



**The United Nations Commission on International Trade Law (UNCITRAL),
The Organisation for Economic Co-operation and Development (OECD),
The Madrid Court of Arbitration (MCA) and
The Ministry of Justice of Spain**

Fifth International Conference for a Euro-Mediterranean Community of International Arbitration

Including Investor – State Dispute Settlement Reform panels

**Madrid (Spain)
19 & 20 November 2018**



By bringing together experts in international arbitration and investment, the conference aims at promoting a Euro-Mediterranean community interested in arbitration as part of a broader agenda to foster investment and commerce for sustainable development.

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PROGRAMME

Joint Conference

UNCITRAL / OECD / MCA / SPANISH GOVERNMENT

The Madrid Court of Arbitration – Madrid (Spain)

19 & 20 November 2018

** For registration please proceed to this [link](#)

** For further practical information, please contact cortedearbitraje@camaramadrid.es (T. +34915383581 / 3906)

Madrid Court of Arbitration: Huertas 13 (28012 Madrid) www.arbitramadrid.com

19 NOVEMBER

Registration of participants (9:00 – 9:30)

Opening Ceremony (9:30 – 10:00)

Antonio Sánchez-Pedreño, President of the Madrid Court of Arbitration

David Gaukrodger, Senior Legal Adviser, Investment Division, OECD

Corinne Montineri, Legal Officer, UNCITRAL

Manuel Jesús Dolz Lago, Secretary of State for Justice, Ministry of Justice, Government of Spain

Morning Sessions (10:00 – 13:00)

I. Efficiency and quality in international commercial arbitration (10:00 – 11:15)

This session will explore further the ways and means to foster efficiency and quality in international commercial arbitration, notably the following points:

- *The future of expedited arbitration: reaching the right balance between efficient and expeditious resolution of disputes and compliance with due process requirements.*
- *The debate on institutional arbitration and the need for basic uniform principles for commercial arbitration rules.*
- *An overview of best practices and challenges lying ahead for commercial arbitration in the MENA region,*

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notably on execution of commercial arbitral awards.

The following speakers will be presenting on the topics. Time for debate will allow the audience to share its views and ask questions.

Moderator: Miguel Virgós, Partner, Uría Menéndez, Madrid

Speakers:

- Mohamed Abdel Wahab, Professor of Law, Founding Partner, Zulficar & Partners, Cairo
- Stefano Azzali, Secretary-General, Chamber of Arbitration of Milan and Director of Ispramed
- Corinne Montineri, Legal Officer, UNCITRAL
- Shaparak Saleh, Partner, Teynier Pic, Paris

II.A. Alternatives to adjudication in commercial and investment dispute settlement (11:45 – 13:00)

This roundtable will allow participants to share views and updates on the development and the strengthening of the offer for alternatives to adjudication. This will be the occasion to present the UNCITRAL tools on mediation and other alternative dispute settlement mechanisms offered by arbitration centres or included in the international investment treaties. Case study: Initiatives to develop and strengthen mediation in MENA.

Moderator: Mercedes Tarrazón, Partner, Dispute Management, Barcelona (Spain)

Speakers:

- Fatma Khalifa, Egyptian State Law Suit Authority, Egypt
- Ana Mercedes López Rodríguez, Associate Professor of Private International Law, Loyola University Andalusia, Cordoba
- Benjamin Herisset, Legal Officer, UNCITRAL

II.B. Multiple proceedings in investment arbitration: Causes, consequences and remedies (11:45 – 13:00)

This roundtable will assess the causes and consequences of multiple proceedings in international investment arbitration and how they could be addressed: issues to be discussed will include the impact of the unique rules on reflective loss applied in investor-State dispute settlement (ISDS), double recoveries, legal certainty and risks of inconsistency.

Moderator: David Gaukrodger, Senior Legal Adviser, Investment Division, OECD

Speakers:

- Samaa A. Haridi, Partner, Hogan Lovells, New York
- Christian Leathley, Partner, Herbert Smith Freehills, New York
- Shane Spelliscy, Director and General Counsel, Trade Law Bureau, Canada

Business Lunch

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URÍA MENÉNDEZ



Afternoon sessions (14:30 – 18:00)

III.A. Ethics in international investment arbitration (14:30 – 15:30)

This session will assess the current ethical framework for arbitrators and analyse current draft proposals of regulation on ethics for arbitrators and arbitral tribunals.

