



Inaugural Speaker on Status of Code of Conduct *

Summary

*** Please note that this summary of the panel was AI-generated and therefore has not been fully vetted for accuracy.**

The session at Washington Arbitration Week featured Professor Giorgetti, who discussed the ongoing development of a Code of Conduct for arbitrators. She highlighted the significance of this initiative as a response to the current reforms in Investment State Dispute Settlement (ISDS) mechanisms, which have faced criticism regarding impartiality and transparency. The Code aims to establish clear ethical standards for adjudicators, addressing issues such as independence, integrity, and disclosure obligations.

Key participants included Professor Giorgetti, who has extensive experience in international arbitration and law, and was recognized for her contributions to the Code's drafting process. The session emphasized the collaborative efforts of various stakeholders, including states and academic institutions, in shaping the Code, which is expected to apply universally across different arbitral institutions.

Professor Giorgetti outlined the structure of the Code, which includes definitions, specific obligations for adjudicators, and provisions for implementation and enforcement. She noted that while substantial progress has been made, several critical issues remain unresolved, particularly concerning multiple appointments and disclosure requirements. The discussion also touched on the importance of creating a robust compliance mechanism to ensure adherence to the Code.

Overall, the session underscored the Code of Conduct as a promising reform in the international arbitration landscape, with the potential to enhance ethical standards and restore confidence in the arbitration process. The next steps involve further discussions and refinements, with the goal of finalizing the Code for approval in the near future.

Authors

Chiara Giorgetti

Topics

Code of Conduct



Category

WAW

Full Transcript

00:00:02

Are ducks respeaker data georgetti,

00:00:07

Professor Challenger GT. I would

00:00:08

like to give special, thanks

00:00:10

to everyone here. And at

00:00:13

some stage, this, this Thanksgiving,

00:00:15

I learned about the application,

00:00:17

called get real and basically

00:00:20

shows what's on Backstage. And

00:00:23

that way, I can tell

00:00:24

you that on Backstage, hear

00:00:25

there's a few people at

00:00:27

work. We have, we're delighted.



00:00:29

We really are delighted to

00:00:30

have to have to being

00:00:32

hosted by Allen & overy.

00:00:34

I don't know if we

00:00:36

and Patrick up here, selling

00:00:38

Skylander in Florence and its

00:00:40

many of the attorneys here,

00:00:42

have been strong supporters of

00:00:46

Washington arbitration week. The pandemic

00:00:49

did bring at many things

00:00:51

1, the ability to launch

00:00:53

the first edition of Washington

00:00:55

arbitration week. We had at



00:00:57

the time more than 2,000

00:00:59

people joining us online and

00:01:02

the sea The second edition,

00:01:03

we did the smoke transition

00:01:06

into hybrid. And this this

00:01:08

year, when we start knocking

00:01:10

at our very generous hosts

00:01:13

thinking that we would have

00:01:16

perhaps about no 6 or

00:01:19

7 in-person events, everyone started

00:01:23

to raise their hands and

00:01:25

saying, no, we do want

00:01:26

to have in person meeting.



00:01:28

So as a result, I

00:01:29

would say that between 90

00:01:31

and 95% of Washington. Arbitration

00:01:33

week is taking place in

00:01:36

person. I see among the

00:01:38

audience friends who are not

00:01:40

only part of the DC

00:01:42

strictly speaking Community, but they

00:01:45

were part of the extended

00:01:47

and international arbitration community in

00:01:51

the world. That comes to

00:01:52

be see very often people

00:01:54

from Spain, we have heard



00:01:56

about people from China coming

00:01:57

in so this is to

00:01:59

grow with that. I would

00:02:01

say simply that That we're

00:02:03

tremendously thankful to all of

00:02:05

our sponsors were tremendously, thankful,

00:02:07

to all of our moderators.

00:02:08

I cannot name all of

00:02:10

them but let me start

00:02:12

by thanking data has been

00:02:15

also support of Washington Appreciation

00:02:17

Week specially and one topic,

00:02:19

which is a code of



00:02:20

conduct. We have had in

00:02:23

the past many panels on

00:02:26

the subject and we thought,

00:02:28

well, should we have another

00:02:30

panel on the subject? Or

00:02:31

should we simply have something

00:02:33

of a special event and

00:02:35

see since she is a

00:02:37

Washington in. And since she

00:02:40

has been here for many

00:02:42

years, we thought well what,

00:02:43

what, a great possibility to

00:02:46

have her as the introductory



00:02:47

speaker. But before giving her

00:02:49

the floor and and despite

00:02:52

her potential embarrassment, I will

00:02:55

say that. Yeah. Giorgetti is

00:02:58

a professor of law at

00:03:00

Richmond law school and she

00:03:03

is immediate past year of

00:03:05

it is academic Council. Vice

00:03:08

president of the American branch

00:03:09

of the International Association and

00:03:13

elected member of the American

00:03:15

law Institute. She's also currently

00:03:17

a senior fellow at Columbia



00:03:20

Law School, International claims and

00:03:22

reparation project where she advises

00:03:25

Ukraine on International claims and

00:03:28

reparations in suing from Russia's

00:03:31

aggression. Presently. No, she sees

00:03:34

many things, but presently, and

00:03:36

for our purposes she researches

00:03:39

on. Yes. The Kings commission

00:03:42

as well as ethics the

00:03:43

drafting of the code of

00:03:44

conduct of ethics for arbitrators

00:03:47

and issues of Enfamil of

00:03:49

State responsibility and the prior



00:03:51

to joining Academia, she worked

00:03:53

extensively with the United Nations

00:03:56

in New York and Somalia,

00:03:58

and practice, International arbitration in

00:04:01

White, in case she has

00:04:04

degrees from Yale bologna and

00:04:07

London School of Economics. So

00:04:09

only that and She's also,

00:04:14

she also did a year

00:04:16

of extensive extensive, no Fellowship

00:04:19

addiction where she started drafting

00:04:21

the code of conduct that

00:04:23

is just about to be



00:04:26
finalized. And then she hot,

00:04:29
she might have some use

00:04:30
out of the oven in

00:04:32
her introductory speech. So with

00:04:35
us Canada, it's a pleasure

00:04:36
to have you. Thank you.

00:04:40
Thank you very much as

00:04:41
Antonia. And thank you for

00:04:42
having me today. I think

00:04:45
I've actually speaker on the

00:04:47
code of conducts, really a

00:04:48
pleasure to be in person

00:04:49
and online. At the same



00:04:50

time I realized what has

00:04:52

become a very vibrant week

00:04:54

and I understand the most

00:04:55

what's the most attended arbitration

00:04:59

weekend in the world. So

00:05:01

congratulations the program this year

00:05:03

is fantastic, including the keynote

00:05:05

speaker. By Secretary General of

00:05:08

my teeth. Thank you for

00:05:12

inviting me to be in

00:05:13

the directory speaker and very

00:05:15

much looking forward for the

00:05:16

entire week. So I have



00:05:20

been working on the code

00:05:21

of conduct really from the

00:05:22

its Inception and even before

00:05:23

because I was always very

00:05:25

interested in issues of ethics,

00:05:26

and I'm glad today to

00:05:29

be able to talk a

00:05:30

little bit about what's going

00:05:31

on, because a lot has

00:05:32

been agreed upon. But there's

00:05:34

still some issues that are

00:05:36

the need to be. It'll

00:05:38

be finalized. And I would



00:05:40

think that the, the drop

00:05:42

code of conduct is really

00:05:43

one of the most promising

00:05:45

reform proposal that are being

00:05:47

discussed in the working group,

00:05:49

3 off of ants, eat

00:05:50

raw in a short period

00:05:52

of time, has already gained

00:05:53

substantial interest and support among

00:05:55

all stakeholders. During the time

00:05:57

that I have today, I

00:05:58

would like to do three

00:05:59

things. One is to put



00:06:00

the contact with the code

00:06:02

in in contest, in a

00:06:03

little bit of background, explain

00:06:07

what is in the code

00:06:08

and now and what is

00:06:10

still remaining to be agreed

00:06:11

upon. So it's the first

00:06:13

question, what is it? What

00:06:15

is the code in the

00:06:16

cold in context week with

00:06:17

sometimes we say that the

00:06:18

code of conduct is a

00:06:20

low-hanging fruit in the is



00:06:22

yes, reform. And is it,

00:06:24

is it true or where

00:06:25

do we stay? As we

00:06:27

now know is yes. Investment

00:06:29

State dispute settlement is undergoing

00:06:31

a profound process of Reform.

00:06:33

Its catalyzed by a complex

00:06:35

and multifaceted faced a backlash

00:06:38

to procedure normal. Is Elias

00:06:40

Diaz itself including how the

00:06:42

judicators are appointed and a

00:06:44

perceived Pro investor in balance

00:06:46

in the system, as well



00:06:47

as a general concern of

00:06:48

the correctness and consistency of

00:06:50

decisions. And the process of

00:06:53

is, yes, before it was

00:06:54

mostly now taking place in

00:06:56

working group, 3 off of

00:06:58

ancestral, estate delegates are discussing

00:07:00

issues, big and small really

00:07:02

systemic changes, for example, of

00:07:04

a creation and investment Court

00:07:06

in smaller one, maybe possibly

00:07:08

possible, including possibly counterclaims or

00:07:12

changes, it is a key



00:07:16

reform that would address book

00:07:17

systemic and the specific concern.

00:07:20

Oschino ISD is investment State.

00:07:23

These Boots are going to

00:07:24

Mandy's a very complex dispute,

00:07:26

resolution mechanism, involved parties, and

00:07:29

counseling the judicators from very

00:07:30

diverse jurisdiction that I can

00:07:32

make it to practice of

00:07:34

law on a diverse roles

00:07:35

and who have undertaken, different

00:07:37

legal training, and education in

00:07:39

by introducing, rules of behavior.



00:07:40

A code of conduct these

00:07:45

issues and reduce complexity, and

00:07:48

in fact, is also quite

00:07:49

surprised that we don't have

00:07:50

a common code of conduct.

00:07:52

Yet, we have, in fact,

00:07:53

many pass, many new code

00:07:55

of conduct that I've been

00:07:57

to approve more recently. For

00:08:00

example, a lot of international

00:08:01

code have code of conducts,

00:08:03

the international criminal Tribunal for

00:08:05

Rwanda. From Yugoslavia the international



00:08:08

criminal court will have, could

00:08:09

have counted for educators and

00:08:12

the several International Education institution,

00:08:15

also include for of conduct,

00:08:17

like, the code of ethical

00:08:19

conduct for Hong Kong Inn.

