



British Institute of
International and
Comparative Law

Investment Treaty Forum Annual Report 2017



A global centre for high level debate on International Investment Law

www.biicl.org/itf

Overview



The aim of the Investment Treaty Forum (ITF) is 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 experienced and expert lawyers, business managers, policy advisers, academics and government officials working in the field. Like BIICL itself, the Forum holds a reputation for independence, even-handedness and academic rigour.

In 2017, three new corporate and 11 individual members joined the ITF. ITF currently has 25 corporate members drawn from the largest and most prominent law firms in the world and barristers' chambers. In addition, ITF has 22 individual members, comprising leading barristers, arbitrators and practitioners. In addition, ITF has a number of consultative members, including the UK Department for International Trade, which joined in 2017.

In 2017, ITF convened two major conferences and four seminars which attracted around 500 participants from legal practice, academia or government service in various countries. The topics covered at these events ranged from the history and future of international investment law, to issues of treaty law and the effect of economic crimes, and the standard of review in international investment disputes.

ITF Director Yarik Kryvoi spoke at around ten conferences on issues of international investment law, including at the 2017 UNCTAD High-level Conference on International Investment Agreements for which he co-authored a report on consolidating the international investment agreements network. Currently, the ITF Director is in discussion with UNCITRAL concerning the grant to BIICL of observer NGO status, so that ITF can make a meaningful contribution to the work of the UNCITRAL Working Group on Investor-State Dispute Settlement Reform.

The ITF Director is also working on a paper summarising the views of ITF members on the reform of ICSID Arbitration Rules, which will be communicated to the ICSID Secretariat in due course.

ITF now publishes [podcasts of public meetings](#) online, which appear to be popular with listeners. The newly produced [ITF brochure](#) summarises the most important benefits of ITF membership.



Events

Conferences



12 May 2017

Twenty Eighth ITF Public Conference: Economic Crime and International Investment Law

Participants: Jay Alexander, Baker Botts; Arif Ali, Dechert; Andrea Bjorklund, McGill University Faculty of Law; George Burn, Vinson & Elkins; Dr Jean Ho, National University of Singapore; Yarik Kryvoi, British Institute of International and Comparative Law; Lucinda Low, Steptoe & Johnson & American Society of International Law; Wendy

Miles QC, Debevoise & Plimpton; Michael O'Kane, Peters & Peters Solicitors; Cecily Rose, Leiden University; Noah Rubins, Freshfields Bruckhaus Deringer; Christer Söderlund, Morssing & Nycander; Professor Surya Subedi, OBE, QC, University of Leeds; Baiju Vasani, Jones Day.

[Event photos](#)

20 October 2017

Twenty Ninth ITF Public Conference: Treaty Law Issues in International Investment

Participants: Professor Campbell McLachlan QC, Victoria University of Wellington Law School, New Zealand (keynote speaker); Professor Nicolas Angelet, Liedekerke, Brussels; Davinia Aziz, Attorney-General's Chambers/National University of Singapore, Singapore; Sir Franklin Berman KCMG QC, Essex Court Chambers, London; Graham Coop, Volterra Fietta, London; David Gaukrodger, Organisation for Economic Co-operation and Development, Paris; David Goldberg, White & Case, London; Professor Emmanuel Gaillard, Shearman & Sterling, Paris; Paula Hodges QC, Herbert Smith Freehills, London; Professor Tomoko Ishikawa, Nagoya University, Nagoya; Professor Yarik Kryvoi, British Institute of International and Comparative Law, London; Maurice Mendelson QC, Blackstone Chambers, London; Audley Sheppard QC, Clifford Chance and ITF Advisory Board, London; Dr Romesh Weeramantry, Clifford Chance, Hong Kong.



[Event photos](#)

ITF Public Meetings



28 March 2017

The History of International Investment Law: A Conversation with Antonio Parra and Christoph Schreuer

Convened in partnership with Hogan Lovells.

Participants: Dr Markus Burgstaller, Hogan Lovells (Welcome); Professor Yarik Kryvoi, Director of the ITF at the British Institute of International and Comparative Law (Chair); Dr Antonio R. Parra; Professor Christoph Schreuer.

8 June 2017

Difficult Issues in Commercial, Investor-State, and State-State Dispute Resolution: Differences and Commonalities

Convened in partnership with Freshfields Bruckhaus Deringer.

