

The Second Inter-Sessional Regional Meeting on Investor-State Dispute Settlement Reform



 **2**nd. | **INTER-SESSIONAL REGIONAL MEETING ON INVESTOR-STATE DISPUTE SETTLEMENT REFORM**

Santo Domingo | **13-14 FEBRUARY 2019**
DOMINICAN REPUBLIC

 **United Nations**
UNCITRAL

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Dirección de Administración
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Comerciales Internacionales

13-14 February 2019
Santo Domingo, Dominican Republic

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13 February 2019

08:30 REGISTRATION

09:00 OPENING CEREMONY

OPENING REMARKS

by H.E. Nelson Toca Simó, Ministro de Industria, Comercio y Mipymes, República Dominicana

WELCOME ADDRESSES

Welcome from the United Nations Family in the Dominican Republic, Lorenzo Jiménez de Luis, United Nations Resident Coordinator in the Dominican Republic

Welcome from the UNCITRAL Secretariat, Anna Joubin-Bret, Secretary, UNCITRAL

Welcome address, by Leidylin Contreras, Subdirectora de Comercio Exterior, Ministerio de Industria, Comercio y Mipymes, República Dominicana

09:45 **SESSION 1: HIGH LEVEL PANELS ON REGIONAL EXPERIENCES**

Panels in session 1, composed of high level representatives of Governments in Latin America and the Caribbean, will explore investment protection provisions and approaches to ISDS in the most recent investment treaties as well as recent developments and initiatives in the region.

09:45 –10:30

Panel 1: ISDS provisions in regional investment treaties

Moderator: Oscar Hernández, Consultor del Secretario Permanente del Sistema Económico Latinoamericano y del Caribe (SELA)

Speakers: The Hon. Delroy Chuck, Minister of Justice, Jamaica
Duayner Salas Chaverri, Viceministro de Comercio Exterior de Costa Rica
H.E. Nora Capello, Ambassador of Argentina to the Dominican Republic
H.E. Carlos Gianelli, Ambassador of Uruguay to the United States



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Panel 1: ISDS provisions in regional investment treaties (*continued*)

Cristian Espinosa Cañizares, Director de Asuntos Económicos y Relacionamento Institucional del Ministerio de Relaciones Exteriores Y Movilidad Humana, Ecuador

Cindy Rayo Zapata, Directora General Adjunta de la Consultoría Jurídica de Comercio Internacional, Secretaria de Economía, México

Tania Pierotic Mendía, Coordinadora Negociaciones de Inversiones, Dirección General de Relaciones Económicas Internacionales, Ministerio de Relaciones Exteriores de Chile

10:30-11.15

Panel 2: Recent developments and initiatives in the region

Moderator: Oscar Hernández, Consultor del Secretario Permanente del Sistema Económico Latinoamericano y del Caribe (SELA)

Speakers:

Ricardo Ampuero, Presidente de la Comisión Especial que representa a la República del Perú en Controversias Internacionales de Inversión, Perú

Luiz Cesar Gasser, Director, Financial Affairs and Services Ministry of Foreign Affairs, Brazil

Nicolás Palau Van Hissenhoven, Director de Inversión Extranjera y Servicios, Ministerio de Comercio, Industria y Turismo, Colombia

Representative of Bolivia (*invited*)

11:15 COFFEE BREAK

11.30 SESSION 2: ISSUES UNDER CONSIDERATION IN UNCITRAL

INTRODUCTORY REMARKS

by Shane Spelliscy, Chairman of UNCITRAL Working Group III, General Counsel and Director, Investment and Services Law, Global Affairs (Canada)



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**11:45 PANEL 1: CONSISTENCY, COHERENCE, PREDICTABILITY AND CORRECTNESS OF
ARBITRAL DECISIONS BY ISDS TRIBUNALS**

11:45 – 12:45

Current mechanisms and possible reform options to enhance consistency and correctness in arbitral decisions

Round-table discussion

Moderator: Yahaira Sosa, Viceministra de Comercio Exterior, Ministerio de Industria, Comercio y Mipymes, República Dominicana

Views from States:

Andrea Laura Mackielo, Secretario de Segunda Clase, Dirección General de Consejería Legal, Ministerio de Relaciones Exteriores y Culto, Argentina

Tania Pierotic Mendia, Coordinadora Negociaciones de Inversiones, Dirección General de Relaciones Económicas Internacionales, Ministerio de Relaciones Exteriores de Chile

Ana María Ordoñez Puentes, Directora Dirección de Defensa Jurídica Internacional, Agencia Nacional de Defensa Jurídica del Estado, Colombia