00:08:20

Arbitration Center in Sun, be

00:08:22

at ease. Now, also include

00:08:24

a code of conduct and

00:08:26

ethical rules. So the comprehensive

00:08:28

and Progressive agreement for Trans,

00:08:30

Pacific partnership is cptpp, for

00:08:32

example, or sitting. So the



00:08:35

reform project that we are

00:08:37

seeing now is something that

00:08:38

is in novelty but it's

00:08:39

also in the context of

00:08:41

a larger projects include that

00:08:44

include ethics in our in

00:08:45

our work, what is new?

00:08:48

However, this is that this

00:08:49

is a multilateral codification that

00:08:52

can potentially apply to All.

00:08:54

I Ask by Ice Kan

00:08:55

regardless of the arbitral institution

00:08:57

as it involves two of



00:08:59

the major international organization that

00:09:01

that working is based on

00:09:03

Central and exit. How did

00:09:06

we arrive at working on

00:09:07

this car today? So this

00:09:09

was prompted by a proposal

00:09:11

by Algeria in 2015 and

00:09:14

received by then the uncontrolled

00:09:16

commission. And with with with

00:09:18

approval, the answer for 2

00:09:20

October 2019 exit and answers

00:09:26

for corporate in preparing model,

00:09:28

Provisions for a code of



00:09:29
conduct for educators. And this

00:09:31
is really quite unique because

00:09:32
it's quite unique to have

00:09:33
answers all in excellent working

00:09:34
together to create the code

00:09:37
of conduct for this purpose

00:09:39
purpose. Working group 3 has

00:09:41
been tasked to prepare and

00:09:43
work on the store and

00:09:46
highlighted several issues for possible

00:09:48
inclusion. In the code, including

00:09:50
adjudicators Independence and impartiality Integrity,

00:09:54
diligence and efficiency principles, ready



00:09:56

to confidentiality and competence and

00:09:58

obligations related, to disclosures working

00:10:01

group 3. Also requested the

00:10:03

secretary to study ways of

00:10:04

addressing very specific issues, including

00:10:07

the issue of w. I

00:10:08

think you should conflict a

00:10:10

repeat appointment in all these

00:10:12

issues are not addressed in

00:10:13

the code. The first draft

00:10:16

of the scum, when I

00:10:17

heard of the code, was

00:10:18

publicly made available on the



00:10:20
website of the Secretary of

00:10:21
together in May 2020. And

00:10:24
the Lord has occurred since

00:10:25
the second draft follow enacted

00:10:27
in April Twenty-One. And the

00:10:30
secretary has organized a series

00:10:31
of dissimulation, advance to explain

00:10:33
the concept of the code.

00:10:34
And gather further comments, a

00:10:36
third version was published in

00:10:37
September 2021. July 2022. And

00:10:41
I hear that the fifth

00:10:42
is really a minute in



00:10:46
November Twenty-One and Diana said

00:10:48
that the second party February

00:10:50
28th together with numbers of

00:10:53
informal meetings and intersection of

00:10:55
meetings. And I think it's

00:10:57
worth noting that the process

00:10:58
is being very open and

00:11:00
stakeholders were given the opportunity

00:11:01
to comment in writing at

00:11:03
several stages in the development

00:11:05
of the code and the

00:11:06
discussions on the code is

00:11:08
included States members of the



00:11:10

answer to a commission States

00:11:12

and many stakeholders. For example,

00:11:14

I see. And then I

00:11:15

go station on behalf of

00:11:16

the institute for transnational Patrician,

00:11:18

but they were so they're

00:11:19

all so many universities and

00:11:21

learn centers that that participate

00:11:24

as solidly in the negotiation.

00:11:25

So what's in the code?

00:11:28

The drops go to dress

00:11:30

is the most cogent ethical

00:11:32

issues that were identified by



00:11:33
working group, three delegates themselves,

00:11:35
and more General bios. Yes,

00:11:38
critics with and provided policy

00:11:41
makers with numerous choices. So

00:11:43
if you look at the

00:11:44
progression of the code, it

00:11:45
said the different draft you

00:11:46
have rocketed past. So that

00:11:48
the states then I go

00:11:50
straight to school address a

00:11:52
different auction. And this raggedy

00:11:54
test is really now very

00:11:56
very limited to very specific



00:11:57

issues and at the same

00:11:59

time the social commentary that's

00:12:01

being prepared which would be

00:12:03

very helpful in understanding how

00:12:04

to apply the code and

00:12:06

this comment right now includes

00:12:08

a lot of the issues

00:12:09

of contention that were included

00:12:11

in the in the different

00:12:12

draft. What are the main

00:12:14

features? And definition of the

00:12:16

coach, we can think about

00:12:17

the code has been divided



00:12:19

into three sections. One we

00:12:21

have an introductory section. They

00:12:23

provide definitions and applicability. And

00:12:26

then a second term that

00:12:27

in numerate, specific obligations of

00:12:30

adjudicators. And finally, a short

00:12:31

professional implementation and enforcement of

00:12:34

the code Article. 19 include

00:12:41

the part of an element

00:12:43

of to whom the code

00:12:44

applies and in what kind

00:12:45

of test is a big

00:12:47

issue of contention to whom,



00:12:48
does it apply? And to

00:12:50
what kind of case in

00:12:51
terms of the definition of

00:12:52
Stew who they could apply

00:12:53
zagato condo specifies that adjudicator.

00:12:56
So they could have said

00:12:57
the skull to draw for

00:12:58
adjudicator. Has a code of

00:13:00
conduct for a judicators name

00:13:01
is DS. How do we

00:13:03
define adjudication means arbitrators and

00:13:06
judges so that if a

00:13:08
permanent course I will actually



00:13:10
be established, the code was

00:13:11
still apply was doing the

00:13:13
last night. Go see a

00:13:14
Shins An agreement, put it

00:13:16
will have two coats, actually,

00:13:18
14 arbitrators and one for

00:13:20
judges the clip. Revision. Also

00:13:22
include elements for those who

00:13:26
are being considered for appointment

00:13:28
and also, for for assistance,

00:13:33
to the tribunal, to the

00:13:35
tribunal espouse Define candidates as

00:13:41
a person who has been



00:13:42
contacted regarding potential appointment, as

00:13:45
an arbitrator or improvised, what's

00:13:47
the definition of assistant? As

00:13:48
a person working on the

00:13:49
direction and control of Manchuria

00:13:51
cater. Both issues are obviously

00:13:54
very important in. What situation

00:13:57
does it apply? How do

00:13:59
we consider isds? This was

00:14:01
also another issue that was

00:14:03
negotiated quite substantially and article.

00:14:05
One now includes the definition

00:14:07
of the kinds of disparate



00:14:08

as I hid International, International

00:14:13

Investment. An investor and estate

00:14:17

originally, integration organization. Submitted for

00:14:24

resolution pursuant to a treaty

00:14:26

provided for the protection of

00:14:28

investment or investors legislation, governing

00:14:30

foreign investment, or investment contract.

00:14:33

This definition has changed quite

00:14:35

a bit unique. Surely this

00:14:37

was the initial draft, but

00:14:38

then it changed to include

00:14:39

only three days and not

00:14:41

include contracts and domestic legislation



00:14:43

again. Article 2 then also

00:14:49

specifies that code that applies

00:14:50

also to other proceeding what

00:14:52

happens. Also, if there are

00:14:54

other code of conduct that

00:14:56

exists as a manager, there

00:14:58

are some code that color

00:14:59

that exists in some VIP.

00:15:01

So what happens, then those

00:15:03

take priority in application and

00:15:05

there will be more prone

00:15:08

to cut itself on the

00:15:09

application in the common tree.



00:15:14

The core of the code,

00:15:16

is there any article 23

00:15:17

and article 3? And instead

00:15:18

the fundamental duty of Independence

00:15:21

and impartiality of adjudicators got

00:15:23

to go to sleep. In

00:15:25

this first sentence a adjudicator

00:15:26

she'll be independent and impartial

00:15:28

and initial most things we

00:15:31

did more about negotiate. This

00:15:33

is enough, we know that

00:15:34

we want arbitrator is an

00:15:36

adjudicator's to be independent and



00:15:37

impartial and so this is

00:15:39

in the first sentence is

00:15:40

second section of Articles three

00:15:43

enumerated particular, examples of specifically

00:15:46

prohibited behaviors and they go

00:15:49

from letter, h y f

00:15:50

r do the lease is

00:15:52

not exclusive. Imagine discussion has

00:15:55

occurred on like that says

00:15:57

that beat, that judicator shall

00:15:59

not be influenced by loyalty

00:16:01

20 shooting party in no

00:16:02

disputing parties. In on this



00:16:04

put in cheesy party or

00:16:05

any of their legal Representatives,

00:16:06

this text will be maintained.

00:16:09

There was a final agreement

00:16:11

but there will be a

00:16:12

lengthy explanation of what lawyer

00:16:14

Means in the commentary. Indeed,

00:16:18

old Ms. Parties agree to

00:16:20

Independence and impartiality are essential

00:16:23

to the success and implementation

00:16:24

of the code in the

00:16:25

eighth day. However, the issue

00:16:27

that needed to be addressed



00:16:28

was the exact definition of

00:16:31

what we mean by Independence

00:16:34

and impartiality. So you were

00:16:35

in discussion, two issues relating

00:16:37

sued one was how to

00:16:40

conquer ties, the abstract principle

00:16:42

of Independence and impartiality. And

00:16:44

second how to ensure that

00:16:46

the fairness of the process

00:16:48

that assessment of the existence

00:16:49

or lack of Independence and

00:16:51

impartiality will have to be

00:16:53

to be taken in that



00:16:55
into consideration. And the idea

00:16:57
is to be to to

00:16:58
address it as a from

00:17:01
the point of view of

00:17:02
the reasonable third party. In

00:17:06
terms of the other articles

00:17:08
articles 5 includes a g

00:17:10
of diligent article six, including

00:17:12
an issue of integrity and

00:17:14
competence to the, for example,

00:17:16
adjudicator shall conduct investment, IID

00:17:19
proceeding competently, and in accordance

00:17:21
with high standards of Integrity



00:17:22

Fitness in civility article, 7

00:17:25

prohibits expert for ex parte.

00:17:27

Communication article 8 addresses confidentiality

00:17:31

and article 9 includes and

00:17:33

addresses fees and expenses expenses

00:17:36

that have to be agreed.

