# Day 2 McGill –Queen Mary University of London Conference

## Investment and Investor-State Dispute Settlement in the CETA

**Date:** Saturday November 1st, 2014

**Time:** 9:00 – 17:30

**Location:** Maxwell Cohen Moot Court (room 100), McGill Faculty of Law

**Organized by:** Pierre Bienvenu, Andrea K. Bjorklund

We are pleased to invited you to attend the second day of the CETA Conference entitled “Investment and Investor-State Dispute Settlement in the CETA.” This second day is made possible with the support of our partners: McGill University L. Yves Fortier Chair in International Arbitration and International Commercial Law, Queen Mary University London, McGill’s Private Justice and the Rule of Law Research Group, Norton Rose Fulbright Montreal and the Canadian Branch of the International Law Association.

### About

One of the most interesting chapters of CETA is the investment chapter, which aims to clarify key substantive provisions commonly found in investment treaties, including the fair and equitable treatment provision, in addition to including detailed procedural provisions delineating with more specificity the characteristics of arbitrators and their powers in resolving cases. Participants in a closing roundtable will discuss the implications of CETA , one of three investment agreements – the other two are the Trans-Pacific Partnership and the Transatlantic Trade and Investment Partnership – that will shape world investment and trade in the twenty-first century.

### Agenda

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| 8:30 – 9:00 | *Coffee* |
| 9:00 – 9:15 | Welcome |
| 9:15 – 10:45 | Session 1:  Policy Considerations on Investment Protection, including Substantive Standards of Protection and ISDS: The Negotiators’ Perspectives |
| 10:45 – 11:15 | *Coffee/ Tea Break* |
| 11:15 – 12:45 | Session 2:  Salient Legal Issues in the Substantive Standards of Protection in CETA |
| 12:45 – 14:00 | *Luncheon with Keynote Speaker* |
| 14:00 – 15:30 | Session 3:  Salient Legal Issues in Investor-State Dispute Settlement in CETA |
| 15:30 – 16:00 | *Coffee/ Tea Break* |
| 16:00 – 17:00 | Session 4:  Roundtable: Prognosis for CETA and Concluding Remarks |

## Program

### 8:30 – 9:00 Coffee

### 9:00 – 9:15 Welcome

### 9:15 – 10:45 Session 1:

### *Policy Considerations on Investment Protection, including Substantive Standards of Protection and ISDS: The Negotiators’ Perspectives*

**Moderator:** Pierre Bienvenu, Global Co-Head of International Arbitration, Senior Partner, Norton Rose Fulbright, Montreal

**Speakers:** Sylvie Tabet, General Counsel and Director, Trade Law Bureau, Government of Canada

Colin Brown, Deputy Head of Unit, Dispute Settlement and Legal Aspects of Trade Policy, DG Trade, European Commission

**Commentator:** Alexis Mourre, Vice-President, ICC International Court of Arbitration

### 10:45 – 11:15 Coffee/ Tea Break

### 11:15 – 12:45 Session 2:

### *Salient Legal Issues in the Substantive Standards of Protection in CETA*

**Moderator:** Stephen Drymer, Head of International Arbitration and ADR, Woods LLP

**Speakers:** Howard Mann, International Institute for Sustainable Development

Nikos Lavranos, Head of Legal Affairs, Global Investment Protection AG

Hamid Gharavi, Partner, Derains & Gharavi

Mark Kantor, Adjunct Professor, Georgetown University, Faculty of Law

### 12:45 – 14:00 Luncheon with Keynote Speaker

**Keynote speaker:** Stephen Schwebel, former Judge of International Court of Justice

### 14:00 – 15:30 Session 3:

### *Salient Legal Issues in Investor-State Dispute Settlement in CETA*

**Moderator:** Debra Steger, Professor of Law, University of Ottawa

**Speakers:** Andrea K. Bjorklund, L. Yves Fortier Chair in International Arbitration and International Commercial Law, McGill University, Faculty of Law

Andrew Newcombe, Associate Professor, University of Victoria, Faculty of Law

John Gaffney, Senior Associate, Al Tamimi & Company

Sophie Nappert, Independent Arbitrator, 3 Verulam Buildings

### 15:30 – 16:00 Coffee/ Tea Break

### 16:00 – 17:00 Session 4:

### *Roundtable: Prognosis for CETA and Concluding Remarks*

**Speakers:** August Reinisch, Vice Dean, Faculty of Law, University of Vienna

Mark Bungenberg, Professor, University of Siegen

Gonzalo Flores, Senior Counsel & Team Leader, ICSID

Martin J. Valasek, Norton Rose Fulbright