

# INVESTMENT ARBITRATION COURSE

## GoArb MADRID

July 2 to 7, 2018

### REPORT 2018

Organized by: \_\_\_\_\_ With the institutional support of: \_\_\_\_\_



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## IASC

IASC is an association of young international arbitration practitioners founded in 2016 that provides legal training to young professionals, which aims to foster a deeper understanding of arbitration as a peaceful and effective means of dispute resolution. All IASC programs are supervised by its Academic Council composed of leading practitioners in the field:

- Andrea Bjorklund, McGill University
- Anne Marie Whitesell, Georgetown University
- Loukas Mistelis, Queen Mary University of London
- José Ricardo Feris, Squire Patton Boggs
- Stefan Kröll, Director of the Willem C. Vis Arbitration Moot
- Alejandro Garro, Columbia University
- Pilar Perales, Universidad Carlos III de Madrid
- Juan Fernández-Armesto, Armesto & Asociados Árbitros
- Gabrielle Kaufmann-Kohler, Lévy Kaufmann-Kohler

### Co-chairs:

- Mélanie Riofrio Piché, Armesto & Asociados Árbitros
- Felipe Aragón, Armesto & Asociados Árbitros

## GoArb

GoArb is one of the programs organized by IASC. It is a one-week introductory course on international arbitration based on the analysis of a mock case. GoArb has held editions all over the world with the collaboration of arbitral institutions, chambers of commerce, universities and young arbitration groups. The 2018 Madrid edition of GoArb was organized in collaboration with Universidad Carlos III de Madrid.

### Coordinators:

- Inés Puig-Samper Naranjo, Gómez-Acebo & Pombo
- Millicent Domínguez Johnson, Allen & Overy
- David Ramos Muñoz, Universidad Carlos III de Madrid



# Schedule & Locations

## Schedule

2 - 7 July, 2018

|             | Monday 2                               | Tuesday 3   | Wednesday 4                                 | Thursday 5                          | Friday 6                             | Saturday 7        |
|-------------|--|---|---|-------------------------------------|--------------------------------------|-------------------|
| 9:00-10:30  | Welcoming Breakfast                    | Jurisdiction and Admissibility (I)                          | Substantive Protections (I)                 | Damages                             | Workshop on How to present your Case | Hearings          |
| 10:40-12:10 | Introduction to Investment Arbitration | Jurisdiction and Admissibility (II)                         | Substantive Protections (II)                | Enforcement and annulment of Award  | Workshop on How to present your Case | Hearings          |
| 12:20-13:50 | Introduction to ICSID                  | Mock Case Analysis  | Substantive Protections (III)               | Madrid Experience - Tapas & Culture |                                      | Hearings          |
| 15:10-16:40 | Introduction to ICSID                  | Oral advocacy   |   |                                     |                                      | Closing Reception |
|             |  |   |   |                                     |                                      |                   |
| 17:30       |  | YOUNG ICSID Event<br>Transparency in investment arbitration |   |                                     |                                      |                   |
| 18:00       |  |   | ICC YAF Event                               | IASC Training                       |                                      |                   |
| 19:30       | Welcoming Event                        |   | How to Break into International Arbitration | Cross examination                   |                                      |                   |

Seminars ● Workshops ● Social Events ●

## Locations

|                   |  |
|-------------------|--|
| Seminars:         | Universidad Carlos III de Madrid.<br>Ronda de Toledo, 1. |
| Welcoming Event:  | Hotel Vincci. Gran Vía, 41.<br>Floor 9                   |
| Young ICSID Event | Universidad Carlos III de Madrid.<br>Ronda de Toledo, 1. |
| ICC YAF Event     | Allen & Overy.<br>Serrano, 73.                           |

|                                       |   |
|---------------------------------------|---|
| IASC Training                         | Pérez-Llorca.<br>Paseo de la Castellana, 50.  |
| Workshop on How to present your case: | Hogan Lovells.<br>Paseo de la Castellana, 36. |
| Hearings & closing reception          | Corte de Arbitraje de Madrid.<br>Huertas, 11. |



# Program

## 1. Introduction and Procedure

Introduction  
Contracts and Treaties  
Bilateral Investment Treaties  
ICSID Convention  
Applicable Law  
Bifurcation  
Interim Measures  
Amicus Curiae and Confidentiality  
Other Procedural Issues

## 2. Jurisdiction and Admissibility

Consent  
Cooling-off Period  
Fork-in-the-road  
Denial of Benefits  
Counterclaims

## 3. Substantive Protections

Contract Claims  
Expropriation  
Fair and Equitable Treatment  
Full Protection and Security  
Most Favoured Nation  
Umbrella Clause

## 4. Damages

## 5. Award

Available remedies  
Costs  
Annulment  
Recognition and enforcement  
Immunity

## 6. Skills

Oral Advocacy  
Written Submissions Drafting  
Cross Examination  
Mock Hearings

## 7. Networking Events

Welcoming breakfast  
ICC YAF event  
Young ICSID event  
IASC event  
Madrid Experience  
Closing Reception

# Faculty

Inaugural speech: David Arias, Arias SLP (Madrid)

Alba Briones, Hogan Lovells (Madrid)

Catherine Kettlewell, ICSID (Washington)

