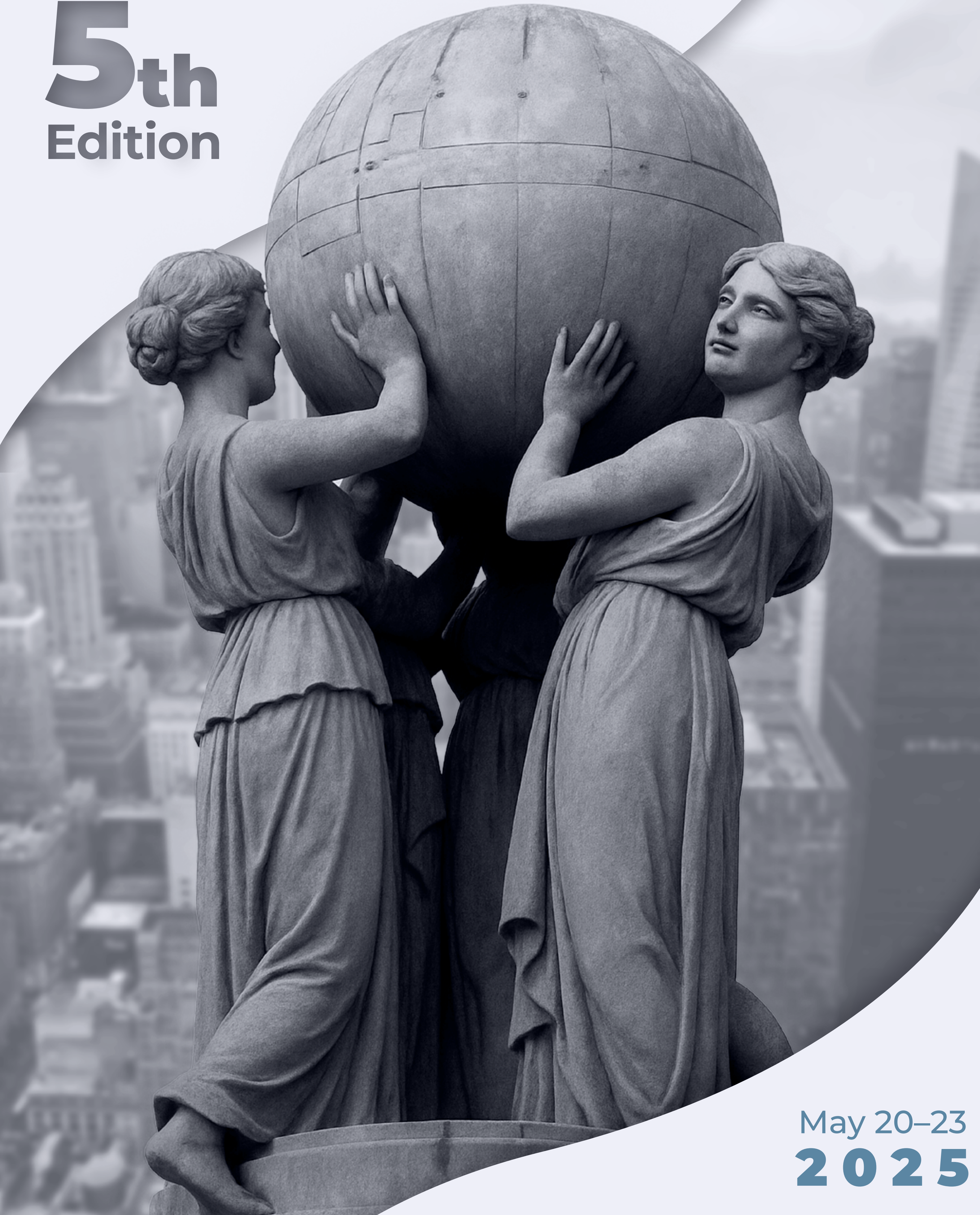
World Arbitration UPDATE

5th Edition



May 20–23

2025

Introduction to WAU

Decentralization and Update of International Arbitration

Rigorous and remarkable counsel, arbitrators and academics are living and practicing beyond the centers of international arbitration. There are large, medium, and boutique firms, as well as solo practitioners, actively advancing international arbitration and public international law in non-traditional venues in Africa, the Americas, Asia, Europe and Oceania.

The World Arbitration Update (WAU) will update the global community on key and novel topics of investment and international commercial arbitration, and public international law in a decentralized forum.

By the end of the 1990s, and even by the end of the 2000s, it may have been possible to keep up to date individually by directly digesting the few investment arbitration awards and main publicly disclosed international commercial arbitration awards. As 1,138 of the approximately 3,300 investment treaties in force have been invoked in investment arbitrations leading to 96 awards rendered between 2001 and 2010, and 225 awards rendered between 2011 and 2020. As the use of international commercial arbitration has reached new heights during the last two decades, WAU focuses on providing an international arbitration update focused on key investment and international commercial issues with global and regional impact.

