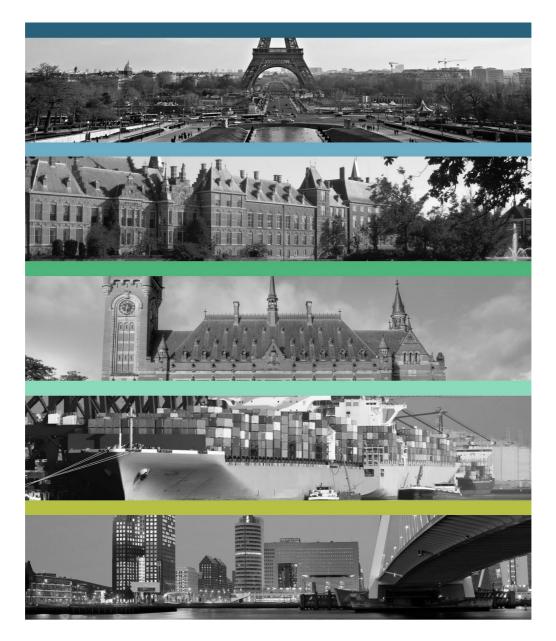


3rd EFILA Annual Conference

5 February 2018

Parallel States' Obligations in Investor-State Arbitration



Senate House, Chancellor's Hall, University of London London, UK



NORTON ROSE FULBRIGHT

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08:30-09:00 Registration tea and coffee

09:00-09:15 Welcome Address by Chair of the Executive Board of EFILA

- Sherina Petit (Norton Rose Fulbright)

09:15-10:45	Panel 1: Non-disputing third parties and their influence on arbitration
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- Chair: Yasmin Mohammad (Vannin Capital)
- Alejandro López Ortiz (Mayer Brown)
- Kostadin Sirleshtov (CMS)
- Lise Johnson (Columbia Center on Sustainable Investment)

10:45-11:15 Tea/coffee break sponsored by *Brill Martinus Nijhoff Publisher*

11:15-12:45	Panel 2: Investment regulation and arbitration

- Chair: Aron Skogman (Mannheimer Swartling)
- Dr. Federico Ortino (King's College London and Clifford Chance)
- Christophe Bondy (Cooley)
- Mónica Moraleda Saceda (Kingdom of Spain)

12:45-14:00 Lunch break

14:00-15:30 Keynote Speech by the Honorable Charles N. Brower (Iran-United States Claims Tribunal and 20 Essex Street Chambers) on "Why The EU Investment Court System Is Destined To Fail Foreign Investors And Host States Alike?" followed by a discussion

- Chair: Dr. Markus Burianski (White & Case)
- Commentators:
 - Cherie Blair CBE, QC (Omnia Strategy)
 - Annette Magnusson (Secretary General of the Arbitration Institute of the Stockholm Chamber of Commerce)
 - **o** Dr. Dirk Pulkowski (Permanent Court of Arbitration)



15:30-16:00 Tea/coffee break sponsored by *Harbour Litigation Funding*

16:00-17:30		Panel 3: Human rights, environment and arbitration
- - -	Dr. Mo Stepho	Marie Stoyanov (Allen & Overy) onique Sasson (Macchi Celere & Gangemi) en Fietta (Fietta) a Iancu (Hanotiau & van den Berg)
17:30-17:45		Closing remarks

- Prof. Dr. Nikos Lavranos (Secretary General of EFILA)

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Panel Chairs and Speakers

Cherie Blair CBE, QC, Founder and Chair of Omnia Strategy



Cherie Blair CBE, QC is the Founder and Chair of the law firm Omnia Strategy where she focuses on strategic advisory work on behalf of Governments, corporates and private clients. Cherie is a Queen's Counsel and regularly sits as arbitrator. With 40 years' experience specializing in cross-border dispute resolution, commercial arbitration, mediation and human rights, Cherie has represented over 30 countries as well as dozens of multinationals. Well practiced as a trouble-shooter capable of solving the most challenging of problems, Cherie and the team

at Omnia focus on finding elegant solutions relying on a unique multi-disciplinary approach. Aside from her legal work, Cherie is a mother of four, the Founder of the award winning Cherie Blair Foundation for Women, a Non-Executive Director of Renault Group, Honorary Chair of the World Justice Project and an adviser to the B Team.

