



2025



# Washington Arbitration Week

Washington D.C. is the epicenter of investment arbitration. It has the headquarters of the International Centre for Settlement of Investment Disputes (ICSID), law firms specialized in investment arbitration, public international law and international commercial arbitration, international organizations, United States federal agencies specialized in investment arbitration, embassies, vibrant law schools, NGOs and think tanks. Washington Arbitration Week (WAW) provides an organic D.C. forum in international arbitration for its legal community and the international and foreign community connected to it. WAW will further advance the analysis and discussion of developments reflected in arbitral awards, treaties and international instruments at the forefront of international arbitration.

WAW's panels will follow a dynamic format and foster an open discussion about the future of international arbitration. They will shed light on new arbitration techniques, focus on developments and evolving interpretations and views, and discuss the best practices for international arbitration in the new virtual reality.

The sixth edition of Washington Arbitration Week – WAW 2025 will be a showcase of international arbitration in Washington, D.C. On behalf of our sponsors and supporters, panel speakers and moderators, we welcome newcomers and experienced practitioners alike to our city and arbitration community.

**WAW Founders,**  
**José Antonio Rivas & Ian A. Laird**



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Ian A. Laird - Crowell & Moring (Program Curator)

María Matamala - Xstrategy LLP

Momin Mohsin - Xstrategy LLP

María José Guerrero - Xstrategy LLP

Camila Castro - Xstrategy LLP

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Marinn Carlson – Independent Arbitrator

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Lucinda A. Low – Low & Kinnear Dispute Resolution

Petr Polášek – White & Case

## WAW Founders & Executive Committee

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José Antonio Rivas

Xstrategy LLP

Co-Chair of WAW

Ian A. Laird

Crowell & Moring LLP

Co-Chair of WAW

# Event Program



**Monday Oct 6**

**8:00am  
8:45am**

**Breakfast**

**Hughes  
Hubbard  
& Reed**

**9:00am  
10:15am**

Mentorship on International Arbitration in the Washington, D.C. Legal Community: How to Organically Promote an Environment of Mentorship?

**Hughes  
Hubbard  
& Reed**

**10:30am  
11:45am**

Choice of Arbitral Seats in the World: What Has Changed and Where Does Washington, D.C. Stand?

**Hughes  
Hubbard  
& Reed**

**12:00am  
1:15pm**

Regional Update on Regulations in the Americas with Potential Impact in Investment Disputes.

**XTRATEGY LLP**

**1:20pm  
2:35pm**

Developing In-House Defense Capacities by Sovereign States in Investment Arbitration and State-Owned Companies in International Commercial Arbitration

**XTRATEGY LLP**

**2:45pm  
4:10pm**

Valuation in ISDS Disputes in an Era of Climate Transition.

**BATES  
WHITE**  
ECONOMIC CONSULTING

**4:15pm  
5:30pm**

Sunk Cost Analysis as a Basis for Quantum Awards on Quantum in International Arbitration.

**BATES  
WHITE**  
ECONOMIC CONSULTING

**5:30pm  
7:00pm**

**Reception - Networking Session**

**BATES  
WHITE**  
ECONOMIC CONSULTING



## Tuesday (Oct 7)

🕒 8:00am  
8:45am

Breakfast



🕒 9:00am  
10:15am

Navigating Global Life Sciences Disputes:  
Emerging Trends and Challenges in  
International Arbitration.



🕒 10:30am  
11:45am

**Workshop** on Generative AI in International  
Arbitration, Current Applications and Practical  
Use.



🕒 12:00am  
1:15pm

Sovereigns Settle Too: From Public Sector  
Disputes to Investor-State Mediation



🕒 1:15pm  
2:00pm

Lunch



🕒 2:15pm  
5:00pm

**Workshop** on Quantum: Be Challenged by  
Working With and Cross-Examining Damages  
Experts.

WHITE & CASE



🕒 5:30 pm  
8:00 pm

Speaker Reception





## 📅 Wednesday (Oct 8)

🕒 9:00am  
10:30am

International Arbitration, Procurement and Government Contracts, and Construction in the New Geopolitical Landscape.



🕒 10:45am  
12:00pm

NAFTA 3.0: The Future of ISDS in North America.



🕒 12:15pm  
1:30pm

**Book Launch** - Canada's Place in the World and vis-a-vis the US: Discussion with H. Scott Fairley, author of Foreign Affairs in the Canadian Constitution.



🕒 2:30pm  
3:45pm

Leading the Charge: Women as Arbitrators, Damages Experts, and Counsel in Renewable Energy Disputes.



🕒 4:00pm  
5:15pm

60 Years of ICSID – What's Next?



🕒 5:30pm  
8:00pm

**Welcoming Reception**

Host:



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## Thursday (Oct 9)

⌚ 9:00am  
10:15am

Inside Procedural Order No. 1: Practical Know-How and Drafting, Do's and Don'ts for PO1.

📍 Steptoe

⌚ 10:30am  
11:45am

Exceptions in Investment Chapters of Free Trade Agreements.

📍 Steptoe

⌚ 12:00pm  
1:15pm

New Developments in Third-Party Funding in International Arbitration: Recent Rules of Arbitration, Risk, and Presence of the Funding Industry in International Arbitration.

📍 Steptoe

⌚ 1:15pm  
2:00pm

Lunch     📍 Steptoe

⌚ 2:30pm  
3:45pm

Annulment of ICSID (and non-ICSID) Awards as Well as Aspects of Their Enforcement in the U.S.

📍 BAKER BOTTs LLP

⌚ 4:00pm  
5:15pm

The Millennials Are Coming.

📍 BAKER BOTTs LLP

⌚ 5:30pm  
8:00pm

Reception

📍 BAKER BOTTs LLP



## Friday (Oct 10)

🕒 9:00am  
10:15am

Arbitrating Contractual Disputes at ICSID: Is There an Actual or Likely Rise of Contract Claims in The Context of ISDS Reform?



🕒 10:30am  
11:45am

Respect for the International Rule of Law in Enforcement of International Arbitration Awards in the U.S. and Beyond.



