



**British Institute of  
International and  
Comparative Law**

# Investment Treaty Forum

## Activities and Membership

A global centre for high-level debate  
on International Investment Law



## Introduction from the Director

Since 2004, the Investment Treaty Forum (ITF) has served as a global platform for the exchange of ideas and cutting-edge research in the field of international investment law.

The Forum membership is limited to senior practitioners, academics, and policymakers to allow a high-level debate. We draw speakers for our spring and autumn public conferences, and smaller events hosted by member law firms, from the ITF membership.

The Investment Treaty Forum conducts joint research projects with its members, which result in impactful publications widely used by practitioners and policymakers. The Forum contributes to key policy debates related to international investment law, including the UNCITRAL Working Group III on investor-state dispute settlement reform and the amendment of ICSID Arbitration Rules.

The Forum benefits from being a part of the British Institute of International and Comparative Law (BIICL) - one of the world's leading legal research and membership organisations. BIICL offers unparalleled access to network with those who work in international and comparative law in the United Kingdom and globally.

We always welcome new ideas from members and look forward to working together on organising events, bespoke training and conducting research in the area of investment treaty law.

### Professor Yarik Kryvoi

Director of the Investment Treaty Forum





## Investment Treaty Forum (ITF)

The Investment Treaty Forum was founded in 2004 to serve as a global centre for serious high-level debate in the field of international investment law. The Forum is a membership-based group, bringing together some of the most expert and experienced lawyers, business managers, policy advisers, academics and government officials working in the field. Like BIICL itself, the Forum has a reputation for independence, even-handedness and academic rigour.

The Forum members regularly meet within the framework of larger conferences and also smaller events hosted by members. Members also conduct research projects and take part in BIICL's training initiatives and other activities.

The Forum also has strong links with related institutions, including the UK Foreign, Commonwealth and Development Office, the UNCTAD and many others.



## Membership

The Investment Treaty Forum's strength lies in its membership, which is drawn from as wide a range of backgrounds as possible.

Members meet regularly (typically 6-7 times each year) to discuss topical issues and, where appropriate, to develop views on issues of concern to governments and decision-makers.

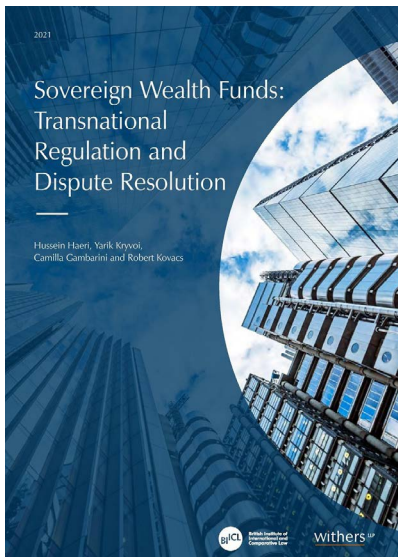
### Key benefits of ITF membership include:

- The right to participate in an independent Forum, including free entry to all ITF meetings and conferences;
- A direct influence on the agenda of meetings and the opportunity to recommend events, speakers and topics for debate;
- The opportunity to suggest research or other work to be carried out by the Forum staff;
- Access to a members-only section of the BIICL website including various materials related to investment treaty law;
- All Forum members also receive the following benefits: electronic access to the ICLQ; one free place per organisation at any standard BIICL evening event; and named Forum representatives are eligible for the BIICL member rate at other public Institute events.

For further details on how to become a member of the Forum, please contact Professor Yarik Kryvoi ([y.kryvoi@biicl.org](mailto:y.kryvoi@biicl.org)).

Find out more: [www.biicl.org/itfmembers-and-membership](http://www.biicl.org/itfmembers-and-membership)

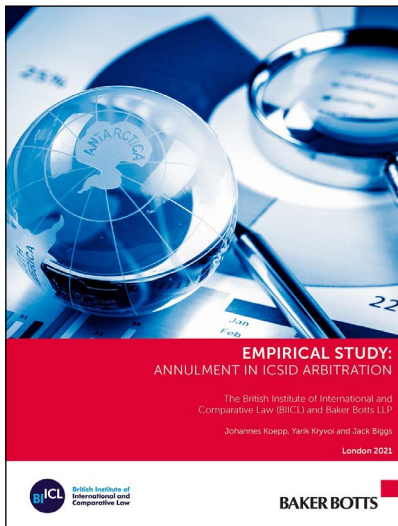
## Recent Publications



### Sovereign Wealth Funds: Transnational Regulation and Dispute Resolution

This report published by BIICL and Withers examines the structure and dispute resolution matters related to SWFs, as well as related questions of sovereign immunity, enforcement, sanctions and future trends. The report focuses on the transnational dimension of SWFs. It reviews different approaches to defining SWFs, their origins and cross-border operations. The report explores transnational dispute resolution involving SWFs before both national courts and international courts and tribunals and discusses strategic legal issues such as the fora in which disputes involving SWFs are settled, the subject matter of disputes involving SWFs and a host of related jurisdictional and merits issues.