00:17:38

Upon to the institution, is

00:17:40

a situation exists to all

00:17:42

these issues and discussions were

00:17:44

productive and conclusive. And we

00:17:46

are very close on all

00:17:47

this issue to assign a

00:17:49

text. But if you listen



00:17:51

to find out, if you,

00:17:53

if you went, when I

00:17:54

was talking about the number

00:17:56

of the Articles, of course,

00:17:57

I didn't mention that won't

00:17:58

because there's still some issues

00:18:00

that are cheap that are

00:18:01

still pending and I need

00:18:03

to be addressed and there's

00:18:04

three issues. Really, is that,

00:18:07

are that have to be

00:18:09

agreed upon that are still

00:18:10

the, at the core of



00:18:14
the end of the next

00:18:15
phase of the negotiation article

00:18:17
for a place to multiple

00:18:18
multiple hatching, and how do

00:18:20
we deal with, with multiple

00:18:23
hats? And, and how do

00:18:26
we address that article 10

00:18:27
and talks about disclosure obligations

00:18:30
and what are the obligations

00:18:31
Visa be disclosure and article

00:18:34
11, how to make compliance

00:18:36
with the code? How to

00:18:36
comply with a cottage style?



00:18:38

So where do we stand

00:18:39

on those three issue? As

00:18:41

for the first one, I

00:18:43

mention early that the uncitral

00:18:45

commission working group stream and

00:18:48

it is specifically the working

00:18:50

groups to look at the

00:18:51

three main issues of Fish

00:18:53

account. A repeat appointment and

00:18:58

double hatching, both repeat appointments.

00:19:00

An issue conflicts are addressed

00:19:03

now as issue of disclosure

00:19:04

and they are not addressed



00:19:06

directly. But the issue of

00:19:09

double hatching is still something

00:19:10

that is Beatrice B, addressed

00:19:12

specifically and his regulars. You

00:19:14

did not record for entitled

00:19:16

limit on multiple rows is

00:19:18

not entitled, humble hatching on

00:19:20

multiple hurting, but limit on

00:19:22

multiple roles and some from

00:19:23

a qualification perspective that will

00:19:25

happen is Julia, complication, should

00:19:27

it be? Should it be

00:19:28

prohibited completely? Which is what



00:19:30

example Sita has this has

00:19:33

decided to, to to, to

00:19:37

do or, but what would

00:19:39

be the cost in that

00:19:40

case? Some are concerned that

00:19:41

a provision that would undermine

00:19:43

diversity and the possibility of

00:19:46

new entrants in the system.

00:19:48

Alternative alternative could be regulated

00:19:51

exclusively in total number of

00:19:53

cases. An arbitrator can see

00:19:56

at one time or by

00:19:57

consider that time frame involved



00:19:59

in the different proceedings. And

00:20:01

this metal is chosen, for

00:20:02

example, by others. For example,

00:20:03

the international court of justice

00:20:04

regulate way, how did it

00:20:07

include a time limit The

00:20:11

working group consider, all this

00:20:12

kind of options to whom

00:20:14

should you apply to 22?

00:20:15

What, what are the specific

00:20:16

that were hiding? Is it

00:20:17

only Council and our refrigerator,

00:20:19

or is it? Agent is



00:20:21

an expert I will. So

00:20:23

to whom, is it a

00:20:23

pie and how to regulate

00:20:24

it and it working will

00:20:25

consider all these options and

00:20:27

during the last negotiation, it

00:20:29

was recorded as being a

00:20:30

wide range of used both

00:20:32

in support of a full

00:20:33

and comprehensive probation, as well

00:20:36

as in support of imposing

00:20:37

robust. And extensive disclosure, requirement

00:20:40

only article for the doctor



00:20:43

to reflect the compromise that

00:20:44

was reached on several points,

00:20:46

one that why there was

00:20:48

continued support for a compromise.

00:20:49

Reached illimitable hurting you in

00:20:51

the art during proceedings, use

00:20:53

diverged on whether there should

00:20:54

be a time period. Following

00:20:56

the conclusion of the investment

00:20:59

arbitration proceeding during which you're

00:21:01

not be afraid. It would

00:21:02

be limited for under from

00:21:04

undertaking, roll rolls as legal



00:21:06

representatives of party appointed expert.

00:21:08

Some in this is Is

00:21:10

including in the craft now

00:21:11

support a three-year. I can

00:21:14

band of the year and

00:21:16

what kind of proceedings or

00:21:19

is it only other investment

00:21:20

proceedings or is it all

00:21:23

International of the proceedings related

00:21:26

to States interstate proceedings? And

00:21:27

this house of horses are

00:21:28

not a big issue is

00:21:31

article of the different views



00:21:35
and likes class. And there

00:21:36
is no no agreement at

00:21:38
the, at the, at the

00:21:39
moment. But we talked about

00:21:41
measures double hatching and multiple

00:21:43
High two in four-issue that

00:21:44
involves measures the same or

00:21:47
related parties are some provisions

00:21:48
of the same treaty and

00:21:51
in paragraph 2 of code

00:21:53
for East shoes that are

00:21:55
legal issues are substantially. So

00:21:57
similar that exceptions to the



00:21:58

rule would be in breach

00:21:59

of the previous, a proper

00:22:02

way of the previous articles

00:22:03

and especially article 3 Independence

00:22:05

and impartiality. How do we

00:22:08

force a double hatching probation?

00:22:12

They could not talk about

00:22:14

a sub judgment by the

00:22:15

arbitrator itself by the arbitration

00:22:17

Hema herself. This would be

00:22:20

very important in the, we

00:22:22

will have to see how

00:22:23

the fifth draft of the



00:22:25

code actual address this issue.

00:22:26

But at the moment, there

00:22:27

is an agreement to regulate

00:22:29

it somehow without, including a

00:22:31

full probation about to regulate

00:22:33

it. In terms of what

00:22:34

are the cases and possible

00:22:36

introducing a time limit to

00:22:40

the last two issues, disclosure

00:22:42

and implementation. How did Gautama

00:22:44

she's another key provision together

00:22:47

with article, 3, articulate disclosure

00:22:50

obligations? This was only discussed



00:22:52

once and it's still a

00:22:53

lot of work that has

00:22:54

to be done on the

00:22:56

extent of disclosure and the

00:22:58

could really. Adopt a enhanced

00:23:01

disclosure has as a regulatory

00:23:03

tool. For example, as I

00:23:04

mentioned before both issue conflict

00:23:07

The number of faces are

00:23:08

not regulated, just as disclosure

00:23:11

obligations in the draft code

00:23:13

uses expensive. A continuous disclosure

00:23:16

obligations for a judicator as



00:23:17

an essential policy to in

00:23:19

the base is also for

00:23:21

its implementation strategy discussion of

00:23:24

litigation exist at all times

00:23:26

in the preceding, their continuous

00:23:28

and an adjudicator should are

00:23:30

in favor of more disclosure

00:23:31

when there is any doubt

00:23:33

that should make. I also

00:23:36

reasonable or bastards are still

00:23:38

a choice. Between weather is

00:23:40

reasonably best efforts to become

00:23:42

aware of possible, there are



00:23:44

eight paragraphs now in this

00:23:46

article, which really shows how

00:23:48

important this issue is. And

00:23:50

some of the issues are

00:23:51

brought to disclose, what kind

00:23:53

of cases, what kind of

00:23:54

relationship and also for how

00:23:57

long, how long in things

00:23:58

in the past. Do you,

00:23:59

how do you need to

00:24:00

disclose and any kind of

00:24:02

a of a relationship There

00:24:06

was no time to finalize



00:24:09

our discussion in the second

00:24:10

reading and so there is

00:24:13

quite this. There still are

00:24:15

still some broccoli test in

00:24:17

article article time. Now, includes

00:24:19

similar to article three initially,

00:24:22

a non-exhaustive general requirement disclosure

00:24:25

and also request is closing

00:24:27

specific professional business and other

00:24:29

significant relationship with the party's

00:24:31

council, president passed, the judicators

00:24:34

or experts in the preceding

00:24:35

and other third parties as



00:24:37

well as direct or indirect

00:24:38

financial interest. Paragraph to OSHA

00:24:42

requires arbitrators in Canada, has

00:24:44

to disclose and a financial

00:24:46

business, professional personal relationship in

00:24:49

the past five years, with

00:24:51

any disputing party, or any

00:24:52

entity identified by a disputing

00:24:54

party solo. No discussion a

00:24:56

lot of interesting questions here

00:24:59

about what to disclose how

00:25:01

long, what kind of relationship,

00:25:02

what issues and what how



00:25:05

far back Super my last

00:25:09

Point compliance with a code.

00:25:11

This is article 11 and

00:25:13

the coach, of course, without

00:25:15

a strong and effective implementation

00:25:16

and enforcement mechanism will be

00:25:19

very difficult to implement tennis

00:25:21

really will be difficult with.

00:25:23

It will not be easily

00:25:24

difficult to make it work.

00:25:27

If there's no implementation mechanism,

00:25:29

find a proper implementation mechanism

00:25:34

because the code itself wasn't



00:25:36

actually begin is going to

00:25:37

be implemented by different institutions.

00:25:39

And so how do you

00:25:41

and ask where the circle

00:25:43

you will? How do you

00:25:43

do that? At the moment,

00:25:45

discussions are being really quiet

00:25:47

and brownies the president of

00:25:49

discussion that the the talkative

00:25:51

article 11 oz talks about

00:25:53

the fact that the adjudicators

00:25:55

themselves have to comply with

00:25:58

applicable. Provisions of the code,



00:25:59

while issues of challenges will

00:26:02

be regulated by their their

00:26:05

institutions itself. So that any

00:26:07

disqualification and removal procedure or

00:26:10

any sanctions and remedy will

00:26:11

be continued to apply in

00:26:13

the institutions themselves. So how

00:26:15

to what is how do

00:26:17

we want to address this

00:26:18

issue? I think that's a

00:26:19

lot of space for Innovative

00:26:21

thinking here. And there are

00:26:23

examples that one might think



00:26:24

about in terms of implementation,

00:26:26

for example, with the World

00:26:28

Bank and the offices of

00:26:29

suspension and debarment which provide

00:26:33

some some possible for thought

00:26:36

of maybe the creation of

00:26:37

an ombudsman in some Institution.

00:26:40

Overall, the discussion of the

00:26:43

code of being largely positive,

00:26:44

that's being quite a lot

00:26:47

of, a lot of discussions

00:26:49

and quite substantial agreement on

00:26:50

a lot of issues, delegates,



00:26:52

agreed on the general direction,

00:26:54

and drafting of the code

00:26:55

and have suggested linguistic changes

00:26:57

on the drive to better

00:26:58

address specific concerns to most

00:27:01

of the code. As being

00:27:02

most of the issues have

00:27:04

been agreed upon, but are

00:27:05

still issues that have to

00:27:07

be decided, and have to

00:27:10

be negotiated on the side

00:27:11

of the multiple hatching. Concern

00:27:13

is probably the most relevant,



00:27:15

and most important one, and

00:27:17

the extent of disclosure. And

00:27:19

then, of course, implementation, So

00:27:22

where do we go now

00:27:23

at thy side, the, the

00:27:24

publication of the fifth draft

00:27:27

of the code, is a

00:27:28

minute actually check this morning

00:27:31

or is not on this

00:27:31

morning, but I understand is

00:27:33

really, as a basis for

00:27:34

coming. There going to be

00:27:35

more discussions, one in Indiana,



00:27:38

in, in January and then

00:27:41

New York Wall Group. Working

00:27:43

group 3, has decided now

00:27:45

to meet three times to

00:27:46

discuss all of that, yes,

00:27:47

yes, reforms, the next one,

00:27:49

then in Vienna in New

00:27:51

York and I will be.

