



**Fifth Executive Training Programme for Young Energy Leaders
Legal Session**

**Enabling Amicable Settlement of Investment Disputes:
Mediation and Conciliation**

**Energy Charter Secretariat
56 Boulevard de la Woluwe
1200 Brussels**

4 – 7 November 2014

AGENDA

TUESDAY 4 NOVEMBER 2014

10.00 – 15.00	Seminar on State-to-State arbitration	Energy Charter Secretariat Permanent Court of Arbitration Sarah Grimmer Senior Legal Counsel	This seminar will be <i>exclusively open to government officials</i> interested in learning more on state-to-state arbitration mechanisms Focused on the practical experience of the PCA officers and on Q&A There will be a networking lunch break with assorted sandwiches
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15.30 – 17.30	Information session on the Energy Charter and its activities (optional) Venue: Energy Charter Secretariat, Conference room 4 th floor	Dr Marat Terterov Training Programme Coordinator and Research Fellow, Energy Charter Secretariat Knowledge Centre, Brussels Florian Encke Senior Expert, Transit, Energy Charter Secretariat, Brussels Patrice Dreiski Senior Expert for Expansion and Outreach, Energy Charter Secretariat, Brussels Dr Alejandro Carballo Leyda Legal Counsel, Energy Charter Secretariat, Brussels Dr Matteo Barra Investment Expert, Energy Charter Secretariat, Brussels	
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WEDNESDAY 5 NOVEMBER 2014

09.15 – 10.15	Arrival and Registration	Venue: Energy Charter Secretariat, Conference room 4 th floor	
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10.15 – 10.45 Programme Opening			
	Welcome remarks	Amb. Urban Rusnák Secretary General, Energy Charter Secretariat, Brussels	
	Programme orientation briefing	Dr Marat Terterov Training Programme Coordinator and Research Fellow, Energy Charter Secretariat Knowledge Centre, Brussels	
10.45 – 12.45 Knowledge Stream I			
	Mediation, Conciliation or Arbitration?	Dr Loukas Mistelis Professor of Transnational Commercial Law and Arbitration, Queen Mary University London	Discussion points <ul style="list-style-type: none"> ▪ What are the differences among conciliation, mediation and arbitration? ▪ What are the benefits and weaknesses of mediation/conciliation vs. arbitration? ▪ Key points for negotiating an agreement to mediate or conciliate
	How to discuss an agreement to mediate or conciliate?	Rabab Yasseen International Commercial Lawyer, Mentha Avocats, Geneva	
12.45 – 14.30 Lunch with participant-speaker networking			
		Venue: Tri Logia Restaurant, Rue Voot 40 (next to the Energy Charter Secretariat)	
14.30 – 18.30 Group seminar Negotiation Game			
	Venue: Energy Charter Secretariat, Conference room 4 th floor	Reaching agreement to mediate/conciliate	<ul style="list-style-type: none"> ▪ Presentation of the context ▪ Determining the negotiation teams ▪ Team analysis of their strategy: should they seek mediation, conciliation or do they prefer to go straightforward to arbitration? Teams will try to negotiate a potential agreement either to conciliate or to mediate ▪ At the end of the session, teams will explain their results, followed by a brief summary by the Chairman
	Supervisory Board	Rabab Yasseen International Commercial Lawyer, Mentha Avocats, Geneva	
		Dr Loukas Mistelis Professor of Transnational Commercial Law and Arbitration, Queen Mary University London	
		Dr Alejandro Carballo Leyda Legal Counsel, Energy Charter Secretariat, Brussels	
		Dr Matteo Barra Investment Expert, Energy Charter Secretariat, Brussels	
18.30 Wrap up of Day One			
18.45	Departure of all speakers and participants from the Energy Charter	Note: Courtesy transportation provided by the Energy Charter Secretariat	

Secretariat for the gala dinner

19.00 – 22.00 **Gala dinner for all speakers and participants (with VIP speaker mystery guest)**
Note: hosted by the Energy Charter Secretariat
Venue: Restaurant Eurostars Montgomery Hotel, Brussels

