



Institute for  
TRANSNATIONAL  
ARBITRATION

# The Institute for Transnational Arbitration

A Division of

The Center for American and International Law

Volume 39

Second Quarter 2023

Number 2

## 2023 ITA CONFERENCE ON INTERNATIONAL ARBITRATION IN THE MINING SECTOR

**Conference Report by T. Ryan Lax, Emily Sherkey, and Chris Hunter (Torys, Toronto)**

The inaugural *ITA Conference on International Arbitration in the Mining Sector* took place on March 8 and 9, 2023 in Toronto, Canada. Timed to coincide with the annual Convention for Prospectors & Developers Association of Canada, the conference was co-chaired by Nigel Blackaby KC (Freshfields Bruckhaus Deringer, Washington D.C.), Kathryn Khamsi (Three Crowns, Paris), and Myriam Seers (Agora, Toronto).

The conference began with welcome remarks by Tom Sikora (Chair, ITA and Senior Counsel, Exxon Mobil Corporation, Houston), and Myriam Seers. Ciara Ros (Vinson & Elkins, London) and Hugh A. Meighen (Borden Ladner Gervais, Toronto) introduced the two panels of the Young Lawyers Roundtable presented by Young ITA, which was the focus of the March 8 talks.



Myriam Seers

### I. **“Take the Witness:” Excellence in Cross-Examination** (March 8, 2023)

**Panelists:** D. Brian King (Independent Arbitrator, New York) and Christina L. Beharry (Foley Hoag, Washington D.C.)

Mr. King and Ms. Beharry discussed practical tips to make the most of cross-examination in international arbitration. They set out ten strategic considerations and common pitfalls grounded in their experience:

1. Prepare extensively and master the record and public information. Questions should be short and focused on one fact each. Consult and revise the questions extensively.

2. Know your objectives. Pick three to five key topics, including contradictions between evidence and written argument, testimony unsupported or contradicted by contemporaneous documents, and bias.
3. Do not ask questions if you do not know, or cannot show, the answer. Documents are useful to discipline the witness.
4. Avoid asking too many questions but avoid asking too few questions and stopping short of the admission needed. Have a colleague listen and advise if you do not have a clean admission.
5. Listen to the answers given and look for “targets of opportunity.” Be flexible in adjusting to helpful admissions given by a witness.
6. Show the tribunal something new in cross-examination to maintain interest. This may also surprise a witness. Moreover, consider new ways to use documents.
7. Avoid cross-examination on immaterial points. Choose topics that are relevant and enable you to score points.
8. Be firm but courteous. A harsh or aggressive tone can create sympathy for the witness. A firm but courteous tone may be particularly useful where a witness is argumentative, arrogant, giving long-winded answers, or stalling.
9. Maintain focus on the witness. Attempting to establish a rapport can elicit more forthcoming answers. Avoid showboating.
10. Avoid sarcasm (unless truly warranted, which is very rare).

(See **2023 ITA CONFERENCE** page 2)

## INSIDE THIS ISSUE...

|  |    |
|--|----|
| 2023 ITA Conference on International Arbitration in the Mining Sector..... | 1  |
| Report From the Second Edition of the Young ITA Global Forum 2023 .....    | 5  |
| Arbitration Reforms in Nigeria.....  | 7  |
| Experts...In The News Updates .....  | 9  |
| ITA Scoreboard.....  | 10 |
| ITA Members .....  | 14 |

## INSTITUTE FOR TRANSNATIONAL ARBITRATION

Officers and Executive Committee  
of the Advisory Board  
As of June 1, 2023

### OFFICERS

|                               |                          |
|-------------------------------|--------------------------|
| Tomasz J. Sikora              | Chair                    |
| Prof. Victoria Shannon Sahani | Chair – Academic Council |
| Prof. Charles H. Brower, II   | Vice Chair               |
| Dominique Brown-Berset        | Vice Chair               |
| James Castello                | Vice Chair               |
| Laurence Shore                | Vice Chair               |
| Jennifer M. Smith             | Vice Chair               |
| Luke Sobota                   | Vice Chair               |
| Ank Santens                   | Member at Large          |
| Alan R. Crain                 | Member at Large          |
| Klaus Reichert, S.C.          | Member at Large          |

### EX OFFICIO MEMBERS OF THE EXECUTIVE COMMITTEE

|                               |  |
|-------------------------------|--|
| Elina Mereminskaya            | Chair, Americas Initiative Committee   |
| Catherine Bratic              | Chair, Young ITA Committee   |
| Laura Sinisterra              | Co-Chair, Communications Committee   |
| Alexander G. Leventhal        | Co-Chair, Communications Committee   |
| Mimi M. Lee                   | Chair, In-House Counsel Committee  |
| Marcela Berdion-Straub        | Co-Chair, Membership Committee   |
| Noradèle Radjai               | Co-Chair, Membership Committee   |
| Silvia Marchili               | Co-Chair, Membership Committee   |
| Robert Reyes Landicho         | Co-Chair, Programs Committee (Virtual Programs)  |
| Dietmar W. Pager              | Co-Chair, Programs Committee   |
| Rachel D. Kent                | Co-Chair, Programs Committee   |
| Elliot Friedman               | Co-Chair, Strategic Planning Committee   |
| Prof. Susan Franck            | Co-Chair, Strategic Planning Committee   |
| Nick Lingard                  | Chair, Asia Task Force   |
| Prof. Charles H. Brower, II   | Co-Chair, CAIL 75th Anniversary Task Force   |
| Prof. Victoria Shannon Sahani | Co-Chair, CAIL 75th Anniversary Task Force   |
| Mimi M. Lee                   | Co-Chair, Diversity & Inclusion Task Force   |
| Noiana Marigo                 | Co-Chair, Diversity & Inclusion Task Force   |
| Kevin O’Gorman                | Chair, MENA Task Force   |
| Bart Legum                    | Chair, Nominations Task Force  |
| Dr. Crina Baltag              | Co-Chair, UNCITRAL Task Force (WGIII)  |
| Prof. Chiara Giorgetti        | Co-Chair, UNCITRAL Task Force (WGIII)  |
| Tom Walsh                     | Co-Chair, UNCITRAL Task Force (WGII)   |
| Dr. Crina Baltag              | Vice Chair, Academic Council   |
| Prof. Josh Karton             | Vice Chair, Academic Council   |
| Prof. Catherine A. Rogers     | Vice Chair, Academic Council   |
| Prof. Diane A. Desierto       | Co-Chair, 2023 Workshop  |
| Rachael D. Kent               | Co-Chair, 2023 Workshop  |
| Thomas Voisin                 | Co-Chair, 2023 Workshop  |
| Prof. Roger P. Alford         | General Editor, ITA Board of Reporters/<br><i>ITA Arbitration Report/KluwerArbitration.com</i>     |
| Dr. Crina Baltag              | Co-Managing Editor, ITA Board of Reporters/<br><i>ITA Arbitration Report/KluwerArbitration.com</i> |
| Monique Sasson                | Co-Managing Editor, ITA Board of Reporters/<br><i>ITA Arbitration Report/KluwerArbitration.com</i> |
| Hansel Pham                   | Editor, News & Notes   |
| Rafael T. Boza                | Co-Editor-in-Chief, <i>ITA in Review</i>   |
| Charles B. Rosenberg          | Co-Editor-in-Chief, <i>ITA in Review</i>   |
| R. Doak Bishop                | Past Chair   |
| The Hon. Charles N. Brower    | Past Chair   |
| Donald Francis Donovan        | Past Chair   |
| Joseph E. Neuhaus             | Past Chair   |
| Lucy F. Reed                  | Past Chair   |
| Prof. Jeswald W. Salacuse     | Past Chair   |
| Abby Cohen Smutny             | Past Chair   |
| Thomas (T.L.) Cabbage         | CAIL President   |
| David B. Winn                 | ITA Director   |
| Cecilia Flores Rueda          | ITA Counsel  |

News & Notes is a quarterly publication of ITA.

#### NEWS & NOTES EDITORIAL BOARD

|                                    |  |
|------------------------------------|--|
| Editor                             | Hansel Pham<br>White & Case LLP, Washington, D.C.  |
| Young ITA Liaisons                 | Ciara Ros<br>Vinson & Elkins, London<br>Jorge Arturo Gonzalez<br>Aguilar Castillo Love, S.r.l., San José, Costa Rica |
| Americas Initiative Representative | Milagros Rojas Blas<br>Ministerio de Transportes y Comunicaciones, Lima, Peru  |

Correspondence regarding *News & Notes* should be addressed to Editor Hansel Pham, White & Case LLP, 701 Thirteenth Street, NW, Washington, DC 20005; hpham@whitecase.com.

Correspondence regarding ITA should be addressed to ITA Director David Winn at The Center for American and International Law, 5201 Democracy Drive, Plano, Texas 75024; dwinn@caillaw.org.

(Cont'd from 2023 ITA CONFERENCE page 1)

Attendees asked questions regarding other best practices. There was general agreement that humour can be effective but may benefit more senior practitioners who are often unconsciously given more leeway in this regard. Depending on the context, it can be effective to take a witness to a key document in cross-examination to ensure that the Tribunal is aware of important excerpts and nuances. More broadly, cross-examination strategy must be thought of in light of the tribunal’s background. For example, civil law lawyers may view a document-heavy cross-examination as more reliable, as compared to common law lawyers.

### II. “Take the Tribunal:” Excellence in Oral Argument (March 8, 2023)

**Panelists:** Julie Bédard (Skadden, Arps, Slate, Meagher & Flom, New York) and Michael Kotrly (One Essex Court, London)

Ms. Bédard and Mr. Kotrly discussed practical tips for excellence in oral argument. The panel compared oral argument in international arbitration with other forums for advocacy. The panelists agreed that this is not a uniform question. Effective advocacy adjusts to the particular context and decision-maker. Effective advocacy therefore looks different in light of the tribunal’s legal tradition, prior experience as a judge or counsel, as well as relevant sector and type of dispute. While key skills remain the same, slight adjustments for the audience are important. The panelists also agreed that an honest advocate is an effective one and it is important to avoid overstating or misstating the law or evidence.

Ms. Bédard discussed her team’s experimentation with different forms of advocacy, including dividing up oral argument so that the team member expert in a particular issue presents that issue. This strategy has the advantage of focusing each lawyer on a concise portion of the argument. However, to succeed in this approach, effective coordination and project management is essential. Ms. Bédard also emphasized the importance of graphic design in creating effective demonstratives.

Mr. Kotrly also discussed experimentation with new forms of advocacy and new tools. With respect to damages, he discussed working with experts to prepare complex spreadsheets, in which variables can be adjusted in real time to show the sensitivity of an outcome on certain variables.



Julie Bédard (Skadden, Arps, Slate, Meagher & Flom, New York) and Michael Kotrly (One Essex Court, London)

A lively discussion with attendees followed, exchanging views on the use of PowerPoint. It was broadly agreed that there is too much bad usage of PowerPoint. Those opposed argued that slides are often dense and visually inaccessible. They also argue that PowerPoint tends to constrain oral argument, reduce the willingness of counsel to depart from their planned submissions, and impact the ability of tribunals to have their questions answered.

(See 2023 ITA CONFERENCE page 3)

(Cont'd from **2023 ITA CONFERENCE** page 2)

Those in favour argued that PowerPoint can be an effective tool to present key documents and to conceptualize key points when it is done in a visually accessible manner and with a willingness to deviate from the plan to follow a tribunal's direction.

Kathryn Khamsi concluded with closing remarks for the day.

The conference resumed on March 9, with introductory remarks by Nigel Blackaby KC. The Chatham House Rule applied to both of the morning panels. The discussion of those panels below is therefore brief and unattributed.

### III. **"Political Risk" v. Regulatory Flexibility: Key Contractual Clauses (e.g. Stabilization Clauses) and Other Protections (Including Investment Treaties)** (March 9, 2023)

**Moderator:** Myriam Seers (Agora, Toronto)

**Panelists:** Nils Engelstad (Alamos Gold, Toronto); Ana María Ordoñez (ANDJE, Bogotá); Yousef Rehman (Centerra Gold, Toronto); and Liz Snodgrass (Three Crowns, Washington D.C.)



The panelists discussed the tension between protecting investments and a state's regulatory powers. The following key points were discussed:

- Companies which invested in foreign countries have to assess and manage many different types of risk beyond legal and regulatory risk.
- These risks can include corruption, arbitrary detention of employees, the discovery of an unknown archaeological site near a project, and everything in between. These risks can cause serious impacts on investments.
- What is sometimes thought of as "political" risk may actually be commercial or regulatory risk within the government's control (e.g. the decision to permit mining in a particular ecological zone).

