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Key Takeaways from New York Arbitration Week 2026



November 2026

An unchanged treaty. A changing world. What does it take to get from an arbitration agreement to payment?

That question drove Linklaters' panel, "**An Unchanged Treaty in a Changing World: The New York Convention's Road Horizon**" hosted on November 17, 2026.

Mark Gordon, Global Chair of M&A and Managing Partner of the Americas at Linklaters, opened with the business imperative: cross-border commerce depends on confidence that agreements will be enforced and disputes resolved fairly, efficiently and predictably.

Hosted by Joe Profaizer, Linklaters' Global Co-Head of International Arbitration, and moderated by Gerard Meijer, Linklaters Partner, the discussion brought together Professor George A. Bermann of Columbia Law School, Jeffery Commission of Burford Capital, Caline Mouawad of Chaffetz Lindsey LLP and Eugene Silva of ExxonMobil.

Four takeaways stood out:

- **Court intervention cuts both ways**.

  Courts can protect the agreement to arbitrate or bring the arbitration to a halt. *LC Corp v. Poland* brought that tension into focus, raising difficult questions about judicial restraint, international comity and the limits of court intervention.

- **Legal relief carries commercial trade-offs**.

  UniCredit showed how an injunction awarded in one jurisdiction can create exposure elsewhere. For businesses and funders, pursuing relief must make commercial sense: claim value, asset location, and the costs, delays and risks of competing proceedings all matter.

- **Recovery depends on more than recognition**.

  In *DTEK v. Russian Federation*, Dutch attachments over Gazprom-linked assets preserved potential recovery pending proceedings seeking to equate the subsidiary with Russia for enforcement. Alongside *Soprim v. Djibouti and Cameroon v. CFS*, this highlighted three distinct hurdles: reachable assets,

entitlement to enforce, and execution immunity. An award is only part of the route to payment.

- **Plan the route to payment from the outset**.

  OperaFund, under the ICSID regime, highlighted the importance of award-purchase structures: participation arrangements can transfer economic benefits while preserving the original claimant's enforcement role. Engage enforcement counsel and asset tracers before the award, and assess competing creditors, costs, and deadlines early.

  The bottom line: build the recovery strategy as you build the case, not after you win it.

Joseph Profaizer
Partner, Global Co-Head of International Arbitration
Tel: +1 202 654 9222
joe.profaizer@linklaters.com

Mark Gordon
Global Chair of M&A and Managing Partner of the Americas
Tel: +1 212 903 9026
mark.gordon@linklaters.com

Gerard Meijer
Partner, Arbitration
Tel: +31 20 7996242
gerard.meijer@linklaters.com

Alejandro Martinez de Hoz
Head of Latin American Arbitration
Tel: +1 202 654 9298
alejandro.martinezdehoz@linklaters.com

Adam J. Weiss
Senior Counsel, Litigation, Arbitration & Investigations
Tel: +1 202 654 9250
adam.weiss@linklaters.com

For general enquiries please contact

Linklaters LLP
1290 Avenue of the Americas
New York, NY 10104

Tel: +1 212 903 9000
Fax: +1 212 903 9100

www.linklaters.com

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