

Discussion Series



Series of Panel Presentations on International Arbitration – Fall 2022

Investment Agreements of the 21st Century: USMCA and Beyond

Panel 1: The Legacy of NAFTA Chapter 11: USMCA and Beyond

Thursday, October 20, 17:00-19:00 CET / 11:00 a.m.-1:00 p.m., EST - Paris (Hybrid)

Panel 2: USMCA Chapter 14: Experiences (Mexican perspective)

Tuesday, October 25, 11:00 a.m.-1:00 p.m., EST / 17:00-19:00 CET, Online

Panel 3: USMCA Chapter 14: Experiences (Canadian perspective)

Tuesday, November 1, 11:00 a.m.-1:00 p.m., EST / 16:00-18:00 CET, Online

Panel 4: USMCA Chapter 14: Experiences (US perspective)

Tuesday, November 8, 2022, 11:00 a.m.-1:00 p.m., EST / 17:00-19:00 CET - Washington DC (Hybrid)



Institut suisse de droit comparé
Schweizerisches Institut für Rechtsvergleichung
Istituto svizzero di diritto comparato
Swiss Institute of Comparative Law





Investment Agreements of the 21st Century: USMCA and Beyond

Looking specifically at the North American Free Trade Agreement's Chapter 11 and the Canada-Mexico-United States (USMCA/CUSMA/T-MEC) Chapter 14, this series of panels aims to evaluate what might be in store for the next generation of international investment agreements with a particular focus on the durability of treaty structures. At the base of our inquiry is the question of whether made-for-the-moment treaties can provide long-lasting protections for investors, hosts, and local communities and what structural elements can either support the long-term suitability of the treaty or what structural elements need to be added on to ensure that the treaty provisions can become long-lasting.

The four workshops compare the North American treaties and investigate their State Parties' approaches to the negotiations, hopes for the final instruments, and experiences with the texts. Our speakers are leading legal practitioners, scholars, and representatives of international institutions – each with deep knowledge of the international investment environment. The presentations will illustrate the history of Canada-Mexico-United States political and economic relations and point out the treaties' international reverberations. The panel discussions will then take up the lessons we can draw from the regional level as we look toward the future of the international investment regime.

Each workshop will be available for viewing free of charge. The first and final workshops will also be open for in-person attendance. Registration is required.

REGISTRATION

[Register here](#) for the in-person panel on October 20, 2022, held at the offices of DLA Piper, 27 rue Laffitte, 75009 Paris, France.

[Register here](#) for the in-person panel on November 8, 2022, held at the Center on International Commercial Arbitration at American University Washington College of Law, 4300 Nebraska Avenue, NW - Washington, D.C. 20016.

[Register here](#) for attending any of the virtual program.

First Panel (hybrid)

The Legacy of NAFTA Chapter 11: USMCA and Beyond

Thursday, October 20, 11:00 a.m.-1:00 p.m., EST /
17:00-19:00, CET

In this first workshop, we will set out the contours of the USMCA Chapter 14, drawing particular attention to its differences to its predecessor, NAFTA Chapter 11. Our speakers will discuss the NAFTA parties' experience with the NAFTA and the wider effects that the Agreement had on the international investment system. The speakers will also be asked whether it was perceived weaknesses in the NAFTA structure or the political, legal, economic, or social demands of the moment that influenced the USMCA approach to investment protection.

Panelists:

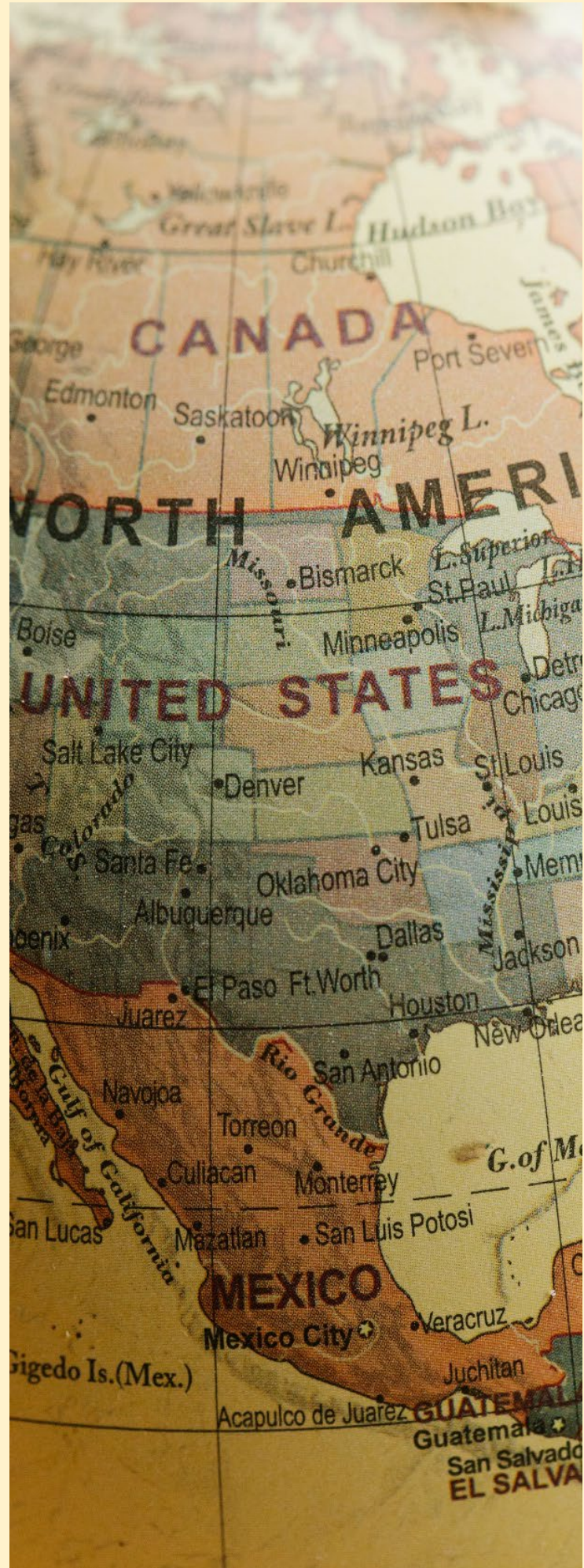
- **Barton Legum**, Honlet Legum Arbitration, Paris
- **Céline Lévesque**, Professor of Law, University of Ottawa; International Arbitrator
- **Hugo Perezcano**, International Arbitrator
- **Vincent Beyer**, Associate Expert, UNCTAD, Geneva
- **Jonathan Gass**, Arbitrator, London