### IV. **Everything a Mining Company Needs to Know About Investment Treaty Protections** (March 9, 2023)

**Moderator:** John Terry (Torys, Toronto)

**Panelists:** Abby Cohen Smutny (White & Case, Washington D.C.); Mélida Hodgson (Arnold & Porter, New York); and Amanda Fullerton (Denarius Metals, Toronto)

The panelists discussed what mining companies should think about in managing their investments and treaty arbitrations. The panel covered four topics: 1) structuring the investment under an investment treaty; 2) the decision to serve notice or commence arbitration and its consequences; 3) leveraging investment

protections in negotiations with a state; and 4) navigating a case from commencement to conclusion.

### V. **Quantifying Damages in Arbitrations Involving Mining Projects** (March 9, 2023)

**Moderator:** Junior Sirivar (McCarthy Tétrault, Toronto)

**Panelists:** Carla Chavich (Compass Lexecon, New York); Elliot Luke (Clifford Chance, Perth); and Howard Rosen (Secretariat, Toronto)

The panelists discussed legal and appraisal issues that frequently arise when quantifying damages in mining arbitrations. The panel discussed how valuing mining claims can involve significant uncertainty. The degree of uncertainty often depends on the stage of project development at the time of the alleged treaty breach. If the breach occurs prior to a feasibility study, a cost approach is a common way that tribunals will deal with that uncertainty, though it does not necessarily reflect the project's true value from an economic perspective. Conversely, where a feasibility study demonstrated a viable project, a discounted cash flow or market approach will often be appropriate.

At the early stages of project development (such as in the exploration stage), mining companies generally raise money through equity, which is the most expensive form of capital. That valuation may not reflect the true value of the project given the risk premium that an investor assumes. As a result, the value that the market assigns to a project may be greater than the value of an award that the company can reasonably expect for an early stage project.

The panel explained that typically a mining company engaged in exploration or development activities will be required to continuously report information about the project to government authorities. As a result, if a project is stopped, the state is left with greater information about project feasibility and risk profile than the company had when it first made its investment. Furthermore, it remains to be seen whether the doctrine of "unjust enrichment" can provide a basis for awarding damages where there is too much uncertainty to order compensatory forms of damages.

### VI. **Addressing Social and Governance Obligations (Social License; Anticorruption; Indigenous Rights), and Their Impact on Arbitrations** (March 9, 2023)

**Moderator:** Caroline Richard (Freshfields Bruckhaus Deringer, Washington D.C.)

**Panelists:** Stephen Crozier (Ring of Fire Metals, Toronto); Cedric Soule (King & Spalding, New York); and Diana Suarez (Cerro Matoso, Colombia)

The panelists discussed the increasing significance of social and governance issues in arbitrations involving mining claims. The panel explained that most countries have a complex web of domestic social and governance laws, soft law requirements, and international best practices. Mining companies should be aware of these standards when setting up Health, Safety, Environment and Communities ("HSEC") policies. A treaty arbitration may reference these other standards in addition to local law.

There has been a growing emphasis on social issues such as the rights of Indigenous peoples, community consultation, and community participation rights, particularly in Latin America. This shift has often been driven by local courts. At times, local courts apply these judicial standards retrospectively to projects that have been permitted and are operating. This practice adds an additional level of uncertainty for mining projects, reinforcing the need for community consultation.

(See **2023 ITA CONFERENCE** page 4)

Though controversial, there are instances where social license issues have been a hurdle for claimants and respondents in treaty claims. This has occurred even where the claimant has otherwise satisfied local legal requirements for a mining project, such as in *Bear Creek v. Peru*.

The panel concluded by highlighting that corruption by mining companies can provide a defence for states in treaty claims. It is crucial for mining companies, particularly those operating in jurisdictions where corruption is prevalent, to avoid corruption and follow proper procedures.

**VII. Environmental Issues in Mining Arbitration: Standards, Claims and Advocacy** (March 9, 2023)

**Moderator:** Kathryn Khamsi (Three Crowns, Paris)

**Panelists:** Francisco Balduzzi (Womble Bond Dickinson, Houston); Gino Bianchi Mosquera (GSI Environmental, Irvine); Mark A. Luz (Government of Canada (JLT), Ottawa); and Jose V. Zapata (Holland and Knight, Bogotá)

The panelists discussed the evolution of environmental protection-related investment treaty standards. In particular, they discussed how the overlap of local and international standards, combined with the role of local courts or tribunals to enforce domestic law, makes ascertaining the standard that mining companies will be held to in investment arbitration difficult and at times inconsistent.

Domestic legal standards do not always make technical sense. For example, states increasingly set numerical thresholds triggering a presumption of harm, such as the concentration of pollutants in soil. Different states often use different thresholds, which introduces ambiguity in the causation analysis. This can also result in arbitrary outcomes. For example, soil pollutant concentrations that are slightly under or slightly over a given threshold may pose similar risk but carry very different legal implications.

The panel also discussed the Canadian treaty context. Canada has responded to the complaint that investment treaties dampen governments' ability to protect the environment by evolving over time to more clearly protect states' ability to regulate the environment. However, environmental protection exemptions are not a "get out of jail free-card" if they are employed in an arbitrary or discriminatory manner.

**VIII. Debate: "Investment Treaties Limit the Critical Right of States to Preserve the Environment and Protect Community Rights in a Mining Context"** (March 9, 2023)

**For:** Kenneth Juan Figueroa (Foley Hoag, Washington D.C.); **Against:** Nigel Blackaby KC (Freshfields Bruckhaus Deringer, Washington D.C.).

The panelists debated the extent to which investment treaties limit states' abilities to protect the environment and community rights. Speaking in favour of the resolution, Mr. Figueroa argued that environmental protection is a dynamic process that necessarily evolves over time and local communities are typically the most impacted by mining projects. He contended that we should expect a degree of *ex post facto* regulation and that an investor should bear that risk rather than the state. Mr. Figueroa further asserted that the majority of investment claims relating to the environment

relate to treaties executed in the 1990s that do not contain express protections in favour of the environment or local communities. Using the *Eco Oro v. Columbia* case as an example, Mr. Figueroa argued that even modern treaties like the Canada-Colombia FTA with robust health, safety and environmental exemptions are insufficient because the tribunal found that the state's inconsistent approach to regulating *paramos* was a breach of the treaty's fair and equitable treatment clause. Looking beyond specific cases, Mr. Figueroa asserted that the risk of investment claims relating to health and safety measures itself causes a chilling effect, pointing to New Zealand delaying a roll out of its tobacco regulations in the face of Australia's experience with Phillip Morris.



Nigel Blackaby KC (Freshfields Bruckhaus Deringer, Washington D.C.)

Speaking against the resolution, Mr. Blackaby argued that treaties do not limit states' rights because treaty protections only come into play once the state commits itself to those protections. Moreover, several factors promote a "careful equilibrium" that undercuts the suggestion that a state's ability to regulate is impaired by investment treaties. For example, the police powers doctrine remains a fundamental precept of international law, modern treaties contain express protections in favour of environmental and social protection, mining claims only arise after the miner has complied with the domestic regime for permitting, and tribunals frequently require parties to comply with international standards that are greater than the local standard. Rather, investment protections require only that states respect the rights that they have committed themselves to in the first place. Where states seek to revise internal legal standards, they must do so in good faith and in a manner that is fair, predictable, and respects acquired rights. As in *Eco Oro*, the requirement that a state pay compensation when a new environmental protection law undermines previously acquired rights is consistent with notions of fairness and estoppel inherent in international law and recognized in most domestic legal systems. This does not prevent states from regulating in the public interest.

To conclude the conference, Tom Sikora thanked the speakers and attendees and gave closing remarks.

## REPORT FROM THE SECOND EDITION OF THE YOUNG ITA GLOBAL FORUM 2023

Conference Report by Catherine Bratic  
(Counsel, Hogan Lovells and Chair, Young ITA)

The second edition of the Young ITA Global Forum was held on February 22, 2023. This annual event brings together members of Young ITA from all over the world who serve as Regional Delegates from their respective regions to discuss and debate current issues related to the practice of international arbitration. The 2023 edition of the Young ITA Global Forum included 48 Global Delegates hailing from each of Young ITA's 12 regions.

This year's Global Forum began with an introduction by Tomasz Sikora (ITA Chair and Senior Counsel, ExxonMobil Corporation, Houston) who praised the geographic reach of Young ITA and the accompanying diversity of perspectives present at the forum. Catherine Bratic (Young ITA Chair and Counsel, Hogan Lovells, Houston) then gave an overview of Young ITA's recent and upcoming activities, before introducing the Global Forum itself and the moderators, each of whom serves on the Board of Young ITA and on the Advisory Board of the Institute for Transnational Arbitration. The Global Forum was held under the Chatham House Rule.



The first session of the forum focused on procedural issues submitted by the Regional Delegates, and was moderated by Anne-Marie Doernenburg (Nishimura & Asahi, Tokyo and Asia Chair, Young ITA), Philip Tan (White & Case, Singapore and Asia Vice-Chair, Young ITA), and Maria Camila Rincon (LLM Candidate, Georgetown University Law Center and Chair of South America (Spanish-speaking jurisdictions), Young ITA).

The discussion started by addressing bifurcation, with participants debating under what circumstances bifurcation could promote efficiency, considering that such requests also increase the length of proceedings and their costs. Many participants noted that bifurcation to preliminarily decide on procedural issues is a necessary tool to avoid abuses of process.

Participants also discussed developments related to early dismissals, preliminary determinations, and similar tools to increase efficiency. One Regional Delegate presented the recent efforts by the UNCITRAL Working Group II to prepare guidance on early dismissal and preliminary determination as an additional note in the Notes on Organizing Arbitral Proceedings as a notable example of the struggle to further develop rules in this area.

Next, the participants considered the issue of joinder and consolidation, which is increasingly regulated through detailed institutional rules setting out the conditions for granting such requests. Again, participants debated the matter of efficiency, noting that while consolidation can increase efficiency particularly in the context of multi-party and multi-contract disputes, consolidation can also be controversial and problematic in investor-state cases. One Regional Delegate noted in particular the controversies surrounding the consolidation of past claims against Argentina and Spain, or more recently, potential claims against the Russian Federation. Considering the current situation in Ukraine, participants also discussed whether mass-claims systems should be redesigned under international investment agreements ("IIAs") to address claims related to Russia's invasion of Ukraine, and mentioned the initiative to create an International Claims Commission for Ukraine.

The discussion continued with participants exchanging their views on the choice-of-law analysis relating to the law governing arbitration agreements. The discussion was informed by a number of recent decisions on this topic, including from England & Wales (*Enka v. Chubb*, *Kabab-Ji v. Kout*) and Singapore (*Mittal v. Westbridge*). It was observed that there appeared to be a growing affirmation of the English *Sulamerica* approach, while a more difficult issue relates to what the "presumed" law under such approach would be in cases where parties have not expressly chosen a law to govern the arbitration agreement (*i.e.*, stages two and three of the *Sulamerica* test).

The participants then moved to recent developments in the United States to discuss the U.S. Supreme Court's decision in *ZF Automotive v. Luxshare*, which closed off the ability to obtain court-assisted discovery in support of most international commercial arbitration cases. Regional Delegates noted that the *ZF Automotive* decision does not entirely foreclose the use of court-assisted discovery in arbitration, as some investor-state arbitrations could potentially be considered "a foreign or international tribunal" under the language of 28 U.S.C. § 1782 and the rules adopted by the U.S. Supreme Court.

Continuing on the subject of discovery, the next topic addressed whether evidence determined in judicial proceedings to be illegally obtained would be admissible in related arbitrations. One Regional Delegate observed that the answer could depend on the nature of the judicial proceedings, specifically, whether they were administrative or quasi-judicial in nature. Regional Delegates pointed to the guidance contained in Article 9(3) of the IBA Rules on the Taking of Evidence in International Arbitration, which allows an arbitral tribunal to exercise its discretion on whether to exclude evidence obtained illegally.

Moving to recent geopolitical events, participants then discussed the effect of sanctions on international arbitration, with particular focus on the sanctions imposed against the Russian Federation and many Russian nationals, as well as the retaliatory counter-sanctions Russia has imposed on NATO countries and diplomats. Regional Delegates explored the vast range of practical effects that such sanctions could have on institutions, counsel, experts, and arbitrators, and on the enforcement of awards on parties with blocked assets.

(See **YOUNG ITA GLOBAL FORUM 2023** page 6)

Regional Delegates also discussed challenges to arbitrators based on their independence and impartiality, and the potential need for mechanisms to discourage frivolous challenges. Participants discussed their reactions to the Paris Court of Appeal's decision to set aside an ICC award based on the Chair's failure to disclose a close personal relationship with Emmanuel Gaillard, whose firm represented the prevailing party in the dispute. This relationship was revealed through a eulogy given by the Chair, in which he described "regular meetings" with Gaillard for years and stated that he both "admired" and "loved him."