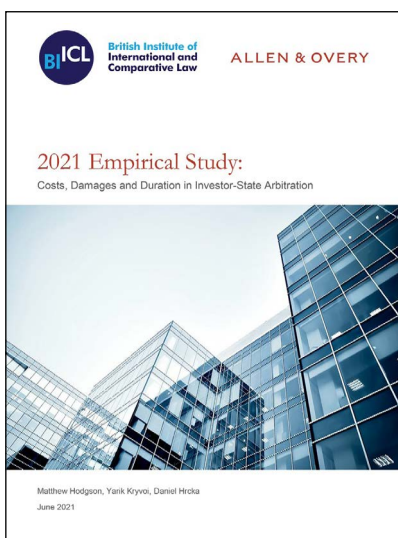
Read more: [www.biicl.org/publications/sovereign-wealth-funds-transnational-regulation-and-dispute-resolution](http://www.biicl.org/publications/sovereign-wealth-funds-transnational-regulation-and-dispute-resolution)



### Empirical Study: Annulment in ICSID Arbitration

This study published by BIICL and Baker Botts examines over 150 annulment decisions rendered by ICSID ad hoc committees and offers a unique insight into how the ICSID system deals with annulment. It provides a detailed examination of the entire universe of publicly available annulment awards. In particular, it builds on the Updated Background Paper on Annulment for the Administrative Council of ICSID published by ICSID in May 2016. This report examines the trends and practices of annulment committees on key issues such as the success rate of annulment applications, the most frequently invoked annulment grounds, the length and costs of annulments proceedings.

Read more: [www.biicl.org/publications/empirical-study-annulment-in-icsid-arbitration](http://www.biicl.org/publications/empirical-study-annulment-in-icsid-arbitration)



### Empirical Study: Costs, Damages and Duration in Investor-State Arbitration

This report published by BIICL and Allen & Overy examines over 400 investor-state cases conducted under ICSID, UNCITRAL and other arbitration rules, and over 70 ICSID annulment decisions, giving a comprehensive account of how long ISDS proceedings last, how much they cost, how tribunals allocate those costs as well as the amounts of damages awarded. It offers an empirical insight into the current position of costs incurred by parties in investor-state arbitrations and also changes in tribunals' practice in fixing and allocating such costs. In addition to a quantitative focus, the authors analyse factors of potential relevance to costs of ISDS proceedings, including the choice of arbitration rules and the length of proceedings.

Read more: [www.biicl.org/publications/empirical-study-costs-damages-and-duration-in-investor-state-arbitration](http://www.biicl.org/publications/empirical-study-costs-damages-and-duration-in-investor-state-arbitration)



## Empirical Study: Corporate Restructuring and Investment Treaty Protections

This report published by BIICL and Baker McKenzie examines all publicly available decisions of investor-state tribunals dealing with issues of corporate structuring and restructuring. In the context of investor-state disputes, the term “corporate restructuring” refers to decisions to incorporate companies in certain jurisdictions to benefit from more favourable conditions, most commonly related to tax matters but also to investment treaty protections. This study shows when such restructuring is seen as permissible under international investment agreements and when it leads respondent states to successfully object to the jurisdiction of tribunals.

