

Second Istanbul International Arbitration Congress*SEVEN HILLS, SEVEN MUSEUMS, ARBITRATION CENTER ISTANBUL*

Istanbul. German Bar Association Turkey (DAV Turkey) hosted the Second Istanbul International Arbitration Congress on May 16, 2014 at Rahmi Koç Museum; the Congress, traditionalised by DAV Turkey, was organised this year under the slogan “Seven Hills, Seven Museums, Arbitration Centre Istanbul” with subject of “International Arbitration – Focus on Dispute Resolution in M&A Transactions”.



Prof. Dr. Wegen , RAin. Av. İlhan , Av. Çağa Değerli, Prof. Dr. Kreindler

Honourable academicians and attorneys participated in the Congress from Turkey and abroad.

The event commenced with welcome speeches of RAin. Av. Handan İlhan –President of DAV Turkey- and Prof. Dr. Christian Duve –Board Member of DAV Germany. RAin. Av. Handan İlhan, has first offered her condolence due to the catastrophe occurred in Soma and pointed out that DAV Turkey would continue to show social sensitivity for development of Turkish legal order. Prof. Dr. Christian Duve expressed DAV Germany’s appreciation for active works of DAV Turkey local association and indicated that events DAV Turkey organised added value to DAV global vision.

Subsequent to welcome speeches, the event was held in two different sessions. The sessions were conducted interactively with audience’s active participations, while participants shared their practical observations based on their own experiences.

In the first session, dispute resolution in cross border transactions was discussed under the title “Arbitration vs. Litigation; M&A Pre Closing and Post Closing Issues; Mandatory Public Law in M&A Arbitration”. Speakers Prof. Dr. Gerhard Wegen, Prof. Dr. Richard Kreindler, Av. İdil Çağa Değerli and RAin. Av. Handan İlhan emphasised matters need to be considered in drafting arbitration clause for M&A contracts. Furthermore, arbitration was compared to litigation in respect of M&A disputes and advantageous points of arbitration, especially the length of proceedings, were remarked. Jurists discussed procedure strategies that can be pursued by attorneys on the basis of model arbitration cases, chair Prof. Dr. Gerhard Wegen built up.



Participants

In the second session, trends in Turkish and international post-M&A arbitration were discussed under the title “Methods Used to Calculate Damages; Mediation vs. Arbitration; Current Developments in Turkey”. In the session where speakers Prof. Dr. Christian Duve, RAin. Dr. Dorothee Ruckteschler, Prof. Dr. Ali Cem Budak and Prof. Dr. Christian Rumpf participated, first, Turkish mediation structure was explained in comparison with international practice. Participants emphasised that there were many attorneys who wanted to mediate in Turkey, however, there has not been any demand coming from clients yet in practice. Language to be used was pointed out with respect to validity of arbitration clauses in frame of the Code on Obligatory Turkish Usage in Economic Establishments numbered 805. During discussions on current arbitration trends, it was indicated that state courts regarded especially arbitrability issue more favorably and Turkey has eventually become a more arbitration friendly country.



RAin. Dr. Ruckteschler, Prof. Dr. Duve, Prof. Dr. Budak, Prof. Dr. Rumpf

At the end of the Congress, participants attended the cocktail held at Barbarossa Bar. They found opportunity to be closely acquainted and to have a great conversation with their colleagues till the late hours, accompanied by the magnificent Haliç view of Rahmi Koç Museum.



Network Cocktail at Barbarossa Bar

*RAin. Av. Handan İlhan-Chairman, Sanem Malatyahoğlu-Coordinator
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