The first session concluded with a discussion regarding the tension between transparency and confidentiality, and whether a distinction should be drawn between investment and commercial arbitration. With regards to investment arbitration, the participants referred to the 2022 Arbitration Rules adopted by ICSID, which aim to ensure greater transparency through provisions regarding the publication of case materials and third-party funding. Turning to the commercial context, Regional Delegates discussed the complexities of balancing transparency against parties' expectations of and business needs for confidentiality in sensitive commercial matters.

After a brief break, the second session of the Global Forum focused on issues related to substantive law submitted by the Regional Delegates. This session was moderated by Derya Durlu Gürzumar (Ph.D. Candidate, University of Neuchâtel and Vice Chair, Thought Leadership, Young ITA), Robert Bradshaw (LALIVE, London, UK Region Vice Chair, Young ITA), and Jorge Arturo Gonzalez (LLM Candidate, Harvard Law School and Vice Chair of Communications, Young ITA).

The first topic concerned the suitability of international arbitration in resolving environmental, social and governance ("ESG") disputes and enforcing the ESG obligations of states and private parties. One Regional Delegate discussed an Indian case involving human rights violations concerning supply-chain contracts.

The discussion then turned to recent cases brought under the Energy Charter Treaty ("ECT") such as *Rockhopper v. Italy* (which awarded compensation to an oil and gas company denied a drilling permit due to Italian environmental legislation banning certain oil production concessions) and *RWE v. Netherlands* (challenging the Netherlands' plan to phase out coal by 2030), with Regional Delegates debating whether the ECT contained excessive protections for fossil fuel production that could be considered outdated in light of commitments to reduce emissions and invest in green energy. Regional Delegates also highlighted the waves of investment arbitration claims that Spain, Italy, and the Czech Republic have endured related to renewable energies, and the decisions by Germany, France, Spain, the Netherlands, and Poland to withdraw from the ECT.

Next, Regional Delegates provided insights on corruption issues in international arbitration. Regional Delegates compared French and Swedish rules on how arbitrators should address corruption, with the latter jurisdiction adopting a maximalist regime (*i.e.*, putting a higher burden on arbitrators in enforcing corruption claims, thereby protecting the arbitral award). Different standards of proof were discussed and debated, including the use of circumstantial red flags of corruption, compared to a higher standard of "clear and convincing evidence" showing corruption. Participants also probed how far a tribunal could go in conducting a *sua sponte* investigation of evidence of corruption, in the absence of specific allegations made by either party.

Turning specifically to the investment arbitration context, participants discussed the different ways in which allegations of corruption could taint the contract or the economic transaction giving rise to the investment. Regional Delegates noted that such allegations touch not only on substantive rights, but also on the very existence of a state's consent to arbitrate, as well as on transparency to the extent that corruption allegations made in a confidential arbitration may not be reported to national authorities.

Participants next explored whether there has been an uptick in set-aside challenges to arbitral awards, and debated whether more jurisdictions should allow for national court review of an arbitral tribunal's decisions regarding their own jurisdiction. Some Regional Delegates considered that such *de novo* review by courts of arbitrators' jurisdictional decisions undermines the finality of arbitral awards originally envisaged in the New York Convention.

Relatedly, Regional Delegates next addressed the decision of the European Court of Human Rights ("ECtHR") in *BTS Holding, A.S. v. Slovakia*, which related to Slovakian courts' refusal to enforce an arbitral award based on jurisdictional and public policy arguments that the ECtHR found to be arbitrary. Regional Delegates noted that similar arguments might result in takings claims before national courts or before other international bodies, such as the Inter-American Court of Human Rights.

The final topic addressed sanctions, with participants discussing whether the existence of sanctions would justify contractual non-performance under doctrines of frustration, force majeure, and illegality. Regional Delegates shared their own experiences dealing with sanctioned parties and force majeure arguments.

The moderators and Young ITA Chair Catherine Bratic closed the Global Forum by thanking the moderators and Regional Delegates for their attendance and engaged participation. The Global Forum is an annual event, and the next edition will be held in February 2024, with Regional Delegates to be chosen by application and invitation at the end of this year.



Institute for  
**TRANSNATIONAL  
ARBITRATION**

## ARBITRATION REFORMS IN NIGERIA

Report by: Elizabeth Ebelechukwu Arubalueze (ADR Dispute Resolution Centre, LAWSA Nnamdi Azikiwe University, Nigeria)



The clarion call to resolve disputes in a justifiable manner without recourse to the traditional system of justice, that is, the court of law, brought about the rise of Alternative Dispute Resolution (“ADR”). Inasmuch as this field has been in existence since time immemorial, as adopted by our forefathers in resolving communal disputes, it had not gained formal ground in Nigeria until recently.

Arbitration in Nigeria is becoming more recognized and widely used due to its apparent benefits – such as affording parties the freedom to decide how they want the proceedings to materialize. The Nigerian judiciary has gone as far as mandating arbitration upon individuals as a preliminary step to explore before flooding the courts with disputes, as evidenced by the various Multi-Door Courthouses (“MDC”) in Nigeria. MDC is a court-connected initiative that routes incoming cases to the most appropriate alternative dispute resolution mechanism, saving time and money for both the courts and the parties to the dispute. So far, this innovation has been implemented in over seventeen states in Nigeria.

The presence of arbitration in Nigeria gained reasonable traction through its Arbitration and Conciliation Act (“ACA”), which had been the national law for over thirty-five years. With the fluid landscape of international arbitration, foreign investment, and international trade, Nigeria’s arbitration regime was long overdue reforms to align itself with pro-arbitration states like the UK, the U.S., and Singapore, and to firmly cater to the intricacies of the times. May 10, 2022, marked a significant day for Nigeria as an ADR-friendly jurisdiction with the adaptation and advancement of Nigeria’s arbitration legislation to mirror recent trends influencing the practice of arbitration. On that day, Nigeria’s Upper House of Assembly passed the Arbitration & Mediation Bill (the “Bill”), repealing the older ACA.

Although the Bill awaited assent from the President of the Federal Republic of Nigeria for over a year, on May 26, 2023 the President of the Federal Republic of Nigeria signed the Arbitration and Mediation Act into law. The Bill, now the Arbitration and Mediation Act 2023 (“the New Act”), repeals the ACA and will govern both domestic and international arbitration proceedings in Nigeria.

The New Act’s reforms are the talk of the Nigerian arbitration community as it is predicted to change the trajectory of the practice of arbitration in Nigeria, both from a national and an international perspective. The purpose of the New Act is to provide a unified legal framework for the fair and efficient settlement of commercial

disputes by arbitration and mediation, and expressly codifies the recognition of foreign arbitral awards in Nigeria. It introduces some key innovations pertaining to third-party funding and the review of awards, which could make Nigeria a more appealing arbitral seat and friendlier environment for international investors.

### 1. Third-Party Funding

Third-party funding (“TPF”) manifests via an arrangement between an independent, commercial funder, who has no prior connection to the dispute, and a party to the dispute, to provide full or partial funding for the proceedings in exchange for a portion of or the full amount recovered by that party after the determination of the dispute.

Unlike the ACA, the new Act explicitly weakens the common law doctrines of Maintenance and Champerty, fundamental concepts that can hinder the practice of TPF. Generally, these doctrines prohibit TPF to prevent fraudulent and unscrupulous claims of a funder who, with the intention of strengthening his claim, joins his claim along with a claimant in return for a share of profits. The practice is discouraged on the basis of public policy and the maintenance of justice. To account for these considerations, the New Act imposes a disclosure obligation on the party benefitting from the funding, and includes specific provisions on how TPF should be discouraged and to what extent basic information of the funding agreement must be revealed. The rationale behind the mandated disclosure is to aid the tribunal in running the proceeding smoothly and managing any conflicts of interest. This reform makes Nigeria one of the few jurisdictions, alongside Hong Kong and Singapore, to introduce this type of arbitral reform as a piece of national legislation.

### 2. Arbitral Review Tribunal

The New Act makes adequate provisions for parties to specify in their arbitration agreement that an award made in a proceeding seated in Nigeria may be reviewed by an arbitral review tribunal (“ART”). When constituted, the ART is mandated to give an award within sixty days.

This remarkable innovation favors disgruntled parties that are not pleased with the initial tribunal’s decision. However, an ART decision can still be reviewed by a court of law if any party to the proceeding applies for it. This factor has cast doubt on the efficacy of the ART, since the courts still have the power to review its decision. It begs two key probing questions – first, does it defeat the whole purpose of the ART and reveal the lack of faith a court of law has in an arbitral decision? Second, will it pave the way for unscrupulous claims by parties?

It should be emphasized that in Nigeria the court is and will always remain the last hope of the common man – which is why parties still have the right to set aside the decision reached by a tribunal, and not necessarily appeal said decision, save for certain grounds. Thus, a party resorting to court does not necessarily offset the tribunal’s decision; rather, it ensures that the party gets the justice that it so deserves. This innovation may also give rise to delays backed with unscrupulous claims made by parties as a tactic to frustrate the proceedings. To that end, the New Act limits the grounds on which one might challenge the decision reached by the ART. In short, these grounds are arbitrability and whether the decision was contrary to public policy.

(See **ARBITRATION REFORMS IN NIGERIA** page 8)

### 3. Interim Measures

The New Act makes provisions for the arbitral tribunal to grant interim measures to parties where appropriate, establishing conditions that must be fulfilled for such interim measures to be imposed. Although this provision is not new, as it was provided for in the ACA, it is improved. It confers power on a tribunal to grant interim relief where appropriate and it provides pre-conditions that must be met for such interim relief to be granted – which are in *pari materia* with those in the UNCITRAL Model Law 2006. In addition, the powers to grant interim relief are in line with the rules of leading arbitral institutions, such as the International Chamber of Commerce (“ICC”), London Court of International Arbitration (“LCIA”), and Singapore International Arbitration Centre (“SIAC”). Notably, the Bill provides that tribunal-issued interim measures awarded in any jurisdiction are binding and can be enforced by Nigerian courts. This provision is, however, not absolute as the court may refuse enforcement on the grounds for resisting recognition and enforcement of a final award as set out in the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (commonly, the New York Convention).

### 4. Expedited Proceedings

An expedited or emergency proceeding is, as the name implies, an effective mechanism that enables disputing parties to seek urgent relief before an arbitral tribunal has been fully constituted.

This provision was not expressly mentioned in the ACA, and the New Act introduces a clear set of rules governing the process for appointing and challenging the appointment of an emergency arbitrator. Adapting to best practices, it shares similar statutory language as the arbitration rules of leading institutions, such as the Lagos Court of Arbitration (“LCA”), LCIA and ICC. Whilst a slight difference exists in their respective applications and approaches, their objectives align. A worthy innovation under this provision is that the New Act reserves the right for parties to seek urgent interim relief from the court of law, rather than using the emergency arbitrator option proffered by the Bill. This provision will, however, not be deemed as a waiver of the arbitration agreement.

### Conclusion

Having showcased some of its key innovations, the New Act demonstrates Nigeria’s commitment to becoming an increasingly arbitration-friendly jurisdiction steadily taking crucial and optimistic steps towards advancing arbitration practice and responding to evolving trends in global arbitration. The New Act’s provisions reflect global best practices in international arbitration as adopted by leading arbitration jurisdictions and arbitral institutions. The provisions on the ART and TPF are of particular interest, and we can expect increased arbitral activity as a result.



Institute for  
**TRANSNATIONAL  
ARBITRATION**



## INSTITUTE FOR TRANSNATIONAL ARBITRATION EXPERTS...IN THE NEWS UPDATES



**Professor Peter Cameron** (University of Dundee, Scotland) has joined ITA as an Academic /Government / Non-profit Member.

Sustaining Member **ConocoPhillips Company** has designated **Tonya Jordan** as a member of the Advisory Board.



**Frank Lattal, FCIArb** (Lattal ADR) has joined ITA as an Associate Member.

Independent Arbitrator, **Marcus Salvato Quintanilla**, has joined ITA as an Associate Member.

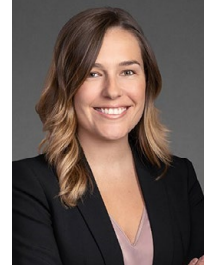


Sponsoring Member **Wiley Rein LLP** has designated **Josh Simmons** as a member of the Advisory Board.



Sustaining Member **Three Crowns LLP** has designated **Scott Vesel** as a member of the Advisory Board.

Supporting Member **DLA Piper US LLP** has designated **Charlotte Westbrook** as an Advisory Board representative under 40.