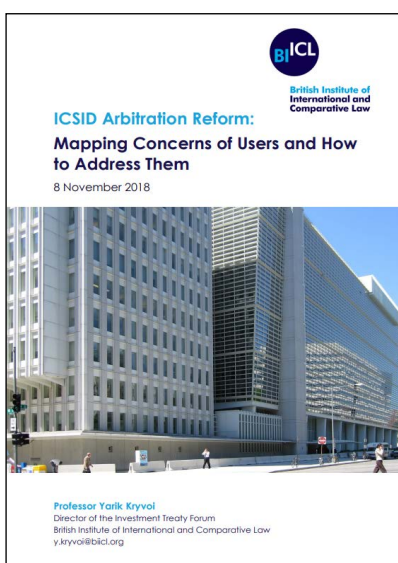
Read more: [www.biicl.org/publications/empirical-study-corporate-restructuring-and-investment-treaty-protections](http://www.biicl.org/publications/empirical-study-corporate-restructuring-and-investment-treaty-protections)



## Empirical Study: Provisional Measures in Investor-State Arbitration

This study published by BIICL and White & Case examines over a hundred decisions and orders rendered by ICSID, UNCITRAL and other investor-state tribunals. It offers a unique insight into how international tribunals treat applications for provisional measures. Over the past 20 years, we have seen a dramatic increase in the number of investor-state disputes and in the number of applications for provisional measures. The study builds on a detailed examination of the entire universe of publicly available decisions and orders on provisional measures.

Read more: [www.biicl.org/publications/empirical-study-provisional-measures-in-investorstate-arbitration](http://www.biicl.org/publications/empirical-study-provisional-measures-in-investorstate-arbitration)



## ICSID Arbitration Reform: Mapping Concerns of Users and How to Address Them

This paper summarises key practical concerns of some members of the Investment Treaty Forum related to ICSID arbitration, as well as a wider community of experts, how the ICSID reform proposals address these concerns and makes suggestions for further improvement. The paper looks at key concerns of ICSID arbitration users such as timely appointment of arbitrators and challenges to it, over-committed arbitrators and their conflicts of interest, access to emergency arbitrators and fast-track arbitration procedure, procedure for summary rejection of claims and amicable settlement of disputes, consolidation of proceedings, allocation of costs and security for costs, timely rendering of awards and consistency of ICSID annulment decisions.

Read more: [www.biicl.org/publications/icsid-arbitration-reform-mapping-concerns-of-users-and-how-to-address-them](http://www.biicl.org/publications/icsid-arbitration-reform-mapping-concerns-of-users-and-how-to-address-them)



## Events

The Forum organises regular seminars and conferences inviting key figures from national governments, international organisations, law firms and academia to address Forum Members on selected topics.

There are also two public conferences each year. The Forum also holds members-only events. Forum Members are warmly encouraged to suggest topics and/or speakers for future events.

Some of the topics covered by events have included: revised ICSID arbitration rules, complex arbitration proceedings in ISDS, national security regime and FDI, overlapping treaty regimes in international investment law and evidence in investor-state arbitration.

Find out more: [www.biicl.org/itfevents](http://www.biicl.org/itfevents)



## Online Course: International Investment Law and Dispute Resolution

This online course provides a solid overview of the history and the rationale of protection of foreign direct investments, applicable law, the key principles of international investment law and investor-state dispute settlement (ISDS). Participants will develop their own critical appreciation of international investment law and will cover the nature of international investment law, the main substantive and procedural principles, dispute resolution mechanisms and the current professional criticisms of the system.

### Curriculum

- Introduction to international investment law and dispute resolution.
- Why do we need international investment law?
- Conflict of law issues in investment arbitration.
- Fair and equitable treatment and arbitrary measures.
- Substantive standards of international investment law: expropriation and denial of justice.
- Investor-State dispute settlement.
- Legitimacy challenges and reform of international investment law.

### Tutors

Professor Yarik Kryvoi (course leader), Suzanne Spears, Hussein Haeri, Stuart Dutson, Samantha Rowe, Patrick Taylor, Maurice Mendelson KC and Professor Phillippe Sands KC.

Find out more and register: [www.biicl.org/isds](http://www.biicl.org/isds)

## Forum Members

Forum Members include some of the most expert and experienced lawyers, academics, government officials and international civil servants working on international investment law.

### Director

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Professor Yarik Kryvoi

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### Patrons

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Dame Rosalyn Higgins, GBE, KC

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Yves Fortier, PC, CC, OQ, KC

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### Advisory Board

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## Consultative Members

### Organisations

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Attorney General Office of the State of the Republic of Ecuador

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Business & Human Rights Resource Centre

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Energy Charter Secretariat

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Gambia Maritime Administration

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International Council for Commercial Arbitration

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The International Institute for Sustainable Development

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The Legal Office for International Trade Law, Ministry of Economy, Government of Mexico

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Ministry of Energy and Natural Resources, Republic of Turkey

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Ministry of Finance of the Czech Republic

