



British Institute of
International and
Comparative Law

Investment Treaty Forum

21st ITF Public Meeting

The Economic and Financial Aspects of Investor-State Arbitration

Thursday 24 October
2013

09:00 – 17:00

Mary Ward House
Conference and
Exhibition Centre,
5-7 Tavistock Place,
London WC1H 9SN

While a great deal of attention has been paid to the content of the substantive rules governing the treatment of foreign investors and procedural aspects of investor-state arbitration, less attention has been given to the economic and financial aspects underpinning the system and how these factors may affect its operation. It is these economic and financial aspects which will form the focus of the meeting.

In this meeting the first panel will consider the question of the costs of arbitration: the cost of arbitral institutions, fees of arbitrators and counsel, the allocations of costs in arbitral awards and the considerations that should be factored in when making such decisions.

The second panel will look at the debate with respect to third-party financing of claims. While third-party funding has fast become a way of life for lawyers involved in the investor-state system, real issues remain regarding the effect third-party funding can have on actors' incentives and on measures that might be taken to regulate the use of such funding, even if it is not altogether eliminated.

The third panel will look at systemic issues, asking whether a system organised around the resolution of privately financed claims is likely to achieve wider economic and political goals or whether a system by which one may seek ad hoc annulment as of right is likely to lead to create incentives for expeditious dispute settlement.

Keynote Address

- Karl-Heinz Böckstiegel, University of Cologne

Speakers

- Emma Aisbett, University of Hamburg
- Christopher P. Bogart, Burford Capital
- Eric De Brabandere, University of Leiden
- N. Jansen Calamita, Investment Treaty Forum; University of Birmingham School of Law
- Charles Claypoole, Latham & Watkins
- Susan Franck, Washington & Lee University
- Kathryn Gordon, OECD
- Gavan Griffith QC, Essex Court Chambers
- Hussein Haeri, Eversheds
- Wendy Miles, Wilmer Hale
- Eloïse Obadia, Derains & Gharavi
- Victoria Shannon, Washington & Lee University
- Audley Sheppard, Clifford Chance
- Mick Smith, Calunius Capital LLP
- Michael Waibel, University of Cambridge

Closing Remarks

- Lucy Reed, Freshfields Bruckhaus Deringer

6 CPD Hours



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