Christophe Bondy, Special Counsel at Cooley LLP



Christophe Bondy practices at the London office of Cooley LLP, and is among the world's most experienced investment treaty counsel. Christophe spent nearly a decade as lead counsel to Canada in multiple NAFTA Chapter Eleven arbitrations. In private practice, he has been counsel to sovereigns and to private claimants in disputes and advisory work. His cases have made a substantial contribution to the development of international investment law. Christophe also has unmatched experience as counsel in the negotiation of international investment

agreements. He has provided training to State officials around the world on the management of investment treaty claims and on the negotiation of international agreements. He regularly appears on the BBC and is quoted in a broad range of media as an authority on international trade and investment law issues. Christophe also has substantial experience in international commercial arbitration under all major rules, as well as in advisory work on multiple aspects of public international law, including sovereign and diplomatic immunities and international intellectual property law. Christophe is a visiting professor of international investment law at the Centre for Transnational Legal Studies, London.



Judge Charles N. Brower, Iran-United States Claims Tribunal and 20 Essex Street Chambers



Charles N. Brower has been a Judge of the Iran-United States Claims Tribunal for 35 years, has served as Judge ad hoc of the Inter-American Court of Human Rights, and currently sits as Judge ad hoc of the International Court of Justice. He is a member of 20 Essex Street Chambers in London, and has served as Distinguished Visiting Research Professor of Law at George Washington University Law School. Previously, Judge Brower served as Acting Legal Adviser to the United States Department of State, as Deputy Special Counsellor to the

President of the United States, and as a partner at White & Case LLP, where he co-founded the firm's Washington, DC office. Among other honors Judge Brower has been awarded the American Society of International Law's Manley O. Hudson Medal (2009), the American Bar Association Section of International Law's Lifetime Achievement Award (2013) and the Global Arbitration Review's Lifetime Achievement Award (2015).

Dr. Markus Burianski, Partner at White & Case



Head of White & Case's German arbitration practice, Markus' work focuses on national and international dispute resolution. He represents German domestic and multinational clients in a variety of court and arbitration proceedings, including those conducted under the ICC, DIS, ICSID, UNCITRAL, SIAC, VIAC and Swiss rules. In addition, Markus regularly acts as an arbitrator or as a German-law "expert" in

international arbitration proceedings. Markus is an active member of White & Case's awardwinning International Arbitration Practice, which is ranked No. 1 in the world by Global Arbitration Review 2017 and has been described by Chambers Europe 2017 as the "Leading international arbitration outfit".

Stephen Fietta, Founder and Principal at Fietta LLP



Stephen Fietta is Fietta LLP's founder and principal. He is an Englishqualified solicitor and Solicitor-Advocate. Stephen has practised at the forefront of public international law, whether within government or private practice, for the past 20 years. He has advised on cases before (among others) the International Court of Justice, European Court of Justice, European Court of Human Rights and multiple domestic courts. A substantial part of his practice involves appearing as counsel in

investment arbitrations under the World Bank (ICSID), UNCITRAL and other rules. He has achieved a number of well-known "wins" for claimant and respondent clients, including some of the highest value awards in the history of investment arbitration. Earlier in his career, Stephen worked as a United Kingdom government lawyer and as a seconded national expert at the European Court of Human Rights.



Iuliana Iancu, Senior Associate at Hanotiau & van den Berg



Romanian national, Iuliana Iancu joined Hanotiau & van den Berg as an associate in September 2012 after obtaining an LLM in international arbitration from Columbia Law School. Prior to joining Hanotiau & van den Berg, she worked at Stoica & Associates in Bucharest, assisting and representing clients in international commercial arbitrations and domestic litigation. Iuliana regularly acts as arbitral secretary or assistant to tribunals in international investment and commercial arbitrations, under the ICSID,

UNCITRAL and ICC Arbitration Rules, and in a variety of industry sectors. She is admitted to the Bucharest Bar and regularly speaks on arbitration related topics.

