispute resolution.

This panel will explore key issues raised by proliferation of sanctions regimes: their impact on the procedural conduct of the arbitration proceedings, ethical concerns surrounding fairness, impartiality and due process in sanctioning and sanctioned jurisdictions, the use and abuse of anti-suit and anti-arbitration injunctions, and the extent to which lessons from today might be applicable if trade wars escalate in the future.

Panel 4: Right to Regulate – ESG & Climate Change

This panel will explore the delicate balance between states' sovereign right to regulate, as understood in both domestic legal systems and international law, in the context of growing global emphasis on environmental, social, and governance (ESG) principles, and the rights guaranteed to investors under the existing network of treaties, particularly in the context of climate change. As governments increasingly implement measures to protect the environment and address climate-related challenges—such as carbon reduction policies and renewable energy transitions—investor-state disputes and commercial arbitrations are emerging over the impact of these regulations on foreign investments and private business operations.

Panelists will examine the proposed modernization of treaty language on the “right to regulate,” the role of international investment treaties in supporting or constraining climate-oriented regulations, and the evolving role of arbitration—both ISDS and commercial arbitration—in advancing global and regional climate goals.

Coffee Break

Afternoon – Session 2

**Panel 5: Resolving Disputes Beyond Earth:
Arbitration in the Age of Space Commerce**

Space used to be a domain exclusively reserved for states as commercial operations were unfeasible. This is no longer the case, and the commercial space industry is growing exponentially. Aside from sizeable business risks of a nascent industry relying on complex technologies and challenging logistics, this new technological and physical frontier revives the classical problems of outdated regulation or

**Panel 6: Global Standards, Local Rules:
Navigating Technical Disputes in International Arbitration**

This panel will explore the unique challenges posed by technical disputes in international arbitration, where global standards often intersect with local rules and practices. From construction disputes to those arising in industries such as energy, infrastructure, and technology, technical evidence plays a pivotal role in shaping outcomes. Panelists will examine the complexity of managing technical evidence,

under-regulation, compounding legal, commercial and technological risks. Some institutions, such as the PCA, have developed rules to resolve disputes involving space activities. There are plans to establish other specialized dispute resolution centers.

This panel examines the shortcomings of the existing framework of treaties and applicable regulatory frameworks, the PCA and other institutional rules in the making, and the way in which arbitration could be adapted to and promoted for resolution of such disputes.

the critical role of expert witnesses, and the interpretation of bespoke contractual provisions tailored to local needs, particularly in the context of international frameworks such as the *FIDIC Conditions of Contract*.

The discussion will address how arbitration practitioners reconcile the need for global standards while accommodating industry-specific requirements and local regulatory frameworks. Panelists will also consider whether international arbitration provides sufficient flexibility to adapt to the technical and jurisdictional nuances of disputes across diverse sectors. By focusing on the interplay between global and local elements, this panel aims to highlight strategies for balancing technical specificity with overarching principles of international arbitration.

DAY 2 – Tuesday, 14 April 2026**Morning – Session 1****Panel 7: The Interplay Between Local Practice and Developing Universal Soft Law**

This panel will explore the dynamic relationship between established local practices in arbitration and the emergence of universal soft law standards, with a focus on witness examination and document disclosure procedures. As arbitration continues to grow as a preferred dispute resolution mechanism across diverse jurisdictions, varying local customs often intersect—or conflict—with unifying soft law instruments such as the *IBA Rules on the Taking of Evidence in International Arbitration*. Panelists will examine how these soft law guidelines aim to harmonize practices while respecting local nuances, addressing challenges such as differing approaches to witness preparation and cross-examination, the scope and timing of document disclosure obligations, and the admissibility of evidence. Additionally, the panel will consider whether universal soft law frameworks can achieve broader acceptance without undermining the flexibility and cultural sensitivity that arbitration offers.

Coffee Break**Morning – Session 2**

Panel 8: Ethics and Soft Law: Are We Asking Too Much of Arbitrators and Counsel?

