

AIA's October Conference

Contemporary Topics in Investment Arbitration

Most Favored Nation Treatment of Substantive Rights & Investment Arbitration in China

Brussels, Belgium
22 October 2010

On 22 October 2010 the Association for International Arbitration (AIA) is hosting a conference on contemporary issues in investment arbitration. This year's principal topics are the effect of Most Favored Nation (MFN) clauses on parties' substantive rights and investment arbitration in China. In addition, the conference will consider various contemporary issues in investment arbitration.

In anticipation of the conference, we plan to publish a series of papers relating to these topics as well as other current issues in investment arbitration. The authors of these papers will be invited to present a short version of their work at the conference.

The conference program is as follows:

Session 1: MFN Treatment of Substantive Rights

The operation and effect of the MFN clause has recently been the subject of considerable attention in the context of jurisdictional rights. Relatively little attention, however, has been given to its operation *vis-à-vis* substantive rights. To address this gap the AIA's Investment Arbitration Group, established in 2009, has invited several leading scholars and practitioners to present their research in an interactive forum. This research will also be published in a journal that will be sent to all participating delegates.

Speakers:

- **Diego Brian Gosis**, Of Counsel at the International Affairs Directorate, Procuración del Tesoro de la Nación, Government of the Republic of Argentina.
- **Professor Tony Cole**, Assistant Professor of Law, Warwick Law School, University of Warwick, England.
- **Dr. Stephan Schill**, LL.M (NYU), Rechtsanwalt, Attorney-at-Law (New York), Senior Research Fellow, Max Planck Institute for Comparative Public Law and International Law, Heidelberg.
- **Thomas Henquet**, Senior Jurist/Legal Counsel, International Law Division, Legal Affairs Department, Ministry of Foreign Affairs, The Netherlands.

Coffee Break

Session 2: Investment Arbitration in China

In recognition of the growing importance of Chinese investment, this panel will consider issues of relevance to international arbitration in China. This experienced panel will offer perspectives from the Government of China and those representing Chinese and foreign investors. This spectrum of views will provide a comprehensive insight into a country that is still a mystery to many lawyers.

Speakers:

- **Minister-Councilor Mme. Hong Zhao**, Chinese mission to the WTO (Geneva).
- **Domenico di Pietro**, Avvocato (Italy) and Solicitor (England & Wales); International Law and Arbitration Department at Chiomenti Studio Legale (Rome); Lecturer, International Arbitration, University of Rome, "Roma Tre."

Lunch Break

Session 3: Contemporary Issues in Investment Arbitration

This panel will focus on discrete issues of investment arbitration. Topics to be covered will include: disqualification of arbitrators in ICSID arbitration; parallel proceedings; precautionary measures; and the latest developments on the definition of investment.

Speakers:

- **Karel Daele**, Partner at MKONO & CO Advocates in Association with Denton Wilde Sapte, Dar Es Salam, Tanzania (Counsel to the Government of Tanzania).
- **Lluís Paradell**
- **Christian Leathley**, LL.M. (NYU), Attorney-at-Law (New York), Solicitor (England and Wales).
- **Professor Dr. Alexandra Koutoglidou**, Vrije Universiteit Brussel.