The WAU panels will follow a dynamic format where a presenter will first provide an update of the issue that the panel will address, including relevant treaty and international customary norms, as well as case law. An open discussion by the panelists, including practitioners, counsel for investors, counsel for States, arbitrators, officials of international organizations and arbitration centers, and academics, will then follow. After each panel, there will be a networking space in breakout rooms for panelists and WAU attendees to meet and interact.

WAU connects different regions and the global community, and aims to decentralize and further expand international arbitration and public international law. At WAU, practitioners, States, private parties, arbitrators, international organizations, academics and students have the possibility to engage with each other and nourish the conversation on investment and international commercial arbitration, while being members of a forum that integrates the world through connectivity and precise updates.

On behalf of WAU, its circles of supporting firms, organizations, experts, panel speakers and moderators, we welcome the global community, newcomers, and experienced practitioners alike to the third edition of the World Arbitration Update.

José Antonio Rivas
Xtrategy LLP
Co-Chair of WAU

Ian A. Laird
Crowell & Moring LLP
Co-Chair of WAU

Circle of supporting organizations

BCDR AAA – Bahrain Chamber for Dispute Resolution
HKIAC
ACCOLDI
NCIA – Nairobi Centre for International Arbitration
ILI – International Law Institute – Educators, Advisors, Publishers
Georgetown Law
Jus Mundi
EAIAC – The East Africa International Arbitration Conference
I-Neutral – Dispute Resolution Made Easy
CAM-CCBC – Center for Arbitration and Mediation
Centro de Conciliación, Arbitraje y Amigable Composición – Un servicio Cámara de Comercio de Medellín para Antioquia
JAIAC – Jamaica International Arbitration Centre Ltd. – Dispute Management 20/20
COL VYAP
U.N.A.M. Facultad de Derecho
LATAM WWA – Women Way in Arbitration
Cámara de Comercio de Cali – Centro de Conciliación, Arbitraje y Amigable Composición
ICSID – International Centre for Settlement of Investment Disputes – World Bank Group
ArbitralWomen
Arbanza – Escuela de Arbitraje
Arbitration Place – An all-encompassing approach
#letsgetREAL! REAL – Racial Equality for Arbitration Lawyers
SIAC – Singapore International Arbitration Centre
NYIAC – New York International Arbitration Center
Georgetown International Arbitration Society
Equal Representation in Arbitration
AIADR – Asian Institute of Alternative Dispute Resolution – Delivering Excellence in ADR
TIAC – Tashkent International Arbitration Centre
Center for Arbitration and Conciliation – Bogotá Chamber of Commerce

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Xtrategy LLP
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EVENT PROGRAM

The Hague

Tuesday
20 May

CEST	Washington	
9:00 am 9:15 am		*Presentation of the Conference*
9:15 – 9:35 am		*Keynote Speech*
9:40 am 10:10 am	3:40 am 4:10 am	Conversation on the Influence of ICJ/PCIJ Judgments on Investor-State Arbitration.
10:15 am 11:45 am	4:15 am 5:45 am	Admissibility and Jurisdiction (including rationae materiae, ratione temporis, and other aspects)
12:00 pm – 1:30 pm		*Lunch Break*
1:30 pm 3:00 pm	7:30 am 9:00am	Substantive Obligations: Influence of ICJ/PCIJ Judgments on Investor-State Arbitration
3:00 pm – 3:15 pm		*Coffee Break*
3:15 pm 4:45 pm	9:15 am 10:45 am	Reparation, Compensation and Quantum.

México

Wednesday
21 May

CDMX	
9:00 - 10:00 am	*Registration*
10:00 - 10:15 am	*Presentation of the Conference*

México

Wednesday
21 May

CDMX	Washington	
10:15 am 11:30 am	12:15 pm 1:30 pm	Global Trends, the Energy Transition and Infrastructure in Investment and Commercial Arbitration.
11:45 am 1:00 pm	1:45 pm 3:00 pm	Is the Mexican Judicial Reform a denial of Justice under the Fair and Equitable Treatment & Minimum Standard of Treatment?
1:00 pm – 2:15 pm		*Lunch Break*
2:30 pm 3:45 pm	4:30 pm 5:45 pm	The Trump Effect in the Americas in Investment and Trade, from Canada to the Patagonia.
3:45 pm – 4:00 pm		*Coffee Break*
4:00 pm 5:15 pm	6:00 pm 7:15 pm	The Rule of Law Crisis and the Use of State-State Dispute Resolution Mechanisms and Arbitration in International Trade and WTO Law.

Washington D.C

Thursday
22 May

9:00 am - 10:15 am	Practical Tips for Arbitrator Assistants (and for Arbitrators with Assistants)
10:30 am - 11:45 am	Exploring the China-Pakistan Economic Corridor: Unravelling Infrastructure and Energy Disputes, Opportunities, Challenges, and What Lies Ahead

Singapore

Thursday 22 May	Wednesday 21 May	
SGT 5:00 pm 6:15 pm	D.C. Time 5:00 am 6:15 am	An Age of Global Geopolitical Tension: Implications for Disputes Involving Asia.
SGT 6:20 pm 7:35 pm	D.C. Time 6:20 am 7:35 am	Investor-State Arbitration of “Mass” Claims: Asia in Perspective.
SGT 7:40 pm 8:55 pm	D.C. Time 7:40 am 8:55 am	International Arbitration & Emergent Technologies.