The United States Court of Appeals for the Eleventh Circuit recently quoted the scholarship of **Professor Chip Brower** in its unanimous en banc opinion in *Corporación AIC, SA v. Hidroeléctrica Santa Rita, S.A.*, \_\_\_ F.4th \_\_\_ (11th Cir., Apr. 13, 2023). Also, Professor Brower's article *Dirty Secret: The Laundering of Foreign Arbitral Awards* will appear in 75 UC L SF J \_\_\_ (2024) (formerly the Hastings Law Journal).

Advisory Board Member **Ben Love**, a Partner at **Boies Schiller Flexner LLP** in New York and Washington D.C., was recently selected to serve a three-year term on the Executive Council of the American Society of International Law.



**Edith Twinamatsiko** (Partner, JOJOMA Advocates, Kampala, Uganda) is a dual-qualified advocate of the High Courts of Uganda and Kenya and Courts Subordinate thereto, with seven years of experience in legal practice. She holds a bachelor's degree in law, a postgraduate diploma in legal practice, and is currently pursuing a master's degree in international business law. Edith is an Associate Member of the

Chartered Institute of Arbitrators, UK, and the founder of the Women in Arbitration Initiative, which aims to encourage diversity in alternative dispute resolution. Additionally, Edith is a member of the East Africa Law Society's Committee on Alternative Dispute Resolution and the Association of Young Arbitrators.



Institute for  
TRANSNATIONAL  
ARBITRATION

**The Institute for Transnational Arbitration**  
A Division of THE CENTER FOR AMERICAN AND INTERNATIONAL LAW

**SCOREBOARD**  
**OF ADHERENCE TO TRANSNATIONAL ARBITRATION TREATIES**  
(as of June 23, 2023)

**ABBREVIATIONS**

**NY** United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards (commonly, 1958 New York Convention)  
**ICSID** Convention on the Settlement of Investment Disputes between States and Nationals of Other States (commonly, ICSID Convention 1965)  
**IA** Inter-American Convention on International Commercial Arbitration (commonly, Panama Convention) (1975)  
**USBIT** United States Bilateral Investment Treaty  
**TIP** US Treaties with Investment Protection Provisions  
**ECT** Energy Charter Treaty (1998)  
**MC** United Nations Convention on Transparency in Treaty-based Investor-State Arbitration (commonly, Mauritius Convention) (2017)

**SYMBOLS**

**S** Signed, but not ratified  
**R** Ratified, acceded or succeeded  
**A** Subscribed, but not signed, ratified or paid  
**(\*)** Capital-exporting country under MIGA  
**N/A** Not applicable

**CHANGES FROM PREVIOUS ISSUE**

**NY** Timor Leste (R)  
**ICSID** None.  
**IA** None.  
**USBIT** Updated.

**ECT** None.  
**MC** None.

**TIP** None.

| NATION                              | NY <sup>1</sup> | ICSID <sup>2</sup> | ECT <sup>3</sup> | IA | USBIT | TIP <sup>4</sup>                                  | MC |
|-------------------------------------|-----------------|--------------------|------------------|----|-------|---|----|
| Afghanistan                         | R               | R                  | R                |    |       | R   |    |
| Albania                             | R               | R                  | R                |    | R     |   |    |
| Algeria                             | R               | R                  |                  |    |       | S   |    |
| Andorra                             | R               |                    |                  |    |       |   |    |
| Angola                              | R               | R                  |                  |    |       | S   |    |
| Antigua and Barbuda                 | R               |                    |                  |    |       | R <sup>23</sup>                                   |    |
| Argentina                           | R               | R                  |                  | R  | R     | R   |    |
| Armenia                             | R               | R                  | R                |    | R     | S   |    |
| Australia                           | R               | R                  | S                |    |       | R / S <sup>19</sup>                               | R  |
| Austria                             | R               | R                  | R                |    |       |   |    |
| Azerbaijan                          | R               | R                  | R                |    | R     |   |    |
| Bahamas                             | R               | R                  |                  |    |       | R <sup>23</sup>                                   |    |
| Bahrain                             | R               | R                  |                  |    | R     | R / S <sup>24</sup>                               |    |
| Bangladesh                          | R               | R                  |                  |    | R     |   |    |
| Barbados                            | R               | R                  |                  |    |       | R <sup>23</sup>                                   |    |
| Belarus                             | R               | R                  | S <sup>20</sup>  |    | S     |   |    |
| Belgium                             | R               | R                  | R                |    |       |   | S  |
| Belize                              | R               | S                  |                  |    |       | R <sup>23</sup>                                   | R  |
| Benin                               | R               | R                  |                  |    |       | S <sup>22</sup> / R <sup>29</sup>                 | R  |
| Bhutan                              | R               |                    |                  |    |       |   |    |
| Bolivia <sup>6</sup>                | R               |                    |                  | R  |       | S <sup>31</sup>                                   | R  |
| Bosnia and Herzegovina <sup>7</sup> | R               | R                  | R                |    |       |   |    |
| Botswana                            | R               | R                  |                  |    |       | R <sup>26</sup>                                   |    |
| Brazil                              | R               |                    |                  | R  |       | R   |    |
| Brunei Darussalam                   | R               | R                  |                  |    |       | R / R <sup>27</sup> /S <sup>19</sup>              |    |
| Bulgaria                            | R               | R                  | R                |    | R     |   |    |
| Burkina Faso                        | R               | R                  |                  |    |       | S <sup>22</sup> / R <sup>29</sup>                 |    |
| Burundi                             | R               | R                  |                  |    |       | R <sup>25</sup> / R <sup>30</sup>                 |    |
| Cambodia                            | R               | R                  |                  |    |       | R / R <sup>27</sup>                               |    |
| Cameroon                            | R               | R                  |                  |    | R     |   | R  |
| Canada                              | R               | R                  |                  |    |       | R <sup>8</sup> / S <sup>19</sup> /S <sup>21</sup> | R  |

|  |   |   |   |   |   |                                   |   |
|--|---|---|---|---|---|-----------------------------------|---|
| Cape Verde                             | R | R |   |   |   | S <sup>22</sup>                   |   |
| Central African Republic               | R | R |   |   |   |                                   |   |
| Chad                                   |   | R |   |   |   |                                   |   |
| Chile                                  | R | R |   | R |   | R / S <sup>19</sup>               |   |
| China (People's Republic) <sup>9</sup> | R | R |   |   |   |                                   |   |
| Colombia                               | R | R |   | R |   | R / S <sup>31</sup>               |   |
| Comoros                                | R | R |   |   |   | R <sup>30</sup>                   |   |
| Congo                                  | R | R |   |   | R |                                   | S |
| Congo (Democratic Republic of)         | R | R |   |   | R | R <sup>30</sup>                   |   |
| Cook Islands                           | R |   |   |   |   |                                   |   |
| Costa Rica                             | R | R |   | R |   | R <sup>10</sup>                   |   |
| Côte d'Ivoire                          | R | R |   |   |   | S <sup>22</sup> / R <sup>29</sup> |   |
| Croatia <sup>7</sup>                   | R | R | R |   | R |                                   |   |
| Cuba                                   | R |   |   |   |   |                                   |   |
| Cyprus                                 | R | R | R |   |   |                                   |   |
| Czech Republic                         | R | R | R |   | R |                                   |   |
| Denmark <sup>11</sup>                  | R | R | R |   |   |                                   |   |
| Djibouti                               | R | R |   |   |   | R <sup>30</sup>                   |   |
| Dominica                               | R |   |   |   |   | R <sup>23</sup>                   |   |
| Dominican Republic                     | R | S |   | R |   | R <sup>10</sup>                   |   |
| Ecuador                                | R | R |   | R |   | S <sup>31</sup>                   |   |
| Egypt                                  | R | R |   |   | R | R / R <sup>30</sup>               |   |
| El Salvador                            | R | R |   | R | S | R <sup>10</sup>                   |   |
| Equatorial Guinea                      |   |   |   |   |   |                                   |   |
| Eritrea                                |   |   |   |   |   | R <sup>30</sup>                   |   |
| Estonia                                | R | R | R |   | R |                                   |   |
| Eswatini                               |   | R |   |   |   | R <sup>26</sup> / R <sup>30</sup> |   |
| Ethiopia                               | R | S |   |   |   | R <sup>30</sup>                   |   |
| Fiji                                   | R | R |   |   |   |                                   |   |
| Finland                                | R | R | R |   |   |                                   | S |
| France <sup>12</sup>                   | R | R | R |   |   |                                   | S |
| Gabon                                  | R | R |   |   |   |                                   | S |
| Gambia                                 |   | R |   |   |   | S <sup>22</sup>                   | R |
| Georgia                                | R | R | R |   | R | R                                 |   |
| Germany                                | R | R | R |   |   |                                   | S |
| Ghana                                  | R | R |   |   |   | R / S <sup>22</sup>               |   |
| Greece                                 | R | R | R |   |   |                                   |   |
| Grenada                                |   | R |   |   | R | R <sup>23</sup>                   |   |
| Guatemala                              | R | R |   | R |   | R <sup>10</sup>                   |   |
| Guinea                                 | R | R |   |   |   | S <sup>22</sup>                   |   |
| Guinea-Bissau                          |   | S |   |   |   | S <sup>22</sup> / R <sup>29</sup> |   |
| Guyana                                 | R | R |   |   |   | R <sup>23</sup>                   |   |
| Haiti                                  | R | R |   |   | S | R <sup>23</sup>                   |   |
| Holy See (Vatican City)                | R |   |   |   |   |                                   |   |
| Honduras                               | R | R |   | R | R | R <sup>10</sup>                   |   |
| Hungary                                | R | R | R |   |   |                                   |   |
| Iceland                                | R | R | R |   |   | S                                 |   |
| India                                  | R |   |   |   |   |                                   |   |
| Indonesia                              | R | R |   |   |   | R <sup>27</sup>                   |   |
| Iran                                   | R |   |   |   |   |                                   |   |
| Iraq                                   | A | R |   |   |   | S                                 | R |
| Ireland                                | R | R | R |   |   |                                   |   |
| Israel                                 | R | R |   |   |   | R                                 |   |
| Italy                                  | R | R |   |   |   |                                   | S |
| Jamaica                                | R | R |   |   | R | R <sup>23</sup>                   |   |
| Japan                                  | R | R | R |   |   | S <sup>19</sup>                   |   |
| Jordan                                 | R | R | R |   | R | R                                 |   |
| Kazakhstan                             | R | R | R |   | R | R <sup>28</sup>                   |   |
| Kenya                                  | R | R |   |   |   | R <sup>25</sup> / R <sup>30</sup> |   |

