

**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**

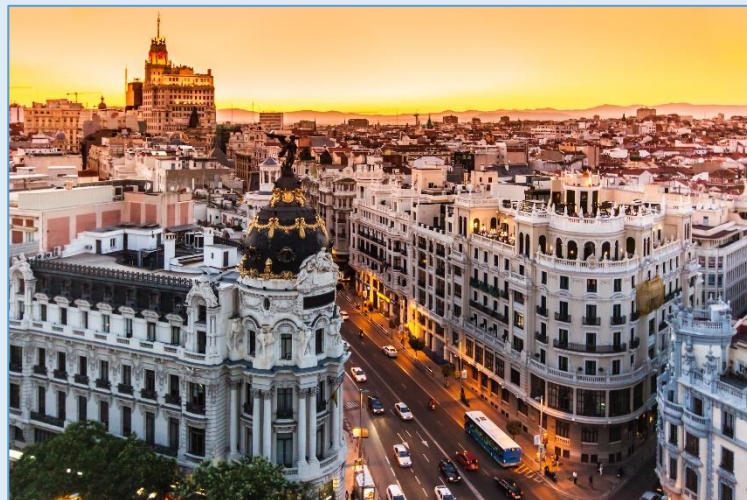


Fifth International Conference for a Euro-Mediterranean Community of International Arbitration

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 sustainable Euro-Mediterranean arbitration community as part of a broader agenda for securing investments.

DRAFT PROGRAMME

Joint Conference

UNCITRAL / OECD / MCA / GOVERNMENT of SPAIN

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)

Representative of the Government of Spain

President of the Madrid Court of Arbitration

Ana Novik, Head, Investment Division, OECD

Anna Joubin-Bret, Director, International Trade Law Division and Secretary of UNCITRAL

Morning Sessions (10:00 – 13:00)

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

This session will be the occasion to 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 speedy 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 the good practices and challenges lying ahead for arbitration 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: Miguel Virgós, Partner, Uría Menéndez, Madrid

Speakers:

- Mohamed Abdel Wahab, Professor of Law and Founding Partner, Zulficar & Partners, Cairo
- Stefano Azzali, Secretary-General, Chamber of Arbitration of Milan and Director of Ispramed
- Azzedine Kettani, Partner, Kettani Law Firm SCP, Casablanca

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

This roundtable will allow participants to share views

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

and updates on the development and the strengthening of the offer for alternatives to adjudication.

It 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:

- *Frauke Nitschke, Team Leader/Legal Counsel, ICSID, World Bank (to be confirmed)*
- *Ana Mercedes López Rodríguez, Associate professor of Private International Law, Loyola University Andalusia, Cordoba, “Alternatives to Investment Arbitration in Trade and Investment Treaties Recently Negotiated by the EU”*
- *Hassiba Benseffa, Treasury Judiciary Agency Director, Government of Algeria (to be confirmed)*

This roundtable will assess the causes and consequences of parallel proceedings in international investment arbitration as well as how they could be addressed: issues addressed will include reflective loss, double recoveries, legal certainty and risks of inconsistency.

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

Speakers:

- *Corinne Montineri, Legal Officer, UNCITRAL*
- *Mahmoud Elkhasky, Egyptian Law Suit Authority, Government of Egypt (to be confirmed)*
- *Felix Steffek, University Lecturer, University of Cambridge, Faculty of Law (to be confirmed)*
- *Christian Leathley, Partner, Herbert Smith Freehills, New York*
- *David Arias, Partner, Arias SLP, Madrid*

Business Lunch

Afternoon sessions (14:30 – 18:00)

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

This session will consist in an assessment of the current ethical framework for arbitrators and an analysis of current draft proposals of regulation of ethics for arbitrators and arbitral tribunals.

The discussions will then move to the perspective towards a harmonized framework on ethics in light of regional initiatives in the EU and in the MENA region.

An ICSID representative will explore the potential for an UNCITRAL – ICSID joint initiative.

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

Moderator: Ana Novik, Head, Investment Division, OECD

Speakers:

- *Joe Tirado, Partner, Garrigues,*

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

This session will bring to light this recent arbitration practice and the consequences attached to it.

A representative of the International Council for Commercial Arbitration (ICCA) will present the ICCA-Queen Mary Task force report on third party funding.

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

Moderator: Diego Santa Cruz Descartin, State Attorney, State Attorney Office, Government of Spain

Speakers:

- *Anna Joubin Bret, Director, International Trade Law Division,*

London

- *MENA country representative (to be announced shortly)*
- *Others speakers to be announced shortly*

Secretary of UNCITRAL

- Duarte G. Henriques, Partner, BCH Law Firm, Lisbon
- *Mathieu Raux, Adjoint au chef de bureau, Direction générale du trésor, Government of France (to be confirmed)*
- Alejandro López Ortiz, Partner, Mayer Brown, Paris

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

UNCITRAL's current mandate and existing and ongoing work on ISDS and ISDS reform in governments, international organisations and beyond - roundtable including the expectations and contributions of MENA countries.

Moderator: *Anna Joubin Bret, Director, International Trade Law Division, Secretary of UNCITRAL*

Speakers:

- Jose Luis Gómara, State Attorney, Spanish Treasury
- Annette Magnusson, Secretary General, Stockholm Chamber of Commerce, Stockholm
- *Mahmoud Elkhrahy, Senior Legal Officer, Egyptian Law Suit Authority, Cairo, Government of Egypt (to be confirmed)*
- David Gaukrodger, Senior Legal Adviser, Investment Division, OECD
- Eduardo Silva Romero, Partner, Dechert LLP, Paris
- Bernardo Cremades, Partner, Cremades y Asociados, Madrid

**Depending on number of participants and composition of the audience, Spanish and English translation may be provided.*

20 NOVEMBER

Closed session (10:00 – 16:00)

Closed and informal session for Government officials on ISDS, organization of defence, exchanges on the impact of recent judicial and institutional decisions on claims brought by EU investors against EU member States, parallel proceedings and other issues for which informal exchanges between government representatives is desired.

Moderators: *Anna Joubin-Bret, UNCITRAL Secretary, UNCITRAL and Ana Novik, Head, Investment Division, OECD*

List of participants to be confirmed