

2024 BRUNEL SUMMER PROGRAM ON INTERNATIONAL ARBITRATION

8-13 July, 2024

1. OVERVIEW

This Programme will cover “International Commercial Arbitration” (ICA) and “Investment Treaty Arbitration” (ITA).

ICA is essentially a private resolution forum between private parties (or States acting in a private capacity, *jure gestionis*), where the subject-matter of the dispute often stems from a “commercial” contract or undertaking of some sort. When studying ICA, we will largely focus on the process of arbitration and not on the subject matter.

This Programme includes lectures on:

- Introduction to international arbitration
- The arbitration agreement
- The arbitrator
- The arbitration procedure
- The arbitral award
- Post-award proceedings

ITA, on the other hand, is a form of arbitration between foreign investors and host States regarding foreign direct investment (FDI). The subject-matter is arbitrated under public international law, more specifically international investment law.

International investment law is a sub-specie of international economic law. The investor requests arbitration against the host State pursuant to alleged violations of international investment law as found in various international investment agreements (IIAs) or foreign direct investment laws.

The field of investment treaty arbitration has grown exponentially the last century. This Programme includes lectures on:

- Introduction to investment treaty arbitration
- Basics of international investment law
- Jurisdictional features of investment treaty arbitration
- Enforcing arbitral awards against host States

Finally, this Programme will end with practical hints and tips on the actual practice of ICA and ITA. This Programme includes lectures on:

- Vienna Convention on the Law of Treaties and the ILC Draft Articles on State Responsibility
- Best Practices in Written Advocacy: Pleadings, Witness Statements and Expert Reports
- Best Practices in Oral Advocacy
- Best Practices in International Arbitration: Q&A with Experts

2. PRESENTER BIOGRAPHIES

Fahira Brodlija

Fahira Brodlija is the Rule of Law Advisor for a regional GIZ legal reform project focusing on the reform of the legal framework for investment protection and investor-state dispute settlement in the Western Balkans.

Fahira is an adjunct lecturer at the International University of Sarajevo, and she frequently writes and speaks on topics related to ISDS reform, investment law and international dispute resolution more broadly. Fahira is a tutor for the CiArb Diploma program, and guest lecturer at universities across Africa, Europe and the United States.

Fahira is a former Vis Moot participant and a coach of law faculties from Bosnia and Herzegovina and the region since 2016.

Fahira is a member of Association ARBITRI, and founder of the GEM diversity and mentorship program supporting young academics and practitioners in the field of international arbitration.

Professor Lei Chen

Lei Chen is Chair in International Arbitration and Chinese Law and Director of Durham International Dispute Resolution Institute at Durham University, UK. Professor Chen's research areas are comparative private and commercial law and international arbitration. Prof Chen is a Titular Member of the International Academy of Comparative Law and a Fellow of the European Law Institute. He is on the panel of arbitrators and mediators such as HKIAC, SIMC, SCIA, KCAB, CIETAC, BAC, SHIAC, AIAC, CAA, THAC, etc. Prof Chen is a fellow of the Hong Kong Institute of Arbitrators and has written over 250 arbitral awards in English and Chinese. He frequently provides expert opinions on Chinese law across multiple arbitration institutions and courts in Hong Kong, PCA (Hague), Washington DC, Singapore, and England.

He regularly teaches the EMBA and MPA programmes at CityU HK Business School and the School of Public Policy and Management at Tsinghua University. He is a Wenlan Chair Professor

at Zhongnan University of Economics and Law, an Adjunct Professor at the CityU HK (2020-2025) and an Honorary Professor at the University of Galway, Ireland (2022-2027). He was the inaugural International Visiting Professor at Singapore International Dispute Resolution Academy, Singapore Management University (2022).

Dr. Ylli Dautaj

Ylli Dautaj currently teaches as a lecturer in commercial law at Brunel University London. Meanwhile, he teaches as an adjunct professor at Penn State Law. Ylli graduated with a PhD from University of Edinburgh (UK) as a stipendiary scholar of the Scottish Graduate School for Arts & Humanities. Ylli practices out of Stockholm, Sweden, at DER Juridik. He represents clients in planning, drafting, negotiating, and disputing commercial agreements – in both litigation and arbitration, domestic and international. He represents individuals, private enterprises, State-owned enterprises, and States in various litigation matters and international arbitrations, including matters incidental or ancillary to arbitration (e.g., compelling arbitration, jurisdictional matters, admissibility, set-aside, enforcement, execution, etc.). Ylli has published extensively with various leading law journals, books, and book chapters; for example, with *Kluwer International*, *Brill Research Perspectives*, *Northwestern Journal of International Law and Business*, *Fordham International Law Journal*, *Cornell International Law Journal*, *The International Lawyer*, *Manchester Journal of International Law*, *American Review of International Arbitration*, *Cardozo Journal of Conflict Resolution*, *Indiana Journal of Global Legal Studies*, etc.

