

EVENTS DURING THE WG III SESSION (20-24 January 2025, Vienna)

20 Jan. Monday	Costs and Benefits of the Design Options for an Appellate Mechanism (12:40 – 13:50)
	<p>Organized by the Academic Forum on ISDS</p> <p>As the Working Group proceeds to consider provisions on an appellate mechanism, this event will focus on the costs and benefits of the different design options of an appellate mechanism for investment disputes. The event will assess both fundamental design options, such as ad hoc appeal, a standing appellate mechanism, appeal as the second instance of a two-tiered multilateral court, as well as different options of regulating the relationship between the initial proceeding and the appeal, such as the question of whether to remand or not.</p> <p>Panellists: Ana María Daza Vargas (University of Edinburgh) (moderator), Danni Liang (Sun Yat-Sen University), Michele Potestà (Lévy Kaufmann-Kohler & IHEID), and Catharine Titi (French National Centre for Scientific Research & CERSA, University Paris-Panthéon-Assas)</p> <p>Venue: Boardroom D</p>
	Discussions on the Swiss proposal on select aspects concerning the Appeals Tribunal (WP.241) (17:10 – 18:30)
	<p>Organized by the delegation of Switzerland</p> <p>The Swiss delegation invites to a presentation and informal discussion of the proposal submitted by the Government of Switzerland concerning select aspects of the Appeals Tribunal. Switzerland's proposal addresses four key areas: (1) decisions and awards subject to appeal, (2) grounds for appeal, (3) the powers of the Appeals Tribunal, and (4) the relationship between appeal remedies and annulment remedies. The objective is to deepen delegation's understanding of the proposal such that, when it is discussed in the Working group the discussions start from a more informed basis.</p> <p>Venue: Boardroom D</p>
21 Jan. Tuesday	International Law and Compensation: Recent developments (12:40 – 13:50)
	<p>Organized by the delegation of Latvia</p> <p>The International Law Commission (ILC) Articles on Responsibility of States for Internationally Wrongful Act (2021) postulate that States are required to provide reparation for internationally wrongful acts, including through compensation. The relevant provisions do not, however, provide much on the practical details, including quantification and valuation. This event will focus on recent developments related to compensation and international law, including the 2024 decision by the International Law Commission to include compensation for the damage caused by internationally wrongful acts in its long-term programme of work as well as recent compensation instruments. The aim is to provide delegates with helpful information for the ISDS reform discussion.</p> <p>Speakers: Martins Paparinskis (ILC); Deborah Aikins (Ghana); Mariana Pinto Schmidt (Chile); Sylvie Tabet (Canada)</p> <p>Venue: Boardroom D</p>
	States as Masters of Their Treaties (18:15 –19:45)
	<p>Organized by the governments of Australia, Canada, Chile, Czechia, Ghana, Panama, and the United States of America and hosted by the Permanent Court of Arbitration</p> <p>States are the drafters and signatories of their treaties, and have a variety of mechanisms to offer interpretations of their treaties after ratification. As States address reforms to the ISDS system, it is important to consider the means available by which States can assert their understandings of their treaties, and how those interpretations are considered by adjudicators. Building on last year's first event on State defense in ISDS, which focused on building a defense team, the governments of Australia, Canada, Chile, Czechia, Ghana, Panama, and the United States invite all States to this second event on State defense, to engage in a roundtable discussion of States' roles as "masters of their treaties." This discussion, led by Sylvie Tabet (Canada), Johanna Klein Kranenberg (Chile), and Margie-Lys Jaime (Panama), will further develop the topics addressed during the 2020 webinar organized by the UNCITRAL Secretariat and ISDS Academic Forum, on Treaty Parties' involvement and control mechanisms on treaty interpretation. The event will be followed by a reception provided by the PCA.</p> <p>Venue: PCA Vienna Office, Hofburg Vienna, Heldenplatz</p> <p>Time: 17:30 - 18:15 : Registration 18:15 - 19:45 : Roundtable discussion "States as Masters of Their Treaties" 19:45 - 21:30 : Reception with dinner and drinks</p> <p>Registration: Please register by e-mail at registration-vienna@pca-cpa.org by Monday, 20 January 2025. The event is intended for State delegations; other delegates are welcome space permitting.</p>
22 Jan. Wednesday	Safeguarding States' rights to regulate: the proposed reforms on procedural and cross-cutting issues do not go far enough (12:40 – 13:50)
	<p>Organized by the Federal Ministry of Justice of Nigeria, the International Law Association (ILA) Nigeria Branch, Aluko & Oyebode (ALN Nigeria) and the Corporate Counsel International Arbitration Group (CCIAG)</p> <p>At the fiftieth session, Working Group III will continue its consideration of ISDS reform elements, including the provisions on procedural and cross-cutting issues. This panel discussion will highlight and critically examine diverse views about (i) the right to regulate; (ii) third-party funding and (iii) exhaustion of local remedies.</p> <p>Venue: Boardroom D</p>