Lise Johnson, Head of Investment Law and Policy at Columbia Center on Sustainable Investment



Lise Johnson leads the Columbia Center on Sustainable Investment's work on investment law and policy. Her work at CCSI centers on analyzing the contractual, legislative, and international legal frameworks governing international investment, and shaping the impacts that those investments have on sustainable development objectives. She focuses in particular on analyzing international investment treaties and the investor-state arbitrations that arise under them, examining the implications those treaties and cases have for host

countries' domestic policies and development strategies. In addition, she concentrates on key institutional and procedural aspects of the legal framework, including efforts to increase transparency in and legitimacy of investor-state dispute settlement. She has a B.A. from Yale University, J.D. from University of Arizona, LL.M. from Columbia Law School, and is admitted to the bar in California.

Prof. Dr. Nikos Lavranos, Secretary General of EFILA, NL-Investmentconuslting



Nikos is the first Secretary-General of the European Federation for Investment Law and Arbitration (EFILA). He is founder & owner of NL-Investmentconsulting and Of Counsel at Wöss & Partner. He is listed as Arbitrator and Mediator at VIAC and as Mediator at the Energy Community and the KLRCA. In addition, he is Guest Professor International Investment Law at the Free University of Brussels and Visiting Professor at the Law Faculty of Verona University. He is also Managing Editor of the European Investment Law and Arbitration

Review. Previously, he was Chief Negotiator for Dutch BITs at the Ministry of Economic Affairs and later at the Ministry of Foreign Affairs. He earned a Dr.jur. and LLM degree from Maastricht University and a Law degree from J.W. Goethe University Frankfurt.



Alejandro López Ortiz, Partner at Mayer Brown



David Alejandro López Ortiz is a partner at the International Arbitration practice of Mayer Brown, located at its Paris office. Admitted to the Paris Bar and Madrid Bar, he leads the Latin American arbitration practice of the firm. He regularly represents companies and States in commercial and investment arbitrations in complex disputes arising from different economic sectors and industries, having acted as counsel before the major international arbitration institutions in disputes related to

engineering and construction projects, energy, telecommunications, mergers and acquisitions, commercial contracts and financial transactions. In addition, he often sits as arbitrator for institutions such as the ICC and the Madrid Court of Arbitration and in ad hoc arbitrations. Mr López Ortiz is a Member of the Investment Arbitration Subcommittee of the IBA and of the ICC Task Forces on the Revision of the Rules of ICC as Appointing Authority in UNCITRAL or other Ad Hoc Arbitration Proceedings and on the New York Convention on recognition and enforcement of foreign arbitral awards. He was also country reporter in the study "Legal Instruments and Practice of Arbitration in the EU" published by the European Parliament. A Spanish national, Mr López Ortiz holds a law degree by the Universidad Carlos III of Madrid and an LLM by the London School of Economics. In addition to his native Spanish, he speaks English and French.

Annette Magnusson, Secretary General of the Arbitration Institute of the Stockholm Chamber of Commerce



Annette Magnusson is Secretary General of the Arbitration Institute of the Stockholm Chamber of Commerce (SCC). In this capacity Ms Magnusson has initiated a number of policy initiatives including the Stockholm Treaty Lab, an international competition to innovate international law for climate change mitigation and adaptation, and The Quiet Triumph documentary film targeting the role played by international arbitration for peace and prosperity. Ms Magnusson is the author or editor of several publications

on international arbitration, including Arbitrating for Peace (Kluwer, 2017) and International Arbitration in Sweden (Kluwer, 2013), a frequent speaker on international arbitration and the development of global legal services, and a dedicated thought leader. Annette Magnusson joined SCC from the law firm Mannheimer Swartling in Stockholm and before that Baker & McKenzie, Sweden. She earned her LLM at the Stockholm University in 1998 and her BA/BSc at the University of Gothenburg in 1991. She is listed as a leading practitioner in Who's Who Legal (2016, 2017, 2018).



Yasmin Mohammed, Investment Director at Vannin Capital



A Paris I University Sorbonne and NYU Law School graduate, Yasmin is a Franco-Iranian lawyer admitted to the New York bar and specialised in public international law, private international law and international arbitration. Prior to joining Vannin, Yasmin advised private and institutional clients of international law firm, Freshfields Bruckhaus Deringer, in the context of international arbitration proceedings. She has opined on questions regarding conflict of laws, conflict of jurisdiction and sovereign

immunity issues, and acted as counsel under various rules including ICC, LCIA, UNCITRAL, ICSID and CEPANI across jurisdictions. She has expertise in disputes involving telecommunications, food & beverages, and oil & gas industries based in Europe, China or the Middle East.