The Americas - Bogotá

Friday
23 May

BOGOTA 9:15 am 10:30 am	EST 10:15 am 11:30 am	El Derecho Administrativo para Evaluar el Respeto a la Obligación Internacional de Trato Justo y Equitativo (Debido Proceso, Trato No Arbitrario y No Denegación de Justicia)
BOGOTA 10:45 am 12:00 pm	EST 11:45 am 1:00 pm	Expertos en Evaluación de Daños, sus Informes e Interrogatorios en Audiencias: Buenas Prácticas para Expertos de Quantum y Abogados Internacionales.
BOGOTA 12:00-2:00pm		*Almuerzo*
BOGOTA 2:00 pm 3:15 pm	Washington 3:00 pm 4:15 pm	Altas Cortes Nacionales y Arbitraje de Inversión: ¿Las Actuaciones Judiciales Pueden Ser Atribuibles al Estado Generando Responsabilidad Internacional por Denegación de Justicia, Expropiación y Trato Justo y Equitativo? ¿Cuáles son los Estándares Aplicables?
BOGOTA 3:15-3:30 pm		*Receso para Café*
BOGOTA 3:30 pm 4:45 pm	Washington 4:30 pm 5:45 pm	La Guerra de Aranceles del Siglo XXI: América Latina en la Encrucijada.

The Hague

General Topic:
To what extent do the judgments of the ICJ/PCIJ have an impact on the interpretation of international investment agreements and the settlement of investor-State disputes?

Tuesday 20 May

	CEST	Washington
	9:40 am	3:40 am
	10:10 am	4:10 am

Host: Leiden University
Hague Campus Wijnhaven,
Turfmarkt 99, 2511 DP
The Hague.

Universiteit Leiden

Conversation on the Influence of ICJ/PCIJ Judgments on Investor-State Arbitration

Moderator:

Martin Doe
Deputy Secretary-General at Permanent Court of Arbitration

Panelists:

Prof. Attila Tanzi
Associate Member, 3VB Chambers

Ms. Paris Aboro
Covington & Burling LLP

The jurisprudence of the International Court of Justice and its predecessor, the Permanent Court of International Justice has played a significant role in shaping the framework of international law. The decisions of the World Court have often been invoked by arbitral tribunals to interpret key concepts related to State responsibility, attribution, expropriation, and the fair and equitable treatment standard. Among other cases, Barcelona Traction and Chorzów Factory have been influential in serving as a basis for arbitral reasoning and have provided fundamental principles that guide the interpretation of bilateral investment treaties and other international instruments.

This panel aims to examine the impact of ICJ and PCIJ judgments on Investor-State arbitration. Through discussion among experts in both public international law and international investment law, the panel will explore how these judicial bodies continue to influence investment arbitration, the extent to which tribunals rely on their decisions, and whether this interaction enhances coherence considering public international law as a basis or creates tensions in the international legal order.

The Hague

General Topic:
To what extent do the judgments of the ICJ/PCIJ have an impact on the interpretation of international investment agreements and the settlement of investor-State disputes?

Tuesday	CEST	Washington
20 May	**10:15 am**	**5:15 am**
	11:45 am	**5:45 am**

Host: Leiden University
Hague Campus Wijnhaven,
Turfmarkt 99, 2511 DP
The Hague.

Admissibility and Jurisdiction (including rationae materiae, ratione temporis, and other aspects)

Moderator:

Professor Ian Laird
Georgetown Law / WAU/
Crowell & Moring

Presenter:

Professor Anastasios Gourgourinis
National and Kapodistrian University of Athens

Panelists:

Professor Filippo Fontanelli
Edinburg University

Professor Kiran Gore
George Washington University

Ms. Diem Huong Ho
Foley Hoag

Jurisdiction and admissibility are the gatekeepers of investor-State arbitration —determining if the dispute can be heard at all. From whether an investment qualifies under a treaty to whether a claim falls within the right time frame, these questions go to the very heart of what tribunals can and cannot decide. To what extent jurisdictional issues in investment arbitration have been influenced by standards, general principles and even case law stemming from public international law and the ICJ in particular?

This panel will explore the evolving — and often contentious — terrain of jurisdiction and admissibility in ISDS. It will tackle the distinctions between ratione materiae, ratione personae, ratione voluntatis, and ratione temporis, and how tribunals are grappling with questions of treaty interpretation, State consent, and temporal scope. Are continuing violations fair game? What counts as pre-investment conduct? Where exactly is the line? Moreover, this panel will unpack the evolving jurisprudence on admissibility and jurisdiction in investor-State arbitration by focusing on recent trends, controversies, and contrasting approaches across tribunals.

The Hague

General Topic:
To what extent do the judgments of the ICJ/PCIJ have an impact on the interpretation of international investment agreements and the settlement of investor-State disputes?