Dr Kabir Duggal

Dr. Kabir Duggal is an attorney in Arnold and Porter's New York office focusing on international arbitration and public international law matters, serving both as arbitrator and mediator. He is recognized as a “Chartered Arbitrator” (the highest ranking for arbitrators) by both the Chartered Institute of Arbitrators and the Asian Institute of Alternative Dispute Resolution. He also frequently serves as an expert on international arbitration and public international law matters.

Dr. Duggal is also a Lecturer-in-Law at Columbia Law School, an adjunct Professor at Fordham Law School, and a Course Director and a Faculty Member for the Columbia Law School-Chartered Institute of Arbitrators Comprehensive Course on International Arbitration. He has published over 60 articles and has spoken at over 300 arbitration events all over the world.

He also acts as a Consultant for the United Nations Office of the High Representative for Least Developed Countries (UN-OHRLLS) on the creation of a novel “Investment Support Program.” Dr. Duggal works closely with the U.S. Department of Commerce’s Commercial Law Development Program (CLDP) as an expert and has undertaken capacity-building workshops in Georgia, Kosovo, Bosnia & Herzegovina. He has also conducted training and capacity-building sessions for several Governments on public international law and dispute resolution matters. He

also serves on the Federal Republic of Somalia's New York Convention Task Force as well as the WTO Negotiating Team (International Board). He is also a passionate advocate for diversity, equity, and inclusion issues and frequently writes and speaks on these issues. He is the Co-Founder of REAL (Racial Equality for Arbitration Lawyers), a non-profit seeking to create greater representation in international arbitration.

He is a graduate of the University of Mumbai, University of Oxford (DHL-Times of India Scholar), NYU School of Law (Hauser Global Scholar), Leiden Law School (2019 CEPANI Academic Prize), and is currently pursuing an SJD Degree from Harvard Law School. Dr. Duggal is admitted to practice law in New York, District of Columbia, England & Wales (as a Barrister), and in India.

Professor Kaj Hobér

Kaj Hobér is a leading and distinguished figure in the field of international arbitration (commercial and investment). He has been the chair, sole arbitrator, and party-appointed arbitrator in over 200 arbitration matters pursuant to various rules and ad hoc matters. He was previously a partner with the leading Nordic law firm, Mannheimer Swartling and is now an Associate Member with 3 Verulam Buildings Gray's Inn, London. He has acted as counsel in several hundreds of international arbitration matters, commercial and investment.

As a scholar, professor Hobér not only taught at Uppsala University for many years, where he also established the LLM programme on ITA. Kaj has published extensively – including seminal scholarship such as “International Commercial Arbitration in Sweden” (Oxford), “The Energy Charter Treaty – A Commentary” (Oxford), and “Investment Treaty Arbitration – Problems and Exercises” (Edgar).

Samuel Pape

Samuel Pape is a partner at Latham & Watkins. He represents clients in high-stakes international disputes. He is a strategic advisor and trial advocate in international commercial and investment treaty arbitration. He also acts in complex litigation in England and overseas.

Mr. Pape is ranked as a Rising Star by The Legal 500 UK 2023 and a Future Leader in Arbitration by Who's Who Legal 2023. He is also recognized as one of London's brightest stars in arbitration in Legal Business' 2022 Disputes Yearbook.

Drawing on over a decade of experience, he represents multinational companies, financial institutions and sovereigns in disputes across a range of sectors including energy, mining, banking, private equity, telecommunications, manufacturing and aviation. Mr. Pape's cases often involve novel and complex issues, including ESG issues.

In addition to his arbitration practice, Mr. Pape has experience acting in litigation, including commercial disputes, transnational tort class actions, and company law litigation. Clients have also turned to Mr. Pape as a trusted source of advice for managing exposure and commercial risk in times of crisis, including the COVID-19 pandemic.

Mr. Pape is the Representative for the United Kingdom on the ICC Young Arbitration & ADR Forum. He is also managing editor of the European Investment Law and Arbitration Review. He is frequently invited to lecture and to speak on panels on subjects relating to international arbitration.