Mónica Moraleda Saceda, Abogada del Estado Arbitrajes Internacionales of Kingdom of Spain



Mónica Moraleda Saceda is a legal representative (Abogada del Estado) of Spain since 2003. She has spent almost all her career defending and advising the Spanish State especially on regulatory issues. Since 2015 she works in the International Investment Arbitration Department of the Abogacía del Estado and intervenes in the currently pending investment arbitration proceedings against Kingdom of Spain.

Dr. Federico Ortino, Reader in International Economic Law at King's College London and a Consultant to Clifford Chance



Dr. Federico Ortino is a Reader in International Economic Law at King's College London and a Consultant to Clifford Chance, specialising in international trade and investment law. He is a member of the ILA Committee on The Rule of Law and International Investment Law; founding Executive Council member (and former co-treasurer) of the Society of International Economic Law; member of the E15 Task Force on Investment

Policy; consultative member of the Investment Treaty Forum; editorial board member of the Journal of International Economic Law; Yearbook on International Investment Law and Policy, Journal of International Dispute Settlement and the Journal of World Investment and Trade and one of the General Editors of Hart Publishing Studies in International Trade and Investment Law. Previously, he was co-rapporteur to the ILA Committee on the Law of Foreign Investment; Director, Investment Treaty Forum, British Institute of International and Comparative Law in London (2005-2007); Adjunct Professor at the Universities of Florence and Trento (2002-2007); Emile Noël Fellow and Fulbright Scholar at the NYU Jean Monnet Center in New York (2004); Legal Officer at the United Nations Conference on Trade and Development, Division on Investment and Enterprises (2003). He is a qualified attorney in Italy and in the state of New York.



Sherina Petit, Partner at Norton Rose Fulbright



Sherina Petit is a dispute resolution lawyer in the energy, trade and transport team based in London. She specialises in international arbitration, litigation, ADR and regulatory investigations. Sherina has a wide range of experience in all key aspects of international arbitration across a broad range of industries, including commodities, construction, energy, financial services, infrastructure, oil and gas, pharmaceuticals, technology and transport. She represents clients across the globe in a

wide variety of arbitration proceedings, including those before the London Court of International Arbitration (LCIA), International Chamber of Commerce (ICC), United Nations Commission on International Trade Law (UNCITRAL), Singapore International Arbitration Centre (SIAC) as well as in ad hoc proceedings. Sherina regularly sits as an arbitrator in international arbitrations and is an expert in India-related matters. She is also a published writer and speaker on international arbitration and has recently co-authored a chapter of the book "Arbitration in England" edited by Julien Lew QC.

Dr. Dirk Pulkowski, Senior Legal Counsel at Permanent Court of Arbitration



Dirk Pulkowski is a Senior Legal Counsel at the Permanent Court of Arbitration (PCA) in The Hague, the Netherlands, an independent intergovernmental organization established in 1899 with 121 Contracting Parties. The PCA currently provides administrative support in over 130 pending arbitration and conciliation proceedings. Dr. Pulkowski has acted as institutional secretary in many of the over 180 investor-State arbitrations administered by the PCA in recent years. He

also has broad experience as registrar in arbitrations between States under public international law. In addition to his work with tribunals in PCA-administered arbitrations, Dr. Pulkowski supports the PCA Secretary-General in handling the appointment of, and challenges to, arbitrators. Dr. Pulkowski has represented the PCA at various intergovernmental fora, including the Sixth Committee of the United Nations General Assembly, the United Nations Commission on International Trade Law (UNCITRAL), the Organisation for Economic Co-operation and Development (OECD), the conference of the States parties to the United Nations Convention on the Law of the Sea (UNCLOS), and the Energy Charter. From March 2014 to April 2015, Dr. Pulkowski acted as representative of the PCA in Mauritius, where he led the PCA's Africa work. Dr. Pulkowski teaches international investment law as a lecturer in the LL.M. programme of the Université libre de Bruxelles (ULB). Prior to joining the PCA in 2009, Dr. Pulkowski practiced as a lawyer in the international trade and arbitration group of an international law firm. Dr. Pulkowski holds a doctorate in law, summa cum laude, from Ludwig-Maximilians-Universität, Munich, Germany, and an LL.M. degree from Yale Law School, New Haven, United States. He has published in the fields of public international law, investment law, trade law, and legal theory.