Tuesday
20 May

CEST	Washington
1:30 pm	**7:30 am**
3:00 pm	**9:00 am**

Host: Leiden University
Hague Campus Wijnhaven,
Turfmarkt 99, 2511 DP
The Hague.

Universiteit Leiden

Substantive Obligations: Influence of ICJ/PCIJ Judgments on Investor-State Arbitration

Moderator:

Professor Eric de Brabandere
Grotius Centre, Leiden University

Presenter:

Professor José Antonio Rivas
Georgetown Law / WAU / Xtrategy

Panelists:

Dr. Daniel Peat
Grotius Centre, Leiden University

Dr. Cameron Miles
3VB Chambers

Dr. Reza Eftekhar
IUSCT

Ms Bojana Risitc
PhD candidate, Leiden University

At the heart of every international investment agreements lie its substantive obligations — the promises States make to protect foreign investors. From fair and equitable treatment to protection against unlawful expropriation, these standards shape the rights investors can claim and the responsibilities States must uphold. But as global priorities shift, so too does the meaning of these protections.

This panel will explore how core standards are being redefined through both cutting-edge treaty- drafting and evolving arbitral decisions. How are tribunals navigating the fine line between investor rights and a State's right to regulate, especially in critical areas like climate action, public health, and human rights? Can customary international law and past rulings bring clarity to a landscape marked by inconsistency? How influential should the judgments of the ICJ be for investment tribunals, for example on substantives issues such as fair and equitable treatment and whether there is a customary obligation to respect the investor's reasonable expectations?

The Hague

General Topic:
To what extent do the judgments of the ICJ/PCIJ have an impact on the interpretation of international investment agreements and the settlement of investor-State disputes?

Tuesday	CEST	Washington
20 May	**3:15 pm**	**9:15 am**
	4:45 pm	**10:45 am**

Host: Leiden University
Hague Campus Wijnhaven,
Turfmarkt 99, 2511 DP
The Hague.

Universiteit Leiden

Reparation, Compensation and Quantum

Moderator:

Dr. Mamadou Hébié
Grotius Centre, Leiden University

Presenter:

Professor
Borzu Sabahi
Georgetown Law / Curtis

Panelists:

Dr. Jason Rudall
Grotius Centre, Leiden University

Ms. Amelia Keene
IUSCT

Professor
Yannick Radi
University of Louvain

Professor
Kabir Duggal
Columbia University

México

Wednesday 21 May

CDMX 10:15 am 11:30 am

Washington 12:15 pm 1:30 pm

Host: Instituto de Investigaciones Jurídicas, UNAM, Auditorio Dr. Héctor Fix-Zamudio.

Global Trends, the Energy Transition and Infrastructure in Investment and Commercial Arbitration.

Moderator:

Silvia Sámano,
Independent Arbitrator.

Panelists:

Lauren Mandell,
WilmerHale.

Dr. Carlos Reyes,
Instituto de Investigaciones Jurídicas, UNAM

Orlando Pérez,
Socio en Tsuru Abogados

The global push toward energy transition and sustainable infrastructure is reshaping both investment and commercial arbitration. As States and investors navigate shifts from fossil fuels to renewable energy, disputes have emerged over regulatory changes. Infrastructure investments are increasingly affected by climate-related policies, ESG standards, and geopolitical pressures. Arbitration has become a key forum for resolving these complex disputes, particularly under energy charters, bilateral investment treaties, and commercial contracts.

This panel will examine how global trends, particularly the green transition, decarbonization goals, and evolving regulatory frameworks are influencing the nature of disputes in arbitration. Panelists will discuss recent cases, treaty developments, and emerging risks in the energy and infrastructure sectors, as well as how arbitral tribunals are addressing challenges related to public policy, State sovereignty, and the future of sustainable development. Join us to gain a practical outlook into how arbitration is adapting to a rapidly transforming global economy.

México

Wednesday 21 May

	CDMX	Washington
	11:45 am	1:45 pm
	1:00 pm	3:00 Pm

Host: Instituto de Investigaciones Jurídicas, UNAM, Auditorio Dr. Héctor Fix-Zamudio.

RRH consultores, s.c.

Is the Mexican Judicial Reform a denial of Justice under the Fair and Equitable Treatment & Minimum Standard of Treatment?

Moderator:

Cindy Rayo,
Independent Lawyer.

Presenter:

Andrea Ornelas,
RRH Consultores.

Panelists:

Eduardo Siqueiros,
Independent Arbitrator.

José Ramón Cossío,
Tecnológico de Monterrey.

Gabriela Álvarez-Ávila,
Socia DLA Piper.

Mexico's sweeping judicial reform has ignited a firestorm of debate—raising alarms over judicial independence, the separation of powers, and the integrity of the rule of law. For foreign investors, the reforms might be red flags. Could these changes erode legal certainty or amount to a denial of justice under international law?

This panel takes a deep dive into the legal and investment implications of Mexico's judicial shake-up. Through the lens of Fair and Equitable Treatment and the Minimum Standard of Treatment, the panel will explore whether institutional reforms and their implementation can cross the line into treaty breaches. What have tribunals said about denial of justice in the past? What may be the necessary evidence to prove a systemic reform has tipped the scales?