This panel will delve into the evolving role of soft law in addressing critical ethical questions within international arbitration. In the face of increasingly complex cross-border disputes, the discussion will examine key issues such as the intersection of multiple, and sometimes conflicting, applicable regimes on ethics within the same proceedings; the tension between objective and subjective standards of disclosure; and whether current practice strikes the right balance between transparency and confidentiality.

By including coverage of counsel ethics, the panel will provide a comprehensive view of how ethical standards impact the conduct of both arbitrators and counsel, enhancing fairness and integrity across different legal and cultural traditions.

The session will spotlight the *ICCA Reports No. 9: Guidelines on Standards of Practice*, which provides valuable recommendations for managing ethical challenges in international arbitration. The Congress will feature the launch of the Spanish edition of these Guidelines, reinforcing the importance of practical tools for navigating ethical questions across jurisdictions. By addressing these critical issues, this panel aims to contribute to the ongoing debate about how soft law can support fairness and integrity in international arbitration while preserving its flexibility.

Panel 9: Breaking Boundaries: The Evolving Role of Mediation and Conciliation

Conciliation and mediation have become integral tools in dispute resolution, offering earlier, more cost-effective resolution of disputes and increased satisfaction with the outcomes. In some legal markets and for some types of disputes, these processes are widely embraced - often initiated at the outset of legal proceedings, and frequently resulting in successful resolutions. However, in other markets, and in certain types of disputes, such as those between investors and states, conciliation and mediation remain less prevalent.

The limited use of conciliation and mediation in investment disputes can stem from several challenges. For instance, questions frequently arise over whether state representatives have the authority to negotiate and settle, particularly when regulatory concerns or public resources are involved. Uncertainty about the enforceability of conciliated or mediated settlements further discourages parties from choosing this path. These factors underscore the need for robust frameworks and legal instruments that facilitate conciliation and mediation and ensure their effectiveness, particularly in complex cross-border disputes.

This panel explores the regional and local nuances influencing the adoption and application of conciliation and mediation, examining how variations in legal frameworks and cultural contexts shape their use and effectiveness. The discussion will also highlight the role of the Singapore Convention on Mediation and its vital role in facilitating the enforceability of mediated settlement agreements, addressing a key barrier to the broader adoption of mediation in cross-border disputes.

Lunch

Afternoon – Session 1

Panel 10: Unpacking Privilege: Practical Solutions for an Unsettled Issue in International Arbitration

Privilege remains one of the most unsettled issues in international arbitration, which can lead to subtle but significant consequences for proceedings. As international arbitration increasingly involves arbitrators, parties and counsel from diverse legal traditions, the lack of uniformity in privilege rules poses challenges to procedural fairness. This panel will delve into the latest conversations and controversies around privilege in arbitration, examining key questions such as:

- How should the applicable privilege rules be determined in cross-border disputes?
- What procedures and standards can be employed to effectively resolve privilege claims?
- Could the development of uniform guidelines on privilege offer a viable solution, or would they raise additional concerns?

Drawing on recent reports, institutional guidance, and their own extensive experience, panelists will offer practical insights and strategies for managing privilege issues in international arbitration.

Panel 11: Knowledge and Innovation: Scholarship, AI, and the Future of International Arbitration

As international arbitration continues to evolve, its foundation of scholarship and knowledge faces transformative shifts driven by technological innovation. On the occasion of the 50th anniversary of the *ICCA Yearbook Commercial Arbitration*, the panel will reflect on the critical role that publications and academic discourse have played in shaping arbitration as a global field. From bridging local practices and global norms to fostering shared understanding, scholarly contributions have been pivotal to arbitration's development.

Building on this legacy, the panel will explore the intersection of artificial intelligence (AI) and arbitration—a paradigm shift that poses both opportunities and challenges for practitioners and scholars alike. AI is increasingly influencing case management, legal research, and even decision-making, raising questions about ethical considerations, procedural fairness, transparency, and confidentiality. Panelists will examine:

- The evolution of arbitration scholarship and its role in shaping practice and policy both within specific jurisdictions and in the international arena.
- How technological advancements like AI are reshaping the production, dissemination, and application of knowledge in arbitration across diverse local contexts while aligning with global standards.
- Whether existing legal and ethical frameworks adequately address the integration of AI, or if new soft law instruments are required to bridge differences between domestic regulations and international expectations.
- How arbitrators and counsel can responsibly adopt AI tools while safeguarding arbitration's core principles and ensuring relevance across jurisdictions with varying resources, cultures, and legal traditions.