00:27:52

And I think that probably

00:27:54

the the draft code will

00:27:58

be presented for approval of

00:28:01

the next session of the

00:28:03

Commission in the summer, possibly



00:28:05
a year later than expected.

00:28:07
But still a very important

00:28:08
a development and a quite

00:28:11
in terms of the overall

00:28:15
highest. Yes, project. So I

00:28:17
asked the beginning, is it

00:28:18
a low-hanging fruit? In terms

00:28:20
of a? Yes, yes, before

00:28:21
I see I think we

00:28:23
can still do it and

00:28:24
I think it's it's very

00:28:25
much in on cock to

00:28:27
agree and be decided upon



00:28:29
in in 2023. So thank

00:28:33
you very much and I'd

00:28:34
be happy to take any

00:28:34
questions you then. Can I

00:28:44
take breast cancer? Oh, I

00:28:49
have a, am I supposed

00:28:50
to get So, I see

00:29:03
you want to show that

00:29:03
kind of camera in there.

00:29:16
Definition of stringent measures. That's

00:29:38
okay. Thank you. This is

00:29:41
an excellent question, I think

00:29:42
I still debate on on



00:29:44

the extent, but I think

00:29:46

there's a lot of I

00:29:49

think we have to think

00:29:50

about in the context of

00:29:51

the USPS reforming, General. This

00:29:54

is an international reform process

00:29:55

and is targeted to invest

00:29:58

in arbitration, which is a

00:29:59

very complex and sensitive issues

00:30:00

because it always included States.

00:30:02

And there's always a stubborn,

00:30:04

so I think Stacy and

00:30:06

Silas want to be a



00:30:07

surgeon as possible that we

00:30:10

tried. We, we agree on

00:30:12

ethical standards that are going

00:30:16

over the other highest possible

00:30:17

level. So that way, we

00:30:18

avoid conflicts all together recently,

00:30:21

if you seen the numbers

00:30:23

of challenges and increase and

00:30:24

I think we want to

00:30:25

avoid that so that if

00:30:26

there is a very extensive

00:30:28

disclosure we are, we will

00:30:30

avoid also challenges procedures. This



00:30:35

is still in office. Hi

00:30:38

Kiara to two quick questions.

00:30:40

One, technical in one aspirational.

00:30:44

The technical one is. I

00:30:46

think you mentioned that the

00:30:47

code would apply to candidates

00:30:49

were approached by a council.

00:30:52

How would that work with

00:30:54

double having an issue? Preclusion,

00:30:55

obviously, you know, Council can

00:30:57

approach several people at that

00:30:58

point and use it strategically.

00:31:00

So, I just was curious



00:31:01

about how, how that would

00:31:02

approach teams teams potentially problematic

00:31:05

in my view. And then

00:31:06

the second question is, why

00:31:07

will this be different? Then

00:31:08

the Mauritius convention, it was

00:31:11

a lot of interest in

00:31:12

transparency. And Mauritius has now

00:31:15

become a little bit of

00:31:16

softball and not not hard

00:31:18

law and I know you

00:31:19

want this to be hard

00:31:19

ball on 1st. Because I



00:31:27

don't think so. When I

00:31:29

was thinking about, implantation, I

00:31:31

think of to think of,

00:31:32

you have to think creatively

00:31:33

about how to implement, and

00:31:35

the morticians convention is a

00:31:36

treaty and the show transparency.

00:31:39

So how it how to

00:31:40

implement it here? I think

00:31:41

we can do it much

00:31:42

more easily. And for example

00:31:44

I know that exit is

00:31:45

thinking about including version of



00:31:47

the code in the disclosure

00:31:49

appendix. I can bend the

00:31:52

disclosure of the arbitrator has

00:31:54

to feeling so you can

00:31:55

be much more easily applied

00:31:57

if you don't have to

00:31:58

have it, read it, you

00:31:59

kind of a trick. You

00:32:00

can have multiple ways to

00:32:01

implement the colon and force

00:32:02

the implementation. Yes, you can

00:32:05

go through a cheating but

00:32:07

you can do it also,



00:32:07

you know, either way, that

00:32:09

is more simple and included

00:32:11

in the disclosure form of

00:32:13

the arbitrator, which will guarantee

00:32:15

that is applied much more

00:32:17

subtle way. Too many more

00:32:18

situations. They agree with you

00:32:20

that, you know, we have

00:32:21

to do this a lot

00:32:21

of interest now and will

00:32:23

it will it bear fruit

00:32:24

when we actually have a

00:32:25

crew when the quote is



00:32:26

approved So this is why

00:32:28

we have to think about

00:32:28

how to implement the quiz

00:32:30

question. I think it's a

00:32:31

very interesting question. Also, there

00:32:34

are limited in terms of

00:32:35

an article 11 of the

00:32:38

nation is also as part

00:32:40

of communication. So you has

00:32:41

to has to be very

00:32:42

specific on what what is

00:32:44

allowed and I think you're

00:32:46

right that parties may be



00:32:47

strategic and how the select

00:32:49

arbitrators But I don't think

00:32:54

that at the moment. The

00:32:56

fact that you apply the

00:32:57

code there, certain Provisions that

00:32:58

applies to candidates. And I

00:33:01

think it's against you guarantee

00:33:02

at this stores are in

00:33:03

to try and make it

00:33:04

as transparent as possible. Has

00:33:05

to be supposed to get

00:33:06

a party. Also, I don't

00:33:07

know if I replied. I



00:33:18

just one more question. And

00:33:21

so that people can see

00:33:22

you. That would be the

00:33:27

last. Thank you. Think you

00:33:29

care about him certain light?

00:33:39

I'm not going to see

00:33:39

rules. Barb likes recommendations for

00:33:42

educators to like this. Close

00:33:43

to information that has been

00:33:45

discussed for the last 32

00:33:47

years old. What's going to

00:33:50

happen? What do you think?

00:33:51

Should happen if you could



00:33:53

give us like an opinion

00:33:54

or not? About the cases

00:33:58

that have been going on

00:33:59

during these two or three

00:34:01

years of discussion. And I

00:34:04

did not disclose something that

00:34:06

he's in the cold, but

00:34:08

he's already known. That is

00:34:10

something that should be disclosed,

00:34:11

you know, that because the

00:34:12

market going to see if

00:34:13

there is a problematic thing

00:34:14

that should be is closed.



00:34:15

So there's going to be

00:34:17

like I got was there

00:34:18

that I don't know how

00:34:19

to be covered too. So

00:34:20

that we make with that,

00:34:24

there are issues, that, that

00:34:29

should be disclosed and there's

00:34:30

a market for more disclosure,

00:34:32

but there's much more that

00:34:33

2 cents in disclosing by

00:34:35

the judicators side, and the

00:34:39

code will only be applied

00:34:40

obviously, for an in the



00:34:42

future. But there's nothing to

00:34:44

that the parties, of course,

00:34:47

they themselves. Agree on may

00:34:50

be requiring, more displeasure by

00:34:51

the code itself, is only

00:34:52

apply going forward. Thank you.

00:34:57

Thank you very much. Thank

00:35:04

you, Jenna for no This

00:35:07

truly informative and and and

00:35:10

\$0.06 and also your newsworthy.

00:35:16

Introductory speech. I think that

00:35:19

you did a great in

00:35:21

your great service to the



00:35:22

Washington Community and to investment

00:35:24

arbitration on International commercial arbitration

00:35:26

and in General Washington arbitration

00:35:29

way coming, I would like

00:35:30

to thank you. It's it's

00:35:32

not easy because the issue

00:35:34

of the code of conduct

00:35:36

is is an ongoing debate,

00:35:39

the ten to fifteen percent

00:35:40

that is remaining, is is

00:35:42

really the teachers from you.

00:35:45

Could you could hear from

00:35:46

the question would that I



00:35:49
think that will close this

00:35:50
session and let's give us

00:35:52
a 5 minutes. I have

00:35:54
for those that that are

00:35:56
online or here I apologize

00:35:58
because no, I did not

00:36:00
introduce myself, which I should

00:36:01
have. My name is Jose,

00:36:03
Antonio Rivas and together with

00:36:07
you and layered, we embarked

00:36:08
three two and a half

00:36:10
years ago to create Washington

00:36:12
arbitration week at, which was



00:36:15
simply A matter of of

00:36:17
of necessity, we didn't have

00:36:20
one and the pandemic allowed

00:36:22
us to created and with

00:36:24
the support of many of

00:36:25
whom I see here. We

00:36:28
were able to put it

00:36:29
together as a Stratus. Are

00:36:32
you are numbers? I think

00:36:34
that is at least in

00:36:35
in the US has the

00:36:36
most attended virtually and and

00:36:38
now hopefully in person and



00:36:40

arbitration week, the model is

00:36:42

one where we we could

00:36:44

focus on on the substance.

00:36:45

We focus on me or

00:36:47

for those of you who

00:36:48

have been involved or focus

00:36:50

on on the question. And

00:36:51

after focusing on the question,

00:36:53

we start asking ourselves who

00:36:56

is the expert on this

00:36:57

issue by a simple simple.

00:37:00

Very simple structural process that

00:37:04

we do not choose speakers



00:37:05

before we which was the

00:37:07

actual topic would do it.

00:37:09

The other way around, we

00:37:10

go to the substance and

00:37:11

then we ask, who is

00:37:12

the ex-president? Of course, the

00:37:13

experts may be a, a

00:37:15

professor, From Vilonia our professor

00:37:18

from which one University but

00:37:21

maybe also somebody who is

00:37:22

in the other side of

00:37:23

the world in Australia will

00:37:24

try to bring them here.



00:37:25

Of course, the good thing

00:37:27

that we have in Washington

00:37:28

DC is that there may

00:37:31

be experts on almost every

00:37:34

issue of public international law.

00:37:36

So this is a prime

00:37:37

place for an arbitration week.

00:37:39

There are no fees both

00:37:42

because our hosts are gracious

00:37:44

enough, not to include fees.