This panel will explore the intersection between Mexico's domestic judicial restructuring and its international investment obligations. Panelists will analyze how tribunals have approached denial of justice claims in past cases, the thresholds for proving such breaches, and whether systemic and institutional judicial changes can trigger State liability under FET/MST standards. Join us to gain a practical perspective on how significant shifts in the political and judicial landscape could test the boundaries of investor protection in treaty arbitration.

Wednesday
21 May

CDMX
2:30 pm
3:45 pm

Washington
4:30 pm
5:45 pm

Host: Instituto de Investigaciones Jurídicas, UNAM, Auditorio Dr. Héctor Fix-Zamudio.

RRH consultores, s.c.

The Trump Effect in the Americas in Investment and Trade, from Canada to the Patagonia.

Moderator:

Samantha Atayde,
RRH Consultores.

Presenter:

María José Guerrero,
Xtrategy LLP.

Panelists:

Carlos Véjar,
White & Case.

Eleanor Erney,
Hughes
Hubbard & Reed.

Hugo Romero,
RRH Consultores.

Fernando Mayer
Leeuw,
General Director of
Foreign Investment

In recent years, U.S. trade and investment policy has undergone a dramatic transformation. From the Trump administration's renegotiation of NAFTA and exit from the Trans-Pacific Partnership to a surge in unilateral trade actions, these shifts have reverberated across the Western Hemisphere—forcing countries from Canada to the southern tip of Latin America to rethink their economic strategies.

This panel will delve into how Latin American nations are responding to a new era of protectionism, evolving regulatory landscapes, and a redefined U.S. role in the region. It will further assess how these policy changes have impacted the negotiation, interpretation, and enforcement of treaty protections, while also considering their broader effects on legal certainty, investor confidence, institutional credibility, and the functioning of dispute resolution mechanisms.

Bringing together regional insights and legal perspectives, this discussion will offer a timely and thought-provoking look at how public and private actors are adapting to a global order where traditional trade and investment norms are being rewritten under mounting geopolitical and economic pressures.

México

Wednesday 21 May

	CDMX	Washington
	4:00 pm	6:00 pm
	5:15 pm	7:15 pm

Host: Instituto de Investigaciones Jurídicas, UNAM, Auditorio Dr. Héctor Fix-Zamudio.

The Rule of Law Crisis and the Use of State-State Dispute Resolution Mechanisms and Arbitration in International Trade and WTO Law.

Moderator:

Edna Ramírez,
Universidad de Guadalajara.

Presenter:

Dr. Carlos Reyes,
Instituto de Investigaciones Jurídicas, UNAM

Panelists:

Ricardo Ramírez Hernández,
RRH Consultores.

Edmund Sim,
Appleton Luff International Lawyers.

Todd Weiler,
Independent Arbitrator.

As global trade becomes ever more tangled in geopolitics , the old guard of the multilateral trading system is under serious strain. With the WTO Appellate Body effectively out of commission, States are rethinking how they resolve disputes, enforce trade rules, and maintain legal certainty in an increasingly unpredictable world.
This panel dives into the rise of alternative dispute resolution in the trade space—particularly State-to-State arbitration—as governments look for new ways to uphold order amidst institutional gridlocks. From the growing use of plurilateral deals with bespoke enforcement tools to creative workarounds outside the WTO framework, this session unpacks how the rulebook is being rewritten in real time.

Are we witnessing a shift from multilateral cooperation to pragmatic, politically driven deals, where economic muscle is the decisive factor? Is international trade law entering a new era of ad hoc enforcement and bilateral brinkmanship? Join us as we explore the legal, strategic, and systemic consequences of this shift—and what it means for the future of trade governance in a world where international trade rules may no longer be guaranteed.

Washington D.C

Thursday
22 May

Washington
9:00 am
10:15 am

Host: Crowell & Moring LLP,
1001 Pennsylvania Avenue
NW, Washington, DC 20004.

Crowell

Practical Tips for Arbitrator Assistants (and for Arbitrators with Assistants)

Moderator:	Presenter:	Panelists:		
				
Chip Rosenberg Partner, Squire Patton Boggs	Govert Coppens ICSID	Gabriela González Giráldez ICSID	Angélica María Perdomo Zuleta Legal.	Ashley R. Riveira Crowell

Behind every smooth-running arbitral tribunal, there is often a sharp, switched-on assistant quietly keeping everyone on track. As arbitration grows more complex and fast-paced, the role of tribunal assistants has often evolved well beyond tea and typing – it now demands a combination of legal knowledge, organizational, research and drafting skills, and the ability to help manage sensitive processes with professionalism.

This panel takes a closer look at the increasingly vital role assistants play in international arbitration. Whether it is managing sensitive communications, wrangling case files, drafting procedural orders, or ensuring the hearing runs like clockwork, assistants are the engine room of efficiency. This panel will delve into best practices, ethical quandaries and the fine art of discretion (hint: it's not all glamorous, but it is crucial).