Dr. Monique Sasson, Of Counsel at Macchi di Cellere Gangemi



Monique Sasson has twenty years of experience in analyzing transnational litigation and arbitration issues. She has a doctorate in international law from Cambridge University, has worked at two major law firms, in London and Rome, and is qualified as an Italian avvocato, an English solicitor and a New York attorney. Monique recently returned to her home jurisdiction and is of counsel at Macchi di Cellere Gangemi (Milan). While in New York, she was on the JAMS International list of

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Arbitrators and Mediators and served as a mediator in commercial cases.

Kostadin Sirleshtov, Partner and CEE Head of Energy, Projects and Construction at CMS Sofia



Kostadin Sirleshtov is a partner at CMS Sofia since 2007. He is Head of Energy, Projects and Construction (EPC) for Central and Eastern Europe since 2015. His particular area of expertise is in oil & gas, energy disputes, conventional power, electricity, nuclear, renewables, infrastructure, projects, PPP, public procurement, underground resources. He has worked as the Chief of the Minister's cabinet for the Ministry of Energy and Energy Resources 2002-2004 and Chief of Minister's cabinet in the

Ministry of Defence 2005-2007, as well as Partner in top-tier Bulgarian law firms. As part of the team at the Ministry of Energy and Energy Resources Kostadin was a member of the working group, which prepared the current energy legislation of Bulgaria, including the Energy Act 2003. Kostadin has a vast experience in domestic and international energy disputes and has been often appointed as an expert witness in Bulgarian law in disputes before the English High Court. He is currently leading the first international arbitration case regarding the renewable energy limitations against Bulgaria. Kostadin is praised by clients for his "huge knowledge and understanding of the sector" and is named "a real leader on the market." He is constantly singled out as top lawyer by clients in the world's most renowned legal directories Chambers & Partners and Legal 500.

Aron Skogman, Senior Associate at Mannheimer Swartling



Aron Skogman is a senior associate in Mannheimer Swartling's Dispute Resolution practice group focusing on international arbitration. He has represented clients in arbitrations before arbitral tribunals both in Sweden and abroad, including arbitrations under the auspices of the Stockholm Chamber of Commerce (SCC), the International Chamber of Commerce (ICC) and the International Centre for the Settlement of Investment Disputes (ICSID). He also regularly represents clients in ad hoc

proceedings. Aron Skogman divides his time between commercial disputes and investment treaty arbitration and advises clients on matters of investment protection and international law. He teaches investment treaty arbitration at Lund University and is one of the co-founders of the Young ISDS Club.



Marie Stoyanov, Partner at Allen & Overy LLP



Marie Stoyanov, partner at Allen & Overy LLP, specialises in commercial and investment-treaty arbitration. She has advised and represented clients in arbitrations throughout the world, both ad hoc and under all the major arbitration rules, including ICSID, ICC, LCIA, UNCITRAL, SCC and HKIAC. Marie has substantial experience across all market sectors with a particular focus on energy, natural resource and infrastructure disputes. Marie regularly appears as advocate before renowned international

tribunals arguing extremely complex cases, often with hundreds of millions of dollars at stake. Marie also regularly sits as arbitrator and speaks about arbitration. She speaks fluent English and German and has good working knowledge of Spanish.

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Rue Royale 97 [4th floor], 1000 Brussels, Belgium	+32 2 209 2299Telefax



EUROPEAN FEDERATION FOR INVESTMENT LAW AND ARBITRATION (EFILA)

The Brussels-based think tank at the heart of EU investment law

THINK-TANK ON INVESTMENT LAW

The European Federation for Investment Law and Arbitration (EFILA) has been established in Brussels to promote the knowledge of all aspects of EU and international investment law, including arbitration, at the European level. EFILA endeavours to facilitate a meaningful exchange of views on relevant and timely issues vital to the development of the European internal market, in order to contribute to a more favourable investment climate in Europe and beyond.

EFILA PROMOTES AN OPEN AND BALANCED DISCOURSE ON INVESTMENT LAW AND ARBITRATION

EFILA serves as a platform for a merit-based discussion on European and international investment law. In particular, it fosters an objective debate about the current system of investment arbitration. As a think-tank EFILA analyses the scope and use of investment arbitration, especially from a European perspective.