Boris Prastalo

Boris Praštalo joined Brunel Law School in 2022 as Lecturer in Commercial Law. Before that, he was Assistant Professor at the International University of Sarajevo (IUS), Faculty of Law (FLW) where he taught an array of courses, including Business Law, Commercial Law, Private International Law, Introduction to Law and Intellectual Property Law. Prior to joining IUS FLW, Boris taught and conducted research at Budapest Business School (BGE) under the auspices of the Global Teaching Fellowship Program (GTFP) set up by Central European University (CEU). In 2017, Boris was a Visiting Researcher at Cornell Law School where he conducted research under the mentorship of Professor John J. Barceló III. In 2016 he was the Vis Moot coach at CEU.

Boris started his SJD (PhD) studies at CEU in 2014, completing them in 2019 with summa cum laude. His doctoral dissertation titled “Uniformity in the Application of the CISG: Analysis of the Problem and Recommendations for the Future” was published as a book by Kluwer Law International in 2020. His other publications include two monographs/chapters in “International Encyclopaedia of Laws” published by Kluwer Law International (1. “Commercial and Economic Law: Croatia” and 2. “Labour Law and Industrial Relations: Bosnia and Herzegovina”) as well as several scholarly articles published in reputable journals (on topics in areas such as international sales law, international commercial arbitration and investment arbitration).

Boris is fluent in three languages: BHS (formerly known as Serbo-Croatian), English and Spanish. In addition, Boris has an intermediary knowledge of German.

Sir Bernard Rix

Sir Bernard Rix retired in 2013 from the Court of Appeal of England and Wales after twenty years as first a High Court Judge and then a Lord Justice of Appeal. He now practises as an arbitrator and accredited mediator. Since his retirement, he has been appointed to positions as a member of the Cayman Islands Court of Appeal and of the Singapore International Commercial Court and as a Professor of International Commercial Law at Queen Mary, University of London.

He was educated at New College Oxford, of which he is an honorary fellow, and at Harvard Law School, where he was a Kennedy Scholar. He is a past President of the Harvard Law School Alumni Association of the UK.

He has lectured abroad or spoken at international conferences or debates in Paris, Doha, Oslo, Florence, Padua, Venice, New York, Washington, St Petersburg, Moscow, Singapore, Hong Kong, Barcelona, Malmo, Jerusalem, Tokyo, Athens and Warsaw, as well as in London.

Other positions held have been or are: Treasurer of the Inner Temple, Chairman of Coexist House, President of the British Insurance Law Association, Trustee and honorary fellow of the British Institute of International and Comparative Law, Chairman of the Advisory Council of the Centre for Commercial Law Studies at Queen Mary, University of London, Chairman of the Razumovsky Trust, and a director of the London Philharmonic Orchestra. He has also participated in a performance of Der Rosenkavalier at the ENO.

Andrea Stauber

Andrea Stauber is a partner in the International Arbitration group at King & Spalding. Her practice is focused on resolving complex international commercial disputes, particularly relating to construction projects in the energy, infrastructure and mining sectors. She advises clients in relation to a variety of high-value disputes around the world, particularly across Europe, Africa, the Middle East, Asia and Australia.

Andrea is a solicitor advocate and regularly represents clients in arbitrations under a variety of rules including ICC, LCIA, SIAC, AAA, UNCITRAL and ICSID. She is recommended by Legal 500 as a Key Lawyer for International Arbitration and Contentious Construction, and noted as a “Future Leader” in Arbitration by Who’s Who Legal.

Andrea is dual qualified in Australia and England, and practiced in Australia, Singapore and the US prior to making London her home.

Samira Sulejmanovic

Samira Sulejmanovic is a Head of the Department for Bilateral Trade Relations in the Ministry of Foreign Trade and Economic Relations of Bosnia and Herzegovina. In her portfolio she deals with overall bilateral trade and economic relations of the country, including negotiation and implementation of investment protection treaties, preferential trade agreements and economic cooperation agreements.

Even though originally a trade negotiator, the investment treaties became part of her job ever since she had taken over Department at the end of 2010. She has been very active in the IIAs reform

process by advocating the need to rethink the IIAs national policy objectives, working to establishing a critical level of awareness and pursuing joint action among countries in the Western Balkans region and contributing multilateral work and debate under the auspices of various international fora, primarily UNCTAD, UNCITRAL and OECD.

She has published a number of professional articles related to the most recent developments in investment and trade policies in the world, reflecting the position of Bosnia and Herzegovina, co-authored studies/commentaries, and delivered lectures to postgraduate students on trade negotiations from the perspective of Bosnia and Herzegovina. She graduated in economics from the School of Economics and Business, University of Sarajevo.

