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**State Owned Enterprises
in Investment Disputes**
28 January 2019

CMS offices | London
18:00 - 21:30

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LAUTERPACHT CENTRE
FOR INTERNATIONAL LAW

C/M'S
Law, Tax

State Owned Enterprises in Investment Disputes Seminar

Time: 18:00 - 21:30

Date: Monday 28 January 2019

Venue: CMS, Cannon Place, 78 Cannon Street, EC4N 6AF

[MAP LINK](#)

State owned enterprises are increasingly crucial in the global economy. There are thousands of State owned corporations operating transnationally. For example, the Chinese central government owns more than 50 000 enterprises, valued at US\$2+ trillion and employing over 9 million people. Given the number of State owned companies operating in the investment field, it is hardly surprising that there has been a marked rise in investment disputes involving State owned enterprises, either seeking to take advantage of investor protection in respect of their commercial interests in foreign States, or through their contractual relationships and other activities impacting on foreign investors in their State of nationality.

This expert panel of practitioners will explore issues arising from the involvement of State owned enterprises in investment disputes, covering the attribution of their conduct to the State, their standing as claimants in investment arbitration, and issues relating to enforcement of awards against the assets of State owned enterprises. As well as addressing recent cases, it will identify the challenging issues likely to arise in future disputes.

To book your place, please complete the **registration form**.

Programme

18.00 Registration/tea and coffee

18.20-

20.00 Welcome: **Professor Eyal Benvenisti**

Chair: **The Honourable Charles N. Brower**, 20 Essex Street

“Attribution of the conduct of State enterprises to the State: the search for common ground” – **Csaba Kovács** and **Professor Pieter Bekker**, CMS

“State owned enterprises as Claimants: public entities and private justice” – **Dr Kate Parlett**, 20 Essex Street

“Purely commercial entities or instrumentalities of the State? The Alchemy of enforcing Awards against State-Owned Entities” – **Monica Feria-Tinta**, 20 Essex Street

Q&A

20.00- Drinks and canapés

21.30

Speakers



Professor Eyal Benvenisti

Eyal Benvenisti is Whewell Professor of International Law at the University of Cambridge, the Director of the Lauterpacht Centre for International Law, and C. C. Ng Fellow in Law at Jesus College, Cambridge. He is Member of the Institut de Droit International and of

the Israeli Academy of Sciences and Humanities. He is a Co-Editor of the British Yearbook of International Law, and was on the Editorial Board of the American Journal of International Law (2009-18). His areas of expertise include public international law (international courts, transboundary resources, international organisations, human rights, the laws of war) and comparative constitutional law.



The Honourable Charles N. Brower

Charles's 55-year career in the law has combined extensive practice at the bar with distinguished public service, both national and international. For nearly 40 years he has focused on public international law and international dispute resolution. He has served continuously since 1983 as a Judge of the Iran-United States Claims Tribunal in The Hague, The Netherlands, and as of 2014 also serves as a Judge ad hoc at the International Court of Justice.

As counsel or arbitrator he has handled cases on all six continents, principally under the rules of the International Chamber of Commerce, United Nations Commission on International Trade Law, London Court of International Arbitration, American Arbitration Association, United Nations Compensation Commission, International Centre for Settlement of Investment Disputes, Stockholm Chamber of Commerce, Insurance and Reinsurance Arbitration Society and London Maritime Arbitrators Association. These cases have involved a wide variety of commercial disputes as well as issues of public international law, particularly involving the oil and gas sector, major infrastructural projects, expropriations, and other investment disputes, including ones arising under both bilateral and multilateral investment treaties.



Csaba Kovács

Csaba Kovács is a Solicitor-Advocate in England & Wales with a long-standing practice and expertise in international commercial and investment arbitration. He is the author of the first in-depth study of the uses of attribution in international investment law: *Attribution in International Investment Law* (Kluwer Law International, 2018). He is an editor of the *Investor-State Law Guide* and regularly publishes on investment arbitration developments. He acted as counsel in arbitrations in a wide variety of sectors, including energy,

construction/engineering, telecommunications, real estate and banking. His arbitration practice is built on over 5-year experience in equity and loan transactions in emerging markets. He obtained an LL.M degree in International Business Law from the Central European University in Budapest.



Professor Peter Bekker

Pieter H.F. Bekker holds the Chair in International Law at the Centre for Energy, Petroleum and Mineral Law and Policy (CEPMLP) within the University of Dundee and is a Partner and Head of the Investment Arbitration Task Force at CMS. He served as a staff lawyer in the Registry of the International Court of Justice (ICJ) in the 1990s. He is an active member of the New York Bar and has served as counsel and advocate in cases before the ICJ, the International Tribunal for the Law of the Sea and investment treaty tribunals. Prof. Bekker obtained basic and doctoral law degrees in Dutch and International Law from Leiden University and a Masters degree from Harvard Law School. Prof. Bekker is the author/editor of four books and over 100 articles on international law and is listed in Who's Who in Public International Law.



Dr Kate Parlett

Kate is a barrister at 20 Essex Street specialising in public international law and international arbitration. She acts for States and private entities on issues including land and maritime boundaries, transboundary environmental harm, investment treaty and contract disputes, human rights, law of the sea, State responsibility, treaty obligations, immunities, environmental law, sanctions and international crimes. She also acts as counsel and arbitrator in international commercial disputes. Kate has a doctorate and a master's degree in public international law from the University of Cambridge, having completed her undergraduate studies at the University of Queensland, Australia. She is widely published, particularly in international dispute settlement. Kate has lectured in public international law, international investment and commercial arbitration and international human rights law, at the universities of Cambridge, Geneva, Paris-II (Panthéon-Assas), Queen Mary (University of London), Queen's University (Canada), and Queensland.



Monica Feria-Tinta

Monica is a barrister; a specialist in public international law. Her practice covers the full spectrum of public international law areas including, state responsibility, immunities, environmental law, human rights, investment law and international dispute settlement. Her practice also covers conflict of laws, including in the context of disputes relating to corporate responsibility, in English courts. Monica acts as counsel in cases before English courts, international courts, and arbitral tribunals under a variety of rules and applicable laws. She has appeared or advised before the International Court of Justice, Permanent Court of Arbitration, International Tribunal for the Law of the Sea, UN Human Rights Committee, Inter-American Commission on Human Rights, the Inter-American Court of Human Rights (on several ground-breaking cases), ICSID and SIAC tribunals, ICTY, UN Special Rapporteurships and diplomatic fora. Monica is the author of a forthcoming book *Foreign State Immunity and the Enforcement of Arbitral Awards in English Courts* by Oxford University Press. She has served as Assistant Legal Adviser to the Foreign & Commonwealth Office and prior to the bar, she worked at the ICJ and ICTY. She has held academic positions including at the LSE and as Visiting Research Fellow at the Lauterpacht Centre of International Law. She accepts appointments as arbitrator.

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