00:37:46

And also because online people

00:37:49

can attend the buy by

00:37:53

signing in and one additional



00:37:56
feature, which we are implementing

00:37:58
this year. Is that everything

00:37:59
everything that you see here

00:38:01
is now Recorded one and

00:38:08
two. It has a specific

00:38:10
automatic transfer to the recording

00:38:13
so that we you will

00:38:15
use and and researchers and

00:38:17
students will use the transcripts

00:38:21
as a tool of research

00:38:23
as you could see. We

00:38:26
hope that features like this

00:38:29
or looked online with the



00:38:32

two because that's that's created

00:38:35

creation of knowledge, which we

00:38:37

expect to to move forward.

00:38:38

And with that I'll stop

00:38:40

I'll give him our cell

00:38:42

phone. Praises. And we'll have

00:38:46

a five minute break. Thank

00:38:47

you. Praises. And we'll have

00:38:46

a five minute break. Thank

00:38:47

you. Are ducks respeaker data

00:00:06

georgetti, Professor Challenger GT. I

00:00:08

would like to give special,

00:00:10

thanks to everyone here. And



00:00:12

at some stage, this, this

00:00:14

Thanksgiving, I learned about the

00:00:16

application, called get real and

00:00:19

basically shows what's on Backstage.

00:00:22

And that way, I can

00:00:23

tell you that on Backstage,

00:00:25

hear there's a few people

00:00:26

at work. We have, we're

00:00:28

delighted. We really are delighted

00:00:30

to have to have to

00:00:32

being hosted by Allen &

00:00:34

overy. I don't know if

00:00:36

we and Patrick up here,



00:00:38
selling Skylander in Florence and

00:00:40
its many of the attorneys

00:00:42
here, have been strong supporters

00:00:45
of Washington arbitration week. The

00:00:49
pandemic did bring at many

00:00:51
things 1, the ability to

00:00:52
launch the first edition of

00:00:54
Washington arbitration week. We had

00:00:57
at the time more than

00:00:59
2,000 people joining us online

00:01:01
and the sea The second

00:01:03
edition, we did the smoke

00:01:05
transition into hybrid. And this



00:01:08

this year, when we start

00:01:10

knocking at our very generous

00:01:13

hosts thinking that we would

00:01:15

have perhaps about no 6

00:01:19

or 7 in-person events, everyone

00:01:22

started to raise their hands

00:01:25

and saying, no, we do

00:01:26

want to have in person

00:01:28

meeting. So as a result,

00:01:29

I would say that between

00:01:30

90 and 95% of Washington.

00:01:33

Arbitration week is taking place

00:01:35

in person. I see among



00:01:37

the audience friends who are

00:01:39

not only part of the

00:01:41

DC strictly speaking Community, but

00:01:45

they were part of the

00:01:46

extended and international arbitration community

00:01:50

in the world. That comes

00:01:52

to be see very often

00:01:53

people from Spain, we have

00:01:55

heard about people from China

00:01:57

coming in so this is

00:01:58

to grow with that. I

00:02:01

would say simply that That

00:02:03

we're tremendously thankful to all



00:02:05

of our sponsors were tremendously,

00:02:06

thankful, to all of our

00:02:08

moderators. I cannot name all

00:02:10

of them but let me

00:02:12

start by thanking data has

00:02:15

been also support of Washington

00:02:16

Appreciation Week specially and one

00:02:18

topic, which is a code

00:02:20

of conduct. We have had

00:02:23

in the past many panels

00:02:25

on the subject and we

00:02:28

thought, well, should we have

00:02:29

another panel on the subject?



00:02:31

Or should we simply have

00:02:33

something of a special event

00:02:34

and see since she is

00:02:37

a Washington in. And since

00:02:39

she has been here for

00:02:41

many years, we thought well

00:02:43

what, what, a great possibility

00:02:45

to have her as the

00:02:47

introductory speaker. But before giving

00:02:49

her the floor and and

00:02:51

despite her potential embarrassment, I

00:02:55

will say that. Yeah. Giorgetti

00:02:57

is a professor of law



00:02:59

at Richmond law school and

00:03:02

she is immediate past year

00:03:04

of it is academic Council.

00:03:07

Vice president of the American

00:03:09

branch of the International Association

00:03:12

and elected member of the

00:03:15

American law Institute. She's also

00:03:17

currently a senior fellow at

00:03:19

Columbia Law School, International claims

00:03:22

and reparation project where she

00:03:24

advises Ukraine on International claims

00:03:28

and reparations in suing from

00:03:30

Russia's aggression. Presently. No, she



00:03:34

sees many things, but presently,

00:03:35

and for our purposes she

00:03:38

researches on. Yes. The Kings

00:03:41

commission as well as ethics

00:03:43

the drafting of the code

00:03:44

of conduct of ethics for

00:03:47

arbitrators and issues of Enfamil

00:03:48

of State responsibility and the

00:03:51

prior to joining Academia, she

00:03:53

worked extensively with the United

00:03:56

Nations in New York and

00:03:57

Somalia, and practice, International arbitration

00:04:00

in White, in case she



00:04:04

has degrees from Yale bologna

00:04:06

and London School of Economics.

00:04:08

So only that and She's

00:04:13

also, she also did a

00:04:16

year of extensive extensive, no

00:04:19

Fellowship addiction where she started

00:04:21

drafting the code of conduct

00:04:23

that is just about to

00:04:24

be finalized. And then she

00:04:29

hot, she might have some

00:04:30

use out of the oven

00:04:32

in her introductory speech. So

00:04:34

with us Canada, it's a



00:04:36

pleasure to have you. Thank

00:04:40

you. Thank you very much

00:04:40

as Antonia. And thank you

00:04:42

for having me today. I

00:04:45

think I've actually speaker on

00:04:47

the code of conducts, really

00:04:48

a pleasure to be in

00:04:49

person and online. At the

00:04:50

same time I realized what

00:04:52

has become a very vibrant

00:04:53

week and I understand the

00:04:55

most what's the most attended

00:04:58

arbitration weekend in the world.



00:05:01

So congratulations the program this

00:05:02

year is fantastic, including the

00:05:05

keynote speaker. By Secretary General

00:05:08

of my teeth. Thank you

00:05:12

for inviting me to be

00:05:13

in the directory speaker and

00:05:14

very much looking forward for

00:05:15

the entire week. So I

00:05:17

have been working on the

00:05:21

code of conduct really from

00:05:22

the its Inception and even

00:05:23

before because I was always

00:05:25

very interested in issues of



00:05:26

ethics, and I'm glad today

00:05:28

to be able to talk

00:05:30

a little bit about what's

00:05:31

going on, because a lot

00:05:32

has been agreed upon. But

00:05:34

there's still some issues that

00:05:35

are the need to be.

00:05:36

It'll be finalized. And I

00:05:40

would think that the, the

00:05:41

drop code of conduct is

00:05:43

really one of the most

00:05:44

promising reform proposal that are

00:05:46

being discussed in the working



00:05:48
group, 3 off of ants,

00:05:50
eat raw in a short

00:05:51
period of time, has already

00:05:53
gained substantial interest and support

00:05:54
among all stakeholders. During the

00:05:57
time that I have today,

00:05:58
I would like to do

00:05:58
three things. One is to

00:06:00
put the contact with the

00:06:01
code in in contest, in

00:06:03
a little bit of background,

00:06:04
explain what is in the

00:06:08
code and now and what



00:06:09

is still remaining to be

00:06:11

agreed upon. So it's the

00:06:13

first question, what is it?

00:06:14

What is the code in

00:06:15

the code in context week

00:06:17

with sometimes we say that

00:06:18

the code of conduct is

00:06:19

a low-hanging fruit in the

00:06:22

is yes, reform. And is

00:06:23

it, is it true or

00:06:25

where do we stay? As

00:06:27

we now know is yes.

00:06:28

Investment State dispute settlement is



00:06:31
undergoing a profound process of

00:06:33
Reform. Its catalyzed by a

00:06:35
complex and multifaceted faced a

00:06:37
backlash to procedure normal. Is

00:06:39
Elias Diaz itself including how

00:06:42
the judicators are appointed and

00:06:44
a perceived Pro investor in

00:06:45
balance in the system, as

00:06:47
well as a general concern

00:06:48
of the correctness and consistency

00:06:50
of decisions. And the process

00:06:53
of is, yes, before it

00:06:54
was mostly now taking place



00:06:55

in working group, 3 off

00:06:57

of ancestral, estate delegates are

00:07:00

discussing issues, big and small

00:07:02

really systemic changes, for example,

00:07:04

of a creation and investment

00:07:06

Court in smaller one, maybe

00:07:08

possibly possible, including possibly counterclaims

00:07:12

or changes, it is a

00:07:15

key reform that would address

00:07:17

book systemic and the specific

00:07:19

concern. Oschino ISD is investment

00:07:23

State. These Boots are going

00:07:24

to Mandy's a very complex



00:07:25
dispute, resolution mechanism, involved parties,

00:07:28
and counseling the judicators from

00:07:30
very diverse jurisdiction that I

00:07:32
can make it to practice

00:07:33
of law on a diverse

00:07:35
roles and who have undertaken,

00:07:36
different legal training, and education

00:07:38
in by introducing, rules of

00:07:40
behavior. A code of conduct

00:07:41
these issues and reduce complexity,

00:07:47
and in fact, is also

00:07:48
quite surprised that we don't

00:07:50
have a common code of



00:07:51

conduct. Yet, we have, in

00:07:53

fact, many pass, many new

00:07:55

code of conduct that I've

00:07:57

been to approve more recently.

00:08:00

For example, a lot of

00:08:01

international code have code of

00:08:03

conducts, the international criminal Tribunal

00:08:05

for Rwanda. From Yugoslavia the

00:08:08

international criminal court will have,

00:08:09

could have counted for educators

00:08:12

and the several International Education

00:08:15

institution, also include for of

00:08:17

conduct, like, the code of



00:08:18
ethical conduct for Hong Kong

00:08:20
Inn. Arbitration Center in Sun,

00:08:22
be at ease. Now, also

00:08:24
include a code of conduct

00:08:25
and ethical rules. So the

00:08:28
comprehensive and Progressive agreement for

00:08:29
Trans, Pacific partnership is cptpp,

00:08:32
for example, or sitting. So

00:08:35
the reform project that we

00:08:37
are seeing now is something

00:08:38
that is in novelty but

00:08:39
it's also in the context

00:08:40
of a larger projects include



00:08:43

that include ethics in our

00:08:45

in our work, what is

00:08:48

new? However, this is that

00:08:49

this is a multilateral codification

00:08:51

that can potentially apply to

00:08:53

All. I Ask by Ice

00:08:55

Kan regardless of the arbitral

00:08:57

institution as it involves two

00:08:58

of the major international organization

00:09:00

that that working is based

00:09:03

on Central and exit. How

00:09:05

did we arrive at working

00:09:07

on this car today? So



00:09:08

this was prompted by a

00:09:10

proposal by Algeria in 2015

00:09:13

and received by then the

00:09:15

uncontrolled commission. And with with

00:09:18

with approval, the answer for

00:09:20

2 October 2019 exit and

00:09:26

answers for corporate in preparing

00:09:28

model, Provisions for a code

00:09:29

of conduct for educators. And

00:09:31

this is really quite unique

00:09:32

because it's quite unique to

00:09:33

have answers all in excellent

00:09:34

working together to create the



00:09:36

code of conduct for this

00:09:39

purpose. Working group 3

00:09:41

has been tasked to prepare

00:09:43

and work on the store

00:09:46

and highlighted several issues for

00:09:48

possible inclusion. In the code,

00:09:50

including adjudicators Independence and impartiality

00:09:52

Integrity, diligence and efficiency principles,

00:09:56

ready to confidentiality and competence

00:09:58

and obligations related, to disclosures

00:10:00

working group 3. Also requested

00:10:02

the secretary to study ways

00:10:04

of addressing very specific issues,



00:10:06

including the issue of w.