🕒 12:00pm  
1:15pm

The New Frontier in Mining Disputes and International Arbitration: Tensions between Project Viability, Environmental Concerns and Social Licenses.



🕒 1:30pm  
2:45pm

Space Law in the New Space Age: Sovereignty, Resources, and Dispute Resolution.



🕒 3:00pm  
4:15pm

Making Investment Dispute Settlement More Accessible to SMEs.



🕒 4:20pm  
5:30pm

Reception



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## Monday (Oct 6)

### Mentorship on International Arbitration in the Washington, D.C. Legal Community: How to Organically Promote an Environment of Mentorship?

🕒 9:00 am  
10:15 am

📍 Hughes Hubbard & Reed 1775 Street, N.W., Washington, DC 20006-2401.

**Hughes  
Hubbard  
& Reed**

**WBA**  
WOMEN'S BAR ASSOCIATION  
of the District of Columbia

#### Moderator:



Jessica Killeen  
Law Clerk

#### Panelists:



Eleanor Erney  
Counsel, Hughes  
Hubbard & Reed



Meg Kinnear  
Founding  
Member, Low &  
Kinnear Dispute  
Resolution



Michael Nolan  
Independent  
Arbitrator



Cansu Aydin  
Partner, Appleton  
Luff

Washington, D.C. hosts one of the world's most vibrant arbitration communities, yet the path into the field can often feel unclear for those at the outset of their careers. As the practice of arbitration continues to expand and a new generation steps forward, important questions arise: how do we nurture mentorship as a culture rather than an obligation? And how can firms, institutions and individuals create spaces where knowledge and experience are shared openly and organically?

This session will examine the ways in which mentorship (both formal and informal) shapes professional growth and strengthens the fabric of the community. Panelists will share personal experiences, spotlight innovative approaches to mentorship and reflect on how to foster environments where guidance flows naturally across generations. Whether you are an established arbitrator or just beginning your journey, this discussion offers an opportunity to engage in a candid exchange on building a culture of support within international arbitration.

## Monday (Oct 6)

### Choice of Arbitral Seats in the World: What Has Changed and Where Does Washington, D.C. Stand?

10:30 am  
11:45 am

Hughes Hubbard & Reed 1775 Street, N.W., Washington, DC 20006-2401

**Hughes Hubbard & Reed**

**Moderator:**



James Boykin  
Partner, Hughes Hubbard & Reed

**Panelists:**



Csaba Rusnak  
Founder, Sovereign Arbitration Advisors



Nicolle Kownacki  
Partner, White & Case



Simon Consedine  
Partner, Three Crowns



Jonathan Ulrich  
Of Counsel, Paul Hasting

Among the many choices parties make in arbitration, few are as strategic or as underestimated as picking the seat. It is just not a dot on the map; it is a decision that defines the legal framework, shapes judicial support and influences of how and where an award gets enforced.

For years, the usual suspects like London, Paris and New York have been have reigned supreme, thanks to their reliable legal systems and arbitration-friendly reputations. But times are changing. Paris, for instance, has become less attractive for investment arbitration after the CJEU's Achmea, Komstroy and PL Holdings rulings. These decisions have prompted courts in EU Member States to annul or refuse enforcement of intra-EU investment awards. Adding to the uncertainty is the EU Commission's position against intra-EU ISDS, which has cast doubt over arbitrations seated in the EU.

In parallel, jurisdictions like Singapore, Geneva, Washington D.C., and London (post-Brexit) are strengthening their profiles through reforms, procedural efficiency or perceptions of neutrality.

This panel will analyze whether traditional criteria for selecting arbitral seats—judicial independence, enforceability, cost, and political neutrality—are being reevaluated. Is a reshuffling of the global arbitration map underway? What factors are truly influencing party preferences today? And how might these developments shape the geography of international arbitration in the coming years?

Join us as we explore the shifting terrain of arbitral geography, analyze what matters most to parties today, and consider whether the future of arbitration may be moving toward new and emerging venues.

**Monday (Oct 6 )**

## Regional Update on Regulations in the Americas with Potential Impact in Investment Disputes.

⌚ **12:00 pm**  
**1:15 pm**

📍 **XTRATEGY LLP**  
1400 16th St NW,  
Conference Room A,  
Washington, DC  
20036

**Moderator:**



**María Matamala**  
Associate,  
Xtrategy LLP

**Panelists:**



**Fabio Núñez del Prado**  
Partner, Rebaza,  
Alcázar & de las Casas



**Chris Polson**  
Partner, PwC



**Adriana Espinel**  
Founding Partner,  
Espinel Abogados



**Eduardo Mathison**  
Counsel, Crowell & Moring

Across the Americas, governments are advancing regulatory reforms that directly affect foreign investment. Mexico is reshaping its electricity market through new energy policies. Colombia has adopted a significant tax reform and issued Presidential Directive No. 5 of 2025, which creates new requirements for State entities that enter into arbitration agreements. Chile continues to debate constitutional changes that could transform the framework for natural resources and water rights. These fiscal, environmental and institutional developments reflect legitimate public policy goals, but they also increase the likelihood of investment disputes.

This panel will explore the most recent regulatory and policy developments in the region and assess their potential impact on investment arbitration. Speakers will analyze how shifts in domestic legislation, new institutional practices and political dynamics may affect treaty-based claims, contract disputes and investment disputes. The discussion aims to provide practitioners, policymakers and investors with insights into emerging risks and strategies for navigating the evolving dispute-resolution landscape in the Americas.