Perfect for aspiring assistants looking to break into the field, seasoned pros wanting a refresher, or arbitrators keen to foster more effective collaborations, this session will offer practical takeaways. After all, behind every great arbitrator is an even greater assistant —probably juggling five tabs and a procedural calendar.

Washington D.C

Thursday
22 May

Washington
10:30 am
11:45 am

Host: Crowell & Moring LLP,
1001 Pennsylvania Avenue
NW, Washington, DC 20004.

Crowell

Exploring the China-Pakistan Economic Corridor: Unravelling Infrastructure and Energy Disputes, Opportunities, Challenges, and What Lies Ahead

Moderator:

Momin Mohsin,
Xtrategy LLP.

Presenter:

Mian Sheraz Javaid
Founding Chair of the Chartered Institute of Arbitrators Pakistan Branch

Panelists:

Zhengzhi Wang
Partner,
Globe-Law Firm

Richard Deutsch
Partner, Pillsbury

Nudrat E. Piracha
Independent Lawyer

The China-Pakistan Economic Corridor (CPEC) – a colossal $60 billion venture stretching over 2,700km from Pakistan's Gwadar port to China's Xinjiang region – is no stranger to both massive opportunities and, of course, a fair bit of drama.

Launched in 2015, it comprises infrastructure, energy, and port development projects, all set to reshape the economic landscape of the region. But where there is big money, there are bound to be disputes.

Join our panel as we dive into the types of disagreements that have cropped up along the way, including in investment and international commerce, and explore how international law firms and arbitrators can seize the moment and make the most of these challenges by helping towards their resolution through international arbitration.

Singapore

Thursday
22 May

SGT
5:00 Pm
6:15 Pm

Washington
5:00 am
6:15 am

Host: K&L Gates LLP.

An Age of Global Geopolitical Tension: Implications for Disputes Involving Asia.

Moderator:

Raja Bose,
Practice Group Coordinator
K&L Gates LLP.

Panelists:

Joel Quek,
Partner Wong Partnership

Vivien Li,
Founder & Director
East Lane Advisory Limited.

Nikhil Dutt Sundaraj,
Associate Blackstone & Gold.

Mark Mangan,
Partner Lindsay Francis & Mangan

The advent of the new U.S. presidential administration and conflicts in Gaza and Ukraine are only a few of the regional developments that have had an effect on geopolitical tension across the globe. This panel considers recent geopolitical developments with a view toward clarifying the implications for disputes involving Asia. Topics will range from the consideration of the impact of recent shifts in international trade policy on corporates based in Asia to the conduct of due diligence in preparation for addressing anticipated disputes in the region.

Singapore

Thursday
22 May

SGT
6:20 pm
7:35 pm

Washington
6:20 am
7:35 am

Host: K&L Gates LLP.

K&L GATES STRAITS LAW

Investor-State Arbitration of “Mass” Claims: Asia in Perspective.

Moderator:

Nikhil Dutt Sundaraj,
Associate
Blackstone & Gold.

Panelists:

Shaun Leong,
Equity Partner,
Holman Fenwick
Willan

Rob Houston,
Senior Associate
K&L Gates Straits
Law LLC

Rodolphe
Ruffié-Farrugia,
International
Arbitration
Practitioner &
Arbitrator

James Nicholson,
Senior Managing
Director, Head of
Asia Economic &
Financial Consulting
FTI.

Recent headlines such as those reporting an action on behalf of approximately 300 Singaporean investors against Switzerland to recover losses from measures taken in relation to the UBS takeover of Credit Suisse have confirmed the arrival of “mass” or group claims in investor-State arbitration among investors based in Asia. This panel will consider key developments arising from tribunal consideration of similar cases historically (e.g., Abaclat, Allemani, Ambiente and Adamakopoulos) with a view toward clarifying how mass claims develop and proceed in the international investment law arena. Beyond historical context, however, the primary objective of this discussion will be to cast such cases in a practical light for practitioners, claimants and respondents to understand evolving practice in this space for concrete preparation and necessary action in the future.

This panel will explore recent cases and evolving jurisprudence on “mass” claims in Asia, with insights from arbitrators, counsel, and academics. It will examine the procedural innovations, jurisdictional challenges, and legitimacy concerns that arise when investment arbitration shifts from the bilateral to the collective.

Singapore

Thursday **22 May** | SGT **7:40 pm** **8:55 pm** | Washington **7:40 am** **8:55 am**

Host: K&L Gates LLP.

K&L GATES STRAITS LAW

International Arbitration & Emergent Technologies.

Moderator:

Rodolphe Ruffié-Farrugia,
International Arbitration Practitioner & Arbitrator

Panelists:

Yasmin Hussain,
Asia Head of Legal Lexis Nexis.

Yong Yi Xiang,
Senior Associate IP, Techonology & Gaming

Sherly Gunawan,
SIAC

Khelvin Xu,
Director Covenant Chambers

Over recent years, international arbitration practice has seen a great deal of change as a result of technological innovation. This panel will consider the evolution of international arbitration driven by emergent technologies, touching upon fintech, artificial intelligence, e-sports, cryptocurrencies and other digital assets more broadly among other key areas of interest in this dynamically developing area of international dispute resolution practice. The focus of discussion will be both on the resolution of disputes related to such technologies and on the practice of international arbitration itself.

