

APRAG-ICSID

Investment Arbitration Conference

Asia and Investment Arbitration

3 March 2011 - Seoul, Korea

Although the importance of investment arbitration has been noted all over the world, it has not been actively tested in the context of Asia, notwithstanding that potentials of investment disputes in this region are very high.

This conference aims at exploring whether and how investment dispute-related jurisprudence and precedents developed in other fora can be applicable to the Asian context, and whether and to what extent Asian uniqueness, if any, must be accommodated in handling investment disputes involving at least one Asian party.

Co-Organized by  **APRAG**  **ICSID**
INTERNATIONAL CENTRE FOR
SETTLEMENT OF INVESTMENT DISPUTES

Co-Sponsored by  **The Korean Commercial Arbitration Board**

KOCIA The Korean Council for International Arbitration

Date 3 March 2011, 1:30 p.m. – 5:00 p.m.

Venue Council Chamber of Korean Chamber of Commerce, Seoul Korea

Co-organized by Asia Pacific Regional Arbitration Group (APRAG) & International Centre for Settlement of Investment Disputes (ICSID)

Co-sponsored by Korean Commercial Arbitration Board (KCAB) & Korean Council for International Arbitration (KOCIA)

| Registration

1:00 p.m.-1:30 p.m

| Opening

1:30 p.m.-1:45 p.m.

Opening Remark by Jae Moon Doh, *Co-President of APRAG and President of KCAB*

| Session 1

1:45 p.m.-3:15 p.m.

Procedural Issues in Investment Arbitration for Asia: Jurisdiction, Interim Relief and Annulment of Awards

The idea is to cover issues of (i) jurisdiction, (ii) appointment and challenge of arbitrators, and (iii) interim relief and annulment of arbitral awards. The first three panelists will succinctly cover each topic to introduce globally prevailing practice and jurisprudence. Mr. John Savage will introduce South East Asian investment cases and Mr. Beomsu Kim will address relevant provisions of Far East Asian BITs and/or FTAs. Open discussions will follow to explore Asia-specific investment disputes-related issues while examining whether and to what extent such issues could be addressed in accordance with internationally prevailing practice or jurisprudence.

Co-Chairs :

Seung Wha CHANG, *Co-President of APRAG and Chairman of KOCIA*

Meg Kinnear, *Secretary General of ICSID*

Panelists :

Lucy Reed, *Freshfields Bruckhaus Deringer* (jurisdiction – scope of investment)

Michael Hwang, *Michael Hwang Chambers* (arbitrators – appointment and challenge)

Stephen Jagusch, *Allen & Overy* (interim relief and annulment)

John Savage, *Shearman & Sterling* (Asian investment arbitration cases – Examples of South East Asia)

Beomsu Kim, *Shin & Kim* (Asian BIT and FTA – Examples of Far East Asia)

| Coffee Break

3:15 p.m.-3:30 p.m.

| Session 2

3:30 p.m.-5:00 p.m.

Substantive Issues in Investment Arbitration for Asia: Non-Discrimination, Expropriation and Quantum

The idea is to cover (i) basic investment protection-related principles including MFN, National Treatment and Fair & Equitable Treatment, (ii) expropriation and (iii) calculation of damages. The first three panelists will succinctly cover each topic to introduce globally prevailing practice and jurisprudence. Prof. Shin will point out Asia-specific issues while addressing relevant provisions of Far East Asian BITs and/or FTAs. Mr. Cecil Abraham will discuss South East Asian cases. Ms. Khong will introduce investment arbitration cases under ICC while providing some observation on the potentials of Asia-related investment disputes. Open discussions will follow to address Asia-specific investment disputes-related issues while examining whether and to what extent such issues could be handled in accordance with internationally prevailing practice or jurisprudence.

Co-Chairs :

Seung Wha CHANG, *Co-President of APRAG and Chairman of KOCIA*

Meg Kinnear, *Secretary General of ICSID*

Panelists :

Yas Banifatemi, *Shearman & Sterling* (non-discrimination principles)

Bernard Hanotiau, *Hanotiau & van den Berg* (expropriation)

Wolfgang Peter, *Python & Peter* (damages)

Hi-Taek Shin, *Seoul National University* (Asian BITs and FTA – Examples of Far East Asia)

Cecil Abraham, *Zul Rafique & Partners* (South East Asian investment arbitration cases)

Cheng-Yee Khong, *ICC International Court of Arbitration* (ICC investment arbitration for Asia)

| Closing

5:00 p.m.

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REGISTRATION FORM

Please complete the registration form and return it to the following channels before **28 February 2011**:

BY EMAIL with PDF attachment of the completed registration form to
Mr. Keon-Hyung AHN at khahn@kcab.or.kr (Tel: +82 2 551 2011) or
Ms. Sun-Young HWANG at syh@kcab.or.kr (Tel: +82 2 551 2016).

1. PARTICIPANT INFORMATION (Please attach your business card or write in block capitals)

Title	<input type="checkbox"/> Mr. <input type="checkbox"/> Ms. <input type="checkbox"/> Prof. <input type="checkbox"/> Dr. <input type="checkbox"/> Other, please specify:		
First Name		Last Name	
Korean Name (Korean participants only)			
Occupation	<input type="checkbox"/> Lawyer <input type="checkbox"/> Businessman <input type="checkbox"/> Professor <input type="checkbox"/> Other, please state:		
Company			
Address			
Country		Zip Code	
Tel		Fax	
Email			

2. Registration Confirmation

The seats for registrants will be limited. Please note that your registration shall not be guaranteed unless you receive a confirmation email from the secretariat.

3. Location of Venue

Korea Chamber of Commerce & Industry (KCCI)
45 4ga Namdaemunro, Jung-gu, Seoul, 100-743 Korea
Tel: 82-2-6050-3114, Fax: 82-2-6050-3400