Sylvia Tonova

Sylvia Tonova co-heads the 200 lawyer International Arbitration Practice and the Investor-State Dispute Settlement team at Pinsent Masons. A dual Bulgarian-US national, Sylvia is a solicitor-advocate who focuses on the resolution of complex, high-stakes and politically sensitive international disputes, with a particular emphasis on disputes between foreign investors and States. She acts as both counsel and arbitrator and was appointed to the International Centre for Settlement of Investment Disputes (ICSID) Panel of Arbitrators by Bulgaria from 2016 to 2022 and is presently included in the Hong Kong International Arbitration Centre (HKIAC) List of Arbitrators.

Sylvia's experience spans Europe and the Middle East, Africa, Latin America, and Asia in a range of industries, including mining, oil and gas, energy, infrastructure and telecommunications. She has represented clients under all the major arbitration rules and advises clients on arbitration clauses, sovereign immunity, and protecting investments against political risk.

Sylvia serves on the Arbitration Committee of the International Bar Association (IBA) as Conference Quality Officer and previously co-chaired the IBA International Commercial Arbitration Caselaw Subcommittee. She teaches investment treaty arbitration at Durham Law School and Roma Tre Law School.

Ben Walls

Ben Wells is a Solicitor Advocate whose practice is centred on dispute resolution. He regularly represents clients in: (i) arbitral proceedings conducted under the auspices of leading arbitration institutions; and (ii) litigation in the English courts. He also sits as an arbitrator and is a Fellow of the Chartered Institute of Arbitrators. All his cases have a cross-border element.

Issues that he resolves relate to commercial contracts, joint ventures, company and shareholder disputes, banking, investments, trading (including shipping), insolvency, international civil fraud and enforcement.

Ben has a particular focus on sanctions, asset-tracing, contentious trusts and matrimonial disputes.

3. AUDIENCE

- Lawyers in private practice.
- Lawyers, case officers and economists working for the government, municipality, State organs or other equivalent authorities.
- In-house lawyers working in international businesses, banks, NGO:s, IO:s, State-Owned Entities, etc.
- Consultants and advisors on international investment law and international arbitration.
- Students and academics.
- Policy-makers.

4. SCHEDULE

MONDAY

8 July

Brunel Campus

INTERNATIONAL COMMERCIAL ARBITRATION

9:30am – 10:00am: Introduction to The Program

Instructor(s): Dr. Ylli Dautaj & Professor Kaj Hobér

10.15am - 11:30am: Why, What, and How of International Commercial Arbitration

This session will focus explaining *what* international arbitration is, *why* parties may choose arbitration, and *how* it works.

Instructor(s): Professor Kaj Hobér

11.45am - 12:45pm: The Sources, Laws, and Rules

This session will focus on the legal basis for arbitration, including the laws and rules applicable to the process.

Instructor(s): Ben Walls (Partner, Belgravia)

14:30pm – 15.45 pm: The arbitral Agreement

This session will briefly explain the arbitral agreement, including formal and substantive validity, law applicable to the arbitration agreement, form, scope, role of non-signatories, arbitrability, and effect of the arbitration agreement.

Instructor(s): Fahira Brodlija (Legal Advisor, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH)

16:00pm – 17.00 pm: Closing Lecture:

Instructor(s): Professor Dr. Kaj Hobér.

Topic: International Arbitration in Energy Disputes.

TUESDAY

9 July

Brunel Campus

INTERNATIONAL COMMERCIAL ARBITRATION

9:30am – 10.30 am: The Arbitrators

This session will focus on impartiality and independence, disclosure, challenges of arbitrators, and ultimately arbitrator expertise and choosing the right arbitrator.

Instructor(s): Professor Kaj Hobér

10:45 am – 12.00 pm: The Arbitration Process (I)

This session will focus on the role of *lex arbitri*, the organizing and conducting of the procedure, confidentiality, choice of law and mandatory law, discovery, and evidence.

Instructor(s): Professor Kaj Hobér

**13:30pm - 14:45pm: The Arbitration Process
(II)**

This session will focus on the role of CISG in international commercial arbitration.

Instructor(s): Dr Boris Prastalo

**15:00pm - 16:30pm: The Arbitration Process
(III)**

This session will focus on post-award proceedings, i.e., challenges to the arbitral award and recognition and enforcement of the arbitral award.