Participants: Lord Mance, Supreme Court of the United Kingdom (Chair); Judge Joan Donoghue, International Court of Justice; Ben Juratowitch QC, Freshfields Bruckhaus Deringer; Judith Levine, Senior Legal Counsel, Permanent Court of Arbitration; Alison Macdonald QC, Matrix Chambers.



1 November 2017

The Future of Investment Arbitration: Have We Reached a High Water Mark?

Convened in partnership with Herbert Smith Freehills.

Participants: Iain Maxwell, Herbert Smith Freehills, London (Chair); Professor Yarik Kryvoi, British Institute of International and Comparative Law, London (introduction); Colin Brown, Deputy Head of Unit, Dispute Settlement and Legal Aspects of Trade Policy, Directorate General for Trade, European Commission, Brussels; Professor Loukas Mistelis, Director of the School of International Arbitration, Queen Mary, University of London; Christian Leathley, Herbert Smith Freehills, New York.

23 November 2017

The Standard of Review of National Court Decisions by Investment Tribunals

Convened in partnership with Volterra Fietta.

Participants: Suzanne Spears, Volterra Fietta (Chair); The Rt Hon Sir Stanley Burnton QC, One Essex Court and a former Judge of the Court of Appeal; Khawar Qureshi QC, Serle Court; Giorgio Francesco Mandelli, Volterra Fietta.

Forum Members



Organisations:

- 20 Essex Street Chambers
- Allen & Overy LLP
- Baker & McKenzie LLP
- Baker Botts LLP
- Clifford Chance 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
- 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

Individuals:

- Professor Nicolas Angelet, Université libre de Bruxelles, Brussels
- Sir Franklin Berman QC, Essex Court Chambers, London
- Professor Andrea Bjorklund, McGill University, Montreal
- Yuliya Chernykh, Arbitrade, Kiev
- Ike Ehiribe, 7 Stones Chambers, London
- Raed Fathallah, Bredin Prat, Paris
- Dr Gavan Griffith QC, Essex Court Chambers, London
- Dr Jean Ho, National University of Singapore
- Professor Hans Van Houtte, Katholieke Universiteit Leuven
- Dr Tomoko Ishikawa, Nagoya University
- Jean Kalicki, Independent Arbitrator, Washington, D.C.
- Professor Mark Kantor, Georgetown University Law Center, Washington, D.C.
- Professor A Vaughan Lowe, All Souls College Oxford and Essex Court Chambers



- Loretta Malintoppi, 39 Essex Chambers, London
- 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
- Ana Stanic, E&A Law, London
- Professor Surya P. Subedi, OBE, QC (Hon), University of Leeds
- Can Yeginsu, 4 New Square, London
- Dr Todd Weiler, Independent Barrister, London, Ontario

Consultative Forum Members

Organisations:

- The Energy Charter Secretariat
- The International Institute for Sustainable Development
- The Organisation for Economic Cooperation and Development
- The Permanent Court of Arbitration
- The United Nations Conference on Trade and Development
- The United Kingdom Department for International Trade
- The United Kingdom Foreign and Commonwealth Office

Individuals:

- Jansen Calamita, National University of Singapore (former ITF director)
- Professor James Crawford SC, FBA, University of Cambridge and International Court of Justice
- Norah Gallagher, Queen Mary University of London (former ITF director)
- Judge Christopher Greenwood QC, International Court of Justice
- Professor Loukas Mistelis, Queen Mary University of London
- Professor Peter Muchlinski, School of Oriental and African Studies, University of London
- Dr Federico Ortino, School of Law, King's College London (former ITF Director)
- Dr Antonio Parra, Visiting Professor, University College London and former Deputy Secretary-General, International Centre for the Settlement of Investment Disputes
- Dr Karl P Sauvant, Columbia University Law School
- Professor Dr Christoph Schreuer, University of Vienna
- Judge Stephen M. Schwebel, Essex Court Chambers
- Professor M Sornarajah, National University of Singapore

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 Malintoppi, 39 Essex Chambers; Audley Sheppard QC, Clifford Chance LLP; Robert Volterra, Volterra Fietta.

Prepared by Prof Yarik Kryvoi, Director of the Investment Treaty Forum, on 18 January 2017



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