|                                  |   |   |   |   |   |  |   |
|----------------------------------|---|---|---|---|---|--|---|
| Kiribati                         |   |   |   |   |   |  |   |
| Korea (Republic) (South)         | R | R |   |   |   | R  |   |
| Kosovo                           |   | R |   |   |   |  |   |
| Kuwait                           | R | R |   |   |   | S / S <sup>24</sup>                                    |   |
| Kyrgyzstan                       | R | R | R |   | R | R <sup>28</sup>  |   |
| Lao People's Democratic Republic | R |   |   |   |   | R / R <sup>27</sup>                                    |   |
| Latvia                           | R | R | R |   | R |  |   |
| Lebanon                          | R | R |   |   |   | S  |   |
| Lesotho                          | R | R |   |   |   | R <sup>26</sup>  |   |
| Liberia                          | R | R |   |   |   | R/S <sup>22</sup>                                      |   |
| Libyan Arab Jamahiriya           |   |   |   |   |   | S / R <sup>30</sup>                                    |   |
| Liechtenstein                    | R |   | R |   |   |  |   |
| Lithuania                        | R | R | R |   | R |  |   |
| Luxembourg                       | R | R | R |   |   |  | S |
| Madagascar                       | R | R |   |   |   | R <sup>30</sup>  | S |
| Malawi                           | R | R |   |   |   | R <sup>30</sup>  |   |
| Malaysia                         | R | R |   |   |   | R / R <sup>27</sup> / S <sup>19</sup>                  |   |
| Maldives                         | R |   |   |   |   | R  |   |
| Mali                             | R | R |   |   |   | S <sup>22</sup> / R <sup>29</sup>                      |   |
| Malta                            | R | R | R |   |   |  |   |
| Marshall Islands                 | R |   |   |   |   |  |   |
| Mauritania                       | R | R |   |   |   |  |   |
| Mauritius                        | R | R |   |   |   | R / R <sup>30</sup>                                    | R |
| Mexico                           | R | R |   | R |   | R <sup>8</sup> /S <sup>19</sup> /S <sup>21</sup>       |   |
| Micronesia                       |   | R |   |   |   |  |   |
| Moldova                          | R | R | R |   | R |  |   |
| Monaco                           | R |   |   |   |   |  |   |
| Mongolia                         | R | R | R |   | R | R  |   |
| Montenegro                       | R | R | R |   |   |  |   |
| Morocco                          | R | R |   |   | R | R  |   |
| Mozambique                       | R | R |   |   | R | R  |   |
| Myanmar (Burma)                  | R |   |   |   |   | S / R <sup>27</sup>                                    |   |
| Namibia                          |   | S |   |   |   | R <sup>26</sup>  |   |
| Nauru                            |   | R |   |   |   |  |   |
| Nepal                            | R | R |   |   |   |  |   |
| Netherlands <sup>13</sup>        | R | R | R |   |   |  | S |
| New Zealand <sup>14</sup>        | R | R |   |   |   | R / S <sup>19</sup>                                    |   |
| Nicaragua                        | R | R |   | R | S | R <sup>10</sup>  |   |
| Niger                            | R | R |   |   |   | S <sup>22</sup> / R <sup>29</sup>                      |   |
| Nigeria                          | R | R |   |   |   | R  |   |
| North Macedonia <sup>7</sup>     | R | R | R |   |   |  |   |
| Norway                           | R | R | S |   |   |  |   |
| Oman                             | R | R |   |   |   | R / S <sup>24</sup>                                    |   |
| Pakistan                         | R | R |   |   |   |  |   |
| Palau                            | R |   |   |   |   |  |   |
| Panama                           | R | R |   | R | R | R  |   |
| Papua New Guinea                 | R | R |   |   |   |  |   |
| Paraguay                         | R | R |   | R |   | S  |   |
| Peru                             | R | R |   | R |   | R / R <sup>18</sup> /S <sup>19</sup> / S <sup>31</sup> |   |
| Philippines                      | R | R |   |   |   |  |   |
| Poland                           | R |   | R |   | R | R <sup>27</sup>  |   |
| Portugal                         | R | R | R |   |   |  |   |
| Qatar                            | R | R |   |   |   | S / S <sup>24</sup>                                    |   |
| Romania                          | R | R | R |   | R |  |   |
| Russian Federation               | R | S | S |   | S |  |   |
| Rwanda                           | R | R |   |   | R | R / R <sup>25</sup>                                    |   |
| Saint Kitts and Nevis            |   | R |   |   |   | R <sup>23</sup>  |   |
| Saint Lucia                      |   | R |   |   |   | R <sup>23</sup>  |   |
| St. Vincent and the Grenadines   | R | R |   |   |   | R <sup>23</sup>  |   |

|  |   |   |   |   |     |                                       |   |
|--|---|---|---|---|-----|---------------------------------------|---|
| Samoa                                  |   | R |   |   |     |                                       |   |
| San Marino                             | R | R |   |   |     |                                       |   |
| Sao Tome and Principe                  | R | R |   |   |     |                                       |   |
| Saudi Arabia                           | R | R |   |   |     | R / S <sup>24</sup>                   |   |
| Senegal                                | R | R |   | R |     | S <sup>22</sup> / R <sup>29</sup>     |   |
| Serbia <sup>7</sup>                    | R | R |   |   |     |                                       |   |
| Seychelles                             | R | R |   |   |     | R <sup>30</sup>                       |   |
| Sierra Leone                           | R | R |   |   |     | S <sup>22</sup>                       |   |
| Singapore                              | R | R |   |   |     | R / R <sup>27</sup>                   |   |
| Slovakia                               | R | R | R |   | R   |                                       |   |
| Slovenia <sup>7</sup>                  | R | R | R |   |     |                                       |   |
| Solomon Islands                        |   | R |   |   |     |                                       |   |
| Somalia                                |   | R |   |   |     | R <sup>30</sup>                       |   |
| South Africa                           | R |   |   |   |     | R / R <sup>26</sup>                   |   |
| South Sudan                            |   | R |   |   |     | R <sup>25</sup>                       |   |
| Spain                                  | R | R | R |   |     |                                       |   |
| Sri Lanka                              | R | R |   |   | R   | R                                     |   |
| Sudan                                  | R | R |   |   |     | R <sup>30</sup>                       |   |
| Suriname                               | R |   |   |   |     | R <sup>23</sup>                       |   |
| Sweden                                 | R | R | R |   |     |                                       | S |
| Switzerland                            | R | R | R |   |     | R                                     | R |
| Syrian Arab Republic                   | R | R |   |   |     |                                       | S |
| Taiwan                                 |   |   |   |   |     |                                       |   |
| Tajikistan                             | R |   | R |   |     | R <sup>28</sup>                       |   |
| Tanzania                               | R | R |   |   |     | R <sup>25</sup>                       |   |
| Thailand                               | R | S |   |   |     | R / R <sup>27</sup>                   |   |
| Timor Leste                            | R | R |   |   |     |                                       |   |
| Togo                                   |   | R |   |   |     | S <sup>22</sup> / R <sup>29</sup>     |   |
| Tonga                                  | R | R |   |   |     |                                       |   |
| Trinidad and Tobago                    | R | R |   |   | R   | R <sup>23</sup>                       |   |
| Tunisia                                | R | R |   |   | R   | R <sup>30</sup>                       |   |
| Turkey                                 | R | R | R |   | R   | S                                     |   |
| Turkmenistan                           | R | R | R |   |     | R <sup>28</sup>                       |   |
| Tuvalu                                 |   |   |   |   |     |                                       |   |
| Uganda                                 | R | R |   |   |     | R <sup>25</sup> / R <sup>30</sup>     |   |
| Ukraine                                | R | R | R |   | R   | S                                     |   |
| United Arab Emirates                   | R | R |   |   |     | S / S <sup>24</sup>                   |   |
| United Kingdom <sup>15</sup>           | R | R | R |   |     |                                       | S |
| United States of America <sup>16</sup> | R | R |   | R | N/A | N/A                                   | S |
| Uruguay                                | R | R |   | R | R   | R                                     |   |
| Uzbekistan                             |   | R | R |   | S   | R <sup>28</sup>                       |   |
| Vanuatu                                |   |   |   |   |     |                                       |   |
| Venezuela                              | R |   |   | R |     |                                       |   |
| Vietnam                                | R |   |   |   |     | R / S <sup>19</sup> / R <sup>27</sup> |   |
| West Bank and Gaza <sup>17</sup>       | R |   |   |   |     |                                       |   |
| Yemen                                  |   | R | R |   |     | R                                     |   |
| Zambia                                 | R | R |   |   |     | R <sup>30</sup>                       |   |
| Zimbabwe                               | R | R |   |   |     | R <sup>30</sup>                       |   |

Notes: (1) Extends to metropolitan and overseas constituent territorial subdivisions but not to overseas dependent territories. Consult UNCITRAL for definitive status, as well as for the reservations to the Convention. (2) Extends to metropolitan and overseas constituent territorial subdivisions and to overseas dependent territories unless specifically excluded. (3) 1991 European Energy Charter was signed by the the United States of America ("US" or "USA"), European Union and EFTA. (4) TOM have ratified the ECT. (5) Treaties signed or ratified by the US with provisions on investments. (6) See also 2014 UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration. (7) ICSID Convention entered into force for Bolivia on July 23, 1995. On May 2, 2007, Bolivia denounced the ICSID Convention, with effect on November 3, 2007. The Government of Bolivia delivered notice to the United States on June 10, 2011, that it was terminating the "Treaty Between the Government of the US and the Government of the Republic of Bolivia Concerning the Encouragement and Reciprocal Protection of Investment." As of June 10, 2012 (the date of termination), the treaty ceases to have effect, except that it continues to apply for another 10 years to covered investments existing at the time of termination. (8) As of 4 February 2003, the Federal Republic of Yugoslavia has changed its name to "Serbia and Montenegro." Montenegro declared itself independent from Serbia on June 3, 2006. Bosnia & Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, and Slovenia are separated successor states to parts of the former Yugoslavia and have succeeded to the NY. The Former Yugoslav Republic of Macedonia changed its name to the Republic of North Macedonia on 12 February 2019. (9) Included in the North American Free Trade Agreement among the United States, Canada and Mexico. (10) NY: includes Hong Kong Special Administrative Region. (11) NY: includes Faeroe Islands and Greenland. (12) NY: includes, inter alia, French Guiana, French Polynesia, Guadeloupe, Martinique, Mayotte, New Caledonia, Réunion, and St. Pierre and Miquelon. (13) NY: includes Aruba and Netherlands Antilles. (14) ICSID Convention: excludes Cook Islands, Niue and Tokelau. (15) NY: includes Bermuda, Cayman Islands, Gibraltar, Guernsey, Isle of Man, and British Virgin Islands. ICSID Convention: excludes British

Indian Ocean Territory, Pitcairn Islands, British Antarctic Territory and Sovereign Base Areas of Cyprus. ICSID Convention: continues to include Hong Kong Special Administrative Region. (16) NY: includes, inter alia, American Samoa, Guam, Northern Mariana Islands, Puerto Rico and US Virgin Islands. (17) West Bank and Gaza are not recognized as states by the United States. (18) United States - Peru Trade Promotion Agreement. (19) Trans-Pacific Partnership signed on February 4, 2016. (20) The State has signed the ECT and it applies it provisionally, under Art. 45 of the ECT. (21) USMCA signed on November 30, 2018. (22) Economic Community of West African States (ECOWAS) – US Trade and Investment Framework Agreement (TIFA) signed on August 5, 2014. (23) Caribbean Community (CARICOM) – US TIFA, in force on May 28, 2013. (24) Gulf Cooperation Council – US Framework Agreement signed on September 25, 2012. (25) East African Community – US TIFA, entered into force on July 16, 2008. (26) Southern African Customs Union – US TIFA, entered into force on July 16, 2008. (27) Association of South-East Asian Nations (ASEAN) – US TIFA, entered into force on August 25, 2006. (28) Central Asia – US TIFA, entered into force on June 1, 2004. (29) West African Economic and Monetary Union (WAEMU) – US TIFA, entered into force on April 24, 2002. (30) Common Market for Eastern and Southern Africa (COMESA) - US TIFA, entered into force on October 29, 2001. (31) Andean Community (ANCOM) – US Trade and Investment Council signed on October 30, 1998.

SOURCES:

This issue was compiled by Co-Editors Crina Baltag and Monique Sasson of The Institute for Transnational Arbitration based on the following sources: United Nations; ICSID; UNCITRAL; Organization of American States; Energy Charter Secretariat; UNCTAD and the Office of the United States Trade Representative. The Scoreboard is designed to be a convenient reference and it is not intended to be relied on as legal advice. Please consult the sources directly to confirm the status of any particular ratifications, reservations, changes, special conditions or new developments. Copyright 2023, The Center for American and International Law.

## SUSTAINING MEMBERS

Baker Botts L.L.P.  
Chevron Corporation  
ConocoPhillips Company  
Debevoise & Plimpton LLP  
Exxon Mobil Corporation  
Freshfields Bruckhaus Deringer LLP  
King & Spalding LLP  
Norton Rose Fulbright US LLP  
Skadden, Arps, Slate, Meagher & Flom LLP  
Sullivan & Cromwell LLP  
Three Crowns LLP  
Vinson & Elkins LLP  
White & Case LLP  
WilmerHale

## SUPPORTING MEMBERS

Analysis Group, Inc.  
Arnold & Porter  
Berkeley Research Group (BRG), LLC  
Boies Schiller Flexner LLP  
Borden Ladner Gervais LLP  
Chaffetz Lindsey LLP  
Clifford Chance LLP  
CMS Legal Services EEIG  
Compass Lexecon  
Covington & Burling LLP  
Creel, García-Cuellar, Aiza Y Enríquez  
Dechert LLP  
FTI Consulting, Inc.  
Haynes and Boone, LLP  
Herbert Smith Freehills LLP  
Hogan Lovells US LLP  
JAMS, Inc.  
K&L Gates LLP  
LALIVE  
Latham & Watkins LLP  
Locke Lord LLP  
Mayer Brown LLP  
Mitchell Silberberg & Knupp LLP  
Morgan, Lewis & Bockius LLP  
Nanni Advogados  
Reed Smith LLP  
Stephoe & Johnson LLP  
TozziniFreire Advogados  
Von Wobeser y Sierra, S.C.  
Ware, Jackson, Lee, O'Neill, Smith & Barrow, LLP

## SPONSORING MEMBERS

Advokat John Kadelburger AB  
Allen & Overy LLP  
Altra Legal  
B. Cremades Y Asociados  
Bomchil  
Bonelli Erede Pappalardo Studio Legale  
BP America Inc.  
Bracewell LLP  
Brown&Page  
Burford Capital  
Burnet Duckworth & Palmer, LLP  
Cescon, Barrieu, Flesch & Barreto Advogados  
Conyers Dill & Pearman  
Estudio Muñoz S. Civil de R.L.  
Ferrere Abogados  
Foley Hoag LLP  
Gaillard Banifatemi Shelbaya (US) LLP  
Garza Tello - Clyde & Co  
Gonzalez De Castilla Y Avila Abogados, S.C.  
Hanotiau & van den Berg  
JMS Arbitration  
Law Office of John Burritt McArthur