---

National Board of Trade, Sweden

---

Office of the Attorney General of Spain

---

Office of the General Counsel to the Republic of Poland

---

Office of the Representative of the Republic of Armenia on International Legal Matters

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The Organisation for Economic Cooperation and Development

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The Permanent Court of Arbitration

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The Permanent Mission of Zimbabwe to the United Nations Office

---

The Permanent Representation of the Slovak Republic to the European Union

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Secretariat for Legal Affairs - Presidency of the Republic of Ecuador

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State Chancellery of Latvia

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Trade Law Bureau, Government of Canada

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Treasury Legal Advisers, Government Legal Department, United Kingdom

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The United Nations Conference on Trade and Development

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The United Kingdom Department for International Trade

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The United Kingdom Foreign, Commonwealth and Development Office

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## Contact Us

For further information about the Investment Treaty Forum, please contact:

### Professor Yarik Kryvoi

Director of the Investment Treaty Forum

British Institute of International and Comparative Law

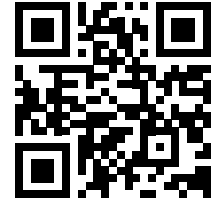
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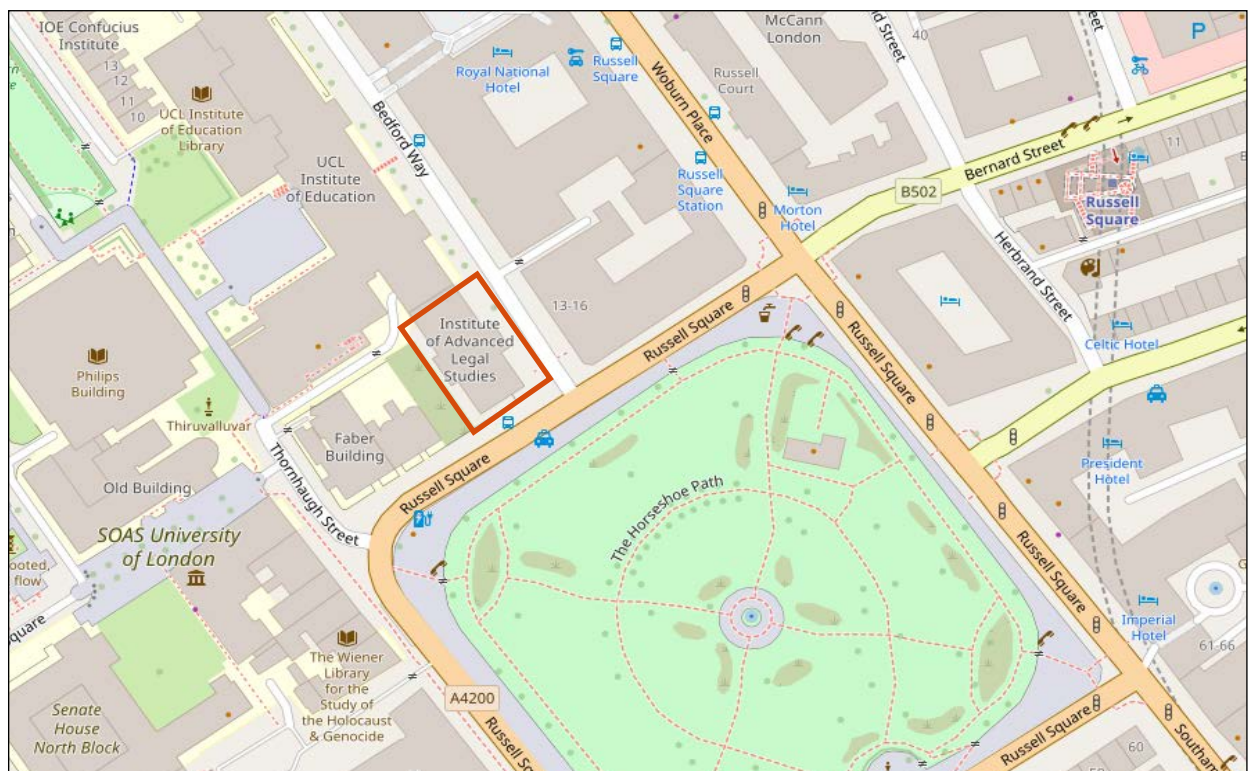
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[www.biicl.org/itf](http://www.biicl.org/itf)

## Find Us

The British Institute of International and Comparative Law is situated in Bloomsbury and is easily accessible by public transport. The nearest tube station is Russell Square.



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