## Monday (Oct 6)

### Developing In-House Defense Capacities by Sovereign States in Investment Arbitration and State-Owned Companies in International Commercial Arbitration

⌚ 1:20 pm  
⌚ 2:35 pm

📍 1400 16th St NW,  
Conference Room A,  
Washington, DC  
20036

**XTRATEGY LLP**

#### Moderator:



José Antonio Rivas  
Founding Partner,  
Xstrategy LLP

#### Panelists:



David Bigge  
Chief of Investment  
Arbitration Office of  
the Legal Adviser



María Carolina Durán  
Special Counsel,  
Baker Botts



Mallory Silberman  
Freelance  
Consultant, Ms  
Arbitration



Jean Pierre Galvan  
President of the  
Special Commission  
Representing the  
State in International  
Investment Disputes,  
Ministry of Economy of  
Peru



Mijail Cienfuegos  
Legal Advisor and  
Technical Secretary of the  
Special Commission  
Representing the State in  
International Investment  
Disputes, Ministry of  
Economy of Peru

In recent years, many sovereign States have taken important steps to strengthen their in-house legal capacities to defend against investor claims. National agencies and specialized legal teams are increasingly managing complex arbitration proceedings without relying exclusively on external counsel. At the same time, State owned companies are becoming frequent parties in international commercial arbitration, in sectors such as energy, infrastructure and natural resources. These developments reflect both a shift toward greater autonomy in dispute management and a need for institutional strategies that align with global best practices.

This panel will explore how sovereign States are strengthening their internal capacities to manage investment arbitration and how State-owned companies are navigating the field of international commercial arbitration. Speakers will analyze recent institutional reforms, new government initiatives and ongoing efforts to develop permanent in-house teams that can lead and co-ordinate arbitration strategy. The panel will identify lessons learned from both successes and setbacks and will consider the advantages of building specialized in house capacity, as well as the challenges. By bringing together perspectives from government practitioners, arbitral institutions and private counsel, the session will provide a comprehensive view of how States and their companies can enhance their effectiveness in arbitration and contribute to the development of more sustainable and transparent practices international dispute resolution.



**Monday (Oct 6)**

## Valuation in ISDS Disputes in an Era of Climate Transition.

⌚ **2:45 pm**  
**4:10 pm**

📍 Bates White 2001 K Street, N.W., Washington, DC 20006

**BATES  
WHITE**  
ECONOMIC CONSULTING

**Moderator:**



**Sara Marzal Yetano**  
Legal Counsel,  
ICSID

**Panelists:**



**Glenn George**  
Partner,  
BatesWhite



**Laura Smith**  
Partner, HKA



**Pablo Spiller**  
Managing  
Director at BRG



**Kenneth Figueroa**  
Partner, Foley  
Hoag



**David Weinstein**  
Associate, Lewis  
Baach Kaufmann  
Middlemiss

As climate ambitions heat up, so do investment disputes. From phasing out fossil fuels to cancelling extraction projects and tightening environmental regulations, governments are making bold policy moves — and investors are pushing back. In this high-stakes tug of war, figuring out how much an asset is worth has never been trickier.

Recent investment arbitration cases such as *Azienda Elettrica Ticinese v. Germany* (2023, ICSID), *RWE v. Netherlands* (2021, ICSID) and *Antin v. Spain* (2013–2025, ICSID/EU) highlight the valuation challenges that arise when climate regulations reshape the investment landscape. These cases involve the early closure of coal plants, the phaseout of fossil fuels and reductions in renewable energy subsidies—raising complex questions of fair market value, regulatory risk and investor protection. In addition, the sequence of advisory opinions on international obligations of State concerning climate change by the ICJ, the Inter-American Court of Human Rights, and ITLOS, might also influence quantum analysis.

Tribunals today face a complex web of legal, economic, and political uncertainties—from shifting discount rates and competing counterfactuals to the increasing relevance of ESG and climate policy measures. Whether the dispute involves renewables, fossil fuel phase-outs, or regulatory shifts, determining what is “fair” in fair market value calculations seems to involve a greater degree of complexity.

This panel will explore how investment arbitration is adapting to these realities. It will examine how tribunals are incorporating climate-related and ESG factors into quantum assessments, the methodological challenges that arise, how treaty protections are being interpreted and how international obligations may be interpreted in light of the green transition. Ultimately, the discussion will assess how valuation practices may align with the evolving demands of a low-carbon world.

## Monday (Oct 6)

### Sunk Cost Analysis as a Basis for Quantum Awards on Quantum in International Arbitration.

🕒 4:15 pm

5:30 pm

📍 Bates White 2001 K Street, N.W., Washington, DC 20006.

**BATES  
WHITE**  
ECONOMIC CONSULTING

#### Moderator:



Garrett Rush  
Managing  
Director,  
Secretariat

#### Panelists:



Daniel Flores  
Managing  
Director, Quadrant  
Economics



Sencer Ecer  
Senior Vice  
President,  
Compass Lexecon



Sirshar Qureshi  
CIS Dispute  
Advisory Centre of  
Excellence Leader,  
PwC



Dr. Borzu Sabahi  
Partner, Curtis

Can yesterday's spending justify today's compensation? This panel explores the evolving role of sunk cost analysis in investment arbitration. While, it is a widely used method, questions have been raised about whether it is being overused or whether its application is in decline.

We will examine when tribunals tend to favor, or perhaps overly favor, a sunk cost approach instead of forward-looking methods in an effort to construct a non-speculative but-for scenario. This panel will also look at when and why the sunk cost analysis is applied, how it measures up against other valuation methods, and the circumstances in which this approach is considered appropriate based on the specific features of each case.



**Tuesday (Oct 7)**

## **Navigating Global Life Sciences Disputes: Emerging Trends and Challenges in International Arbitration.**

**9:00 am  
10:15 am**

JAMS, 1050 K Street,  
NW, Suite 800  
Washington, DC  
20001.



**Moderator:**



**Jeffrey M. Senger**  
Esq,  
Arbitrator &  
Mediator JAMS

**Panelists:**



**John Townsend**  
Hughes Hubbard  
Reed



**Sudhanshu Roy**  
Foley Hoag LLP



**Marney Cheek**  
Partner, Covington  
& Burling



**Conna A. Weiner**  
Arbitrator &  
Mediator, JAMS

The global life sciences sector has become one of the most dynamic and contested areas in international arbitration. Pharmaceutical companies, biotechnology firms and medical device manufacturers are operating in a landscape marked by rapid innovation, complex regulatory frameworks and heightened public interest. Governments are also exercising stronger oversight in matters such as drug pricing, compulsory licensing and public health emergencies. This can create tension between sovereign policy goals and private contractual rights. These developments highlight the growing importance of arbitration as a mechanism for resolving high stakes disputes in an industry where science, law and policy intersect.