The Americas - Bogotá

Friday
23 May

Bogota
9:15 am
10:30 am

EST
10:15 am
11:30 am

Salas 301/302, Sede empresarial Chapinero,Centro de Arbitraje Cámara de Comercio de Bogotá.

Comité Colombiano de Arbitraje

El Derecho Administrativo para Evaluar el Respeto a la Obligación Internacional de Trato Justo y Equitativo (Debido Proceso, Trato No Arbitrario y No Denegación de Justicia)

Moderator:

María Angélica Burgos
Socia, Baker McKenzie

Presenter:

María Camila de Brigard
Asociada Senior, López Abogados

Panelists:

Ruth Stella Correa
Árbitro, Ex Ministra de Justicia de Colombia

Juan Pablo Cárdenas
Árbitro, Presidente del Comité Colombiano de Arbitraje

Rafael Rincón
Socio, Rincón Castro

Claudia Benavides
Socia, Benavides Mejía Dispute Resolution

El estándar de Trato Justo y Equitativo (TJE) continúa siendo uno de los más controvertidos —y litigados— en los tratados internacionales de inversión. TJE está presente en cerca del 95 % de los tratados y en más del 80 % de los arbitrajes inversor-Estado, su relevancia práctica contrasta con la vaguedad que lo caracteriza. Tal vez por la variedad de las obligaciones que contiene —por lo menos la obligación de respetar el debido proceso, no dar un trato discriminatorio y no denegar justicia, entre otras— ha generado tensiones con el espacio regulatorio legítimo de los Estados.

Este panel examinará cómo los distintos modelos de redacción del TJE han generado interpretaciones divergentes, desde formulaciones amplias hasta versiones limitadas al derecho internacional consuetudinario, y analizará los esfuerzos que algunos Estados han emprendido para acotar su alcance o reemplazarlo por estándares alternativos. Especialmente, el panel también analizará el papel que puede desempeñar el derecho administrativo interno como herramienta interpretativa clave en la aplicación del TJE. A partir de decisiones recientes que conciernen debates sobre la legalidad internacional de actos administrativos internos —como la revocación de permisos o reformas regulatorias—, se discutirá hasta qué punto estos actos, aun cuando emanen del poder regulador legítimo del Estado, pueden desencadenar reclamaciones por violación del TJE.

Crucialmente, el panel explorará cómo el derecho administrativo puede servir para evaluar si se respetaron garantías esenciales como el debido proceso, la no arbitrariedad y la no denegación de justicia, especialmente en el marco de disputas recientes surgidas en América Latina.

Desde decisiones regulatorias hasta potenciales disputas, el panel examinará cómo los actos administrativos y las regulaciones domésticas pueden afectar los derechos de los inversores e influir en la interpretación y aplicación del TJE por parte de un tribunal internacional de inversión. Será una conversación estimulante y crítica sobre la interacción entre derecho administrativo y derecho internacional de las inversiones.

The Americas - Bogotá

Friday 23 May

Bogota 10:45 am 12:00 pm

EST 11:45am 1:00 pm

Salas 301/302, Sede empresarial Chapinero,Centro de Arbitraje Cámara de Comercio de Bogotá.

Comité Colombiano de Arbitraje

Expertos en Evaluación de Daños, sus Informes e Interrogatorios en Audiencias: Buenas Prácticas para Expertos de Quantum y Abogados Internacionales.

Moderator:

Juliana Gómez
Directora,
FTI Consulting

Panelists:

María Angélica Munar
Jefe de arbitraje nacional e internacional, Centro de Arbitraje y Conciliación de la Cámara de Comercio de Bogotá

Felipe González Arrieta
Benavides Mejía

Juan Felipe Merizalde
Socio, Adell & Merizalde

Jorge Andrés Ropero
Socio Servicios Forenses, PwC

John Castiblanco
Senior Director, FTI Consulting

El cálculo de daños es una parte determinantes en un arbitraje internacional. La credibilidad de los expertos de quantum y la solidez de sus informes suelen ser decisivos en el desenlace de un caso. A su vez, el interrogatorio de expertos en audiencia constituye una oportunidad crítica para reforzar o debilitar sus conclusiones ante el Tribunal.

Este panel ofrecerá buenas prácticas para expertos y abogados internacionales en la preparación de informes periciales sólidos, la conducción de interrogatorios directos y contrainterrogatorios efectivos, y la gestión estratégica de evidencia económica. A través de la experiencia práctica de los panelistas, se explorarán técnicas para maximizar la utilidad de los expertos en el arbitraje, explorando mejores prácticas en el trabajo entre el experto y el abogado de cara al informe de experto y a los interrogatorios, con miras a fortalecer la contundencia de los informes y la efectividad del experto en las audiencias orales.

The Americas - Bogotá

Friday
23 May

Bogota
2:00 pm
3:15 pm

EST
3:00 pm
4:15 pm

Salas 301/302, Sede empresarial Chapinero,Centro de Arbitraje Cámara de Comercio de Bogotá.