00:10:08

I think you should conflict

00:10:09

a repeat appointment in all

00:10:11

these issues are not addressed

00:10:13

in the code. The first

00:10:16

draft of the scum, when

00:10:17

I heard of the code,

00:10:18

was publicly made available on

00:10:20

the website of the Secretary

00:10:21

of together in May 2020.

00:10:23

And the Lord has occurred

00:10:25

since the second draft follow

00:10:27

enacted in April Twenty-One. And



00:10:29

the secretary has organized a

00:10:31

series of dissimulation, advance to

00:10:33

explain the concept of the

00:10:34

code. And gather further comments,

00:10:35

a third version was published

00:10:37

in September 2021. July 2022.

00:10:41

And I hear that the

00:10:42

fifth is really a minute

00:10:43

in November Twenty-One and Diana

00:10:48

said that the second party

00:10:50

February 28th together with numbers

00:10:53

of informal meetings and intersection

00:10:55

of meetings. And I think



00:10:57

it's worth noting that the

00:10:58

process is being very open

00:10:59

and stakeholders were given the

00:11:01

opportunity to comment in writing

00:11:02

at several stages in the

00:11:04

development of the code and

00:11:06

the discussions on the code

00:11:08

is included States members of

00:11:10

the answer to a commission

00:11:11

States and many stakeholders. For

00:11:14

example, I see. And then

00:11:15

I go station on behalf

00:11:16

of the institute for transnational



00:11:17

Patrician, but they were so

00:11:19

they're all so many universities

00:11:21

and learn centers that that

00:11:23

participate as solidly in the

00:11:25

negotiation. So what's in the

00:11:28

code? The drops go to

00:11:30

dress is the most cogent

00:11:31

ethical issues that were identified

00:11:32

by working group, three delegates

00:11:34

themselves, and more General bios.

00:11:37

Yes, critics with and provided

00:11:41

policy makers with numerous choices.

00:11:43

So if you look at



00:11:43

the progression of the code,

00:11:44

it said the different draft

00:11:46

you have rocketed past. So

00:11:48

that the states then I

00:11:50

go straight to school address

00:11:52

a different auction. And this

00:11:53

raggedy test is really now

00:11:55

very very limited to very

00:11:57

specific issues and at the

00:11:59

same time the social commentary

00:12:01

that's being prepared which would

00:12:03

be very helpful in understanding

00:12:03

how to apply the code



00:12:05

and this comment right now

00:12:07

includes a lot of the

00:12:08

issues of contention that were

00:12:11

included in the in the

00:12:12

different draft. What are the

00:12:14

main features? And definition of

00:12:16

the coach, we can think

00:12:17

about the code has been

00:12:19

divided into three sections. One

00:12:21

we have an introductory section.

00:12:22

They provide definitions and applicability.

00:12:24

And then a second term

00:12:27

that in numerate, specific obligations



00:12:29

of adjudicators. And finally, a

00:12:31

short professional implementation and enforcement

00:12:33

of the code Article. 19

00:12:39

include the part of an

00:12:42

element of to whom the

00:12:43

code applies and in what

00:12:45

kind of test is a

00:12:46

big issue of contention to

00:12:48

whom, does it apply? And

00:12:50

to what kind of case

00:12:51

in terms of the definition

00:12:52

of Stew who they could

00:12:53

apply zagato condo specifies that



00:12:55
adjudicator. So they could have

00:12:57
said the skull to draw

00:12:58
for adjudicator. Has a code

00:13:00
of conduct for a judicators

00:13:01
name is DS. How do

00:13:02
we define adjudication means arbitrators

00:13:05
and judges so that if

00:13:08
a permanent course I will

00:13:09
actually be established, the code

00:13:11
was still apply was doing

00:13:13
the last night. Go see

00:13:14
a Shins An agreement, put

00:13:16
it will have two coats,



00:13:18
actually, 14 arbitrators and one

00:13:20
for judges the clip. Revision.

00:13:22
Also include elements for those

00:13:25
who are being considered for

00:13:27
appointment and also, for for

00:13:31
assistance, to the tribunal, to

00:13:34
the tribunal espouse Define candidates

00:13:41
as a person who has

00:13:42
been contacted regarding potential appointment,

00:13:44
as an arbitrator or improvised,

00:13:47
what's the definition of assistant?

00:13:48
As a person working on

00:13:49
the direction and control of



00:13:51

Manchuria cater. Both issues are

00:13:53

obviously very important in. What

00:13:57

situation does it apply? How

00:13:59

do we consider isds? This

00:14:01

was also another issue that

00:14:03

was negotiated quite substantially and

00:14:05

article. One now includes the

00:14:07

definition of the kinds of

00:14:08

disparate as I hid International,

00:14:11

International Investment. An investor and

00:14:16

estate originally, integration organization. Submitted

00:14:24

for resolution pursuant to a

00:14:25

treaty provided for the protection



00:14:27
of investment or investors legislation,

00:14:30
governing foreign investment, or investment

00:14:32
contract. This definition has changed

00:14:35
quite a bit unique. Surely

00:14:36
this was the initial draft,

00:14:38
but then it changed to

00:14:39
include only three days and

00:14:40
not include contracts and domestic

00:14:43
legislation again. Article 2 then

00:14:48
also specifies that code that

00:14:50
applies also to other proceeding

00:14:52
what happens. Also, if there

00:14:54
are other code of conduct



00:14:56

that exists as a manager,

00:14:57

there are some code that

00:14:59

color that exists in some

00:15:00

VIP. So what happens, then

00:15:02

those take priority in application

00:15:05

and there will be more

00:15:06

prone to cut itself on

00:15:09

the application in the common

00:15:11

tree. The core of the

00:15:15

code, is there any article

00:15:16

23 and article 3? And

00:15:18

instead the fundamental duty of

00:15:20

Independence and impartiality of adjudicators



00:15:22

got to go to sleep.

00:15:24

In this first sentence a

00:15:26

judicator she'll be independent and

00:15:28

impartial and initial most things

00:15:31

we did more about negotiate.

00:15:32

This is enough, we know

00:15:34

that we want arbitrator is

00:15:36

an adjudicator's to be independent

00:15:37

and impartial and so this

00:15:39

is in the first sentence

00:15:40

is second section of Articles

00:15:42

three enumerated particular, examples of

00:15:45

specifically prohibited behaviors and they



00:15:48

go from letter, h y

00:15:50

f r do the lease

00:15:52

is not exclusive. Imagine discussion

00:15:54

has occurred on like that

00:15:57

says that beat, that judicator

00:15:59

shall not be influenced by

00:16:00

loyalty 20 shooting party in

00:16:02

no disputing parties. In on

00:16:04

this put in cheesy party

00:16:05

or any of their legal

00:16:06

Representatives, this text will be

00:16:08

maintained. There was a final

00:16:10

agreement but there will be



00:16:12

a lengthy explanation of what

00:16:13

lawyer Means in the commentary.

00:16:18

Indeed, old Ms. Parties agree

00:16:20

to Independence and impartiality are

00:16:22

essential to the success and

00:16:24

implementation of the code in

00:16:25

the eighth day. However, the

00:16:26

issue that needed to be

00:16:27

addressed was the exact definition

00:16:29

of what we mean by

00:16:32

Independence and impartiality. So you

00:16:35

were in discussion, two issues

00:16:37

relating sued one was how



00:16:40

to conquer ties, the abstract

00:16:42

principle of Independence and impartiality.

00:16:43

And second how to ensure

00:16:46

that the fairness of the

00:16:47

process that assessment of the

00:16:49

existence or lack of Independence

00:16:51

and impartiality will have to

00:16:53

be to be taken in

00:16:54

that into consideration. And the

00:16:57

idea is to be to

00:16:58

to address it as a

00:17:00

from the point of view

00:17:02

of the reasonable third party.



00:17:06

In terms of the other

00:17:08

articles articles 5 includes a

00:17:10

g of diligent article six,

00:17:12

including an issue of integrity

00:17:14

and competence to the, for

00:17:15

example, adjudicator shall conduct investment,

00:17:18

IID proceeding competently, and in

00:17:21

accordance with high standards of

00:17:22

Integrity Fitness in civility article,

00:17:25

7 prohibits expert for ex

00:17:27

parte. Communication article 8 addresses

00:17:30

confidentiality and article 9 includes

00:17:33

and addresses fees and expenses



00:17:35

expenses that have to be

00:17:37

agreed. Upon to the institution,

00:17:39

is a situation exists to

00:17:42

all these issues and discussions

00:17:44

were productive and conclusive. And

00:17:46

we are very close on

00:17:47

all this issue to assign

00:17:49

a text. But if you

00:17:51

listen to find out, if

00:17:53

you, if you went, when

00:17:54

I was talking about the

00:17:55

number of the Articles, of

00:17:56

course, I didn't mention that



00:17:58

won't because there's still some

00:17:59

issues that are cheap that

00:18:01

are still pending and I

00:18:03

need to be addressed and

00:18:04

there's three issues. Really, is

00:18:07

that, are that have to

00:18:09

be agreed upon that are

00:18:10

still the, at the core

00:18:13

of the end of the

00:18:15

next phase of the negotiation

00:18:16

article for a place to

00:18:18

multiple multiple hatching, and how

00:18:20

do we deal with, with



00:18:23

multiple hats? And, and how

00:18:25

do we address that article

00:18:27

10 and talks about disclosure

00:18:29

obligations and what are the

00:18:31

obligations Visa be disclosure and

00:18:34

article 11, how to make

00:18:35

compliance with the code? How

00:18:36

to comply with a cottage

00:18:38

style? So where do we

00:18:39

stand on those three issue?