This panel will examine emerging trends and challenges in the resolution of life sciences disputes through international arbitration. Speakers will analyze recent cases and institutional practices that reveal how arbitral tribunals approach issues such as scientific evidence, regulatory compliance and confidentiality of sensitive data. The discussion will also explore the role of investment treaties in protecting life sciences investments and the strategic choices parties face when drafting dispute resolution clauses.

By combining perspectives from practitioners, industry experts and academics, the session aims to question how arbitration can adapt to the evolving needs of the life sciences sector and to equip participants with practical insights for navigating disputes in this highly specialized and rapidly changing field.

## Tuesday (Oct 7)

### Workshop on Generative AI in International Arbitration, Current Applications and Practical Use.

10:30 am  
11:45 am

JAMS, 1050 K Street,  
NW, Suite 800  
Washington, DC  
20001.



#### Moderator:



Kelby Ballena  
Hughes Hubbard  
& Reed

#### Panelists:



Annie Lespérance  
Head of Americas,  
Jus Mundi



Jacqueline Schafer  
Founder and CEO,  
ClearBrief



Cynthia Cwik  
FCIArb, Arbitrator  
& Mediator, JAMS



David Bartolone  
VP & GM, Kluwer  
Law International

The rise of generative AI is transforming legal practice across disciplines. International arbitration is no exception. From drafting procedural documents and analyzing voluminous evidence to predicting case outcomes, AI tools are increasingly being integrated into the daily workflow of arbitration professionals. At the same time, their use raises important questions about accuracy, confidentiality, bias and the evolving role of human decision-making in arbitration. As arbitral institutions and practitioners navigate these opportunities and risks, the need for clarity, best practices and critical dialogue has never been greater.

This hands-on workshop aims to demystify the use of generative AI in international arbitration by focusing on practical applications, real-world case studies and emerging tools that are already reshaping the field. Participants will explore how AI can assist in tasks such as drafting procedural orders, preparing submissions, managing document production and assisting tools when the arbitrator drafts the award.

The session will also address ethical considerations, institutional guidance, changing views on the use and trustworthiness of AI-generated content. Designed specifically for counsel and arbitrators, this workshop promises an opportunity to share experiences, ask hard questions, and rethink how generative AI can work hand-in-hand with human expertise to shape the future of international arbitration.

**Tuesday (Oct 7)**

## Sovereigns Settle Too: From Public Sector Disputes to Investor-State Mediation

 **12:00 am**

**1:15 pm**

 JAMS, 1050 K Street, NW, Suite 800 Washington, DC 20001.

 **JAMS**

**Moderator:**



Frauke Nitschke  
ICSID

**Panelists:**



Joe Tirado  
International Arbitrator, Mediator and ADR, JAMS



Lorraine M. Brennan  
Mediator and Arbitrator, JAMS



Bill Marsh  
International Independent Mediator



Ximena Bustamante  
Founding Partner, Pactum



Jonathan Hamilton  
Partner, Paul Hastings

Not every investment dispute is resolved by arbitration and runs to the final award. For States and investors, settlement can be a pragmatic solution. Settlements may be achieved through direct negotiation or mediation and must withstand scrutiny, shifting political cycles and often require coordination across government entities.

This panel focuses on investment mediation and direct negotiation primarily in the investor-State context. Central questions to be examined will be: what happens in investment mediation and negotiation practice, really? Who engages in the discussions? The State itself or external counsel? The discussion will also unpack the challenges of governments to mediate, mechanics of combining arbitration and mediation, and organizational structures and procedures that support settlement discussions.

With a practical focus, the session will tackle mediation essentials: mediator profile, approval pathways, role of counsel as advocate in arbitration and mediation, process design questions and when and how to determine the suitability of a dispute for mediation. It will further consider how governments can demonstrate the benefit of settlements to their own officials, including strategies to safeguard decision-makers from potential corruption allegations. Above all, panelists with experience in investor-State mediation and negotiation practice will share insights into how investors and states can reach lasting agreements.

## Tuesday (Oct 7)

### Workshop on Quantum: Be Challenged by Working With and Cross-Examining Damages Experts.

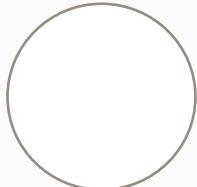
⌚ **2:15 pm**  
**5:00 pm**

**WHITE & CASE**



📍 White and Case, 701 Thirteenth Street, NW Washington, District of Columbia 20005-3807.

**Counsel:**



**Arbitrator:**



Dr. Todd Weiler  
Independent Arbitrator



Matthew Drossos  
Partner,  
White & Case



Ian Laird  
Partner,  
Crowell & Moring

**Experts:**



Chris Polson  
Partner,  
PwC



Jaime Bzdyra  
Director,  
PwC



Amy Keiter  
Director,  
PwC



Chris Cline  
Senior Manager,  
PwC



Tara Singh  
Managing Director,  
FTI Consulting



Sencer Ecer  
Senior Vice President,  
Compass Lexecon



Tyler Khouri  
HKA

Ever wondered what it is like to put a quantum expert in the hot seat? Ready to test your advocacy skills in conditions that feel just like the real thing but without the client stress? Here is your chance.

As part of Washington Arbitration Week 2025, we are delighted to invite applications for an interactive Expert Witness Cross-Examination Training, organized in partnership with PricewaterhouseCoopers (PwC) and White & Case LLP.

Participants will have the rare opportunity to cross-examine a real quantum expert before a panel of seasoned arbitrators, receive tailored feedback from the tribunal and hone their skills in a safe, collaborative setting.

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## Wednesday (Oct 8)

### International Arbitration, Procurement and Government Contracts, and Construction in the New Geopolitical Landscape.

🕒 9:00 am  
10:30 am

📍 Crowell & Moring LLP,  
1001 Pennsylvania  
Avenue NW,  
Washington, DC 20004.