Views from other stakeholders:

Chantal Ononaiwu, Trade Policy & Legal Specialist, Office of Trade Negotiations, The Caribbean Community (CARICOM) Secretariat

Diego Gosis, GST LLP

Alvaro Galindo, Dechert LLP

Natalie Reid, Debevoise & Plimpton LLP

12:45 LUNCH BREAK

14:00 – 15:00

Panel 1 Current mechanisms and possible reform options to enhance consistency and correctness in arbitral decisions

Continuation of round-table discussion



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15:00 PANEL 2: ARBITRATORS AND DECISION-MAKERS

15:00 – 16:00

ISDS tribunal independence and impartiality, challenges and possible reform options

Round-table discussion

Moderator: Gaston Kenfack Douajni, Ministry of Justice, Cameroon

Views from States:

Stacy Martinez, Crown Counsel, International Legal Affairs, Attorney General's Ministry,
Belize

Shane Spelliscy, Chairman of UNCITRAL Working Group III, General Counsel and Director,
Investment and Services Law, Global Affairs, Canada

Carlos Alejandro Pérez Inclán, Especialista, Dirección Jurídica del Ministerio de Comercio
Exterior y la Inversión Extranjera), Cuba

Cindy Rayo Zapata, Directora General Adjunta de la Consultoría Jurídica de Comercio
Internacional, Secretaria de Economía, México

Views from other stakeholders:

Claudia Frutos-Peterson, Curtis, Mallet-Prevost, Colt & Mosle LLP

Catherine Rogers, Professor, Penn State Law

Eduardo Zuleta, Zuleta Abogados Asociados (invited)

16:00 COFFEE BREAK (15 mins.)

16:15 – 17:00

Panel 2, ISDS tribunals independence and impartiality, challenges and possible reform options

Continuation of round-table discussion

17.00 END OF DAY ONE

19:00 GALA DINNER - GARDEN TENT, HOTEL EMBAJADOR

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09:00 PANEL 3: COST AND DURATION OF ISDS CASES AND THIRD-PARTY FUNDING

09.00-10.30 Cost and duration of ISDS cases – challenges and possible reform options

Round-table discussion

Moderator: Jaemin Lee, Professor, Seoul National University School of Law, Republic of Korea

Views from States:

Claudia Saldago Levy, Directora nacional de asuntos internacionales, Procuraduría General del Estado de Ecuador

Ricardo de Urioste, Asesor Externo Especializado del Ministerio de Economía y Finanzas, Perú

Arianna Arce, Asesora de la Dirección de Inversión y Cooperación, Ministerio de Comercio Exterior de Costa Rica

Maria Verónica Duarte, Secretario de la Presidencia, Uruguay

Karin Kizer, Attorney Adviser, Department of State, United States

Views from other stakeholders:

Julian Bordaçahar, Legal Counsel, Permanent Court of Arbitration (PCA)

Patrick Pearsall, Jenner & Block

Mallory Silberman, Arnold & Porter Kaye Scholer LLP

Carlos Valderrama, Sidley Austin LLP

10:30 COFFEE BREAK (15 mins.)

10:45 SESSION 3: EXPLORING THE REFORM AGENDA – ONGOING REFORMS

10:45-11.30 Ongoing reform initiatives

Moderator: Leidylin Contreras, Subdirectora de Comercio Exterior, Ministerio de Industria, Comercio y Mipymes, República Dominicana

Speakers: Amendments to procedural rules used in ISDS: Gonzalo Flores, Secretary-General, International Centre for Settlement of Investment Disputes (ICSID)



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Systemic ISDS reform proposals: André von Walter, Deputy Head of Unit, Legal Affairs and Dispute Settlement, DG Trade, European Commission

Perspective from the region: Margie-Lys Jaime Ramírez, Vice-Chair, Committee XVII, International Arbitration Law InterAmerican Bar Association

11:30 SESSION 4: HIGH-LEVEL ROUND TABLE DISCUSSION: OBSERVATIONS ON THE ISSUES RAISED

High-level government officials responsible for investment policy and investment dispute settlement in the region

13:00 CLOSING SESSION AND CONCLUDING REMARKS

14:30 – 16:30 BRIEFING SESSION – Singapore Convention on Mediation

The Secretariat of UNCITRAL will hold a briefing session for all participants on the United Nations Convention on International Settlement Agreements Resulting from Mediation (Singapore Convention), and the Signing Ceremony to be held in Singapore in August 2019