



Schedule

8:30 – 9:00 **Registration** Coffee and Tea upon Arrival

9:00 – 9:15 **Opening Remarks by Conference Co-Chairs**

Ian A. Laird, Todd Weiler, Borzu Sabahi and Frédéric Sourgens

9:15-10:45 **Session 1 - Procedural Devices for Early Resolution - Success or Failure?**

Moderator: Marco Schnabl

Authors: Heather Bray, Devin Bray

Panel: John Crook, Natalí Sequeira, Alexander de Gramont, Claudia Frutos-Peterso, Mark Clodfelter

This panel addresses the CAFTA rules regarding early resolution of investment claims. It will draw on the lessons from the analogous ICSID Arbitration Rule 41(5). One author will argue that early case resolution is a good idea -- and should potentially be expanded to include early determinations in favor of the claimant. The other author will argue that early case resolution has been a disaster because key factual issues could not be developed in the cases which granted it.

10:45-11:00 **Coffee/ Tea Break**

11:00-12:30 **Session 2 - Should there be an Americas Investment Court?**

Moderator: Professor Bělohlávek

Authors: Ashley Riveira, Hugh Carlson

Panel: Mark H. O'Donoghue, David Gantz, Marinn Carlson, Judge Charles N. Brower

There have been various efforts over the past fifty years to create a multilateral agreement of investment obligations, with one of the advantages being a single, international court for the resolution of investment claims. One of the positive results of these efforts has been the creation of ICSID. A major benefit of a single court would be the ability to appoint a top level group of arbitrators who are viewed as being independent from either investors or states. Our authors and panel will engage in a discussion about the problems with the current approach to arbitrator appointment and whether a more court focused model, based in the Americas, could provide a greater level of legitimacy to investor-state arbitration in the region.

12:30-13:45 **Lunch**

Speaker: Hugo Perezcano

13:45-15:15 **Session 3 - Has Authoritative Interpretation Perverted the Treatment Standard in NAFTA?**

Moderator: Joseph Profaizer

Author: Philippe Charest-Beaudry, José Antonio Rivas

Panel: Andrea Bjorklund, Christopher Ryan, Judge Stephen Schwebel, Prof. Don Wallace, Jr.

This panel addresses the effect of authoritative interpretation by the treaty parties on the treatment standard in NAFTA. The discussion will include both the result of the interpretation reached by the NAFTA Free Trade Commission and the broader importance of authoritative interpretation in the context of investor-state arbitration. One author will support that authoritative interpretation in the NAFTA context was a success and a model to be followed in other cases. The other author will argue that the NAFTA approach was a failure and evidences that any authoritative interpretation approach in investment protection treaties must fail because of the inherent bias of the treaty parties.

15:15- 15:30 **Coffee/ Tea Break**

15:30- 17:00 **Session 4 - Investment, Trade, Health & Environment. Are NAFTA and CAFTA More Than Trade Agreements?**

Moderator: Matthew Slater

Authors: Justin Jacinto, Matthew Hodgson

Panel: Andrea Menaker, Anthea Roberts, Alvaro Galindo, Mark Kantor, Andrew D. Mitchell

This panel will discuss the relationship between health and environmental regulations on the one hand and investment law on the other. Key among the topics of discussion will be the recent Philip Morris arbitrations, but the focus will further broaden to other notable environmental decisions reached by NAFTA tribunals.

17:00- 18:00 **Cocktail Reception**