Loperena, Lerch & Martín Del Campo  
Marc J. Goldstein with MJG Arbitration  
Muse, Stancil & Co.  
Omni Bridgeway  
Pillsbury Winthrop Shaw Pittman LLP  
Queritius  
Quinn Emanuel Urquhart & Sullivan UK LLP  
Quinn Emanuel Urquhart & Sullivan, LLP  
Rivero Mestre LLP  
Ruth Teitelbaum PLLC  
Shardul Amarchand Mangaldas & Co.  
Shell USA, Inc.  
Shipley Snell Montgomery LLP  
Stinson LLP

## ASSOCIATE MEMBERS

Jose E. Arvelo  
Thomas J. Auner  
Eliana B. Baraldi  
Christopher J. Bellotti  
Marcela Berdion-Straub  
Pierre Bienvenu  
Julie Nadine Bloch  
Emma Bohman-Bryant  
Dr. Christopher Boog  
John P. Bowman  
Matthew Brown  
Philip Lane Bruner  
John J. Buckley, Jr.  
Dr. Michael Buhler  
Eric J. Cassidy  
Tina Cicchetti  
Paul H. Cohen  
Michael Collins, K.C.  
Alan R. Crain, Jr.  
Jose Angelo David  
Thomas W. Davis  
Platt W. Davis, III  
Clávio de Melo Valença Filho  
Marie Devereux  
Charles H. Dick, Jr.  
Anne-Marie Doernenburg  
Stephen L. Drymer  
Tiago Duarte-Silva  
Thomas A. Dubbs  
Roberto Fernández del Valle Mittenzwey  
Cecilia Flores Rueda, FCIARB  
Rodrigo Araujo Gabardo  
Rosario Galardi  
Kiera S. Gans  
Manuel García-Barragán M.  
Rinat Gareev  
Shelby R. Grubbs  
Aundrea Gulley  
Pierre-Yves Gunter  
Calvin Augustus Hamilton  
Grant Hanessian  
Richard Happ  
Douglas Harrison  
Clifford J. Hendel  
Roberto Hernandez G.  
Rachel Howie  
Benjamin Hughes  
Dyalá Jiménez  
Prof. Doug Jones  
John A.M. Judge  
Jean E. Kalicki  
Mark A. Kantor  
Lee L. Kaplan  
Dr. Hermann Knott  
William H. Knull  
Frank Lattal  
Barton Legum

Giselle Leonardo  
Alexander G. Leventhal  
Katrina Limond  
Dana C. MacGrath  
Flavia Mange  
The Hon. Michael Massengale  
Dr. Anton G. Maurer, FCIARB, LL. M.  
James D. McCarthy  
Timothy McCarthy  
Andrew de Lotbinière McDougall  
Gary McGowan  
Andrew Melsheimer  
Dr. Elina Mereminskaya  
Mark C. Morrill  
Alejandro Ogarrío Ramírez  
Orlando Palominos  
Raúl H. Pereira Fleury  
Denise E. Peterson  
Angelina M. Petti  
Noradèle Radjai  
Asha Rajan  
Klaus Reichert, S.C.  
Kenneth B. Reisenfeld  
Dr. Julio César Rivera, Jr.  
Karima Sauma  
Jessica Sblendorio  
Lawrence S. Schaner  
Lester Schiefelbein  
Eric A. Schwartz  
David E. Sharp, FCIARB  
Allison J. Snyder  
Edna Sussman  
Pem Chhoden Tshering  
Prof. Eric van Ginkel  
Marc D. Veit  
David W. Waddell  
Martin Wiebecke  
Wayne R. Wilson, Jr.  
Randel R. Young

## ACADEMIC /GOVERNMENT/ NON-PROFIT MEMBERS

Center for International Legal Education, University of Pittsburgh School of Law  
Nigerian Institute of Chartered Arbitrators  
University of Houston Law Center - Blakely Advocacy Institute  
Jorge Arturo Gonzalez  
Dr. Crina Baltag  
Ellen Bannerman-Quist, FCIARB  
Gary L. Benton  
Dr. Kristen E. Boon  
Dr. Chester Brown  
Prof. Peter D. Cameron  
Dr. Viktor Elöd Cserép  
Georgios Fafalis  
Prof. Mark E. Feldman  
Eric Franco  
The Hon. Carl Ginsberg  
Derya Durlu Gürzumar  
Anna Isernia Dahlgren  
Joseph Brian Johns, LL.M.  
Prof. Joshua Karton  
The Hon. Barry Leon  
Naimeh Masumy  
Robert Matthews  
Guilherme Piccardi de Andrade Silva  
Prof. Catherine A. Rogers  
Prof. Victoria Shannon Sahani  
Prof. Patricia Shaughnessy  
Prof. Janet Walker  
Prof. Jarrod Wong

## ARBITRAL INSTITUTION MEMBERS

Arbitration & Mediation Ctr of the Santiago Chamber of Commerce (CAM Santiago)  
Arbitration and Mediation Center of the American Chamber of Commerce for Brazil  
Arbitration Center of Mexico (CAM)  
Arbitration Center of the American Chamber of Commerce of Peru (AmCham Perú)  
Arbitration Centre of the Caracas Chamber of Commerce (CACC)  
Arbitration Centre of the Lima Chamber of Commerce (LCC)  
Center for Conciliation and Arbitration of Panama Chamber of Commerce (CeCAP)  
Center of Arbitration and Conciliation of the Bogota Chamber of Commerce (CCB)  
Conciliation and Arbitration Center of the Chamber of Commerce of Costa Rica  
Court of International Commercial Arbitration Romania (CCIR-CICA)  
Ctr for Arbitration & Mediation - Chamber of Commerce Brazil-Canada (CAM-CCBC)  
Finland Arbitration Institute (FAI)  
Georgian International Arbitration Centre (GIAC)  
ICC International Court of Arbitration Inter-American Commercial Arbitration Commission (IACAC)  
International Center for Conciliation and Arbitration (AmCham Costa Rica)  
International Centre for Dispute Resolution (ICDR)  
International Centre for Settlement of Investment Dispute (ICSID)  
Mediation & Arb Ctr of the Mexico City National Chamber of Commerce (CANACO)  
Russian Institute of Modern Arbitration  
Stockholm Chamber of Commerce (SCC)

## ADVISORY BOARD MEMBERS

Manuel A. Abdala  
Hamid Abdulkareem  
Laura C. Abrahamson  
Alvaro Aguilar Ojeda  
Roberto J. Aguirre Luzi  
Prof. Roger P. Alford  
Arif Hyder Ali  
Daniel Allman  
Gabriela Álvarez Ávila  
Jose Alzate  
Stuart Amor  
Steven K. Andersen, Esq.  
Jorge Arturo Gonzalez  
Jose E. Arvelo  
José I. Astigarraga  
David L. Attanasio  
Thomas J. Auner  
Daniel Avila, II  
C. Mark Baker  
Chloe Baldwin  
Karthik Balisagar  
Kelby Ballena  
Dr. Crina Baltag  
Daniela Bambaci  
Ellen Bannerman-Quist, FCIARB  
Vincente Bañuelos Rizo  
Eliana B. Baraldi  
Michael J. Baratz

**ADVISORY BOARD MEMBERS  
(CONT'D)**

Antonio M. Barbuto Neto  
Alexander Barnes  
Rodrigo Barradas Muñiz  
Julie Bédard  
Christina L. Beharry  
Andrew M. Behrman  
Santiago Bejarano Isaza  
Christopher J. Bellotti  
Gary L. Benton  
Mark Berberian  
Marcela Berdion-Straub  
Tiana A. Bey  
Preeti Bhagnani  
Pierre Bienvenu  
R. Doak Bishop  
Andrea K. Bjorklund  
Nigel A. Blackaby  
Suzana M. Blades  
Julie Nadine Bloch  
Emma Bohman-Bryant  
Philippe Boisvert  
Dr. Christopher Boog  
Dr. Kristen E. Boon  
Amal Bouchenaki  
Theresa Bowman  
John P. Bowman  
Rafael T. Boza  
Robert Bradshaw  
Catherine Bratic  
Mark Bravin  
Lorraine M. Brennan  
Lucas Britto Mejias  
Prof. Charles H. Brower, II  
The Hon. Charles N. Brower  
Dr. Chester Brown  
Matthew Brown  
Dominique Brown-Berset  
Philip Lane Bruner  
John J. Buckley, Jr.  
The Hon. Thomas Buergenthal  
Dr. Michael Buhler  
Henry G. Burnett  
Paige Burnham  
Prof. Peter D. Cameron  
Kristin Campbell-Wilson  
Euribel Canino  
Andrea Cardani  
Hugh Carlson  
Derrick B. Carson  
Eric J. Cassidy  
James E. Castello  
Carla Chavich  
Maria Chedid  
Marney L. Cheek  
Nancy Cherashore  
Richard Chernick  
Craig Chiasson  
Lau Christensen  
Tina Cicchetti  
Jack J. Coe  
Paul H. Cohen  
Michael Collins, K.C.  
Jeffery P. Commission  
Katherine Connolly  
Simon Consedine  
Wade M. Coriell  
James Samuel Ellis Cowan  
Alan R. Crain, Jr.  
Bernardo M. Cremades  
Dr. Viktor Elöd Cserép  
Karolina Czarnecka  
Amanda Bueno Dantas  
Peter Danysh  
Jose Angelo David

Robert B. Davidson  
Steve Davidson  
Kate Davies, K.C.  
Thomas W. Davis  
Platt W. Davis, III  
Clávio de Melo Valença Filho  
Robert J.C. Deane  
Deborah Deitsch-Perez  
Santiago Dellepiane  
Marie Devereux  
Paolo Di Rosa  
Soledad Diaz  
Santiago Díaz-Cediel  
Charles H. Dick, Jr.  
Anne-Marie Doernenburg  
Donald Francis Donovan  
Matthew N. Drossos  
Stephen L. Drymer  
Tiago Duarte-Silva  
Thomas A. Dubbs  
Phillip Dye  
Neil Earnest  
Jeffrey Elkinson  
Amy Endicott  
Alejandro A. Escobar  
Dorine Farah  
Georgios Fasfalis  
Chris Feige  
Prof. Mark E. Feldman  
Michael A. Fernández  
Roberto Fernández del Valle  
Mittenzwey  
Laura Fernández Vega  
Steven Finizio  
Andrew J. Finn  
Hal Fiske  
Kenneth Fleuriet  
Cecilia Flores Rueda, FCI Arb  
Erin Formby  
Molly Bruder Fox  
Prof. Susan Franck  
Eric Franco  
Mark W. Friedman  
Elliot Friedman  
Rodrigo Araujo Gabardo  
Rosario Galardi  
Kiera S. Gans  
Manuel García-Barragán M.  
John L. Gardiner  
Albina Gasanbekova  
Glen Gibson  
Elizabeth Abbott Gilman  
The Hon. Carl Ginsberg  
Dr. Chiara Giorgetti  
Teresa Giovannini  
Jennifer Glasser  
Michael S. Goldberg  
Marc J. Goldstein  
Sofia Gómez Ruano  
Daniel E. Gonzalez  
Emilio González de Castilla  
Nikhil V. Gore  
Brody Greenwald  
Shelby Russell Grubbs  
Omar Guerrero Rodriguez  
Pedro Guilhardi  
Elena Guillet  
Aundrea Gulley  
Pierre-Yves Gunter  
Juhi Gupta  
Derya Durlu Gürzumar  
Martin F. Gusy  
Dustin Guziar  
Alexander Haden  
David R. Haigh  
Calvin Augustus Hamilton

