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COVID-19 and International Arbitration (12:00pm - 1:30pm)

As States and commercial actors embrace the new reality of a post-COVID-19 world, the consequences of safety measures and declarations of national emergencies to address the crisis are arising. The array of measures taken, and legislation enacted in almost every State to combat the pandemic is having important effects on foreign investment and international transactions. Actions that may otherwise be qualified as contractual breaches or violations of investment treaties today might be viewed under a new light given the unprecedented situation.

This Panel will discuss the challenges facing arbitral institutions and the potential arguments and tools at the disposal of parties engaged in international commercial and investment disputes in the context of the pandemic. Attention will be given to whether the traditional procedures and rules of responsibility are equipped to deal with the current situation and the consequences in the aftermath.

Anne Marie Whitesell



Anne Marie Whitesell is Professor and LL.M. Program Faculty Director of the Program on International Arbitration and Dispute Resolution at Georgetown University Law Center in Washington, D.C. Prior to joining Georgetown, she practiced with the law firm Dechert LLP in Washington and Paris. Ms. Whitesell was Secretary General of the ICC International Court of Arbitration from 2001 to 2007. She also previously taught at the Université de Paris I, the Institut de Droit Comparé and Georgetown. Ms. Whitesell has practiced with law firms in both the United States and in France, and has acted as arbitrator and counsel in numerous international arbitrations. Ms Whitesell received her A.B. from Smith College, her J.D. from the University of Virginia School of Law and her Doctorate in Law from the Université de Paris I, Panthéon-Sorbonne.

Mélida Hodgson

Mélida Hodgson is head of New York International Arbitration Practice at Jenner & Block. Ms. Hodgson focuses her practice on investor-state and commercial arbitrations, counselling governments and state-owned entities, as well as corporate entities, with respect to international investment protection provisions, business disputes and World Trade Organization (WTO) dispute resolution and international trade policy issues.



Gonzalo Flores



Gonzalo Flores serves as Deputy Secretary-General of the International Centre for Settlement of Investment Disputes (ICSID). Mr. Flores joined ICSID in June 1998, acting in different capacities during his tenure. In October 2016, Mr. Flores was elected Deputy Secretary-General by the Member States of ICSID's Administrative Council. Prior to joining ICSID, he worked as an associate with the law firms of Estudio-Carvallo S.A and GQMC & Cia. in Santiago, Chile, advising clients on corporate and financial matters. Mr. Flores holds degrees from Cornell University (LL.M.) and University of Chile Law School (LL.B.).

Karl Hennessee

Karl Hennessee, FRAes, is SVP Litigation, Investigations & Regulatory Affairs at Airbus, where he leads the Group's global activities in these areas. Until July, 2019, he also served as Chairman of the Governing Body of the ICC Court of International Arbitration and is now a member of the HKIAC Council along with its Proceedings Committee. He lectures at Paris Assas, Sciences Po, Toulouse Capitole University and Versailles. Educated at the University of Göttingen, Germany, the London School of Economics and SMU Law School (where he was Managing Editor of the Journal of Air Law and Commerce), he holds degrees in history, economics/econometrics, and law.





Moderator

Gaela Gehring Flores



Gaela Gehring Flores, Partner at the Washington D.C. office of Arnold & Porter. Gaela concentrates her practice on international arbitration and litigation matters. She represents both multinational corporations and sovereign states in international commercial and investment arbitrations before ICSID, the ICC, the ICDR/AAA, and in litigation and appellate proceedings before US federal courts.



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