Reform of Investor-State Dispute Settlement - UNCITRAL

Shareholder claims and reflective loss

Webinar on 2 July 2020, 2-4 pm (CEST)

The UNCITRAL Secretariat, the Organisation for Economic Co-operation and Development (OECD) and the ISDS Academic Forum are organizing a webinar on the topic of shareholder claims and reflective loss in the context of ISDS.

The webinar is open for participation to all delegations invited to UNCITRAL Working Group III and to the participants in the OECD inter-governmental Investment Roundtable that has addressed reflective loss claims in ISDS. Please contact the UNCITRAL Secretariat for the connection details at uncitral@un.org.

Programme

Opening remarks (14:00-14:15)
Anna Joubin-Bret (The Secretary, UNCITRAL)
Ana Novik (Head of the Investment Division, OECD)
Malcolm Langford (Academic Forum)
Shane Spelliscy (Chairperson, UNCITRAL Working Group III)

Presentations (14:15-15:15)
David Gaukrodger (OECD)
Julian Arato (Academic Forum and on behalf of other members, Kathleen Claussen, Jaemin Lee and Giovanni Zarra)
Sylvie Tabet (Canada)
Laura Antonella Marquez (Argentina)

Discussion (15:15-15:55)
Participants will be invited to make comments and ask questions.

Concluding remarks (15:55-16:00)
Annex 1: Notes from the Chairperson of Working Group III

[forthcoming]

Annex 2: Background documents

UNCITRAL
A/CN.9/WG.III/WP.170: Note by the Secretariat on shareholder claims and reflective loss

OECD
Discussions, questions and reactions of governments to the analysis of reflective loss claims in ISDS at OECD inter-governmental investment Roundtables:

- 18th Roundtable (Mar. 2013) (pp. 4-8)
- 19th Roundtable (Oct. 2013) (pp. 12-19)

Analysis
- Treaty Shopping and Tools for Reform (2018) (pp. 11-15)
- Presentation on claims for reflective loss under investment treaties, made at the UNCITRAL Working Group III side meeting in January 2020

ACADEMIC FORUM