David Ramos, Universidad Carlos III de Madrid (Madrid)

Elena Gutiérrez, Independent arbitrator (Paris and Madrid)

Fernando Bedoya, Pérez-Llorca (Madrid)

Gabriel Bottini, Uría Menendez (Madrid)

José Ricardo Feris, Squire Patton Boggs (Paris)

Julien Fouret, Betto Seraglini (Paris)

Kabir Duggal, Arnold & Porter Kaye Scholer LLP

Martin Doe, Permanent Court of Arbitration (The Hague)

Michele Potestà, Lévy Kaufmann-Kohler (Geneva)

Patricia Saiz, Esade Business and Law School (Barcelona)

Silvia Martínez, Hogan Lovells (Madrid)

Deva Villanúa, Armesto & Asociados (Madrid)



# Workshops

## Workshop on Oral Advocacy

**Lecturers:** Silvia Martínez - Hogan Lovells

Alba Briones - Hogan Lovells

**Venue:** Hogan Lovells

## IASC Training: Cross Examination

**Lecturers:** Fernando Bedoya - Pérez-Llorca

María Pérez - Cuatrecasas Gonçalves Pereira

David Ingle - Senior Associate at Allen & Overy

**Venue:** Pérez-Llorca





# Rounds of Hearings

The participants of GoArb had the unique opportunity to prepare a case and present oral arguments as claimants and respondents during the Mock Hearing rounds.

Both students and arbitrators gathered in the exciting final phase of the course: the oral hearings. A whole week of work, lectures and bonding between the participants resulted in an exciting morning at the beautiful Palacio de Santoña, venue of the Corte de Arbitraje de Madrid, where the teams played their roles as co-counsels, simulating a real arbitration proceeding. Students successfully overcame the challenge of analyzing the legal issues contained in the mock case while developing their team work and oral skills. The best team for claimant and respondent confronted in a final hearing round where emotions were running high.





# Conferences

## Welcoming remarks:

David Ingle - Allen & Overy

## Moderator:

Luis Fernando Rodríguez- Armesto & Asociados

## Speakers:

Agustina Álvarez - Allen & Overy (Madrid)

Mariona Cusi - Master of Laws in International Dispute Settlement  
MIDS (Geneva)

Amanda Jiménez Pintón - ICC International Arbitration Court  
(Paris)

Luminita Popa - Suci Popa Attorneys (Bucharest)

João Vilhena Valério - Beechey Arbitration (London and Hong Kong)

The students had the chance to follow the careers and testimonies from five arbitration practitioners and scholars in a very warm event where the diversity of the speakers and the interesting questions posed by the students made it an extraordinary occasion out of an engaging conference. After the very interactive event where the panel shared their personal tips and experiences with the attendants, our students had the chance to talk to them face-to-face in the networking cocktail that followed the conference.

## ICC YAF: How to break into international arbitration



## Young ICSID: Transparency in international arbitration



## Welcoming remarks:

Mélanie Riofrio Piché - Armesto & Asociados

## Keynote address:

Juan Fernández-Armesto - Armesto & Asociados

## Moderator:

Lucía Montes Saralegui - Cuatrecasas

## Speakers:

Laurie Achouk-Spivak - Cleary Gottlieb Steen & Hamilton  
LLP (Paris)

Catherine Kettlewell - ICSID (Washington)

Montserrat Manzano - Von Wobeser y Sierra (Mexico)

Michele Potestà - Lévy Kaufmann-Kohler (Geneve)

Young ICSID and IASC partnered to organize this excellent event aimed at discussing the new trends and challenges of confidentiality and transparency in international arbitration. The panel discussion was followed by a Q&A session, where students got the chance to share their thoughts and concerns about the issue as well as hearing first-hand accounts from experts about the newest approaches to transparency in the field. After the conference, students and speakers enjoyed a cocktail sponsored by Cuatrecasas.



# Social Events

## Welcoming Breakfast

The program kicked-off with a welcoming breakfast that gave students the chance to introduce themselves and meet the other participants, allowing them to get to know each other before starting to work on the mock case.

**Venue:** Universidad Carlos III de Madrid. Ronda de Toledo, 1.

## Welcoming Event

Our participants enjoyed a bonding experience with a beautiful view of Madrid and some drinks in an exceptional location: a rooftop in one of the most popular streets in Madrid. Our students shared laughs and had the chance to get to know each other.

**Venue:** Hotel Vincci. Gran Vía, 41. Floor 9.

## Madrid Tapas & Culture

Both Spanish and international students had a great time discovering the city by walking through the beautiful and historical streets of Madrid. The tour finished with a informal lunch in a typical tapas bar.

## Closing Reception

Teams, arbitrators and co-organizers of the course spent their last moments together in the closing reception at an exceptional location in the Corte de Arbitraje de Madrid. Special recognition was given to the "Best Team" and "Best Speaker" of the hearings, and all participants shared lunch to say goodbye to an unforgettable experience.

**Venue:** Corte de Arbitraje de Madrid. Huertas, 11.





# We hope to see you in our upcoming events!

For more information visit:

[www.iascedu.com](http://www.iascedu.com)

Or send us a message at:

[info@iascedu.com](mailto:info@iascedu.com)

