



human rights in investor-state arbitration: in or out?, *aba international section annual meeting*

Grand Hyatt, New York | 109 E 42nd St, New York, NY 10017

April 18, 2018

4:30 PM - 6 PM (EST)

practice areas

commercial litigation

international disputes

litigation

Xander Meise will be moderating the panel, "Human Rights in Investor-State Arbitration: In or Out?" This panel will take place at the **2018 Annual Conference of the ABA Section of International Law**, located in the Grand Hyatt New York. This panel will take place on Wednesday, April 18, at 4:30 PM (EST).

The panel will discuss the following questions and present the perspectives of different stakeholders and the impact as well as bias on diverse groups including women and minorities :

- Arbitral tribunals sitting in investment treaty arbitration cases are finding themselves grappling with human rights issues and how these intersect with the principles of international law that are generally applicable to investor-state disputes.
- How it has become more common for respondent states to raise allegations of human rights violations against claimant investors. Respondent states argue that these violations should deprive Investors of the protections granted to them and to their investments under the relevant bilateral investment treaties pursuant to which the disputes are brought.
- The human rights violations that are raised in the investment treaty arbitration context often affect vulnerable groups, such as women and indigenous populations.
- The discussion of human rights issues in investor-state cases is also becoming more frequent because of the increased transparency surrounding the cases and the ability of human rights organizations to have their voices heard by filing amicus curiae submissions in the arbitrations. As a result, claimant investors are being made to address human rights issues



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and to carefully craft arguments in response without undermining the seriousness and sensitivity of the allegations.

Moderator: Xander Meise, MSK

Speakers:

- Jesse Coleman, Columbia Center on Sustainable investment, Columbia Law School, New York, NY
- Cedric Soule, King & Spalding, New York, NY

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