

## Investor-State dispute settlement: emerging issues and challenges for Latin American countries and investors

Washington D.C., 11-12 October 2007

Jointly organized by  
the Inter-American Development Bank (IDB),  
the United Nations Conference on Trade and Development (UNCTAD), and  
the Columbia Program on International Investment (CPII)

*with the collaboration of the Organization of American States (OAS)  
and SETIC/Academia de Centroamérica*

### THURSDAY, OCTOBER 11

---

08.30 – 09.00 Registration

---

09.00 – 09.15 Opening session  
By representatives from UNCTAD, IDB and CPII

---

09.15 – 10.00 **The setting: trends in international investment agreements and recent developments in investor-State dispute settlement**

*Introduction: Patrick Juillard, Professor Emeritus, Université Paris I Panthéon-Sorbonne*

*Anna Joubin-Bret, Senior Legal Advisor, Policies and Capacity Building Branch, Division of Investment, Technology and Enterprise Development, UNCTAD*

---

10.00 – 10.30 **Open discussion**

---

10.30 – 10.45 Coffee break

---

10.45 – 11.30 **The NAFTA experience in investor-State dispute settlement for States and transnational corporations**

*Moderator: Karl Sauvart, Executive Director, the Columbia Program on International Investment, Columbia Law School*

*Hugo Perezcano Diaz, Head of Unit, Unit of International Trade Practices, Ministry of Economy, Mexico*

*Mark A. Clodfelter, Winston and Strawn, Washington D.C. (former Assistant Legal Advisor, Department of State, United States)*

*Gilles Gauthier, Director, Investment Trade Policy Division, Foreign Affairs and International Trade, Canada*

---

11.30 – 12.00	<b>Open discussion</b>
12.00 – 14.00	<p><b>Lunch hosted by the Inter-American Development Bank</b></p> <p><b>Keynote speech: recent developments in investor-State disputes and their impact on the internal market reform process in Latin America</b></p> <p><i>By Louis Wells, Herbert F. Johnson Professor of International Management, Harvard Business School</i></p>
14.00 – 15.15	<p><b>Recent experience in investor-State dispute settlement in Latin-American countries</b></p> <p><i>Moderator: Raúl Vinuesa, Arbitrator, Professor, Universidad de Buenos Aires, Argentina</i></p> <p><i>Eduardo Bobadilla Brinkmann, Legal Adviser, Programa de Defensa en Arbitrajes de Inversion Extranjera, Ministry of Economy, Chile</i>  <i>Carlos Venegas, Director of International Affairs and Human Rights, Attorney-General's Office, Republic of Ecuador</i>  <i>Cesar Vega Masis, Director of Legal Affairs, Ministry of Foreign Affairs, Nicaragua</i></p>
15.15 – 15.45	<b>Open discussion</b>
15.45 – 16.00	Coffee break
16.00 – 16.45	<p><b>A changing perspective in Latin America</b>  <b>From capital importers to capital exporters: investor-State dispute settlement challenges for small and medium-size firms</b></p> <p><i>Moderator: Carolyn Robert, Trade and Investment Specialist, Inter-American Development Bank</i></p> <p><i>Introduction by: Susan Franck, Assistant Professor, College of Law, University of Nebraska</i></p> <p><i>Eduardo Lizano, Academia de Centroamérica</i>  <i>Bart Legum, Counsel, Debevoise and Plimpton, LLP, Paris</i>  Private sector representative (TBC)</p>
16.45 – 17.15	<b>Open discussion</b>
17.15 – 17.30	Wrap-up session
17.30	Cocktail function hosted by Academia de Centroamerica/SETIC

## FRIDAY, OCTOBER 12

---

09.00 – 12.00 **Roundtable session: alternatives to addressing investor-State dispute settlement challenges in Latin America**

*Moderator: Julio Lacarte Muró*

---

09.00 – 10.30 **Perspective of host States**

*José Antonio Rivas*, Director of Investment, Ministry of Foreign Trade, Colombia

*Roberto Echandi*, Ambassador of Costa Rica to the European Commission

*Carlos Martin Ramirez Rodriguez*, Directorate of International Economics, Competition and Private Investment, Peru

*Eusebio Girona Cabrebra*, Advisor to the President, Bolivia (TBC)

### **Perspective of institutions**

*Uche Onwuamaegbu*, Senior Counsel, ICSID Secretariat - conciliation under the ICSID Convention

*Srilal Perera*, Chief Counsel Operations, Legal Affairs and Claims Group, MIGA - mediation

*Anna Joubin-Bret*, Senior Legal Advisor, Policies and Capacity Building Branch, DITE, UNCTAD - alternative dispute resolution

**Discussant:** *Karl Sauvant*, Executive Director, the Columbia Program on International Investment, Columbia Law School, United States

---

10.30 – 10.45 Coffee break

---

10.45 – 11.30 **Perspective of private sector**

(TBC)

### **Discussants:**

*Stanimir Alexandrov*, Partner, Sidley and Austin, Washington D.C.

*Mark McNeill*, Counsel, Shearman and Sterling, Paris

---

11.30 – 12.00 **Open discussion**

---

12.00 – 12.30 **Wrap-up session: the role of international cooperation**

*Karl Sauvant*, Executive Director, the Columbia Program on International Investment, Columbia Law School, United States

*Anna Joubin-Bret*, Senior Legal Advisor, Policies and Capacity Building Branch, DITE, UNCTAD

*Carolyn Robert*, Trade and Investment Specialist, Inter-American Development Bank.

---

12.30 Close

---