



The 3rd Annual Singapore International Investment Arbitration Conference

12 December 2012, Wednesday, Azalea Room, Shangri-La Singapore

Can Investment Treaty Arbitration Be Improved?

PROGRAMME

9:00am - 9:15am

WELCOME CEREMONY

9:15am - 10:30am

SESSION 1 : Can investment treaty arbitration be improved and if so, in what ways?

This is a general introductory session in which experts in the field will cover some of the more challenging areas of practice and discuss whether it needs to be improved, and if so, how.

Panellists

M Sornarajah, Faculty of Law, National University of Singapore, Singapore
Daniel M. Price, Daniel M. Price PLLC, Washington, D.C., USA
Philippe Sands, Q.C., Matrix Chambers, London, UK

10:30am – 10:45am Morning Refreshment Break

10:45am - 12:00nn

SESSION 2 : Should the institution of party-appointed arbitrators be done away with?

An issue which has come to the fore, particularly in the last year, has been a debate as to whether the institution of party-appointed arbitrators should be maintained in the investor-state arbitration field. Some experienced arbitrators maintain that the selection of tribunal members should be changed in favour of other more institutional mechanisms of appointment; others have argued that this is an important feature of party autonomy that should be maintained. This session will discuss the arguments for and against the appointment of arbitrators by disputing parties.

Panellists

Sabine Konrad, McDermott Will & Emery LLP, Frankfurt, Germany
John Savage, King & Spalding LLP, Singapore
Peter Turner, Freshfields, Paris, France

12:00nn - 1:15pm Lunch @ Gardenia Room

1:15pm - 3:00pm

**SESSION 3 : Is predictability and consistency of arbitral decision-making important?
Is it attainable?**

Investor-state arbitration jurisprudence contains a number of areas of substantive law on which there have been deep divisions in the approaches taken by tribunals. This raises questions as to the predictability and consistency of arbitral decision-making and its impact on claims. This panel will discuss this issue and consider ways to encourage and maintain consistency.

Panellists

Mark S. McNeill, Shearman & Sterling LLP, Paris, France

Andrew Newcombe, University of Victoria, Canada

Jürgen Kurtz, University of Melbourne Law School, Australia

Michael Ewing-Chow, Centre for International Law, National University of Singapore

3:00pm – 3:15pm Afternoon Refreshment Break

3:15pm - 4:30pm

SESSION 4 : Are BITs and FTAs drafted with sufficient clarity to give guidance to tribunals?

Many investment treaties are drafted in relatively simple and general terms. This form of drafting tends to confer discretion on tribunals to determine the scope and content of the substantive obligations. A number of recent treaties have been drafted with more precision and have addressed such specific questions as prudential measures taken by states in relation to financial services. The question to be addressed by this panel will be whether the drafters of treaties have attained a sufficient degree of clarity or whether the process could be improved by more detailed treaty texts.

Panellists

Mark Feldman, Peking University School of Transnational Law, Shenzhen, China

Bernard Hanotiau, Hanotiau & van den Berg, Brussels, Belgium

4:30pm - 5:00pm

CLOSING : Wrap up "open floor discussion" and close of day

5:00pm – 6:00pm Drinks reception sponsored by