Coffee Break

Afternoon – Session 2

Panel 12: The Promise of Diversity

This panel will examine the role of diversity and plurality in shaping the future of international arbitration, especially on decision-making and the proactive role institutions play in ensuring broader representation within the decision-making cohort. Panelists will explore how greater diversity—whether in terms of gender, ethnicity, geography, professional background, or other factors such as accessibility—might enhance the quality and legitimacy of arbitral decision-making by bringing varied perspectives to complex disputes. Drawing on the recently published first global empirical study focusing solely on ethnic diversity in international arbitration (conducted by the IBA), panelists will discuss the representation gap in a system that is designed to reflect a global user base of arbitration services with fairness and cultural sensitivity at its core as an important element in overall decision-making.

In this context, and in line with initiatives such as the *ICC Guide on Disability Inclusion in International Arbitration and ADR*, the discussion will also consider whether some of the usual metrics used in ensuring diversity, or compliance with procedural rules, such as nationality or domicile/habitual residence are still apt or are outdated, and whether a different set of metrics should be used.

Panel 13: From Paper to Purpose: Reviving Efficiency in Arbitration

Arbitration has traditionally been prized not only for placing decision-making in the hands of impartial experts, but also for its reputation as a more flexible, expeditious, and efficient alternative to court proceedings.

In the last few decades however, arbitration has increasingly come to resemble traditional court litigation with an expected set of procedures and an ever-increasing set of rules and soft law instruments guiding tribunal decision-making.

Submissions have grown ever more voluminous, with single briefs often running into hundreds, or even thousands, of pages. Redfern document requests are growing very numerous and extensive with thousands or tens of thousands of pages being requested and produced as a result. Likewise, evidentiary exhibits offered in support of a party's case can reach similarly overwhelming volumes. As a result, arbitrators are increasingly buried in procedure and paper.

This panel will examine whether it is possible to “unbury” the arbitrators by applying modern case management, drawing on tools such as the *ICCA Reports No. 2: ICCA Drafting Sourcebook for Logistical Matters in Procedural Orders*, and techniques such as narrowing the issues on a preliminary basis, imposing page limits on briefs, and adopting a stricter interpretation of the *IBA Rules on the Taking of Evidence*, Art. 3 standard of “materiality to the outcome of the case” for requesting a document, as well as adapting proven local or regional methods for improving procedural efficiency.

Congress Gala Dinner (separate ticket required)

Young ICCA Reception

DAY 3 – Wednesday, 15 April 2026

Morning – Session 1

Panel 14: Procedural Integrity and Legitimacy: Building Confidence Across Jurisdictions

This plenary will tackle one of the most pressing opportunities and challenges facing international arbitration today: strengthening its perceived legitimacy in certain jurisdictions. While arbitration is widely regarded as the gold standard for resolving cross-border disputes, skepticism persists in some regions due to concerns about procedural integrity, transparency, and fairness. These issues are particularly pronounced in investor-state dispute settlement (ISDS) but have also influenced perceptions of commercial arbitration, especially in cases involving state entities.

Panelists will explore the root causes of these perceptions, including issues such as the participation of sovereign entities in commercial arbitrations, court practice, cultural misalignment, lack of familiarity with arbitration processes, and criticisms about impartiality or bias.

The discussion will focus on actionable strategies to address and overcome these concerns, highlighting ways to build confidence through procedural transparency, fostering diversity in arbitrator appointments, enhancing public awareness of arbitration's benefits, and tailoring arbitral processes to better align with local legal traditions. By engaging with these critical issues, the panel aims to offer practical solutions for strengthening arbitration's legitimacy and ensuring its continued growth as a trusted dispute resolution mechanism in all jurisdictions.

Coffee Break

Morning – Session 2

Panel 15: Closing Session

Keynote

Closing remarks

Invitation to San Francisco: ICCA 2028 San Francisco Host Committee