Comité Colombiano de Arbitraje

Altas Cortes Nacionales y Arbitraje de Inversión: ¿Las Actuaciones Judiciales Pueden Ser Atribuibles al Estado Generando Responsabilidad Internacional por Denegación de Justicia, Expropiación y Trato Justo y Equitativo? ¿Cuáles son los Estándares Aplicables?

Moderator:

Carlos Enrique Arévalo Narváez
Rector de la Universidad de La Sabana

Presenter:

Juan Andrés Castillo
Asociado, Xtrategy LLP

Panelists:

Natalia Ángel
Magistrada de la Corte Constitucional de Colombia

Estefanía Ponce
Socia, Posse Herrera Ruiz

Alberto Zuleta
Socio, Cuatrecasas

José Antonio Rivas
Socio Xtrategy LLP - Co-fundador WAU.

¿Pueden las decisiones de las cortes locales de un Estado influir en los tribunales internacionales de inversión? Desde Lion México v. México hasta el caso reciente de Telefónica v. Colombia, los tribunales han tenido que enfrentar el dilema de cuándo la actuación los tribunales locales se convierte en una denegación de justicia —o inclusive, en violaciones a tratados de protección de inversiones por expropiación o violación al trato justo y equitativo. En el panorama actual del arbitraje de inversiones, mucho está en juego. Los demandantes deben superar el enorme obstáculo de probar no solo un error jurídico, sino una injusticia manifiesta. Por su parte, los Estados defienden la autonomía de sus instituciones judiciales y que un eventual error judicial, o incluso una decisión que posiblemente pudiera haber sido distinta, más adecuada y conforme a derecho, no necesariamente implica una injusticia manifiesta.

¿Qué nivel de escrutinio deberían aplicar los tribunales arbitrales internacionales a las decisiones de los tribunales locales para evaluar si hubo denegación de justicia? ¿Existen situaciones en las que los tribunales nacionales, como parte del aparato estatal, pueden, a través de sus actos y decisiones, generar responsabilidad internacional para el propio Estado?

Este panel abordará el creciente choque entre las decisiones judiciales domésticas y los resultados arbitrales. Se explorarán casos emblemáticos donde las sentencias de tribunales nacionales sobre contratos, expropiaciones o cuestiones de orden público han influido en laudos arbitrales —o han provocado intensos debates jurisdiccionales. Escuche a jueces, árbitros y académicos analizar cómo reconciliar la soberanía judicial de los Estados con sus obligaciones internacionales.

The Americas - Bogotá

Friday
23 May

Bogota
3:30 pm
4:45 pm

EST
4:30 pm
5:45 pm

Salas 301/302, Sede empresarial Chapinero,Centro de Arbitraje Cámara de Comercio de Bogotá.

Comité Colombiano de Arbitraje

La Guerra de Aranceles del Siglo XXI: América Latina en la Encrucijada.

Moderator:

Presenter:

Olga Lucía Lozano
Abogada en Comercio Internacional

Panelists:

Luis Felipe Quintero
Viceministro de Comercio Exterior

Mauricio A. Salcedo
Socio en Vali Consultores

Natalia Monroy
Asociada, Aduanas y Comercio Exterior Posse Herrera

Sara Lucia Dangond
Asociada, Curtis, Mallet-Prevost, Colt & Mosle LLP

En los últimos años, el comercio internacional ha sufrido una transformación radical debido al uso creciente de aranceles como herramienta de presión económica y política. América Latina, una región usualmente enfocada en exportaciones de materias primas y manufacturas, se encuentra en una encrucijada estratégica frente a las tensiones comerciales entre Estados Unidos, China y Europa.

La “guerra de aranceles” plantea desafíos para las cadenas de valor regionales, la atracción de inversión extranjera y la resolución de disputas comerciales y de inversión. El bloqueo del Órgano de Apelaciones de la OMC ha debilitado gravemente el sistema multilateral de solución de diferencias, sin que hasta ahora hayan prosperado los intentos de restaurar su funcionamiento efectivo.

En este escenario, los Tratados de Libre Comercio (TLCs) cobran renovada importancia como instrumentos alternativos para proteger el comercio y canalizar disputas, aunque también enfrentan tensiones ante las medidas unilaterales adoptadas por Estados Unidos.
¿Cómo afecta la imposición de nuevos aranceles al régimen de arbitraje de inversiones? ¿Qué estrategias están adoptando los Estados latinoamericanos para proteger sus intereses frente a estos desafíos globales? ¿Qué posibilidades existen de encontrar salidas diplomáticas sostenibles a las tensiones comerciales? ¿Podrían otros órganos multilaterales, diferentes de la OMC, ofrecer mecanismos eficaces para resolver estas problemáticas?

Este panel analizará el impacto de las políticas arancelarias del siglo XXI en América Latina, evaluará las respuestas jurídicas, diplomáticas y económicas de la región, examinará el papel de los TLCs en la protección de inversiones y disputas comerciales, y discutirá el efecto de estos fenómenos en el arbitraje internacional.