



**British Institute of
International and
Comparative Law**

Investment Treaty Forum Annual Report 2018



A global centre for high level debate on International Investment Law

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Overview



In 2018, the Investment Treaty Forum (ITF) continued 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 experienced lawyers, policy advisers, academics and government officials working in the field. Like the British Institute of International and Comparative Law itself, the Forum has a reputation for independence, even-handedness and academic rigour.

By the end of 2018, ITF had 27 corporate members and around the same number of individual members, who are senior academics or practitioners in the area of international investment law. It has the largest number of members since its establishment with Reed Smith and Withers joining last year.

In 2018, ITF organised three major conferences on enforcement in international investment law, human rights in investor-state disputes as well as the reform of the ICSID Arbitration Rules. The latter conference ITF organised in cooperation with the ICSID Secretariat and Queen Mary University of London. ITF members hosted four smaller events, including with the Energy Treaty Secretariat in Belgium and Nagoya University in Japan. To reach a wider audience ITF published podcasts of its meetings online.

UNCITRAL admitted BIICL as an observer to sessions of UNCITRAL Working Group II (Dispute Settlement) and Working Group III (ISDS Reform). ITF Director Yarik Kryvoi contributed to the debates of the UNCITRAL Working Group III in Vienna in October 2018. He also spoke at ten other conferences and seminars on a variety of issues relating to international law and dispute settlement and taught international investment law to government officials and senior practitioners.

ITF members were also asked to provide feedback on the ICSID Amendment Process. The feedback helped the ITF director to produce a [new paper](#) titled 'ICSID Arbitration Reform: Mapping Concerns of Users and How to Address Them', which the ICSID Secretariat also made available on its website.

The International and Comparative Law Quarterly published Prof Kryvoi's [article](#) titled 'Economic Crimes in International Investment Law', which benefited from discussions at the Twenty Eighth ITF Public Conference on this topic.

Productive cooperation between Prof Andrea Bjorklund, a member of the ITF Advisory Board, and the ITF Director resulted in a [new report](#) 'Investment Promotion and Protection in the Canada-UK Trade Relationship: Knowledge Synthesis Report' funded by the Social Sciences and Humanities Research Council of Canada and the UK Economic and Social Research Council.



Events

ITF Public Conferences

11 May 2018

Thirtieth ITF Public Conference: Enforcement in International Investment Law



Participants: Professor George A. Bermann, Director, Center for International Commercial and Investment Arbitration, Columbia University School of Law, New York (keynote speaker); Professor Andrea Bjorklund, McGill University, Montreal; Markus Burgstaller, Hogan Lovells, London; Anna Crevon-Tarassova, Dentons, Paris; Dr Gavan Griffith QC, Essex Court Chambers, London; Professor Mark Kantor, Georgetown University Law Center, Washington, DC; Rachael Kent, Wilmer Cutler Pickering Hale and Dorr,

Washington, DC; Miriama Kiselyová, Government of the Slovak Republic, Bratislava and the Energy Charter Secretariat, Brussels; Reza Mohtashami, Freshfields Bruckhaus Deringer, London; Michael Redman, Burford Capital, London; Professor Christoph Schreuer, zeiler.partners, Vienna; Jeremy K. Sharpe, Shearman & Sterling, London; Scott Vesel, Three Crowns, London; Matthew Weiniger QC, Linklaters, London. View the [Event Photos](#).

26 October 2018

Thirty First ITF Public Conference: Human Rights in International Investment Law

Participants: Sir Christopher Greenwood, GBE, CMG, QC, 24 Lincoln's Inn Fields, Judge of the International Court of Justice from 2009 to 2018 (keynote speaker); Filip Balcerzak, Adam Mickiewicz University, SSW Pragmatic Solutions, Poland; Andreas Bucher, University of Geneva; Professor Eric De Brabandere, Leiden University; Ella Davies, Freshfields Bruckhaus Deringer; Monica Feria-Tinta, 20 Essex Street; David Ingle, Allen & Overy; Prof Ursula Kriebaum, Vienna University; Professor Robert McCorquodale, Nottingham University and former Director of BIICL; Kinda Mohamadieh, The South Centre; Professor Krista Nadakavukaren Schefer, University of Basel; Alex Slade, Vinson & Elkins; Professor Yannick Radi, University of Louvain; Robert Volterra, Volterra Fietta.

