



WORKSHOP ON INVESTMENT TREATIES AND INVESTOR-STATE DISPUTE SETTLEMENT SYSTEM

ORGANISED BY

DEPARTMENT OF ECONOMIC AFFAIRS
GOVERNMENT OF INDIA

AND

CENTRE FOR TRADE AND INVESTMENT LAW, IIFT
March 8, 2019, New Delhi.

The Centre for Trade and Investment Law (CTIL) together with the Department of Economic Affairs (DEA) organised a one-day Workshop on Investment Treaties and Investor State Dispute Settlement System at the Indian Institute of Foreign Trade, New Delhi on Friday, March 8, 2019. Officials from various Ministries and Departments of the Central and State Governments as well as Public Sector Undertakings participated in the event. In the inaugural session, the Hon'ble Secretary of Economic Affairs, Mr. Subhash Garg delivered the keynote address. Tracing the evolution of bilateral investment treaties and agreements, he emphasized the increasing need for state and central government officials to be completely aware and mindful of the obligations that investment treaties impose, in order to make better and informed decisions. Head CTIL, Dr. James Nedumpara underlined the fundamental features of investor-state disputes. In a special address, Mr. K. Rajaraman, Additional Secretary, DEA examined the relevance of BIT's, particularly in the Indian context. Drawing from her experience of conducting training and executive programmes for government officials and other professionals, Dr. Vijaya Katti, Dean Administration (Academics), IIFT highlighted the increasing importance of the topic in the present day trade and investment regime.

The Workshop comprised of sessions on Introduction to Bilateral Investment Treaties, Fundamental Features of Bilateral Investment Treaties, Investor-State Dispute Settlement System and Case Studies in Investment Disputes and Investment Treaty Practice. While

the initial two sessions were generic and dealt with fundamentals of investment law issues, the later sessions were oriented towards government officials exclusively. Overall, the sessions were designed to provide a basic understanding of investment treaty related issues and developments, and sharing the investment dispute experience with the stakeholders in order to build legal and administrative capacity in this field.

In the session on introduction to Bilateral Investment Treaties, Dr. Rishab Gupta, Partner, Shardul Amarchand Mangaldas & Co. spoke about the structure of BITS and their role in attracting investment while Dr. James explained the meaning of ‘Investor’ and ‘Investment’ and shared several case studies illustrating key issues involved in the interpretation of these terms. In following sessions, Dr. Prabhash Ranjan, Assistant Professor, South Asian University spoke about regulatory autonomy and indirect expropriation and expounded on the tests for determining the legality of expropriation. Mr. Harshad Pathak, Senior Associate, P&A Law Office explained the meaning of the principle of Fair and Equitable Treatment and charted its evolution through various case laws. Ms. Ramya Raman, Consultant (Legal), DEA spoke on non-discrimination and the fundamental principles that make up non-discrimination in a Bilateral Treaty. Dr. Sabahi, Partner, Curtis, Mallet Prevost, Colt & Mosle LLP addressed the session through a video recorded speech on International Investment Arbitration: A Global Perspective. He touched upon the investment treaty framework in Investor State Dispute Settlement, global experience with ISDS, the backlash against ISDS, global reform initiatives, and India’s place in this context.