#### Moderator:



Michael Guiffre  
Crowell and  
Moring

#### Panelists:



Courtney  
Dolinar-Hikawa  
Senior Counsel,  
Norton Rose  
Fullbright



Lillian Khoury  
Senior Associate,  
Steptoe



Rafael Boza  
Special Counsel,  
Pillsbury



Jennifer Haworth  
McCandless  
Partner, Baker  
Botts



Robert A. Burton  
Partner, Crowell

The global legal and economic landscape for government contracts and infrastructure development is being reshaped by geopolitical tensions, protectionism and shifting supply chains. This has raised new challenges around procurement rules, investor protections and dispute resolution. In this complex context, international arbitration may play a relevant as dispute resolution mechanism. From sanctions to the renegotiation or termination of large-scale contracts, recent developments have put procurement and construction agreements under heightened scrutiny. The legal frameworks that once ensured predictability and neutrality are now being tested by political risk, resource nationalism, and competing regulatory regimes.

This panel aims to explore how international arbitration is responding to this evolving environment, with a particular focus on disputes arising out of public procurement, government contracts and cross-border construction projects. By bringing together experts in international arbitration, construction law and public procurement, the panel will provide a comparative and practice-oriented discussion on how dispute resolution is adapting to new realities. Whether dealing with infrastructure funded by multilateral institutions, mega-projects involving foreign state-owned enterprises, or domestic procurement contracts affected by global events, the panel will consider what practitioners and stakeholders need to know to remain effective and forward-looking in an era of legal and political volatility.

## Wednesday (Oct 8)

### NAFTA 3.0: The Future of ISDS in North America.

10:45 am

12:00 am

 Crowell & Moring LLP,  
1001 Pennsylvania  
Avenue NW,  
Washington, DC 20004.



#### Moderator:



Paul Levine  
Partner, Baker  
Hostetler

#### Panelists:



Aristeo López  
Special Legal  
Consultant, Clark  
Hill



Dr. Todd Weiler  
Independent  
Arbitrator



Lauren Mandell  
Partner, Wilmer  
Hale



Kristen Young  
Partner, Willkie  
Farr & Gallagher

The replacement of NAFTA with the United States-Mexico-Canada Agreement (USMCA) ignited hopes of a new era for North American trade and investment. Yet, these hopes were short lived. With sceptical voices against the USMCA arising from DC and an upcoming "joint review" looming in 2026, the future of investor-state dispute settlement in the region hangs in the balance.

Will there be a "NAFTA 3.0"? And if so, will ISDS find a place at the table for additional reform, will it remain untouched, or will it be limited even further? As the parties reflect on two decades of investor-State arbitration under NAFTA, key lessons emerge: What has worked, what hasn't and what changes might be needed to protect the States' regulatory space and investors' legitimate expectations? Is touching what remains of NAFTA, now under the current USMCA, on investor-State dispute resolution between the United States and Mexico, premature?

This panel will bring together leading voices from across the region to debate the next chapter of North American investment protection. Expect insights, and a candid exploration of what "protection" really means in today's geopolitical and economic climate. Join us to discuss whether ISDS can or should survive in the new trade and investment landscape.

## Wednesday (Oct 8)

### Lunch/Book Launch

**Canada's Place in the World and vis-a-vis the US: Discussion with H. Scott Fairley, author of Foreign Affairs in the Canadian Constitution.**

⌚ **12:15 am**  
**1:30 am**

📍 Crowell & Moring LLP,  
1001 Pennsylvania  
Avenue NW,  
Washington, DC 20004.



**H. Scott Fairley**  
Partner at Cambridge LLP,  
Toronto,

**Author of Foreign Affairs in the Canadian Constitution.**

Canada's Place in the World and vis-a-vis the US: Discussion with H. Scott Fairley, author of Foreign Affairs in the Canadian Constitution.

Foreign Affairs in the Canadian Constitution  
by H. Scott Fairley

Foreign Affairs in the Canadian Constitution is a meticulously argued case for having a comprehensive foreign affairs power rest firmly within the federal sphere, notwithstanding that it is nowhere to be found in Canada's written constitution.

The ability to make decisions impacting international affairs can be a thorny subject for a federal state like Canada. Provinces wield considerable constitutionally assigned powers, but do those extend to Canada's dealings with other nations? How is power over foreign affairs defined within the law? Foreign Affairs in the Canadian Constitution breaks new ground with a rigorous exploration of these questions.

Scott Fairley proposes that the weight of history, constitutional evolution, governmental practice, and judicial interpretation have established foreign affairs as a constitutionally supported and integrated field of federal jurisdiction. This rigorously argued conclusion allows us a better understanding of Canada as a unified nation-state within the community of nations.



## Wednesday (Oct 8)

### Leading the Charge: Women as Arbitrators, Damages Experts, and Counsel in Renewable Energy Disputes.

⌚ 2:30 pm  
⌚ 3:45 pm

📍 HKA 2020 K Street,  
NW, Suite 650,  
Washington, DC  
20006.



#### Moderator:



Cherine Foty  
Covington &  
Burling

#### Panelists:



Rebecca Velez  
Partner, HKA



Clara Brillembourg  
International  
Climate Change  
Lawyer



Julie M. Carey  
Senior Managing  
Director, NERA



Alayna Tria  
Director, BRG

As the global energy sector races toward greener, more sustainable models, the disputes that accompany that transition are becoming ever more complex and high stakes. This panel explores the vital role of women in shaping renewable energy disputes: as arbitrators, as damages experts and as counsel.

Join leading practitioners at the forefront of renewables law and arbitration as they share perspectives on the unique challenges and opportunities shaping this sector. The discussion will cover damages valuation in the face of environmental and regulatory change, navigating the technical and contractual complexity of energy projects, addressing systemic barriers in appointments, and amplifying diverse voices in the resolution of energy-related disputes.

## Wednesday (Oct 8)

### 60 Years of ICSID – What's Next?

4:00 pm  
5:15 pm

ICSID 1225  
Connecticut Ave.,  
N.W. Washington  
D.C.20004.



