

**Third Inter-Sessional Regional Meeting on
Investor-State Dispute Settlement Reform
25-26 September 2019
Primus Hotel Kaloum, Conakry, Guinea**



**United Nations
UNCITRAL**



ORGANISATION
INTERNATIONALE DE
la francophonie



The Third Inter-Sessional Regional Meeting on Investor-State Dispute Settlement Reform, organized in Conakry, is part of the ISDS reform project under consideration by UNCITRAL Working Group III and aims to discuss ISDS issues from a regional perspective.

Provisional Program

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25 September

16:00 – 18:00 – Introductory Meetings

16:00 – 16:15

Introduction to ISDS reform

Presentation by the UNCITRAL Secretariat, followed by questions & answers from delegations

16:15 – 17:15

Panel I – Regional approaches to dispute settlement

Moderator: Ansoumane Camara, *Special advisor to the Prime Minister, in charge of economy, finances and budget, Guinea*

Speakers:

- Dr. Boubacar Sidiki Diarra, *Director of Legal Affairs, OHADA - OHADA Uniform Act on Arbitration (2017)*
- Makane Moise Mbengue, *Professor of International Law, University of Geneva – ISDS provisions in the current negotiations of AfCFTA and in the Tripartite Free Trade Agreement (SADC, COMESA, EAC) (2015)*
- Chrispas Nyombi, *Reader in International Commercial Law, Director of Research in Law, Canterbury Christ Church University*

17:15 – 18:15

Panel II – On-going or recent reforms of ISDS

Moderator: Eva Omotese, *Deputy Director, Federal Ministry of Justice, Abuja - Nigeria*

Speakers:

- Salim Moollan, *Chairman of UNCITRAL (2011), Delegate of Mauritius in Working Group III – Presentation of the legal framework on transparency in ISDS: UNCITRAL Rules on Transparency and Mauritius Convention on Transparency*
- Aurelia Antonietti, *Senior Legal Adviser, International Centre for Settlement of Investment Dispute (ICSID) - Presentation of the ongoing ICSID reform*
- Prof Paul Obo Idornigie, *Acting Director General, Nigerian Institute of Advanced Legal Studies – The new generation of Bilateral Investment Treaties in Nigeria*

18:30 – 22:00

Social event open to all representatives attending the Inter-Sessional Regional Meeting (*to be confirmed*)



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09:00 – 09:40

OPENING CEREMONY - WELCOME ADDRESSES

- Minister of Investments and Public-Private Partnerships, Republic of Guinea
- Representative of UNDP Guinea [TBD]
- Anna Joubin-Bret, Secretary, UNCITRAL
- H.E. M. Boubacar Issa Abdourhamane, Permanent Representative of the OIF to the African Union, International Organization of La Francophonie
- Opening of the Session, Representative of the Republic of Guinea [TBD]

FIRST SESSION
MINISTERIAL ROUNDTABLE

09:40 – 10:30

Moderator: H.E. M. Boubacar Issa Abdourhamane, *Permanent Representative of the OIF to the African Union, International Organization of la Francophonie*

Speakers

- H.E. M. Gabriel Curtis, *Minister of Investments and Public-Private Partnerships, Republic of Guinea*
- H.E. M. Abdoulaye Magassouba, *Minister for Mines and Geology, Republic of Guinea*
- H.E. M. Rene Bagoro, *Minister of Justice, Burkina Faso*
- H. E. M. Jean-Marc Grosгурin, *French Ambassador in Guinea, France*
- *[In the process of being updated]*



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SECOND SESSION
REFORM OPTIONS

10:30 – 11:00

Introductory presentations

- André Abel Barry, *Program Officer, OIF* - Presentation of the discussions and conclusions of the capacity building workshop organized by the Organization of La Francophonie and the Government of Guinea (including a reminder of the concerns and issues identified),
- Shane Spelliscy, *Chair of UNCITRAL Working Group III, General Counsel and Director, Investment and Services Law, Global Affairs (Canada)* - Overview of concerns and issues identified by UNCITRAL Working Group III,

11:00 – 11:15

COFFEE BREAK

11:15 – 12:45

Roundtable

*Detailed presentations and general discussions on the proposals for reform
submitted to Working Group III*

Moderator: Anna Joubin Bret, UNCITRAL Secretary

Presentation of proposals for reform submitted to Working Group III (see document [A/CN.9/WG.III/WP.166](#) and [A/CN.9/WG.III/WP.166/Add.1](#)) followed by comments and observations by delegates and participants.

Reform options considered by Working Group III:

- Multilateral advisory Centre
- Stand-alone review or appellate mechanism
- Standing first instance and appeal investment court
- ISDS tribunal members' selection, appointment and challenge
- Code of conduct

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- Treaty Parties' involvement and control mechanisms on treaty interpretation
- Strengthening of dispute settlement mechanisms other than arbitration (mediation)
- Exhaustion of local remedies
- Procedure to address frivolous claims, including summary dismissal
- Multiple proceedings, reflective loss and counterclaims by respondent States
- Cost management and related procedures
- Third party funding
- Other reform options

Introduction to reform options by the following participants:

- Aurélia Antonietti, ICSID
- Mathias Audit, University Paris I Panthéon Sorbonne
- Colin Brown, European Union
- Anna Joubin Bret, UNCITRAL Secretariat
- Gaston Kenfack Douajni, Cameroon
- Judith Knieper, UNCITRAL Secretariat
- Emilia Onyema, London University
- David Probst, UNCITRAL Secretariat
- Shane Spelliscy, Canada
- Nicole Thornton, United-States of America
- Aminata Traoré, Mali

Following the presentation of each reform option, a general discussion will take place.

12:45 – 13:45

LUNCH

13:45 – 16:00

Roundtable (continued)

16:00 – 16H30 Coffee-break

16:30 – 17:15



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High-level roundtable: Developing concrete ISDS Reform Options – The way forward

Moderator: Maladho Kaba, *Former Minister of Economy and Finances of Guinea, Chairwoman of the Supervisory Authority of water and electricity in Guinea*

- H.E. M. Amadeu de Jesus Alves Leitão Nunes, *Secretary of State for Trade, Angola*
- H.E. Ms Rimmé Bosio Riokaló, *Secretary of State of the Minister of Justice, worship and penitentiary institutions, Equatorial Guinea*
- H.E. M. Aristide Ebang Essono, *Ambassador in charge of Economic Partnership Agreements and trade negotiations, Gabon*
- M. Saadou Nimaga, *Secretary General of the Ministry for Mines and Geology, Guinea*

17:15 – 17:30

CLOSING REMARKS

- H.E. M. Boubacar Issa Abdourhamane, *Permanent Representative of the OIF to the African Union, International Organization of la Francophonie*
- Anna Joubin Bret, *UNCITRAL Secretary*
- *Representative from Guinea*