



British Institute of
International and
Comparative Law

Forty-Second ITF Public Conference

Illegality in International Investment Law (Hybrid)

8 November 2024

Provisional Programme

09.00 - 09.30

Registration with coffee & tea

09.30 - 09.45

Welcome and Introduction

Prof. Yarik Kryvoi, Director of the Investment Treaty Forum, BIICL, London

09.45 - 10.15

Keynote Address

Prof. Mark Pieth, Founder of the Basel Institute on Governance, Basel

10.15 - 11.45

Panel 1. Illegality in international investment disputes: approaches, consequences, and investor accountability

Chair: Prof. Attila Massimiliano Tanzi, University of Bologna and Three Verulam Buildings

- Diana Rosert, UNCTAD, Geneva
Approaches to illegality in international investment treaties
- Dr. Martin Jarrett, Max Planck Institute for Comparative Public Law and International Law, Heidelberg
Investor Misconduct and Contributory Fault in ISDS
- Annie Pan, Freshfields, London
Consequences of illegality of investments (e.g., declining jurisdiction, declaring claim inadmissible, reflecting it in the merits award)

11.45 - 12.00 – Break

12.00 - 13.30

Panel 2. Challenging illegality in investment arbitration: evidence, corruption, and investor responsibility

Chair: Alan Bonfiglio Rios, Government of Mexico, Mexico City

- Lucy Winnington-Ingram, Reed Smith, London
Admissibility of evidence obtained through illegal means
- Jessica Gladstone, Clifford Chance, London
"Corruption defense" and State counterclaims
- Prof. Tomoko Ishikawa, University of Nagoya
Social License to Operate and Investor Responsibility

13.30 - 14.30 – Lunch (provided for all participants)

14.30 - 16.00

Panel 3. Courts and tribunals in international arbitration: interplay, evidence, and post-award control

Chair: Hannah Ambrose, Herbert Smith Freehills, London

- Chloe Baldwin, Steptoe, Washington, DC
The interplay between courts and tribunals during arbitral proceedings (including provisional measures)
- Arif Ali, Dechert, Washington, DC
Evidentiary impact of domestic court proceedings on international tribunals
- Vivek Kapoor, 39 Essex Court Chambers, London
Post award control over illegality in international arbitration

16.00 - 16.15

Closing Remarks

Audley Sheppard KC, Twenty Essex, London

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Please note this programme is subject to change