13 November 2018

ICSID-SIA-BIICL Conference on Proposed Revision of ICSID Rules

Participants: Gabriel Bottini, Uria Menendez and University of Buenos Aires; Professor Zachary Douglas QC, Matrix Chambers; Norah Gallagher, Queen Mary University of London; Professor Kaj Hober, Uppsala University; Dr Sabine Konrad, McDermott Will & Emery; Professor Yarik Kryvoi, British Institute of International and Comparative Law; Professor Julian D M Lew QC, Queen Mary University of London; 20 Essex Street; Melanie van Leeuwen, Derains and Gharavi; Wendy Miles QC, Debevoise & Plimpton; Professor Loukas Mistelis, School of International Arbitration, Queen Mary University of London; Sylvia Noury, Freshfields Bruckhaus Deringer; Constantine Partasides QC, Three Crowns; Martina Polasek, International Centre for Settlement of Investment Disputes; Professor Luca Radicati



di Brozolo, Arblit and Università Cattolica di Milano; Professor August Reinisch, Vienna University; Dr Laurence Shore, Bonelli Erede; Jeremy Sharpe, Shearman & Sterling; Jeff Sullivan, Gibson Dunn.

ITF Public Meetings

25 January 2018

The ne ultra petita principle and investment treaty arbitration

Convened in partnership with Wilmer Cutler Pickering Hale and Dorr LLP

Participants: Professor Maxi Scherer, Wilmer Cutler Pickering Hale and Dorr LLP and Queen Mary, University of London (Chair); Sir Frank Berman KCMG QC, Essex Court Chambers; Maurice Mendelson QC, Blackstone Chambers (both commentators).

8 March 2018

General Principles of Law in Investment Arbitration, and the Hierarchy of Norms under International Law

Participants: Sylvia Tonova, Partner, Jones Day, London (Chair) Dominique Brown-Berset, Brown&Page, Geneva; Charles T. Kotuby Jr., Partner, Jones Day, Washington, DC; Professor Yarik Kryvoi, British Institute of International and Comparative Law, London; Professor Loukas Mistelis, Queen Mary University of London.

1 June 2018

ITF Meeting: Ethics and the Rule of Law in Investment Arbitration (Tokyo, Japan)



Convened in partnership with the Graduate School of International Development of Nagoya University and sponsored by Freshfields Bruckhaus Deringer

Participants: Professor Hi-Taek Shin, Seoul National University, Korea; Dr Jean Ho, National University of Singapore, Singapore; Dr Tomoko Ishikawa, Nagoya University, Japan; Mr Emmanuel Jacomy, Shearman & Sterling, China; Dr Sabine Konrad, McDermott Will and Emery, Germany; Professor Yarik Kryvoi, British Institute of

International and Comparative Law, United Kingdom; Mr Nicholas Lingard, Freshfields Bruckhaus Deringer, Japan; Ms Satoko Toku, Ministry of Foreign Affairs of Japan, Japan; Professor Leon Trakman, University of New South Wales, Australia; Mr Wesley Pang, Hong Kong International Arbitration Centre, Hong Kong. View the [Event Photos](#).

8 November 2018

Legitimate Expectations in International Investment Law (Brussels, Belgium)

Convened in partnership with the Energy Charter Secretariat

Participants: Professor Nicolas Angelet, Liedekerke, Brussels; Mariam Gotsiridze, Head of the Department of State Representation in Arbitration and Foreign State Courts at the Ministry of Justice of Georgia, Tbilisi; Professor Yarik Kryvoi, British Institute of International and Comparative Law, London (Chair); Lucja Nowak, Hogan Lovells, Munich.



Investment Treaty Forum Members



Corporate:

- Allen & Overy LLP
- Baker & McKenzie LLP
- Baker Botts LLP
- Clifford Chance LLP
- Cooley LLP
- Debevoise & Plimpton LLP
- Dechert LLP
- Dentons LLP
- DLA Piper LLP
- Eversheds Sutherland LLP
- Freshfields Bruckhaus Deringer LLP
- Herbert Smith Freehills LLP
- Hogan Lovells LLP
- Jones Day LLP
- Latham & Watkins LLP
- Linklaters LLP
- Mannheimer Swartling Advokatbyrå
- Reed Smith LLP
- Shearman & Sterling LLP
- Simmons & Simmons LLP
- Skadden, Arps, Slate, Meagher & Flom LLP
- Three Crowns LLP
- Vinson & Elkins LLP
- Volterra Fietta
- White & Case LLP
- WilmerHale LLP
- Withers

Individual:

- Professor Nicolas Angelet, Université libre de Bruxelles, Brussels
- Dr Tillmann Rudolf Braun, Federal Ministry for Economic Affairs & Humboldt University of Berlin
- Yuliya Chernykh, Arbitrade, Kiev
- Ike Ehiribe, 7 Stones Chambers, London
- Raed Fathallah, Bredin Prat, Paris
- Dr Gavan Griffith QC, Essex Court Chambers, London
- Professor Matthew Happold, University of Luxembourg
- Dr Jean Ho, National University of Singapore
- Professor Hans Van Houtte, Katholieke Universiteit Leuven, Leuven
- Dr Tomoko Ishikawa, Nagoya University, Nagoya
- Jean Kalicki, Independent Arbitrator, Washington, D.C.
- Professor Mark Kantor, Georgetown University Law Center, Washington, D.C.



