GAR LIVE
BITs

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GAR Live: BITs 2022

DATE
8 Jun 2022

LOCATION
CMS, Cannon Place, 78 Cannon St, London

TICKETS
Free for in-house counsel

SPEAKERS
7th Edition

AGENDA

Here's what's scheduled for the event.
🕐 Viewing in BST **Adjust**

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8 June 2022

Welcome coffee and registration

09:00-09:30 BST

❯ Chairs' opening remarks

09:30-09:40 BST

Keynote address

Taxation in investor state arbitration: a new frontier?

The past few years have seen significant growth in disputes concerning changes to host state tax regimes. Meanwhile, global and local tax reform initiatives are gaining traction. In this session, our panel of leading names will consider the unique issues raised when investment law intersects with a fundamental sovereign right – the right to tax.

 Our panel is expected to discuss

- Where do things stand with tax reform initiatives, and what can investors expect?
- How do investor-state tax disputes thus far inform what is to come?
- What can investors and states alike do to safeguard their interests under the prevailing investment protection regime?

Moderator:
Patricia Nacimiento, *partner, head of the German dispute resolution practice, Herbert Smith Freehills*

Panel:
Philip Baker QC, *barrister, Field Court Tax Chambers*
Olga Boltenko, *partner, Fangda Partners*
Danielle Morris, *partner, WilmerHale*

Coffee break

ISDS reform – how tribunals are interpreting "next-gen" treaties

States have endeavoured to remove some of the elements of ISDS they find objectionable at the source – in the treaties. But how successful have they been? How have tribunals reacted when confronted with treaties containing language more deferential to States? Are States satisfied with the results? Or are we seeing a pneumatic process – whereby the endeavour to push in at one point in the system causes a bulge somewhere else?

Our panel members are also expected to discuss:

- Which examples of new treaty language have had the most impact so far?
- Are there any obvious successes or failures?
- What is to come in terms of the interpretation and application of already-reformed treaties, and the negotiation of new ones?

Moderator:
Claudia Annacker, *partner, Dechert*

Panel:
Freya Baetens, *professor of Public International Law, University of Oxford, member of the Brussels bar*
Iain McKenny, *director, co-founder, Profile Investment*
Sylvie Tabet, *general counsel, Trade Law Bureau*
Elizabeth Prado López, *counsel, Colombia's National Agency for Legal Defence of the State*

Networking lunch

13:10-14:10 BST

⌄**ISDS and criminal proceedings - is the system open to abuse?**

14:10-15:25 BST

Are individuals who face criminal proceedings in a host State starting to view investment arbitration as part of their defence – a form of protection, leverage or even a shield? Our panel will look at a number of recent ISDS cases where tribunals were called upon to engage with local criminal proceedings and discuss the thorny questions raised.

Questions the panel are expected to discuss include:

- Beyond frequently litigated questions of corruption, in what ways do ISDS and criminal proceedings intersect
- What are the outer limits of a tribunal's powers in this context?
- Will these cases fuel further criticism of ISDS, and how should the world of ISDS respond?

Moderator:
Christopher Moore, *partner, Cleary Gottlieb Steen & Hamilton*

Panel:
Siddharth Dhar, *barrister, Essex Court Chambers*
Lise Johnson, *counsel, Curtis, Mallet-Prevost, Colt & Mosle*
Sophie Lamb QC, *partner, Latham & Watkins*
Noradèle Radjai, *partner, LALIVE*

Coffee break

15:25-15:55 BST

> **The GAR Live Debate**

15:55-17:10 BST

> **Chairs' closing remarks**

17:10-17:20 BST

Drinks reception kindly hosted by Dechert

17:20-18:20 BST

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Already registered?