#### Moderator:



Marinn Carlson  
Independent Arbitrator

#### Panelists:



Martina Polasek  
Secretary-General  
of ICSID



Gonzalo Flores  
Deputy  
Secretary-General  
of ICSID



Indermit Gill  
Chief Economist,  
World Bank Group



Lisa Grosh  
Counsel at the U.S.  
State Department



Ricardo Ramírez  
Hernández  
Partner, RRH  
Consultores

March 2025 marked the 60th anniversary of the ICSID Convention, now with 158 Contracting States worldwide. As the world's preeminent center for resolving investor-State disputes—with over 1,000 cases administered—ICSID stands as a pillar of international investment arbitration and a cornerstone of the global economy. Over six decades, ICSID has not only grown in reach and influence, but has also undergone rigorous self-examination and adaptation. Calls for reform and questions of legitimacy culminated in a comprehensive amendment of the ICSID Rules in 2022, setting new standards for transparency and efficiency.

ICSID remains crucial in strengthening the international rule of law and building investor confidence as cross-border investments become increasingly important. Today, new challenges such as global conflicts, trade tensions, and rapid technological change make ICSID's adaptable framework more relevant than ever, ensuring its ongoing role in supporting international investment and economic development.

**Thursday (Oct 9)**

**Inside Procedural Order No. 1: Practical Know-How and Drafting, Do's and Don'ts for PO1.**

 **9:00 am**  
 **10:15 am**

 Steptoe, 1330 Connecticut Avenue, NW Washington, DC 20036.20004.

**Steptoe**

**Moderator:**



José Antonio Rivas  
Xstrategy LLP

**Panelists:**



Ann Catherine Kettlewell  
Team Leader/Senior Legal Counsel, ICSID



Michael J. Baratz  
Partner, Steptoe



Mary T. Muino  
Attorney-Adviser, U.S. Department of State



Gwenllian Kern-Alley  
Deputy Counsel, ICC International Court of Arbitration

Let's face it, PO1 doesn't get the love and critical importance it deserves. Since, it is the first procedural order, it is wrongly perceived by some as a routine procedure. But behind its humble name lies serious influence. PO1 is where it all begins. It sets the tempo, tone, the language and the deadlines. From translation quirks to document production battles and cross-examination tactics, it lays out the game plan and the traps for the entire arbitration.

This practical and slightly irreverent session dives into the real questions behind PO1: Should reply deadlines run from the Statement of Defence or the end of document production? Are "X days after" timelines your friend or your future headache? How much document production is realistic before counsel starts weeping into their binders?

Whether it's your first PO1 or your fiftieth, come sharpen your instincts, swap war stories, and maybe even laugh (or cry) a little at the document that quietly rules us all.

**Thursday (Oct 9)**

**Exceptions in Investment Chapters of Free Trade Agreements.**

10:30 am  
11:45 am

Steptoe  
Steptoe, 1330  
Connecticut Avenue,  
NW Washington, DC  
20036. 20004.

**Moderator:**



Chloe Baldwin  
Steptoe

**Panelists:**



Analía González  
Partner,  
BakerHostetler



James Mendenhall  
Partner, Sidley  
Austin



Andrés Esteban  
International  
Associate, Foley  
Hoag

**Steptoe**



Sara Lucía Dangond  
Associate, Curtis

Investment treaties are typically designed to shield foreign investors from government abuse and breach of international standards of protection. However, the inclusion of general exception clauses (which serve as the legal basis for general exceptions in Free Trade Agreements (FTAs), raises important questions about their effectiveness in the investment context.

Some modern FTAs investment chapters contain exception clauses inspired by Article XX of the GATT, although they do not incorporate them. These clauses have been tested in a few investment arbitration cases, such as *Eco-Oro v. Colombia* and *Bear Creek Mining Corporation v. Peru*. In both cases, the tribunals offered divergent interpretations, and in some instances, questioned the *effect utile* (practical effect) of the exceptions. These outcomes have exposed the uncertainty surrounding the legal effectiveness of such clauses, when weighed against obligations like fair and equitable treatment or indirect expropriation.

In contrast, newer FTAs like CETA, the CPTPP and the EU–Vietnam Investment Protection Agreement introduce more targeted exceptions, particularly for environmental and climate-related measures. This panel will explore whether these provisions are being applied in accordance with Article 31 of the Vienna Convention on the Law of Treaties and the intent of the treaty parties, or whether they are being treated as if they were never included at all. Join us as we examine how general exceptions are being drafted, applied in arbitration and whether they offer a real path toward a more balanced and sustainable investment framework.

**Thursday (Oct 9)**

**New Developments in Third-Party Funding in International Arbitration: Recent Rules of Arbitration, Risk, and Presence of the Funding Industry in International Arbitration.**

🕒 **12:00 am**

**1:15 pm**

📍 Steptoe, 1330 Connecticut Avenue, NW Washington, DC 20036. 20004

**Steptoe**

**Moderator:**



**William Marra**  
Director, Certum Group

**Panelists:**



**Steven K. Davidson**  
Partner, Steptoe



**Jeffery Commission**  
Director, Burford



**Claudia Linares**  
Director,  
Parabellum Capital LLC



**Gabe Bluestone**  
Investment Manager and Legal Counsel, Omni Bridgeway

Originally developed to support impecunious parties unable to pursue their claims, third-party funding has evolved from a niche practice to a not uncommon option in international arbitration. While third-party funding may facilitate access to justice and improved financial management, critics also raise concerns about confidentiality, excessive influence from funders in the arbitration, and ethical boundaries.

As the funding industry matures, arbitral institutions and rule-makers have responded by adopting arbitration rules focused on transparency and disclosure of the claim being funded by a third-party and the name of the funder in order to avoid any conflicts. Consideration to the disclosure of the funding agreement has also been given in the arbitration rules of various centers.

This panel aims to provide a timely and critical examination of how third-party funding is reshaping international arbitration. The discussion will highlight recent institutional reforms and practical experiences from funders, counsel and arbitrators. Panelists will explore key questions: How are arbitral rules adapting to the realities of funding? What standards of disclosure apply? How should tribunals manage risk of bias or inequality of arms? And how are funders themselves evolving in response to legal and regulatory shifts?