THURSDAY 6 NOVEMBER 2014

09.00 – 11.00 **Knowledge Stream II**

Basic negotiation skills: commercial and intergovernmental approaches

Brendan McAllister
Senior Associate,
mediatEUR, Brussels

Discussion points

- Mediation and the transformation of conflict
- Mediative activity that helps generate a climate for better negotiation

11.00 – 11.20 **Coffee Break**

Venue: 4th floor, outside the conference room

11.20 – 13.20 **Knowledge Stream III**

Applicable Rules

UNCITRAL Conciliation Rules

SCC Mediation Rules

IBA Rules on Mediation

Judith Kniepper
(teleconference)
UNCITRAL Officer

Nina Berggren
SCC Mediation Expert

Anna Joubin-Bret
International Investment
Lawyer, Paris

Discussion points

- Overview of the process in UNCITRAL conciliation, SCC mediation and IBA mediation rules

13.20 – 14.30 **Lunch with participant-speaker networking**

Venue: Tri Logia Restaurant, Rue Voot 40 (next to the Energy Charter Secretariat)

14.30 – 15.00 **Special Lecture on Negotiating Techniques in cross-cultural environments**

Pal Belenyasi
Lecturer in Business Administration and Economics, John Cabot University

14.30 – 18.30 **Group seminar Negotiation Game**

Venue: The Energy Charter Secretariat, Conference room, 4th floor

Supervisory Board

International Bar Association Mediation Negotiations

Anna Joubin-Bret
International Investment
Lawyer, Paris

Rabab Yasseen
International
Commercial Lawyer,

Continuation of mediation / conciliation, negotiations aimed at reaching a settlement agreement

- Second negotiating session: Participants will now start mediation with the aim to reach a potential agreement
- The objective is to discuss the main points of a potential settlement agreement with the help of a mediator

Mentha Avocats, Geneva

Dr Loukas Mistelis

Professor of
Transnational
Commercial Law and
Arbitration, Queen Mary
University London

Dr Alejandro Carballo

Leyda

Legal Counsel, Energy
Charter Secretariat,
Brussels

Dr Matteo Barra

Investment Expert,
Energy Charter
Secretariat, Brussels

19.00 – 22.30 **Team building dinner
with live music for all
speakers and participants**

Note: hosted by the Energy Charter Secretariat

Venue: Brewery 3 Fonteinen, Hogstraat 2s, 1650 Beersel,
Belgium (tbc)

FRIDAY 7 NOVEMBER 2014

9.00 – 10.30

Knowledge Stream IV

Roundtable on how to
draft a settlement
agreement

Anna Joubin-Bret

International Investment
Lawyer, Paris

Rabab Yasseen

International
Commercial Lawyer,
Mentha Avocats, Geneva

Dr Loukas Mistelis

Professor of
Transnational
Commercial Law and
Arbitration, Queen Mary
University London

10.30 – 13.30

**Group seminar
Negotiation Game**

Venue: The Energy
Charter Secretariat,
Conference room, 4th
floor

Supervisory Board

**International Bar
Association Mediation
Negotiations**

Anna Joubin-Bret

International Investment
Lawyer, Paris

Dr Loukas Mistelis

Professor of
Transnational
Commercial Law and
Arbitration, Queen Mary

**Finalisation of mediation /
conciliation negotiations concluded
with a settlement agreement**

- Final negotiating session:
Participants will conclude their
negotiations with a settlement
agreement.
- Participants may consider drafting
press releases.

University London

**Dr Alejandro Carballo
Leyda**

Legal Counsel, Energy
Charter Secretariat,
Brussels

Dr Matteo Barra

Investment Expert,
Energy Charter
Secretariat, Brussels

**13.30 – 14.30 Lunch with participant-
speaker networking**

Venue: Tri Logia Restaurant, Rue Voot 40 (next to the Energy
Charter Secretariat)

14.30 – 15.30 Feedback session

Venue: Energy Charter
Secretariat, 4th floor
Conference room

**Feedback on the Group Seminar/Negotiation Game, inclusive of
experts and participants**

**15.30 – 17.00 Finale: Close of
programme and farewell
cocktail**

Venue: The Energy
Charter Secretariat, 4th
floor

**Award of Energy Charter Secretariat Knowledge Centre
Certificates of Excellence to all participants followed by cocktail
reception at the Energy Charter Secretariat**