

Investment Treaty Forum

Fourteenth ITF Public Conference

Do Not Pass Go: Jurisdictional and Other Objections Available to Respondent States

Friday 7 May 2010, 09:00 to 17:00

Brunei Gallery, School of Oriental and African Studies, 10 Thornhaugh Street, London WC1H

Programme

08.30 – 09.00	Registration with tea & coffee
09.00 – 09.15	Welcome and Introduction
09.15 – 09.45	Keynote Address: Jan Paulsson , Freshfields Bruckhaus Deringer LLP, Paris
09.45 – 11.15	<p>PANEL 1: Changing Jurisprudence on the Definition of Investment</p> <p>Chair: Professor Alain Pellet, University Paris Ouest, Nanterre- La Défense; Member and former Chairman, International Law Commission of the United Nations; Associé de l'institut de droit International</p> <p><i>The Definition of Investment Under Article 25 of the ICSID Convention - 1 1/2 Swings of the Pendulum</i> Charles Kaplan, Herbert Smith LLP, Paris</p> <p><i>The Definition of 'Investment' – Deficiencies in Arbitral Decision-Making</i> Toby Landau QC, Essex Court Chambers, London</p> <p><i>The Nature of Property and the Territoriality Requirement in International Investment Law</i> Todd Weiler, www.naftaclaims.com, London, Canada</p>
11.15 – 11.45	Tea & Coffee break

11.45 – 13.15	<p>PANEL 2: Restrictions and Strategy of Jurisdictional Objections</p> <p>Chair: Professor Philippe Sands QC, Matrix Chambers and University College London</p> <p><i>The Timing of Jurisdictional Objections</i> Professor Dr Christoph Schreuer, Wolf Theiss, Vienna</p> <p><i>Salini v Phoenix: the Test for Investment Revised</i> Oscar M Garibaldi, Covington & Burling LLP, Washington D.C.</p> <p><i>Commentator:</i> Alvaro C Galindo, Director, International Litigation and Arbitration Unit, Solicitor General Office, Republic of Ecuador</p>
13.15 – 14.15	Lunch
14.15 – 16.00	<p>PANEL 3: Other Jurisdictional Arguments Available to Host States</p> <p>Chair: Professor M Sornarajah, National University of Singapore</p> <p><i>Guarantees as a Condition to Stay: an Unjust Restriction to the Right to Seek Annulment?</i> Domenico Di Pietro, Chiomenti Studio Lagale, Rome</p> <p><i>Restrictive Dispute Settlement Clauses: Application of China and Former Soviet BITs</i> Professor Dr August Reinisch, University of Vienna</p> <p><i>Objections to the Admissibility of Claims: Another Approach to Investor Misconduct</i> Professor Andrew Newcombe, University of Victoria</p>
16.00 – 16.15	<p>Closing Remarks</p> <p>Audley Sheppard, Clifford Chance LLP, London</p> <p>Professor Vaughan Lowe QC, Essex Court Chambers, Chichele Professor of International Law and Fellow of All Souls College, University of Oxford</p>
16.15 – 17.00	Tea and Coffee