## Thursday (Oct 9)

### Annulment of ICSID (and non-ICSID) Awards as Well as Aspects of Their Enforcement in the U.S.

⌚ 2:30 pm  
⌚ 3:45 pm

📍 Baker Botts, 700 K Street, N.W. Washington, D.C. 20001-5692.

BAKER BOTT S LLP

#### Moderator:



David Turner  
Partner, Baker Botts

#### Panelists:



Charles Kotuby  
Professor, University of Pittsburgh School of Law; Of Counsel, Three Crowns LLP



Lucinda Low  
Founder, Low & Kinnear



Jack Biggs  
Senior Associate, BakerBotts



Carlos Ramos-Mrosovsky  
BakerHostetler

Annulment proceedings have become an important and increasingly frequent feature of investor-state dispute settlement. In 2021, Baker Botts, in collaboration with the British Institute of International and Comparative Law, completed its first annulment study. That project examined ICSID annulment cases and found that annulments were not only rare, but growing rarer, even as the number of applications steadily increased.

As part of Washington, D.C. Arbitration Week, Baker Botts will present the findings from its second annulment study. This undertaking is a world-first, with the team reviewing more than 200 ICSID annulment proceedings and over 150 non-ICSID investor-state annulment proceedings across 16 jurisdictions. The event will highlight key trends in both categories, with particular attention to the different approaches adopted by national courts and ICSID annulment committees when faced with applications for annulment.

## Thursday (Oct 9)

### The Millennials Are Coming.

4:00 pm  
5:15 pm

 Baker Botts, 700 K Street, N.W. Washington, D.C. 20001-5692.

**BAKER BOTTS LLP**

#### Moderator:



Mallory Silberman  
Freelance  
Consultant, Ms  
Arbitration

#### Panelists:



Mairée Uran Bidegain  
International  
Arbitrator



Kendra Magraw  
Lawyer, World  
Intellectual  
Property  
Organization



Gaela Gehring - Flores  
Partner, HHR



Bianca M. McDonnell  
Associate, White &  
Case LLP

Big news, fam:

Millennials — i.e., the last generation to have an analog childhood and the first digital natives — are no longer just scribbling notes from the second chair. They are now leading case teams; sitting as (gasp!) arbitrators; and increasingly shaping the culture and language of our field.

In parallel, Baby Boomers and Gen X are also beginning next chapters, and the Zoomer generation is entering the profession. This is a seismic shift, and it's time to explore what to make of it.

In this session, we kick off conversations that are sure to continue beside the water coolers of the future, making use of a blend of retro and modern tools to enable audience members (who so wish) to participate in the fun. Leading the discussion is a multi-generational panel with experience in academia, civil service, private practice, institutions, and everything from assisting an arbitrator to being one.

Join us for a “download” of recent practical history and an exciting look ahead to international arbitration’s next era.

## Friday (Oct 10)

### Arbitrating Contractual Disputes at ICSID: Is There an Actual or Likely Rise of Contract Claims in The Context of ISDS Reform?

🕒 9:00 am

10:15 am

📍 Compass Lexecon,  
555 12th St NW,  
Washington, DC  
20004.

The logo for Compass Lexecon features a stylized blue 'C' and 'L' icon followed by the company name 'COMPASS LEXECON' in a bold, sans-serif font.

#### Moderator:



David Attanasio  
Womble Bond  
Dickinson

#### Panelists:



Miguel Nakhlé  
Executive Vice  
President,  
Compass Lexecon



Aurélia Antonietti  
Senior Legal  
Counsel, ICSID



Jeremy Sharpe  
International  
Arbitrator



Richard Deutsch  
Partner, Pillsbury

March 2025 marked the 60th anniversary of the ICSID Convention, now with 158 Contracting States worldwide. As the world's preeminent center for resolving investor-State disputes—with over 1,000 cases administered—ICSID stands as a pillar of international investment arbitration and a cornerstone of the global economy. Over six decades, ICSID has not only grown in reach and influence, but has also undergone rigorous self-examination and adaptation. Calls for reform and questions of legitimacy culminated in a comprehensive amendment of the ICSID Rules in 2022, setting new standards for transparency and efficiency.

ICSID remains crucial in strengthening the international rule of law and building investor confidence as cross-border investments become increasingly important. Today, new challenges such as global conflicts, trade tensions, and rapid technological change make ICSID's adaptable framework more relevant than ever, ensuring its ongoing role in supporting international investment and economic development.

## Friday (Oct 10)

### Respect for the International Rule of Law in Enforcement of International Arbitration Awards in the U.S. and Beyond.

10:30 am

11:45 am

Compass Lexecon,  
555 12th St NW,  
Washington, DC  
20004.

 COMPASS  
LEXECON

#### Moderator:



Angela Ting  
Managing  
Associate, Sidley  
Austin

#### Panelists:



Alexandre de Gramont  
Partner, Womble Bond  
Dickinson



Gary Shaw  
Senior Associate,  
Pillsbury



Gene Burd  
Partner, Pierson  
Ferdinand



Sam Taylor  
Partner, Mintz

International arbitration would be futile without meaningful enforcement. The European Court of Justice's rulings in Achmea and Komstroy have disrupted expectations and continue to reverberate across jurisdictions, raising complex questions about the relationship between domestic regional law and States' international obligations.

In the United States, those tensions have produced sharply diverging rulings. In NextEra and 9REN, the D.C. District Court rejected Spain's argument that EU law rendered its consent to arbitrate invalid, treating it instead as a merits defence rather than a jurisdictional bar under the FSIA. By contrast, in Blasket, the same court sided with Spain, finding no valid agreement to arbitrate under EU law and deeming Spain immune.

On appeal, the D.C. Circuit reversed Blasket and affirmed NextEra and 9REN in relevant part, holding that Spain had entered into an arbitration agreement through the Energy Charter Treaty. Spain's objection that it had not consented to arbitrate disputes with the specific investors was treated as a merits issue, not one depriving the court of jurisdiction.