00:18:41

As for the first one,

00:18:42

I mention early that the

00:18:45

uncitral commission working group stream



00:18:47

and it is specifically the

00:18:49

working groups to look at

00:18:51

the three main issues of

00:18:53

Fish account. A repeat appointment

00:18:57

and double hatching, both repeat

00:19:00

appointments. An issue conflicts are

00:19:02

addressed now as issue of

00:19:04

disclosure and they are not

00:19:06

addressed directly. But the issue

00:19:09

of double hatching is still

00:19:10

something that is Beatrice B,

00:19:11

addressed specifically and his regulars.

00:19:14

You did not record for



00:19:15

entitled limit on multiple rows

00:19:18

is not entitled, humble hatching

00:19:20

on multiple hurting, but limit

00:19:22

on multiple roles and some

00:19:23

from a qualification perspective that

00:19:25

will happen is Julia, complication,

00:19:27

should it be? Should it

00:19:28

be prohibited completely? Which is

00:19:30

what example Sita has this

00:19:33

has decided to, to to,

00:19:37

to do or, but what

00:19:39

would be the cost in

00:19:40

that case? Some are concerned



00:19:41

that a provision that would

00:19:43

undermine diversity and the possibility

00:19:46

of new entrants in the

00:19:47

system. Alternative alternative could be

00:19:50

regulated exclusively in total number

00:19:53

of cases. An arbitrator can

00:19:56

see at one time or

00:19:57

by consider that time frame

00:19:58

involved in the different proceedings.

00:20:00

And this metal is chosen,

00:20:02

for example, by others. For

00:20:03

example, the international court of

00:20:04

justice regulate way, how did



00:20:07

it include a time limit

00:20:10

The working group consider, all

00:20:12

this kind of options to

00:20:13

whom should you apply to

00:20:14

22? What, what are the

00:20:16

specific that were hiding? Is

00:20:17

it only Council and our

00:20:19

refrigerator, or is it? Agent

00:20:21

is an expert I will.

00:20:22

So to whom, is it

00:20:23

a pie and how to

00:20:24

regulate it and it working

00:20:25

will consider all these options



00:20:26

and during the last negotiation,

00:20:28

it was recorded as being

00:20:30

a wide range of used

00:20:32

both in support of a

00:20:33

full and comprehensive probation, as

00:20:36

well as in support of

00:20:37

imposing robust. And extensive disclosure,

00:20:39

requirement only article for the

00:20:43

doctor to reflect the compromise

00:20:44

that was reached on several

00:20:45

points, one that why there

00:20:47

was continued support for a

00:20:49

compromise. Reached illimitable hurting you



00:20:51
in the art during proceedings,

00:20:52
use diverged on whether there

00:20:54
should be a time period.

00:20:56
Following the conclusion of the

00:20:58
investment arbitration proceeding during which

00:21:01
you're not be afraid. It

00:21:02
would be limited for under

00:21:03
from undertaking, roll rolls as

00:21:06
legal representatives of party appointed

00:21:08
expert. Some in this is

00:21:10
Is including in the craft

00:21:11
now support a three-year. I

00:21:14
can band of the year



00:21:15

and what kind of proceedings

00:21:19

or is it only other

00:21:20

investment proceedings or is it

00:21:22

all International of the proceedings

00:21:25

related to States interstate proceedings?

00:21:27

And this house of horses

00:21:28

are not a big issue

00:21:29

is article of the different

00:21:35

views and likes class. And

00:21:36

there is no no agreement

00:21:38

at the, at the, at

00:21:39

the moment. But we talked

00:21:41

about measures double hatching and



00:21:43

multiple High two in four-issue

00:21:44

that involves measures the same

00:21:46

or related parties are some

00:21:48

provisions of the same treaty

00:21:49

and in paragraph 2 of

00:21:52

code for East shoes that

00:21:54

are legal issues are substantially.

00:21:56

So similar that exceptions to

00:21:58

the rule would be in

00:21:59

breach of the previous, a

00:22:01

proper way of the previous

00:22:03

articles and especially article 3

00:22:05

Independence and impartiality. How do



00:22:08

we force a double hatching

00:22:10

probation? They could not talks

00:22:13

about a sub judgment by

00:22:15

the arbitrator Itsself by the

00:22:17

arbitration Hema herself. This would

00:22:20

be very important in the,

00:22:21

we will have to see

00:22:23

how the fifth draft of

00:22:25

the code actual address this

00:22:26

issue. But at the moment,

00:22:27

there is an agreement to

00:22:28

regulate it somehow without, including

00:22:30

a full probation about to



00:22:33

regulate it. In terms of

00:22:34

what are the cases and

00:22:35

possible introducing a time limit

00:22:38

to the last two issues,

00:22:41

disclosure and implementation. How did

00:22:44

Gautama she's another key provision

00:22:46

together with article, 3, articulate

00:22:49

disclosure obligations? This was only

00:22:51

discussed once and it's still

00:22:53

a lot of work that

00:22:54

has to be done on

00:22:55

the extent of disclosure and

00:22:58

the cold really. Adopt a



00:23:00

enhanced disclosure has as a

00:23:02

regulatory tool. For example, as

00:23:04

I mentioned before both issue

00:23:06

conflict The number of faces

00:23:08

are not regulated, just as

00:23:10

disclosure obligations in the draft

00:23:13

code uses expensive. A continuous

00:23:15

disclosure obligations for a judicator

00:23:17

as an essential policy to

00:23:19

in the base is also

00:23:21

for its implementation strategy discussion

00:23:24

of litigation exist at all

00:23:25

times in the preceding, their



00:23:27
continuous and an adjudicator should

00:23:29
are in favor of more

00:23:31
disclosure when there is any

00:23:33
doubt that should make. I

00:23:36
also reasonable or bastards are

00:23:38
still a choice. Between weather

00:23:40
is reasonably best efforts to

00:23:41
become aware of possible, there

00:23:44
are eight paragraphs now in

00:23:46
this article, which really shows

00:23:48
how important this issue is.

00:23:49
And some of the issues

00:23:51
are brought to disclose, what



00:23:53

kind of cases, what kind

00:23:54

of relationship and also for

00:23:56

how long, how long in

00:23:58

things in the past. Do

00:23:59

you, how do you need

00:24:00

to disclose and any kind

00:24:02

of a of a relationship

00:24:05

There was no time to

00:24:08

finalize our discussion in the

00:24:10

second reading and so there

00:24:12

is quite this. There still

00:24:15

are still some broccoli test

00:24:16

in article article time. Now,



00:24:18

includes similar to article three

00:24:21

initially, a non-exhaustive general requirement

00:24:24

disclosure and also request is

00:24:27

closing specific professional business and

00:24:29

other significant relationship with the

00:24:31

party's council, president passed, the

00:24:33

judicators or experts in the

00:24:35

preceding and other third parties

00:24:36

as well as direct or

00:24:38

indirect financial interest. Paragraph to

00:24:42

OSHA requires arbitrators in Canada,

00:24:43

has to disclose and a

00:24:45

financial business, professional personal relationship



00:24:49

in the past five years,

00:24:50

with any disputing party, or

00:24:52

any entity identified by a

00:24:54

disputing party solo. No discussion

00:24:56

a lot of interesting questions

00:24:59

here about what to disclose

00:25:01

how long, what kind of

00:25:02

relationship, what issues and what

00:25:05

how far back Super my

00:25:08

last Point compliance with a

00:25:10

code. This is article 11

00:25:12

and the coach, of course,

00:25:14

without a strong and effective



00:25:16
implementation and enforcement mechanism will

00:25:19
be very difficult to implement

00:25:20
tennis really will be difficult

00:25:22
with. It will not be

00:25:23
easily difficult to make it

00:25:27
work. If there's no implementation

00:25:29
mechanism, find a proper implementation

00:25:33
mechanism because the code itself

00:25:36
wasn't actually begin is going

00:25:37
to be implemented by different

00:25:39
institutions. And so how do

00:25:41
you and ask where the

00:25:42
circle you will? How do



00:25:43
you do that? At the

00:25:45
moment, discussions are being really

00:25:47
quiet and brownies the president

00:25:49
of discussion that the the

00:25:51
talkative article 11 oz talks

00:25:53
about the fact that the

00:25:54
adjudicators themselves have to comply

00:25:57
with applicable. Provisions of the

00:25:59
code, while issues of challenges

00:26:02
will be regulated by their

00:26:04
their institutions itself. So that

00:26:07
any disqualification and removal procedure

00:26:09
or any sanctions and remedy



00:26:11

will be continued to apply

00:26:12

in the institutions themselves. So

00:26:15

how to what is how

00:26:17

do we want to address

00:26:18

this issue? I think that's

00:26:19

a lot of space for

00:26:20

Innovative thinking here. And there

00:26:23

are examples that one might

00:26:24

think about in terms of

00:26:25

implementation, for example, with the

00:26:28

World Bank and the offices

00:26:29

of suspension and debarment which

00:26:33

provide some some possible for



00:26:35
thought of maybe the creation

00:26:37
of an ombudsman in some

00:26:39
Institution. Overall, the discussion of

00:26:43
the code of being largely

00:26:44
positive, that's being quite a

00:26:46
lot of, a lot of

00:26:48
discussions and quite substantial agreement

00:26:50
on a lot of issues,

00:26:51
delegates, agreed on the general

00:26:54
direction, and drafting of the

00:26:55
code and have suggested linguistic

00:26:57
changes on the drive to

00:26:58
better address specific concerns to



00:27:00

most of the code. As

00:27:02

being most of the issues

00:27:03

have been agreed upon, but

00:27:05

are still issues that have

00:27:07

to be decided, and have

00:27:09

to be negotiated on the

00:27:11

side of the multiple hatching.

00:27:12

Concern is probably the most

00:27:14

relevant, and most important one,

00:27:16

and the extent of disclosure.

00:27:19

And then, of course, implementation,

00:27:22

So where do we go

00:27:23

now at thy side, the,



00:27:24

the publication of the fifth

00:27:27

draft of the code, is

00:27:28

a minute actually check this

00:27:30

morning or is not on

00:27:31

this morning, but I understand

00:27:33

is really, as a basis

00:27:34

for coming. There going to

00:27:35

be more discussions, one in

00:27:37

Indiana, in, in January and

00:27:41

then New York Wall Group.