Introduction and moderation:

Krista Nadakavukaren, Vice-Director, Institut suisse de droit comparé, Lausanne

[Register here](#) for the in-person panel on October 20, 2022, held at the offices of DLA Piper in Paris (27 rue Laffitte, 75009 Paris, France). The recording will be posted on the [event web page](#) to watch in preparation of the other panels that follow.

We thank DLA Piper for their generous support in hosting this 1st panel.



Institut suisse de droit comparé
Schweizerisches Institut für Rechtsvergleichung
Istituto svizzero di diritto comparato
Swiss Institute of Comparative Law





Second Panel (online)

USMCA Chapter 14: Experiences (Mexican perspective)

Tuesday, October 25, 2022: 11:00 a.m.-1:00 p.m., EST / 17:00-19:00, CET

The second event is an online-only session that will focus on Mexico's view of how well the USMCA Chapter 14 is fulfilling its goals. Are the new structures providing the country the security it seeks as a host state? Are the structures offering Mexican investors the assurances they need to invest in their USMCA partners?

Panelists:

- **Francisco González de Cossío**, International Arbitrator, Mexico
- **Bernardo Sepúlveda Amor**, International Arbitrator, Of Counsel / head of the Arbitration and Dispute Resolution Practice, Creel, García-Cuellar, Aiza y Enríquez, S.C.
- **Sofia Gómez Ruano**, Partner at Creel, GarcíaCuéllar, Aiza y Enríquez, S.C., Mexico

Moderator:

- **Krista Nadakavukaren**, Vice-Director, Institut Suisse de Droit Comparé, Lausanne

[Register here](#) for attending the virtual program.



Institut suisse de droit comparé
Schweizerisches Institut für Rechtsvergleichung
Istituto svizzero di diritto comparato
Swiss Institute of Comparative Law





Third Panel (online)

USMCA Chapter 14: Experiences (Canadian perspective)

Tuesday, November 1, 2022, 11:00 a.m.-1:00 p.m., EST / 16:00-18:00, CET

The third event is an online-only session that will focus on Canada's view of how well the USMCA Chapter 14 is fulfilling its goals. As not included in the scope of the investment chapter at all, Canada's role is a special one. Our discussion will focus on this third-party aspect, asking also about the feasibility of referring to dispute settlement provisions of a different trade agreement as a substitute for an own-regime approach.

Panelists:

- **Andrea K. Bjorklund**, Associate Dean, Graduate Studies, McGill University Faculty of Law; Full Professor, Université de Montréal
- **Sylvie Tabet**, General Counsel and Director, Trade Law Bureau, Government of Canada
- **Liz Whitsitt**, Associate Professor, University of Calgary

Moderator:

- **Horacio A. Grigera Naón**, Director, Center on International Commercial Arbitration, American University Washington College of Law

[Register here](#) for attending the virtual program.



Institut suisse de droit comparé
Schweizerisches Institut für Rechtsvergleichung
Istituto svizzero di diritto comparato
Swiss Institute of Comparative Law





Fourth Panel (hybrid)

USMCA Chapter 14: Experiences (US perspective)

Tuesday, November 8, 2022, 11:00 a.m.-1:00 p.m., EST / 17:00-19:00, CET

The fourth and final event will take place in person and online. This session will focus on the United States' uses and non-use of the USMCA's Chapter 14. Beyond asking if the new structures are providing the country the security it seeks as a host state and whether the structures are offering US investors the assurances they need to invest in their USMCA partners, this session will use the lessons from all of the workshops to again consider what lessons the USMCA may hold for future international investment agreements – and international investment law in general.

Panelists:

- **Lucinda Low**, Partner, Steptoe & Johnson LLP, Washington, D.C.
- **Marinn Carlson**, Partner, Sidley Austin LLP, Washington, D.C.
- **Alvaro Peralta**, Attorney-Advisor, U.S. Department of State, Washington, D.C.

Moderator:

- **Björn Arp**, Fellow, Center on International Commercial Arbitration, American University Washington College of Law

Summary and Concluding Remarks:

- **Krista Nadakavukaren**, Vice-Director, *Institut Suisse de Droit Comparé*, Lausanne
- **Horacio A. Grigera Naón**, Director, Center on International Commercial Arbitration, American University Washington College of Law

[Register here](#) for the in-person panel on November 8, 2022, held at the Center on International Commercial Arbitration at American University Washington College of Law, 4300 Nebraska Avenue, NW - Washington, D.C. 20016.



Institut suisse de droit comparé
Schweizerisches Institut für Rechtsvergleichung
Istituto svizzero di diritto comparato
Swiss Institute of Comparative Law