Jonathan C. Hamilton  
Grant Hanessian  
Prof. Bernard Hanotiau  
John L. Hardiman  
David E. Harrell, Jr.  
Charles E. Harris, II  
Douglas Harrison  
Clifford J. Hendel  
Roberto Hernandez G.  
Kelly D. Herrera  
Tracy Richelle High  
Colin Hill  
Paula Hodges, K.C.  
Mélida N. Hodgson  
Ben Holland  
James M. Hosking  
Nilufar Hossain  
B. Ted Howes  
Tiago Duarte-Silva  
Jennifer Huang  
Benjamin Hughes  
Sherman Humphrey  
David Hunt  
Beka Injia  
Thomas Innes  
Anna Isernia Dahlgren  
Dr. Pedro José Izquierdo  
Don Jackson  
Michael Evan Jaffe  
Enrique A. Jaramillo Vargas  
Luis Jardón  
Francisco Jijón  
Dyalá Jiménez  
Joseph Brian Johns, LL.M.  
Benjamin T. Jones  
Prof. Douglas Jones  
Tonya C. Jordan  
John A.M. Judge  
John M. Kadelburger  
Sanna Kaistinen  
Jean E. Kalicki  
Mark A. Kantor  
Lee L. Kaplan  
Dr. Susan L. Karamanian  
Prof. Joshua Karton  
Ed G. Kehoe  
Rachael D. Kent  
Meg Kinnear  
Valeriya Kirsey  
Matthew H. Kirtland  
Dr. Hermann Knott  
William H. Knull  
Patrícia Shiguemi Kobayashi  
Dr. Johannes Koepf  
Dr. Sabine Konrad  
Charles T. Kotuby, Jr., FCI Arb  
Lea Haber Kuck  
Sophie J. Lamb  
Robert Reyes Landicho  
Frank Lattal  
Floriane Lavaud  
Jim Lawrence  
Christian Leathley  
Mimi M. Lee  
Barton Legum  
Shannon M. Leitner  
Matti Lemmens  
Michael P. Lennon, Jr.  
The Hon. Barry Leon  
Giselle Leonardo  
Macarena Letelier  
Alexander G. Leventhal  
David J. Levy  
Veronica J. Lew  
Katrina Limond  
Nicholas Lingard

Gregory A. Litt  
Rafael E. Llano Oddone  
James Lloyd Loftis  
Carlos Loperena  
Miguel López Forastier  
Ben Love  
Lucinda A. Low  
Dana C. MacGrath  
David Madsen, K.C.  
Adrián Magallanes  
Eduardo Magallon  
Lauren Mandell  
Mark Mangan  
Flavia Mange  
Michelle Maniago  
Fernando Mantilla-Serrano  
Montserrat Manzano  
Silvia M. Marchili  
Noiana Marigo  
Galo Martin Marquez Ruiz  
Jose Luis Martin  
Luis M. Martinez  
The Hon. Michael Massengale  
Naimeh Masumy  
Jorge Mattamouros  
Robert Matthews  
Dr. Anton G. Maurer, FCI Arb, LL. M.  
John Burritt McArthur  
James D. McCarthy  
Timothy McCarthy  
Andrew de Lotbinière McDougall  
Sarah McEachern  
J. Greg McEldowney  
Gary McGowan  
Hugh Meighen  
Andrew Melsheimer  
Ian Meredith  
Dr. Elina Mereminskaya  
Michelle Meriam  
Carl Micarelli  
Craig S. Miles  
Robert W. Mockler  
Allan B. Moore  
Matthew W. Moran  
Carolina Da Rocha Morandi  
Flavia Cristina Moreira de Campos  
Andrade  
José Antonio Moreno Rodríguez  
Mark C. Morril  
Danielle M. Morris  
Caline Mouawad  
David Moyer  
Yulia Mullina  
Juan Carlos Mundo Medina  
Miguel A. Nakhle  
Prof. Giovanni Ettore Nanni  
Timothy G. Nelson  
Paul J. Neufeld  
Joseph E. Neuhaus  
Denton Nichols  
Sylvia Noury  
Gary Nugent  
Damien Nyer  
Dagfinn Nygaard  
Alejandro Ogarrio Ramirez  
Kevin M. O'Gorman  
Dr. Zsolt Okányi  
Eileen O'Neill  
Mevelyn Ong  
Elsa Ortega  
Shola Oshodi-John  
Michael Ostrove  
Ryan Padden  
Orlando Palominos  
Chris Paparella  
Samuel Pape

## ADVISORY BOARD MEMBERS (CONT'D)

R. Hewitt Pate  
Jennifer Paterson  
Jan Paulsson  
Santiago Lucas Peña  
Thales Goncalves Pereira  
Raúl H. Pereira Fleury  
Jennifer L. Permesly  
Denise E. Peterson  
Angelina M. Petti  
Edwin Elias Pezo Arevalo  
Hansel T. Pham  
Guilherme Piccardi de Andrade Silva  
John V.H. Pierce  
Maximilian Pika  
Philippe Pinsolle  
Lisa A. Powell  
Dr. Dietmar W. Prager  
Sam Prevatt  
Andrew P. Price  
Marcus S. Quintanilla  
Noradèle Radjai  
Asha Rajan  
Alberto F. Ravell  
Amanda Raymond-Kalantirsky  
Guilherme Recena Costa  
Prof. Lucy F. Reed  
Daniel Reich  
Klaus Reichert, S.C.  
Natalie L. Reid  
Kenneth B. Reisenfeld  
Tracie J. Renfroe  
Lidia Helena S. Rezende  
Caroline S. Richard  
Dr. Julio César Rivera, Jr.  
Francisco Rivero  
Laura M. Robertson  
Ann Ryan Robertson  
Gonzalo Rodriguez-Matos  
Prof. Catherine A. Rogers  
Ciara Ros  
Charles B. Rosenberg  
Lee Rovinescu  
William W. Russell  
Aníbal Martín Sabater  
Prof. Victoria Shannon Sahani  
Jeswald W. Salacuse  
Claudio D. Salas  
Liliana Sanchez Ortega  
Ank Santens  
Agustin G. Sanz  
Dr. Monique Sasson  
Karima Sauma  
Jessica Sblendorio  
Lawrence S. Schaner  
Lester Schiefelbein  
Jonathan Schiller  
Michael E. Schneider  
Edward T. Schorr  
Eric A. Schwartz  
Franz Schwarz  
Dr. Gabriel Seijo Leal de Figueiredo  
Prof. Christophe Seraglini  
Fernando Eduardo Serec  
David E. Sharp, FCIARB  
Prof. Patricia Shaughnessy  
Audley Sheppard  
Julia Sherman  
George T. Shipley  
Laurence Shore  
Tomasz J. Sikora  
Mallory Silberman  
Eugene J. Silva, II  
Eduardo Silva Romero

Aditya Singh  
Laura Sinisterra  
Raquel Martinez Sloan  
Antoine K.F. Smiley  
Reginald R. Smith  
Quentin L. Smith  
Mark P. Smith  
Jennifer Mary Smith  
Abby Cohen Smutny  
Elizabeth Snodgrass  
Allison J. Snyder  
Luke A. Sobota  
Menalco J. Solis  
Prof. Frederic G. Sourgens  
Pablo T. Spiller  
Edna Sussman  
Jonathan Sutcliffe  
Christopher K. Tahbaz  
Philip Cheng Yew Tan  
Ruth Teitelbaum  
Federico Temerlin  
Ana Toimil  
John A. Trenor  
Epaminontas E. Triantafilou  
Pem Chhoden Tshering  
Timothy J. Tyler  
Prof. Eric van Ginkel  
Sarah Z. Vasani  
Dr. Cosmin Vasile  
Marc D. Veit  
Marianella Ventura Silva  
Vincent Verschoor  
Florenca Villaggi  
Odean L. Volker  
Dr. Claus von Wobeser  
David W. Waddell  
David Waldron  
Prof. Janet Walker  
Thomas W. Walsh  
Gretta Walters  
Samuel Weglein  
Dr. Todd J. Weiler  
Matthew J. Weldon  
Charlotte Westbrook  
Martin Wiebecke  
Dr. Nicolas Wiegand  
Wayne R. Wilson, Jr.  
David B. Winn  
Prof. Jarrod Wong  
Robert R. Wood, Jr.  
Benedict S. Wray  
Lun Yaoguo  
María José Yglesias  
Kristen M. Young  
Randel R. Young  
Eduardo Zuleta

## ACADEMIC COUNCIL

Chair  
Prof. Victoria Shannon Sahani  
Vice Chairs  
Dr. Crina Baltag  
Prof. Joshua Karton  
Prof. Catherine A. Rogers  
Chair Emeritus  
The Hon. Thomas Buergenthal  
Prof. Mohamed S. Abdel Wahab  
Dr. Wolfgang Alschner  
Prof. Julian Arato  
Prof. Angela Banks  
Prof. Andrea Bjorklund  
Prof. Laurence Boisson de  
Chazournes  
Prof. Kristen E. Boon  
Prof. Petra Butler

Prof. Kathleen Claussen  
Prof. Giuditta Cordero Moss  
Prof. Eric De Brabandere  
Prof. Diane Desierto  
Kabir Duggal  
Prof. Katia Fach Gómez  
Dr. Kun Fan  
Prof. Mark Feldman  
Prof. Franco Ferrari  
Prof. Susan Franck  
Prof. Veronique Fraser  
Prof. Guillermo J. Garcia Sanchez  
Prof. J. Benton Heath  
Prof. Tomoko Ishikawa  
Prof. Joongi Kim  
Prof. Charles T. Kotuby Jr.  
Prof. Maria Chiara Malaguti  
Prof. Munir Maniruzzaman  
Giovanni Ettore Nanni  
Mercy Okiro  
Prof. Nneka Emilia Onyema  
Dr. Martins Paporinskis  
Patrick Pearsall  
Caroline S. Richard  
Dean Peter B. "Bo" Rutledge  
Prof. Christophe Seraglini  
Prof. Patricia Shaughnessy  
Prof. Anna Spain Bradley  
Prof. Catharine Titi  
Prof. Jarrod Wong  
Prof. Jason Yackee

## BOARD OF REPORTERS ITA ARBITRATION REPORT

Assistant Editors  
Inigo Kwan-Parsons  
Oscar Figueroa Diaz  
Michele Sonen  
Co-Managing Editors  
Dr. Crina Baltag  
Dr. Monique Sasson  
Developmental Editor  
Vincent Verschoor  
General Editor  
Prof. Roger P. Alford

## COUNTRY REPORTERS

Argentina  
Federico Godoy  
Australia  
Damian Sturzaker  
Austria  
Matthias Hofer  
Katherine Khan  
Belgium  
Kristen M. Young  
Charlotte Villeneuve  
Maarten Draye  
Prof. Bernard Hanotiau  
Brazil  
João Bosco Lee  
Bulgaria  
Assen Alexiev  
Canada  
Tina Cicchetti  
Chile  
Cristian Conejero-Roos  
China  
Arthur X. Dong  
Colombia  
Angelica Perdomo  
Eduardo Zuleta  
Costa Rica  
Ryan Mellske  
Dominican Republic  
Stephan Adell  
Egypt  
Dr. Mohamed S. Abdel Wahab

Noha Khaled Abdel Rahim  
El Salvador  
Ryan Mellske  
England  
Nicholas Fletcher KC  
Finland  
Anna-Maria Tamminen  
Ina Rautiainen  
France  
Valentine Chessa  
Nataliya Barysheva  
Germany  
Dr. Harry Nettlau  
Patrick Gerardy  
Greece  
Ioannis Vassardanis  
Hong Kong  
Ed Taylor  
India  
Dipen Sabharwal  
Aditya Singh  
Ireland  
Klaus Reichert SC  
Israel  
Avishai Azriel  
Italy  
Stefano Azzali  
Japan  
Hisaya Kimura  
Koki Yanagisawa  
Mai Umezawa  
Latvia  
Inga Kacevska  
Lithuania  
Denis Parchajev  
Mexico  
Cecilia Flores Rueda, Fciarb  
The Netherlands  
Bo Ra Hoebeke  
Richard Hansen  
New Zealand  
Stephen Hunter, K.C.  
Pakistan  
Nudrat Ejaz Piracha, Fciarb  
Panama  
Ryan Mellske  
Paraguay  
José Antonio Moreno Rodríguez  
Peru  
Prof. Fernando Cantuarias  
Poland  
Karolina Czarnecka  
Dr. Wojciech Sadowski  
Portugal  
Iñaki Carrera  
Dr. José-Miguel Judice  
Ana Coimbra Trigo  
Romania  
Dr. Cosmin Vasile  
Russia  
Elena Burova  
Singapore  
Michael Hwang, Sc  
South Africa  
Vlad Movshovich  
Kalinka Eksteen  
Daniel Rafferty  
South Korea  
Byung Woo Im  
Kay-Jannes Wegner  
Hyunyang Koo  
Spain  
Santiago Bejarano  
Roberto Muñoz  
Sweden  
John M. Kadelburger  
Switzerland  
Angelina M. Petti



## COUNTRY REPORTERS (CONT'D)

Syria  
Dr. Abdulhay Sayed

Turkey  
Ismail G. Esin  
Stephan Wilske  
Todd Fox

UAE  
John P. Gaffney  
Malak Nasreddine

Ukraine  
Yaroslav Petrov

United States  
Charles B. Rosenberg  
Sara K. Mcbrearty  
Benjamin Jones  
Craig Miles

