



2023 Executive Training on Investment Arbitration for Government Officials



Program Overview

Governments around the world are facing complex and pressing issues relating to their international investment treaties. Investor-state arbitrations based on those treaties are on the rise, involving ever-more novel and wide-ranging claims, and often claiming staggering sums in damages. Negotiations of new treaties continue, with many of these agreements being unprecedented in terms of the issues they seek to cover and the complexity of their provisions. States are also facing significant questions about what to do with their stocks of existing investment treaties, many of which no longer reflect the states' treaty policies and practices, their development objectives, or their human rights or environmental obligations.

Against that background, there is an important need for officials in all branches and at all levels of government to learn about and stay up to date on new developments in investment treaty practice, and investment governance more generally, and understand what those developments mean for them in their respective roles. This program aims to fill that need, and is aimed specifically at addressing states' objectives, opportunities and challenges facing governments in treaty reform, and other approaches to investment governance, including dispute prevention and alternatives to ISDS. It is relevant for:

- Treaty negotiators responsible for shaping the content of new agreements or revising existing ones;
- State attorneys responsible for defending the state in investor-state arbitral proceedings or overseeing outside counsel;
- Members of parliament or congress responsible for investment policy, including setting parameters for negotiations, ratifying treaties, and adopting implementing legislation; Government regulators whose actions are often challenged in investor-state arbitration and for whom the content of investment treaties can have important practical implications;
- Officials in investment promotion agencies who may be asked about investment treaties, and whose actions can also give rise to investment treaty claims;
- State and local officials who want a better understanding of how investment treaties and investment arbitration can be relevant for and impact their roles and responsibilities; and
- Representatives of development institutions and inter-governmental organizations working on issues relating to international investment law and policy.

Through this virtual program, government officials will increase their knowledge of the international investment law and policy landscape, better equipping them to deal with this complex and ever-evolving field with wide ranging implications for myriad areas of law and policy, and direct consequences for host-state liability.

Topics

Combining class lectures and exercises, the full course will cover a range of substantive and procedural issues through which participants will:

- Learn about and evaluate new trends in treaty practice, including ways in which governments are increasingly seeking to revise their treaty policies and practices in order to meet their specific economic, social and environmental objectives;
- Gain up-to-date knowledge on how investment arbitration tribunals are interpreting core substantive standards such as the “fair and equitable treatment” obligation, the prohibition on uncompensated expropriation, and the non-discrimination obligations;
- Gain a better understanding of who is protected by investment treaties and who can bring claims;
- Explore the often unclear relationship between contract-based and treaty-based claims, which has particularly significant implications for government liability arising out of investments in the extractive industries and investments in infrastructure and public services;
- Discuss different approaches to valuation and damages used in treaties and adopted by tribunals; and
- Gain knowledge and skills relating to practical and procedural aspects of arbitration claims, including issues relating to responding to notices of arbitration, appointing and challenging arbitrators, developing and controlling litigation strategy, understanding key differences between different arbitration rules, gathering evidence, and participating in hearings.

All participants must be able to read and communicate in English. A Certificate of Attendance will be provided by Columbia University upon successful completion of the course.

Faculty

Sessions will be taught by leading academics and practitioners and will be tailored to uniquely address issues relevant to governments. Past faculty have included:

- **Olabisi Akinkugbe**, Assistant Professor and Viscount Bennett Professor of Law, Dalhousie University
- **Wolfgang Alschner**, Hyman Soloway Chair in Business and Trade Law and Associate Professor, University of Ottawa
- **Lorenzo Cotula**, Principal Researcher and Head of Law, Economics and Justice Programme, Natural Resources Research Group, IIED

Who should attend

The program is designed for public sector officials whose responsibilities relate to or are affected by treaty negotiation or investor-state arbitration.

Date and Time

The course will span 5 instructional days from September 18-22, 2023 with sessions taking place from 9:00 - 11:30 am ET.

Location

Online.
Columbia University
New York City, U.S.

Fee

A \$500 program fee is required from all accepted participants, with a limited number of partial or full scholarships available for candidates from low-income countries.

Contact

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How to apply

Applications will be accepted on a rolling basis until July 15, 2023.

To apply, visit
<https://ccsi.columbia.edu/content/trainings>



- **Danish**, Program Officer, South Centre
- **Kabir Duggal**, Senior Associate, Arnold & Porter LLP
- **David Gaukrodger**, Senior Legal Advisor and Head of Unit, Investment Division, OECD
- **Lise Johnson**, Senior Fellow, CCSI
- **Mouhamadou Kane**, Founder and Executive Director, African Centre of International Law Practice
- **Joachim Pohl**, Head, International Investment Governance Team, OECD Investment Division
- **Josef Ostránský**, Policy Advisor, International Institute for Sustainable Development
- **Yamena Saheb**, Senior Energy Policy Analyst, OpenExp
- **Mavluda Sattorova**, Professor of International Economic Law, University of Liverpool
- **Lukas Schaugg**, International Law Analyst, IISD
- **Taylor St. John**, Researcher, PluriCourts
- **Kyla Tienhaara**, Researcher, Queen's University
- **Ignacio Torterola**, International Partner, GST LLP
- **Daniel Uribe**, Lead Program Officer, South Centre

We look forward to welcoming you in 2023!

