



Union Internationale des Avocats
International Association of Lawyers
Unión Internacional de Abogados

Webinar presented by the UIA Foreign Investment commission with the support of K&L Gates LLP

Investor-State Disputes Arising from the Pandemic: Strategic Responses for Representatives of Investors and Host States, including Developing Countries

November 23 & 24, 2021

#UIAEvents

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INTRODUCTION

The Covid-19 pandemic has been a global phenomenon, prompting virtually all States around the globe to take measures to address this unprecedented public health situation. Many such measures have had significant impacts on foreign investors, and it is expected that many disputes will arise in investor-State dispute settlement (ISDS) between foreign investors and Host States under the vast network of international investment agreements (IIAs) in place across the globe today, including bilateral investment treaties, free trade agreements, and other treaties with investment provisions.

In Session 1, the panellists provide an overview of the topic from the perspective of Host States, exploring best practices in State management of pandemic-related investment disputes as well as the re-negotiation of investment treaties in order to increase preparedness for the next pandemic. Speakers will also share insights from recent engagements with Host States, including developing countries preparing for claims expected to arise from pandemic-related measures.

In Session 2, the panellists provide an overview of the topic from the perspective of foreign investors, exploring examples of State responses to the pandemic that could give rise to claims against Host States for violations of investment protections. This session also addresses such practical concerns as how investors may recognize potential claims in ISDS, the process of preparing for and advancing such claims, considerations that should inform any careful preliminary analysis of the viability of such claims and pre-arbitral strategies aimed at exploring opportunities for negotiation and early settlement or other means of resolving such disputes.

HOW TO REGISTER

Register online at www.uianet.org

Registration fees:

- **UIA MEMBER** – Including the 2 sessions € 60*
- **NON-MEMBER** – Including the 2 sessions € 80*

After registering, you will receive a confirmation email explaining how to join the webinar.

Please note that the number of places is limited. The organisers reserve the right to refuse registrations in the event of excess applications. Admission will be on a first come – first served basis and will only be confirmed upon receipt in full of the registration fees.

*Amounts exclusive of VAT. The VAT (20%) can be applied to the amount stated above according to the European Directive 2006/112/CE of November 28, 2006. If you have one, please provide your EU VAT ID number. For more information, please contact the UIA.

LANGUAGE

The working language will be **English**.

CONTINUING LEGAL EDUCATION

Every participant attending the Webinar will receive a “Certificate of Participation” at the end of the event that may be to obtain “Credits” for “Continuing Legal Education”.

CONTACT & INFORMATION

Please do not hesitate to contact us at uiacentre@uianet.org or by phone **+33 1 44 88 55 66** should you have any questions.

SESSION 1 - Investment Disputes from the COVID-19 Pandemic: Recognizing & Responding to a Claim (Host State & Developing Country Perspectives)

Tuesday, November 23

from 3:00 PM CET to 5:00 PM CET (Paris time)

from 9:00 AM EST to 11:00 AM EST (New York)

Welcome and Opening of the Webinar

- **Hervé CHEMOULI**, *UIA President, 2C Avocats, Paris, France*
- **Eduardo LORENZETTI MARQUES**, *Immediate past President of the UIA Foreign Investment commission, Studio Lorenzetti Marques / Ughi e Nunziante, Sao Paulo, Brazil / Milan, Italy*

- PART A: Topical Presentations –

from 3:00 PM CET to 3:55 PM CET (Paris time)

Moderator

- **Raja BOSE**, *Partner and International Arbitration Practice Group Coordinator (Asia), K&L Gates Straits Law LLC, Singapore*

Panellists:

Overview of International Investment Agreements & Investor-State Dispute Settlement

- **Raja BOSE**, *Partner and International Arbitration Practice Group Coordinator (Asia), K&L Gates Straits Law LLC, Singapore*

Pandemic-Related Investor-State Disputes & State Responsibility

- **Rob HOUSTON**, *Senior Associate, International Arbitration, K&L Gates Straits Law LLC, Singapore*
- **Hena SIAL**, *Associate, Construction and Infrastructure/International Arbitration, K&L Gates LLP, Doha, Qatar*

Challenges Facing Least Developed Countries (LDCs)

- **Alessandra MISTURA**, *Program Coordinator, Commercial and Economic Law, International Development Law Organization, Rome, Italy*