00:27:43

Working group 3, has decided

00:27:45

now to meet three times

00:27:46

to discuss all of that,



00:27:47

yes, yes, reforms, the next

00:27:49

one, then in Vienna in

00:27:51

New York and I will

00:27:52

be. And I think that

00:27:54

probably the the draft code

00:27:57

will be presented for approval

00:28:01

of the next session of

00:28:03

the Commission in the summer,

00:28:05

possibly a year later than

00:28:07

expected. But still a very

00:28:08

important a development and a

00:28:11

quite in terms of the

00:28:14

overall highest. Yes, project. So



00:28:17

I asked the beginning, is

00:28:18

it a low-hanging fruit? In

00:28:20

terms of a? Yes, yes,

00:28:20

before I see I think

00:28:22

we can still do it

00:28:23

and I think it's it's

00:28:25

very much in on cock

00:28:26

to agree and be decided

00:28:29

upon in in 2023. So

00:28:33

thank you very much and

00:28:33

I'd be happy to take

00:28:34

any questions you then. Can

00:28:44

I take breast cancer? Oh,



00:28:48

I have a, am I

00:28:50

supposed to get So, I

00:29:02

see you want to show

00:29:03

that kind of camera in

00:29:04

there. Definition of stringent measures.

00:29:37

That's okay. Thank you. This

00:29:41

is an excellent question, I

00:29:42

think I still debate on

00:29:43

on the extent, but I

00:29:46

think there's a lot of

00:29:47

I think we have to

00:29:50

think about in the context

00:29:51

of the USPS reforming, General.



00:29:53

This is an international reform

00:29:55

process and is targeted to

00:29:57

invest in arbitration, which is

00:29:59

a very complex and sensitive

00:30:00

issues because it always included

00:30:01

States. And there's always a

00:30:03

stubborn, so I think Stacy

00:30:06

and Silas want to be

00:30:07

a surgeon as possible that

00:30:10

we tried. We, we agree

00:30:12

on ethical standards that are

00:30:14

going over the other highest

00:30:17

possible level. So that way,



00:30:18

we avoid conflicts all together

00:30:20

recently, if you seen the

00:30:22

numbers of challenges and increase

00:30:24

and I think we want

00:30:25

to avoid that so that

00:30:26

if there is a very

00:30:28

extensive disclosure we are, we

00:30:30

will avoid also challenges procedures.

00:30:33

This is still in office.

00:30:37

Hi Kiara to two quick

00:30:40

questions. One, technical in one

00:30:42

aspirational. The technical one is.

00:30:46

I think you mentioned that



00:30:47

the code would apply to

00:30:48

candidates were approached by a

00:30:51

council. How would that work

00:30:53

with double having an issue?

00:30:54

Preclusion, obviously, you know, Council

00:30:57

can approach several people at

00:30:58

that point and use it

00:30:59

strategically. So, I just was

00:31:01

curious about how, how that

00:31:02

would approach teams teams potentially

00:31:04

problematic in my view. And

00:31:05

then the second question is,

00:31:06

why will this be different?



00:31:08

Then the Mauritius convention, it

00:31:10

was a lot of interest

00:31:12

in transparency. And Mauritius has

00:31:15

now become a little bit

00:31:16

of softball and not not

00:31:17

hard law and I know

00:31:18

you want this to be

00:31:19

hard ball on 1st. Because

00:31:27

I don't think so. When

00:31:29

I was thinking about, implantation,

00:31:30

I think of to think

00:31:31

of, you have to think

00:31:32

creatively about how to implement,



00:31:34

and the morticians convention is

00:31:36

a treaty and the show

00:31:38

transparency. So how it how

00:31:39

to implement it here? I

00:31:41

think we can do it

00:31:42

much more easily. And for

00:31:44

example I know that exit

00:31:45

is thinking about including version

00:31:47

of the code in the

00:31:48

disclosure appendix. I can bend

00:31:52

the disclosure of the arbitrator

00:31:53

has to feeling so you

00:31:55

can be much more easily



00:31:56

applied if you don't have

00:31:58

to have it, read it,

00:31:59

you kind of a trick.

00:32:00

You can have multiple ways

00:32:01

to implement the colon and

00:32:02

force the implementation. Yes, you

00:32:04

can go through a cheating

00:32:06

but you can do it

00:32:07

also, you know, either way,

00:32:09

that is more simple and

00:32:11

included in the disclosure form

00:32:13

of the arbitrator, which will

00:32:15

guarantee that is applied much



00:32:17

more subtle way. Too many

00:32:18

more situations. They agree with

00:32:20

you that, you know, we

00:32:21

have to do this a

00:32:21

lot of interest now and

00:32:23

will it will it bear

00:32:24

fruit when we actually have

00:32:25

a crew when the quote

00:32:26

is approved So this is

00:32:28

why we have to think

00:32:28

about how to implement the

00:32:30

quiz question. I think it's

00:32:31

a very interesting question. Also,



00:32:32

there are limited in terms

00:32:34

of an article 11 of

00:32:38

the nation is also as

00:32:39

part of communication. So you

00:32:41

has to has to be

00:32:42

very specific on what what

00:32:44

is allowed and I think

00:32:46

you're right that parties may

00:32:47

be strategic and how the

00:32:48

select arbitrators But I don't

00:32:54

think that at the moment.

00:32:55

The fact that you apply

00:32:57

the code there, certain Provisions



00:32:58
that applies to candidates. And

00:33:00
I think it's against you

00:33:01
guarantee at this stores are

00:33:03
in to try and make

00:33:04
it as transparent as possible.

00:33:05
Has to be supposed to

00:33:06
get a party. Also, I

00:33:07
don't know if I replied.

00:33:18
I just one more question.

00:33:20
And so that people can

00:33:22
see you. That would be

00:33:27
the last. Thank you. Think

00:33:29
you care about him certain



00:33:38

light? I'm not going to

00:33:39

see rules. Barb likes recommendations

00:33:41

for educators to like this.

00:33:43

Close to information that has

00:33:45

been discussed for the last

00:33:46

32 years old. What's going

00:33:50

to happen? What do you

00:33:51

think? Should happen if you

00:33:53

could give us like an

00:33:54

opinion or not? About the

00:33:57

cases that have been going

00:33:58

on during these two or

00:34:01

three years of discussion. And



00:34:03

I did not disclose something

00:34:06

that he's in the cold,

00:34:07

but he's already known. That

00:34:10

is something that should be

00:34:11

disclosed, you know, that because

00:34:12

the market going to see

00:34:13

if there is a problematic

00:34:14

thing that should be is

00:34:15

closed. So there's going to

00:34:17

be like I got was

00:34:18

there that I don't know

00:34:19

how to be covered too.

00:34:20

So that we make with



00:34:21

that, there are issues, that,

00:34:26

that should be disclosed and

00:34:30

there's a market for more

00:34:32

disclosure, but there's much more

00:34:33

that 2 cents in disclosing

00:34:35

by the judicators side, and

00:34:39

the code will only be

00:34:40

applied obviously, for an in

00:34:42

the future. But there's nothing

00:34:44

to that the parties, of

00:34:47

course, they themselves. Agree on

00:34:49

may be requiring, more displeasure

00:34:51

by the code itself, is



00:34:52

only apply going forward. Thank

00:34:57

you. Thank you very much.

00:35:03

Thank you, Jenna for no

00:35:06

This truly informative and and

00:35:10

and \$0.06 and also your

00:35:14

newsworthy. Introductory speech. I think

00:35:19

that you did a great

00:35:21

in your great service to

00:35:22

the Washington Community and to

00:35:24

investment arbitration on International commercial

00:35:26

arbitration and in General Washington

00:35:29

arbitration way coming, I would

00:35:30

like to thank you. It's



00:35:32

it's not easy because the

00:35:34

issue of the code of

00:35:35

conduct is is an ongoing

00:35:38

debate, the ten to fifteen

00:35:40

percent that is remaining, is

00:35:42

is really the teachers from

00:35:44

you. Could you could hear

00:35:46

from the question would that

00:35:48

I think that will close

00:35:49

this session and let's give

00:35:52

us a 5 minutes. I

00:35:54

have for those that that

00:35:56

are online or here I



00:35:58

apologize because no, I did

00:36:00

not introduce myself, which I

00:36:01

should have. My name is

00:36:03

Jose, Antonio Rivas and together

00:36:06

with you and layered, we

00:36:07

embarked three two and a

00:36:10

half years ago to create

00:36:12

Washington arbitration week at, which

00:36:14

was simply A matter of

00:36:17

of of necessity, we didn't

00:36:20

have one and the pandemic

00:36:22

allowed us to created and

00:36:23

with the support of many



00:36:25
of whom I see here.

00:36:28
We were able to put

00:36:29
it together as a Stratus.

00:36:32
Are you are numbers? I

00:36:33
think that is at least

00:36:34
in in the US has

00:36:36
the most attended virtually and

00:36:37
and now hopefully in person

00:36:39
and arbitration week, the model

00:36:42
is one where we we

00:36:43
could focus on on the

00:36:44
substance. We focus on me

00:36:47
or for those of you



00:36:48

who have been involved or

00:36:50

focus on on the question.

00:36:51

And after focusing on the

00:36:52

question, we start asking ourselves

00:36:55

who is the expert on

00:36:57

this issue by a simple

00:37:00

simple. Very simple structural process

00:37:03

that we do not choose

00:37:04

speakers before we which was

00:37:06

the actual topic would do

00:37:09

it. The other way around,

00:37:10

we go to the substance

00:37:11

and then we ask, who



00:37:12

is the ex-president? Of course,

00:37:13

the experts may be a,

00:37:15

a professor, From Vilonia our

00:37:18

professor from which one University

00:37:20

but maybe also somebody who

00:37:22

is in the other side

00:37:23

of the world in Australia

00:37:24

will try to bring them

00:37:25

here. Of course, the good

00:37:27

thing that we have in

00:37:28

Washington DC is that there

00:37:30

may be experts on almost

00:37:33

every issue of public international



00:37:35

law. So this is a

00:37:36

prime place for an arbitration

00:37:39

week. There are no fees

00:37:41

both because our hosts are

00:37:44

gracious enough, not to include

00:37:45

fees. And also because online

00:37:48

people can attend the buy

00:37:53

by signing in and one

00:37:55

additional feature, which we are

00:37:57

implementing this year. Is that

00:37:59

everything everything that you see

00:38:01

here is now Recorded one

00:38:07

and two. It has a



00:38:10
specific automatic transfer to the

00:38:13
recording so that we you

00:38:14
will use and and researchers

00:38:17
and students will use the

00:38:20
transcripts as a tool of

00:38:23
research as you could see.

00:38:25
We hope that features like

00:38:29
this or looked online with

00:38:32
the two because that's that's

00:38:34
created creation of knowledge, which

00:38:36
we expect to to move

00:38:38
forward. And with that I'll

00:38:40
stop I'll give him our



00:38:42
cell phone. Praises. And we'll

00:38:46
have a five minute break.

00:38:47
Thank you. Praises. And we'll

00:38:46
have a five minute break.

00:38:47
Thank you.