Appellate courts in the United States, however, remain divided on whether sovereign consent to arbitrate is a jurisdictional threshold or a merits issue under the FSIA—an uncertainty that challenges the predictability of the U.S. as a forum for award enforcement. With a petition for certiorari now pending in *Kingdom of Spain v. Blasket Renewable Investments*, the Supreme Court of the United States may soon decide whether to resolve this split or allow uncertainty to persist. Meanwhile, in other common law jurisdictions, namely Australia and the U.K., the highest courts have upheld ICSID awards as enforceable, in particular in Blasket, 9REN Holding and *NextEra v Spain* and *Micula v Romania*, respectively.

## Friday (Oct 10)

### The New Frontier in Mining Disputes and International Arbitration: Tensions between Project Viability, Environmental Concerns and Social Licenses.

⌚ **12:00 am**  
**1:15 pm**

📍 ArentFox, 1717 K Street NW, Washington, DC 20006 United States



#### Moderator:



Lee Caplan  
ArentFox

#### Panelists:



Nneoma Nwogu  
Senior Counsel, The World Bank Group



Mark Wielga  
Director, NomoGaia



Laura Hardin  
Managing Director, BRG



Nicola Peart  
International Counsel, Three Crowns

Across many jurisdictions, mining disputes are growing more intense as three forces come together: the economics needed to sustain large, long-term projects, increasingly strict environmental and climate regulations, and the “social license to operate,” meaning the trust and acceptance of local and Indigenous communities.

These disputes often revolve around issues such as permits and land access, water use, biodiversity and tailings management, cultural heritage, community impacts, and the knock-on effects of regulatory changes on sunk investments. Conflicts rarely stay in one forum. They can spread through administrative reviews, domestic courts, commercial arbitration over construction and supply contracts, and, in some cases, investor-State proceedings when treaty protections are triggered. This raises difficult questions about overlapping proceedings and enforcement.

The central tensions are familiar but evolving: how to balance contractual stability with new sustainability standards, how to align investors’ legitimate expectations with a State’s duty to regulate in the public interest, how to turn promises of community benefits into measurable outcomes, and how to design remedies that are legally enforceable and credible on the ground—financially viable, environmentally sound, and socially accepted.

This session will map the terrain, clarify key vocabulary and recurring pressure points, and open a comparative conversation about emerging patterns across jurisdictions: what they mean for counsel, companies, communities, and States, and where the field may be heading next.



## Friday (Oct 10)

### Space Law in the New Space Age: Sovereignty, Resources, and Dispute Resolution.

🕒 1:30 pm  
🕒 2:45 pm

📍 ArentFox, 1717 K  
Street NW,  
Washington, DC  
20006.



#### Moderator:



Ucheora  
Onwuamegbu  
International  
Attorney, ArentFox

#### Panelists:



Petr Polasek  
Partner, White & Case



Scot Anderson  
Partner, Womble  
Bond Dickinson



Pamela L. Meredith  
Chair  
Space Law Practice  
Group



Vivasvat Dadwal  
Associate, King &  
Spalding

As technological progress brings space exploration by private companies —and not only States— is the new reality, the question of how space resources such as lunar minerals, asteroid metals and other celestial materials can be accessed, utilized and governed has emerged as a pressing issue in international law.

The Artemis Accords, led by the United States and signed by a growing number of spacefaring nations, aim to promote peaceful exploration and use of outer space through cooperation and shared principles. However, they have also sparked legal and political debate about whether they reflect or challenge the existing framework established by the Outer Space Treaty of 1967, particularly with regard to the non-appropriation principle and the equitable use of space resources.

This panel will examine the legal, political and economic implications of space resource exploitation, with particular reference to the Artemis Accords. It will consider whether the Accords signal the emergence of a new legal framework in space law or reflect a unilateral interpretation of existing space law. The panel may also analyze how these accords might shape State practice, contribute to the development of customary international law, and influence future multilateral agreements involving Space law.

Key questions will include ownership rights over extracted resources, liability for activities conducted in space, the involvement of private actors and the availability of dispute resolution mechanisms beyond Earth. Bringing together leading experts from the space industry, the panel will engage in a forward-looking discussion on the governance of space resources at a time of renewed exploration, commercial innovation and geospatial and geopolitical competition.

## Friday (Oct 10)

### Making Investment Dispute Settlement More Accessible to SMEs.

3:00 pm  
4:15 pm

 ArentFox, 1717 K Street NW, Washington, DC 20006.



#### Moderator:



Ana Conover  
Legal Counsel,  
ICSID

#### Panelists:



Hafez Virjee  
President, Delos  
Dispute Resolution



Béálint Kovács  
Assistant Professor,  
University of  
Szeged, Hungary



Stewart Ackerly  
Managing  
Director, Statera



Teddy Baldwin  
Partner, Alliance Law  
Partners LLP

High costs, complex procedures, and limited resources can prevent small and medium-sized enterprises (SMEs) from accessing effective dispute settlement mechanisms, leaving them at a disadvantage compared to larger investors.

While larger corporations may have the legal and financial muscle to pursue claims, SMEs frequently lack access to affordable legal advice, risk mitigation tools or information about their rights. Recent discussions in the UNCITRAL Working Group III along with regional treaty reform efforts such as CETA have highlighted the need to adapt dispute settlement mechanisms to better reflect the realities faced by SMEs. Proposed reforms include the creation of advisory centres, streamlined procedures such as appointing a sole arbitrator, adopting shorter timelines, and implementing enhanced transparency in both procedural rules and third-party funding.

This panel will delve into how investment dispute settlement systems can evolve to provide meaningful access for SMEs. Bringing together experts from arbitral institutions and the private sector, this session will examine current barriers that inhibit SME participation. The panel will also evaluate the practical viability of proposed reforms. This discussion will also assess the potential roles of both host and home States in supporting SME claimants. A forward-looking dialogue may also identify both short-term improvements and long-term structural shifts that could broaden access to justice in investment arbitration.

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2025

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