The session will include the perspective towards a harmonized framework on ethics in light of regional initiatives in the EU and in the MENA region.

The following speakers will be presenting on the topics. Time for debate will allow the audience to share its views and ask questions.

Moderator: Shane Spelliscy, Director and General Counsel, Trade Law Bureau, Canada

Speakers:

- Joe Tirado, Partner, Garrigues, London
- Hassiba Benseffa, Treasury Judiciary Agency Director, Government of Algeria
- Annette Magnusson, Secretary General, Stockholm Chamber of Commerce, Stockholm

III.B. Third Party Funding (14:30 – 15:30)

This session will bring to light the practice of third party funding and its impact on arbitration.

The following speakers will be presenting on the topics. Time for debate will allow the audience to share its views and ask questions.

Moderator: José Manuel Gutiérrez Delgado, Director of the Investment Arbitration Department, Government of Spain

Speakers:

- Melida Hodgson, Partner, Foley Hoag, New York
- Duarte G. Henriques, Partner, BCH Law Firm, Lisbon
- Alejandro López Ortiz, Partner, Mayer Brown, Paris
- Tim Mayer, Senior Investment Officer, Therium, London

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Corte Española de Arbitraje

IV. ISDS – Current issues and potential for reforms (16:00 – 18:00)

Roundtable on the current work of UNCITRAL Working Group III and ongoing work on ISDS and ISDS reform in governments, international organisations and beyond - roundtable including the expectations and contributions of MENA countries.

Moderator: Corinne Montineri, Legal Officer, UNCITRAL

Speakers:

- Jose Luis Gómara, State Attorney, Spanish Treasury
- Annette Magnusson, Secretary General, Stockholm Chamber of Commerce, Stockholm
- Affef Ben Mansour, International Arbitration Lawyer, Paris; Lecturer, Paris Nanterre University and Paris University 13
- David Gaukrodger, Senior Legal Adviser, Investment Division, OECD
- Eduardo Silva Romero, Partner, Dechert LLP, Paris
- Bernardo Cremades, Partner, Cremades y Asociados, Madrid
- Gonzalo Flores, ICSID, World Bank
- Shane Spelliscy, Director and General Counsel, Trade Law Bureau, Canada

20 NOVEMBER

I.A. Closed session for States and intergovernmental organizations hosted by the Ministry of Justice of Spain (10:00 – 14:00)

Closed and informal roundtables for Government officials and intergovernmental organizations hosted by the Ministry of Justice of Spain.

This session will be the occasion for Governments to share their experiences and concerns regarding ISDS.

Moderators:

- Corinne Montineri, Legal Officer, UNCITRAL
- David Gaukrodger, Senior Legal Adviser, Investment Division, OECD

1. Arbitrators and decision-makers in ISDS (2 hours)

Government officials will discuss the issues related to the arbitrators and decision-makers in ISDS including appointment mechanisms.

To provide background, UNCITRAL will share the outcome of its current work on ISDS reform,

I.B. Investment Arbitration, Quo Vadis? Update-Review of landmark cases in 2017-2018 hosted by the Madrid Court of Arbitration (10:00 – 12:30)

Moderator: María Isabel Rodríguez Vargas, Senior Associate, Cuatrecasas

Speakers:

- Deva Villanúa, Partner, Armesto Asociados
- Noradèle Radjai, Partner, Lalive
- Suzanne Spears, Partner, Allen & Overy
- Daniel Dózsa, Senior Associate, Dechert LLP, London
- Laurie Achtouk-Spivak, Counsel, Cleary Gottlieb, Paris
- Marie Talasova, Associate, White & Case LLP

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the OECD will present its on-going analysis of appointment mechanisms and compensation, and ICSID will present recent proposed arbitration rule changes relating to arbitrators.

2. Respondent States in ISDS (2 hours)

The roundtable will allow Governments to share practice and experience in facing ISDS claims. Among the topics to be discussed are the advantages and disadvantages of outside counsel as compared to in-house counsel, and defence strategy.

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