Arbitral Tribunal Perspectives on Pandemic-Related Investor-State Disputes

- **Gabriel BOTTINI**, *International Arbitrator & Partner, Uría Menéndez, Madrid, Spain*

Host State Perspectives on the Design of International Investment Agreements

- **Marisa RAZEEL**, *Co-Founder, MEND Associates, Kuala Lumpur, Malaysia*

Questions & Answers

- BREAK –

from 3:55 PM CET to 4:00 PM CET (Paris time)

- PART B: Roundtable Discussion –

from 4:00 PM CET to 5:00 PM CET (Paris time)

Moderator

- **Raja BOSE**, *Partner and International Arbitration Practice Group Coordinator (Asia), K&L Gates Straits Law LLC, Singapore*

Panellists:

- **Alessandra MISTURA**, *Program Coordinator, Commercial and Economic Law, International Development Law Organization, Rome, Italy*
- **Luigi CASCONI**, *Partner, Ughi e Nunziante, Rome, Italy*
- **Marisa RAZEEL**, *Co-Founder, MEND Associates, Kuala Lumpur, Malaysia*
- **Rob HOUSTON**, *Senior Associate, International Arbitration, K&L Gates Straits Law LLC, Singapore*

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SESSION 2 - Investment Disputes from the COVID-19 Pandemic: Recognizing & Evaluating a Claim (Investor Perspective)

Wednesday, November 24

from 3:00 PM CET to 5:00 PM CET (Paris time)

from 9:00 AM EST to 11:00 AM EST (New York)

Welcome and Opening of the Session

- **Eduardo LORENZETTI MARQUES**, *Immediate past President of the UIA Foreign Investment commission, Studio Lorenzetti Marques / Ughi e Nunziante, Sao Paulo, Brazil / Milan, Italy*

- PART A: Topical Presentations –

from 3:00 PM CET to 3:55 PM CET (Paris time)

Moderator

- **Ian MEREDITH**, *Partner, International Arbitration Practice Group, K&L Gates LLP, London, United Kingdom*

Panellists

Overview of International Investment Agreements & Investor-State Dispute Settlement

- **Ian MEREDITH**, *Partner, International Arbitration Practice Group, K&L Gates LLP, London, United Kingdom*

Recognizing a Claim in Pandemic-Related Investor-State Disputes

- **Matt WELDON**, *Partner and International Arbitration Practice Group Coordinator (Americas), K&L Gates LLP, New York, NY, USA*

Procedural Considerations in Pandemic-Related Investor-State Disputes

- **Jara MÍNGUEZ ALMEIDA**, *Team Leader, International Centre for Settlement of Investment Disputes (ICSID), Washington, DC, USA*

Substantive Considerations in Pandemic-Related Investor-State Disputes

- **Claudia FRUTOS-PETERSON**, *Managing Partner, Curtis, Mallet-Prevost, Colt & Mosle LLP, Washington, DC, USA*

Public International Law Implications of Pandemic-Related Investor-State Disputes

- **Makane Moïse MBENGUE**, *Professor of International Law, University of Geneva, Geneva, Switzerland*

Questions & Answers

- BREAK –

from 3:55 PM CET to 4:00 PM CET (Paris time)

- PART B: Roundtable Discussion –

from 4:00 PM CET to 5:00 PM CET (Paris time)

Moderator

- **Ian MEREDITH**, *Partner, International Arbitration Practice Group, K&L Gates LLP, London, United Kingdom*

Panellists:

- **Luigi CASCONI**, *Partner, Ughi e Nunziante, Rome, Italy*
- **Claudia FRUTOS-PETERSON**, *Managing Partner, Curtis, Mallet-Prevost, Colt & Mosle LLP, Washington, DC, USA*
- **Matt WELDON**, *Partner and International Arbitration Practice Group Coordinator (Americas), K&L Gates LLP, New York, NY, USA*
- **Makane Moïse MBENGUE**, *Professor of International Law, University of Geneva, Geneva, Switzerland*

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CANCELLATION CONDITIONS AND GENERAL CONDITIONS

CANCELLATION CONDITIONS

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It is expressly agreed that for the parties, a case of force majeure would suspend the execution of their reciprocal obligations. At the same time, each of the parties shall bear the burden of all the expenses incumbent upon them, resulting from the case of force majeure.

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- In order to pay for the selected services - your bank details will be deleted after receipt of your payment;
- In order to communicate information messages from UIA.

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