Instructor(s): Professor Lei Chen

WEDNESDAY

10 July

Brunel Campus

INVESTMENT TREATY ARBITRATION

9:30am – 11:00am: The Why, What, and How of Investment Treaty Arbitration

This session will focus on explaining *what* investment treaty arbitration is, *why* parties may choose such process, and *how* it works.

Instructor(s): Dr Ylli Dautaj.

11.15am - 12:30am: Jurisdiction in Investment Treaty Arbitration (I)

This session will cover the definition “investment” (*ratione materiae*), issues of temporal jurisdiction (*ratione temporis*), and certain admissibility matters.

Instructor(s): Samuel Pape (Partner, Latham Watkins).

13.30am - 14:15am: Jurisdiction in Investment Treaty Arbitration (II)

This session will cover the definition of “investor” (*ratione personae*).

Instructor(s): Sylvia Tonova (Partner, Pinsent Masons).

14.30am - 15:45pm: Substantive Treatment (I)

This session will focus on treaty planning, drafting, and interpretation.

Instructor(s): Samira Sulejmanovic.

Thursday

11 July

Brunel Campus

INVESTMENT TREATY ARBITRATION

10:00am - 12:00pm: Substantive Treatment (II)

This session will address the primary substantive protections of investment treaties and their jurisprudential development over the past few years.

Instructor(s): Samira Sulejmanovic.

13.30pm - 15:00pm: Procedural Aspects of Investment Treaty Arbitration

This session will cover [].

Instructor(s): Dr. Kabir Duggal.

15:30pm - 17:00pm: Enforcing and Executing Investment Awards Against a State-debtor

This session focusing on the enforcement and recognition of arbitral awards against state, in particular where the plea of sovereign immunity is invoked.

Instructor(s): Dr Ylli Dautaj

FRIDAY PRACTICAL ARBITRATION SKILLS

12 July

Blake Morgan Law Firm, Chancery Lane Area

09:30am – 10.15am: Lecture

Instructor(s): Professor Kaj Hobér.

Topic: The Vienna Convention on the Law of Treaties and the ILC Draft Articles on State Responsibility.

10:30am – 11:30am: Best Practices in Written Advocacy: Pleadings, Witness Statements and Expert Reports

This session will highlight best practice in written advocacy, seeking to bridge the divide between different legal traditions.

Instructor(s): Andrea Stauber (Partner, King & Spalding).

11:45am – 12:45pm: Best Practices in Oral Advocacy

This session will address best practices in delivering opening and closing statements, witness and expert examinations, cross-examination techniques, etc.

Instructor(s): Sir Bernard Rix.

14:30pm – 16.30pm: Best Practices in International Arbitration: Q&A with Experts

This session will address best practices in cross examination statements and include participant discussion and hands-on workshops.

Moderator: Dr Ylli Dautaj.

Instructor(s): Dr Kabir Duggal, Ben Wells, Professor Kaj Hobér, Andrea Stauber & Sir Bernard Rix.

16:30pm – 18.30pm: Informal Mingle

SATURDAY
13 July

12:00pm - 17:00pm: Organized Tour in Central London

18:00pm - 21:00pm: Dinner

5. LEARNING OBJECTIVES

On successful completion of this Programme students should be able to:

- Interpret statutory provisions and apply case law (e.g. model laws, model rules, country-specific arbitration laws, institutional arbitration rules, and multilateral arbitration conventions)
- Identify the key areas of debate, from a legal perspective, in respect of the various aspects of ICA and ITA law studied
- Form a view on the relevance and adequacy of law in advancing these debates, including the issue of enforcement of arbitration agreements and awards
- Assess the policies underlying the development of the law
- Analyse the extent to which laws regulating international arbitration can have negative consequences for individuals, corporations, States, and wider society

On successful completion of this module students should:

- Understand what ICA and ITA is and how it operates

- Understand, apply, and critically examine arbitration laws, rules, and treaties
- Understand, apply, and critically examine international investment laws, rules, and treaties
- Be familiar with the procedural obstacles and procedural intricacies in ICA and ITA
- Be able to critically evaluate the landmark cases discussed
- Be aware of the contemporary issues with respect to the system of ICA and ITA

The goal of the learning objectives is to train future lawyers with special knowledge in ICA and ITA so that they can work in private practice, but also in corporations (in-house), for States/governments, banks, international organizations, and NGOs.

6. PRICE AND PAYMENT

499 BLS students and Alumni

599 non-BLS

999 professionals

10% off early bird (by 30 April)