- Professor Emeritus Maurice Mendelson QC, Blackstone Chambers, London
- David A. Pawlak, David A. Pawlak LLC, Warsaw & Washington, D.C.
- Professor Yannick Radi, Université Catholique de Louvain
- Anthony Sinclair, Quinn Emanuel Urquhart & Sullivan, LLP, London
- Can Yeginsu, 4 New Square, London

The Advisory Board:

- Sir Frank Berman, KCMG QC, Essex Court Chambers
- Professor Andrea Bjorklund, McGill University
- Professor A Vaughan Lowe, All Souls College Oxford and Essex Court Chambers
- Loretta Maintops, 39 Essex Chambers
- Audley Sheppard QC, Clifford Chance LLP
- Robert Volterra, Volterra Fietta.

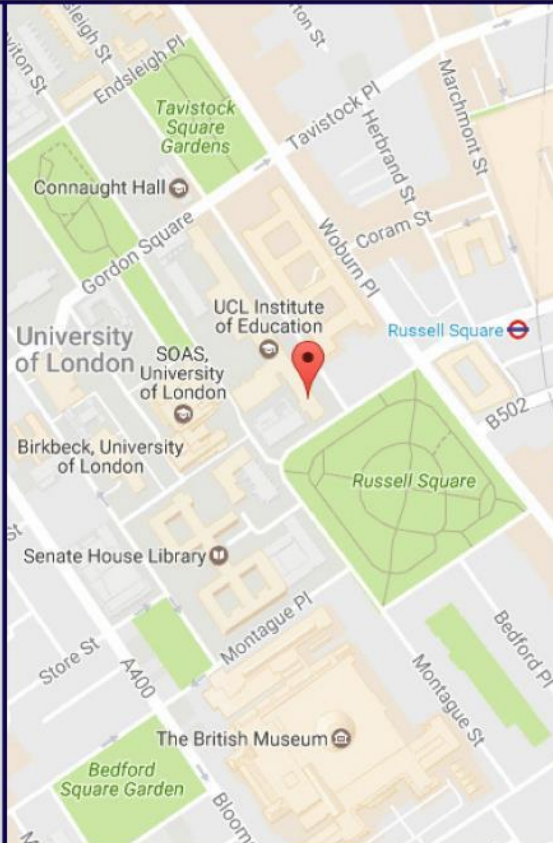
ITF Director:

Professor Yarik Kryvoi, British Institute of International and Comparative Law

Membership Benefits

- The right to participate in an independently-run Forum, including free entry to all ITF meetings and conferences.
- A direct influence on the agenda of Forum 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 website with various materials related to investment treaty law.
- The membership benefits in line with the Institute's Individual membership (free access to ICLQ, 40% discount on BIICL publications, 20% discount on CUP publications and member rate at BIICL events).

Contact Information

<p>Contact</p> <p>Professor Yarik Kryvoi Director of the Investment Treaty Forum Email: y.kryvoi@biicl.org Tel: +44 (0)20 7862 5151</p> <p>Visit</p> <p>British Institute of International and Comparative Law Charles Clore House 17 Russell Square London WC1B 5JP UK www.biicl.org/itf</p>	 <p>The map shows the area around Russell Square in London. A red location pin is placed on the eastern side of Russell Square, near the intersection of Woburn Place and Tavistock Place. Labeled locations include Tavistock Square Gardens, Connaught Hall, UCL Institute of Education, SOAS University of London, Birkbeck University of London, Senate House Library, The British Museum, and Bedford Square Garden. Streets shown include Gordon Square, Tavistock Place, Herbrand Street, Marchmont Street, Woburn Place, Coram Street, Russell Square, B502, Montague Place, Bedford Place, Montague Street, Store Street, A400, and Bloomsbury Street.</p>
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Prepared by Professor Yarik Kryvoi, Director of the Investment Treaty Forum - January 2019



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