

**THE CENTRE FOR TRADE AND INVESTMENT LAW
AND THE INTERNATIONAL LAW INSTITUTE
PRESENTS
HIGH-LEVEL TRAINING PROGRAMME ON TRADE AND INVESTMENT
JANUARY 10-12, 2019
CRIT, NAFED House, New Delhi**

JAN. 10, 2019 MORNING	TIME	DURATION
INAUGURAL SESSION KEYNOTE ADDRESS BY MR. SUDHANSHU PANDEY, ADDITIONAL SECRETARY, DEPARTMENT OF COMMERCE	10:00 – 11:15	75 MIN
TRADE: INTRODUCTION <ul style="list-style-type: none"> • The origin and functioning of the World Trade Organisation • Trade in goods – basic rules • Trade in services – basic rules • Intellectual property rights 	11:15 - 12:15	60 MIN
BREAK	12:15 – 12:30	15 MIN
<ul style="list-style-type: none"> • From GATT to WTO [nuanced and dispute settlement specific issues could be included within the respective sessions] • Strengths and Weaknesses of the WTO System 	12:30 – 1:30	60 MIN
LUNCH BREAK	1:30 – 2:15	45 MIN
PUBLIC INTERNATIONAL LAW ISSUES <ul style="list-style-type: none"> • Sources of public international law • Definition and elementary aspects of a ‘treaty’ • Treaty drafting • Treaty ratification, etc. 	2:15 – 3:35	80 MIN
MID-AFTERNOON BREAK	3:35 – 3:45	10 MIN
REGIONAL TRADE AGREEMENTS AND PREFERENTIAL TRADE ARRANGEMENTS <ul style="list-style-type: none"> • GATT and GATS Requirements for RTA’s • Basic provisions • Rules of origin • Spread of RTAs and “Megaregional agreements” • Implications for the Multilateral trading system • New issues • Preferential trade arrangements 	3:45 – 5:05	80 MIN
INDIA’S EXPERIENCE WITH RTAS [Dr. Rajan Sudesh Ratna, UNESCAP]	5:05 – 5:55	50 MIN

JAN. 11, 2019 MORNING		
DISPUTE SETTLEMENT IN THE WTO AND UNDER REGIONAL TRADE AGREEMENTS <ul style="list-style-type: none"> From the GATT to the WTO – the strengthening of international trade dispute settlement The strengths and weakness of the WTO system 	9:30 – 10:50	80 MIN
MID-MORNING BREAK		
DISPUTE SETTLEMENT IN THE WTO AND UNDER REGIONAL TRADE AGREEMENT (CONT.) <ul style="list-style-type: none"> Consultation, Panel Formation, Panel Hearing, Appeal Dispute settlement in Regional Trade Agreement (cont.) WTO Dispute Settlement Remedies 	11:00 – 12:15	15 MIN
INTERACTIVE DISCUSSION, Q&A, CONCLUDING REMARKS	12:15 – 12:45	30 MIN
TREATY INTERPRETATION AND INDIA'S EXPERIENCE [Dr. James Nedumpara, Centre for Trade and Investment Law]	12:45 – 1:35	50 MIN
LUNCH BREAK		
MODULE 1: INVESTMENT: INTRODUCTION <ul style="list-style-type: none"> Overview of investment treaties (key terms, objectives, self-standing treaties v. as part of FTAs) Notion of ISDS Key arbitral institutions; ICSID; India's access to ICSID or the Additional Facility Backlash against the ISDS Termination of investment treaties, sunset clauses, and other consequences Reform of the ISDS <ul style="list-style-type: none"> High level coverage of the work of the UNCITRAL WGIII, ICSID Secretariat etc The US Model BITs 2004 and 2012, the new Indian Model BIT, CETA etc 	2:20 – 3:10	50 MIN
MODULE 2: GOVERNING LAW IN INVESTMENT DISPUTES <ul style="list-style-type: none"> BIT text International law Domestic law Relevance of limitations imposed by domestic law affecting investments such as royalty caps 	3:10 – 3:20	10 MIN
MODULE 3: INITIATION OF CLAIMS: KEY PROCEDURAL ISSUES <ul style="list-style-type: none"> Waiting periods, recourse to local courts, exhaustion of local remedies Notice of Claim and Request for Arbitration Dynamics on the Host State Side Upon Receiving a Notice of Claim 	3:20 – 3:45	25 min