## INSTITUTIONAL REPORTERS

ARBITRATION AND MEDIATION  
CENTER OF THE AMERICAN  
CHAMBER OF COMMERCE FOR  
BRAZIL

Carolina Da Rocha Morandi

ARBITRATION CENTER OF THE  
LILMA CHAMBER OF COMMERCE  
(CCL – ARBITRAJE)

Giorgio Assereto Llona

CÁMARA DE COMERCIO LIMA  
Marianella Ventura

CENTER OF ARBITRATION AND  
CONCILIATION OF THE BOGOTA  
CHAMBER OF COMMERCE (CCB)

Dr. Mauricio González Cuervo

CENTER FOR ARBITRATION &  
MEDIATION - CHAMBER OF  
COMMERCE BRAZIL-CANADA  
(CAM-CCBC)

Patrícia Shiguemi Kobayashi

CENTRO DE ARBITRAJE Y  
MEDIACIÓN DE LA CÁMARA  
DE COMERCIO DE CHILE (CAM  
SANTIAGO)

Macarena Letelier  
Laura Aguillera

CENTRO INTERNACIONAL DE  
ARBITRAJE

CÁMARA DE COMERCIO  
AMERICANA DEL PERÚ (AMCHAM  
PERÚ)

Álvaro Aguilar

MEDIATION & CTRARBITRATION  
CENTER OF THE MEXICO  
CITY NATIONAL CHAMBER OF  
COMMERCE (CANACO)

Juan Carlos Mundo Medina

GEORGIAN INTERNATIONAL  
ARBITRATION CENTRE

David Edilashvili  
Beka Injia

ICSID  
Dr. Dietmar W. Prager  
Ms. Samantha J. Rowe  
Ms. Ina C. Popova

USMCA- NAFTA  
Prof. Charles H. Brower, II

OHADA  
Dr. Mohamed Abdel Wahab  
Noha Khaled Abdel Rahim

RUSSIAN ARBITRATION CENTRE  
Yulia Mullina

TASHKENT INTERNATIONAL  
ARBITRATION CENTRE (TIAC)

Diana Bayzakova

VIAC  
Elisabeth Vanas-Metzler  
Anna Foerstel-Cherng  
Niamh Leinwather

## ITA LATIN AMERICAN ARBITRATION FORUM (ITAFOR)

*Presented in Collaboration By:*  
The Institute for Transnational  
Arbitration (ITA)  
The Latin American Arbitration  
Association (ALARB)  
The Brazilian Arbitration Committee  
(CBAr)

## ITAFOR MODERATORS

Orlando Federico Cabrera Colorado  
Hogan Lovells BSTL, S.C.  
Mexico City, Mexico

Maria Inés Corrá  
Bomchil  
Buenos Aires, Argentina

CBAr President Prof. Giovanni Ettore  
Nanni  
Nanni Advogados  
São Paulo, Brazil

Cecilia O'Neill  
Universidad Carlos III de Madrid  
(UC3M)  
Madrid, Spain

Erik G.W. Schäfer  
Cohausz & Florack  
Düsseldorf, Germany

## ITAFOR CONTRIBUTORS

Dr. Crina Baltag  
Stockholm University  
Stockholm, Sweden

Iñaki Carrera  
PLMJ - Sociedade de  
Advogados, RL  
Lisbon, Portugal

Soledad Diaz  
Ferrere Abogados  
Montevideo, Uruguay

Prof. Katia Fach Gómez  
University of Zaragoza  
Zaragoza, Spain

Marcela Filloy  
Arbitration LatinAlliance  
San José, Costa Rica

Cecilia Flores Rueda, FCI Arb  
FloresRueda Abogados  
Mexico City, Mexico

Eric Franco  
Engie  
Lima, Peru

Karina Goldberg Britto  
Ferro, Castro Neves, Daltro &  
Gomide Advogados  
São Paulo, Brazil

Sofia Gómez Ruano  
Creel, García-Cuéllar, Aiza Y  
Enríquez  
Mexico City, Mexico

Flavia Mange  
Flavia Mange Disputes  
São Paulo, Brazil

Juan Manuel Marchán  
Perez, Bustamante & Ponce  
Abogados  
Quito, Ecuador

Felipe Mutis Tellez  
Brigard & Urrutia  
Bogota, Columbia

Santiago Lucas Peña  
Bomchil  
Buenos Aires, Argentina

Roger Rubio Guerrero  
Rubio Arbitration Law  
Lima, Peru

Angélica María Perdomo Luna  
Zuleta Beyond Borders  
Bogota, Colombia

Verónica Sandler Obregón  
Universidad de Buenos Aires  
Buenos Aires, Argentina

## ITAFOR COUNCIL

José I. Astigarraga  
Reed Smith LLP  
Miami, FL

Cbar President, André de A.  
Cavalcanti Abud  
Barbosa, Müssnich & Aragão  
Advogados  
São Paulo, Brazil

ITA Counsel Cecilia Flores Rueda,  
FCI Arb  
FloresRueda Abogados  
Mexico City, Mexico

Eduardo Damião Gonçalves  
Mattos Filho, Veiga Filho,  
Marrey Jr. E Quiroga Advogados  
São Paulo, Brazil

Montserrat Manzano  
Von Wobeser y Sierra, S.C.  
Mexico City, Mexico

Prof. Giovanni Ettore Nanni  
Nanni Advogados  
São Paulo, Brazil

ITA Chair Tomasz J. Sikora  
Exxon Mobil Corporation  
Humble, Texas

Prof. Guido Santiago Tawil  
Independent Arbitrator  
Punta del Este, Uruguay

Dr. Claus von Wobeser  
Von Wobeser y Sierra, S.C.  
Mexico City, Mexico

Senior Vice President and ITA  
Director David B. Winn  
The Center for American &  
International Law  
Plano, Texas

Eduardo Zuleta  
Zuleta Abogados Asociados S.A.S  
Bogotá, Columbia

## YOUNG ITA LEADERSHIP

Young ITA Chair  
Catherine Bratic  
Hogan Lovells US LLP  
Houston, TX

Young ITA Vice Chair  
Karima Sauma  
DJ Arbitraje  
San Jose, Costa Rica

Chairs of Mentorship Program  
Sylvia Sámano Beristain  
Arbitration Center of Mexico (CAM)

Mexico City, Mexico  
Thomas Innes  
Steptoe & Johnson UK LLP

London, United Kingdom  
Chair of Communications  
Ciara Ros

Vinson & Elkins RLLP  
London, United Kingdom  
Vice Chair of Communications

Jorge Arturo Gonzalez  
Aguilar Castillo Love  
Frankfurt, Germany

Young ITA Africa Chair  
Hamid Abdulkareem  
Three Crowns LLP

London, United Kingdom  
Young ITA Asia Chair

Anne-Marie Doernenburg  
Nishimura & Asahi  
Tokyo, Japan

Young ITA Asia Vice Chair  
Philip Cheng Yew Tan  
White & Case Pte. Ltd.

Singapore, Singapore  
Young ITA Brazil Vice Chair  
Guilherme Piccardi de  
Andrade Silva

Pinheiro Neto Advogados  
Sao Paulo, Brazil

Young ITA Continental Europe Chair  
Dr. Viktor Elöd Cserép  
PROVARIS Varga & Partners

Ügyvédi Társulás  
Budapest, Hungary  
Young ITA Central & Eastern  
Europe Vice Chair

Karolina Czarnecka  
Queritius  
Warsaw, Poland

Young ITA India Chair  
Juhi Gupta  
Shardul Amarchand

Mangaldas & Co.  
New Dehli, India  
Young ITA Mexico and Central  
America Chair

Rodrigo Barradas Muñiz  
Von Wobeser y Sierra, S.C.  
Mexico City, Mexico

Young ITA North America  
Chaffetz Lindsey LLP  
Lidia Helena S. Rezende

New York, NY  
Young ITA North America Vice Chair  
Michael A. Fernández

Rivero Mestre LLP  
New York, NY  
Young ITA Oceania

Daniel Allman  
Norton Rose Fulbright Australia  
Sydney, Australia

AS OF JUNE 1, 2023

## YOUNG ITA PROGRAMS 2023

### #YOUNGITATALKS: ASIA & INDIA JOINT EVENT:

New era of dispute resolution:  
Innovation through tradition  
Virtual – April 2, 2023

### #YOUNGITATALKS UK:

From 5G to ChatGPT: The Future of Technology  
Disputes and Legal Tech  
Hosted By: Allen & Overy LLP  
London – May 18, 2023

## AMERICAS INITIATIVE PROGRAMS 2023

### AMERICAS INITIATIVE DIALOGUES: ESTÁNDARES ESG EN LA PRÁCTICA DE ARBITRAJE: ¿POR QUÉ SON IMPORTANTES?

#### SESIÓN 4 | SECTOR FINANCIERO:

Americas Initiative Dialogues: Estándares ESG en  
la práctica de arbitraje: ¿Por qué son importantes?

### ITA AMERICAS INITIATIVE IN MONTEVIDEO:

Lost in Translation: Issues from Common Law  
Construction Contracts in Projects in Civil Law  
Countries

Hosted By: FERRERE URUGUAY  
Hybrid – Montevideo, Uruguay – May 9, 2023

[View upcoming Young ITA Events Here](#)

## THANKS TO OUR SPONSORS

ITA takes this opportunity to thank again and recognize the financial sponsors that helped make possible the:

### ITA CONFERENCE ON INTERNATIONAL ARBITRATION IN THE MINING SECTOR- TORONTO

#### Conference Luncheon

Freshfields Bruckhaus Deringer LLP  
Osler, Hoskin, & Harcourt LLP

#### Canvas Bag

Burford Capital  
Jus Mundi  
Womble Bond Dickinson

#### Young Lawyers Roundtable

Borden Ladner Gervais LLP (BLG)

#### Welcome Reception

Blake, Cassels & Graydon LLP  
Foley Hoag LLP  
Omni Bridgeway

#### Conference Coffee Breaks

Mintz Group

#### Wifi Sponsorship

Three Crowns

#### Lanyard Sponsorship

White & Case

#### Charging Station

Investor-State Lawguide (ISLG)

### 20TH ITA-ASIL CONFERENCE- REFORMING ARBITRATION REFORM: EMERGING VOICES, NEW STRATEGIES, EVOLVING VALUES- WASHINGTON, D.C.

#### Conference Luncheon Sponsor

Investor-State LawGuide (ISLG)

#### Breakfast and Coffee Breaks Sponsor

Energy Disputes Arbitration Center (EDAC)  
Steptoe & Johnson PLLC



An Institute of The Center for American and International Law, ITA provides advanced education, networking and opportunities to improve the quality of justice for lawyers, judges, academics, government officials and other professionals concerned with transnational arbitration of commercial and investment disputes. With over 3,500 members and contributors in over 100 countries and 30 U.S. States, ITA is led and supported by many of the world's leading companies, law firms, arbitrators and arbitration counsel.

## ITA PROGRAMS *at a glance*

VISIT [CAILAW.ORG/ITA](http://cailaw.org/ita) >

# 2023

**SEPT TBD** 1st ITA Global Forum  
VIRTUAL

# 2024

**JAN 18-19** 12th ITA-IEL-ICC Joint Conference on International Energy Arbitration - Houston  
HOUSTON

**MAR 6-7** 2nd ITA Conference on International Arbitration in the Mining Sector  
TORONTO, CANADA

**APR 3** 21st ITA-ASIL Conference  
WASHINGTON, D.C.

**JUNE 19-21** 36th ITA Workshop and Annual Meeting  
AUSTIN



Additional ITA, Young ITA programs and Americas Initiative programs are announced at the ITA Programs Calendar online: [www.cailaw.org/Institute-for-Transnational-Arbitration/programs-calendar.html](http://www.cailaw.org/Institute-for-Transnational-Arbitration/programs-calendar.html).

The schedule of upcoming Young ITA programs designed for practitioners under 40, can be viewed at the [Young ITA webpage](#).

The schedule of upcoming Americas Initiative programs, often presented in Spanish, can be viewed at the [Americas Initiative webpage](#).

## SPONSORSHIP OPPORTUNITIES

If your firm or company would like more information about becoming a sponsor, please contact Lilly Hogarth at [lhogarth@cailaw.org](mailto:lhogarth@cailaw.org).

## MEMBERSHIP OPPORTUNITIES

ITA members and Advisory Board representatives attend all ITA programs and activities for free or at a tuition discount. For more information about membership opportunities and how to join, please visit [www.cailaw.org/Institute-for-Transnational-Arbitration/Our-Members/index.html](http://www.cailaw.org/Institute-for-Transnational-Arbitration/Our-Members/index.html) or contact Alliyah Robinson at [arobinson@cailaw.org](mailto:arobinson@cailaw.org).