



British Institute of
International and
Comparative Law

Investment Treaty Forum

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

Thurs 8 March 2018

18:00-20:30

(Registration from 17:30)

Event followed by a
drinks reception.

Jones Day,
21 Tudor St,
London EC4Y 0DJ

Co-organised with



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Investment arbitration is governed by international law, which in turn is defined by Article 38 of the Statute of the International Court of Justice. Customary international law and the *lex specialis* of treaties are two of the main primary sources of international law, but these sources are particularly geared to state-to-state conduct. With private parties and municipal law rights almost always at issue in an investment arbitration, the third primary source - "general principles of law recognized by civilized nations" - is becoming more important.

These are the universal principles of municipal law accepted by nearly every legal system, unmoored from the parochial nuances of any one country and reduced to the basic norms that guide commercial interaction. *Pacta sunt servanda* (contracts must be respected), *venire contra factum proprium* (estoppel) and *fraus omnia corumpit* (fraud vitiates everything) are among the principles that can guide and govern the outcome of a dispute that involves private parties, but is decided under international law. But how do these principles interact with custom and treaties, the other "primary" sources of international law, and subsidiary sources like jurisprudence and scholarship?

The speakers at this seminar, run on 8 March 2018 jointly by the Investment Treaty Forum and Jones Day, will consider these and other issues and their implications for the future of investment arbitration.

Chair

Sylvia Tordova, Partner, Jones Day, London

Speakers

- 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

Pricing and Registration

This event is free to attend for all members of the Investment Treaty Forum (ITF). ITF members should email: eventsregistration@biicl.org to book a place.

For all other attendees the following fees apply:

Members:		Non-members:	
Individual	£25	Individual	£40
Concession	£20	Concession	£30

N.B. The Concession rate also applies to staff of government, non-profit organisations and students.