EFILA'S GOVERNING BOARDS ARE COMPOSED OF LEADING INVESTMENT LAW SPECIALISTS

The Executive Board and Advisory Board of EFILA are composed of leading investment law and arbitration specialists, representatives of investors and academics from various European states.

The Executive Board:

Dr. Markus Burianski, Partner at White & Case (Germany)

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Mr Stephen Jagusch, Partner at Quinn Emanuel Urquhart & Sullivan (United Kingdom)

Prof. Dr. Nikos Lavranos, Secretary-General of EFILA (The Netherlands)

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Ms. Marie Stoyanov, Partner at Allen & Overy (Framce)

Mr. Jeff Sullivan, Partner at Gibson Dunn (UK)

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European Federation for Investment Law and Arbitration

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RECENT ACTIVITIES

Since its creation EFILA has submitted several position papers in response to public consultations organized by, inter alia, the European Commission, the OECD, ICSID Secretariat and the UK Parliament. In addition, EFILA has published in-depth analytical papers countering the misleading ISDS criticism as well on the proposed Investment Court System (ICS). In addition, EFILA is regularly invited to present its views to international organizations, conferences and the media.

All submissions are available on EFILA's website: www.efila.org

ANNUAL CONFERENCE SERIES

Starting in 2015 with a very successful inaugural conference in London, EFILA has organized a similarly outstanding conference in Paris in 2016. The 2018 conference continues the Annual Conference Series of EFILA. These conferences bring together the most experienced and outstanding experts in international investment law and arbitration from practice, academia and international arbitration institutions.

ANNUAL LECTURE SERIES

The first EFILA Annual Lecture was delivered by Sophie Nappert on 26 November 2015 for which she received the GAR Prize for the Best Lecture in 2015. In 2016, the highly experienced Arbitrator Johnny Veeder, QC, delivered another outstanding Lecture. The 2017 Annual Lecture was delivered by ICJ Judge Christopher Greenwood. The last two Lectures can still be watch on the YouTube channel of EFILA:

https://www.youtube.com/channel/UC3DVmlvk-aj6EgpFgKCLu3A/videos

In the autumn of 2018 EFILA will host again an Annual Lecture with another outstanding speaker. Please check our website regularly for the announcement of the event.

EUROPEAN INVESTMENT LAW AND ARBITRATON REVIEW

Since 2016 EFILA is publishing together with Queen Mary University of London the European Investment Law and Arbitration Review. This Review is the first legal journal that focuses on the EU's investment policy and its impact on international investment law and arbitration.

EFILA welcomes unpublished submissions (long and short articles, case-notes, book reviews) for publication. The deadline for submission is always 1 April of the year. For more information visit the website of the Review: <u>https://www.europeaninvestmentlawarbitrationreview.eu/</u>

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BLOG

EFILA also runs a highly successful blog which presents a platform for discussion on the current developments pertaining to the fields of international (investment) law and arbitration, EU law and public policy, as well as the dynamics of these multiple legal, political and economic spheres. EFILA welcomes contributions by arbitration practitioners and academics from around the world. For more details, please visit: <u>http://efilablog.org</u>

EFILA WELCOMES NEW MEMBERS AND DONATIONS

We welcome new individual and corporate Members who wish to actively get involved in EFILA. In particular, we welcome donations, intellectual input and organizational support in order to achieve the aims of EFILA.

EFILA offers three types of membership:

- corporate membership for law firms, companies €2.500,- per year
- individual membership for academics, arbitrators €750,- per year

- junior/academic membership (for Master, PhD students, Lecturers, Researchers and early career lawyers) for €200,- per year

To become a Member and learn more about how you can contribute to EFILA please contact: Prof. Dr. Nikos Lavranos, LL.M., Secretary-General at: <u>n.lavranos@efila.org</u>

For more information about the upcoming EFILA please contact EFILA Secretariat:

- Tetyana Makukha, LL.M., Legal Officer of EFILA (NautaDutilh) t.makukha@efila.org

- Dr. Lukasz Gorywoda, LL.M., General Manager of EFILA (VVGB Advocaten/Avocats) I.j.gorywoda@efila.org

- Dr. Gloria Alvarez, LL.M., General Manager of EFILA (University of Aberdeen) gloria.alvarez@abdn.ac.uk