<ul style="list-style-type: none"> • Third Party Funding • “Registration” or Approval by Arbitral Institution • Arbitrator Selection Procedures • Initial session, seat, language, and other logistical arrangements 		
MID-AFTERNOON BREAK	3.45-4.00	15 MIN
MODULE 4: ATTRIBUTION OF CONDUCT <ul style="list-style-type: none"> • State organs (ILC Articles, Art. 4) • Entities exercising elements of governmental authority (IIC Article, Art. 5) • Entities under the control of a sovereign (ILC Article, Art. 8) 	4:00 – 4:15	15 MIN
MODULE 5: KEY JURISDICTIONAL ISSUES <ul style="list-style-type: none"> • Consent • Investments and the Legality Defense • Investors, denial of benefits, treaty shopping 	4:15 – 4:50	35 MIN
MODULE 6: MANAGEMENT OF PARALLEL AND UNMERITORIOUS CLAIMS <ul style="list-style-type: none"> • Parallel proceedings and their causes, treaty versus contract claims • Fork in the road and waiver provisions • Early dismissal of frivolous claims • Bifurcation 	4:50 – 5:20	30 MIN
JAN. 12, 2019 MORNING		
MODULE 7: MERITS <ul style="list-style-type: none"> • Substantive Protections: <ul style="list-style-type: none"> ○ Fair and equitable treatment, the minimum standard, and full protection and security ○ Expropriation ○ National Treatment and most Favoured Nation Treatment ○ Umbrella Clauses 	9:30 – 11:00	90 MIN
MID-MORNING BREAK	11:00 – 11:10	10 MIN
MODULE 8: DEFENSES, EXCEPTIONS, AND CARVE-OUTS <ul style="list-style-type: none"> • Host State Defenses • Counterclaims • Non-precluded measures (NPM) clauses in the treaties (national security issues) and related issues (are they self-judging or not) • Circumstances precluding wrongfulness under customary international law (IIC Article 25 on state of necessity and other defences) • Other carve-outs (taxation, public procurement etc) • Consequences of invoking NPMs and the circumstances precluding wrongfulness under the CIL • Interim relief, damages, enforcement 	11:10 – 12:00	50 MIN
INTERACTIVE DISCUSSION, Q&A, CONCLUDING REMARKS	12:00 – 12:30	30 MIN
	12:30 – 1:20	50 MIN

TRADE NEGOTIATIONS: INTERNAL DYNAMICS [Prof. Abhijit Das, Centre for WTO Studies]		
LUNCH BREAK	1:20 – 2:00	40 MIN
NEGOTIATING TRADE AND INVESTMENT AGREEMENTS Preparation <ul style="list-style-type: none"> • Create interagency team • Consult stakeholders and legislature • Develop negotiating objectives and initial negotiation proposals negotiating • Overall approach • Creative solutions • Compromises and trade-offs • Communications with stakeholders, Legislature 	2:00 – 3:20	80 MIN
INTERACTIVE DISCUSSION, Q&A, CONCLUDING REMARKS	3:20 – 4:50	90 MIN
BREAK-OUT SESSION	5:30 – 7:00	80 MIN
PANEL DISCUSSION [PUBLIC EVENT, OPEN FOR OUTSIDE PARTICIPATION] THE WTO- IDEAS FOR REFORM <ul style="list-style-type: none"> • The Appellate Body Impasse on appointment/reappointment of Members • Increasing use of National Security Exception • Improving the negotiating function of the WTO 		
GRANTING OF CERTIFICATES TO THE PARTICIPANTS BY DR. ANUP WADHAWAN, COMMERCE SECRETARY, DEPARTMENT OF COMMERCE, GOVERNMENT OF INDIA	7.00-7.30	30 MIN
DINNER	7:30 – 8:30	60 MIN