

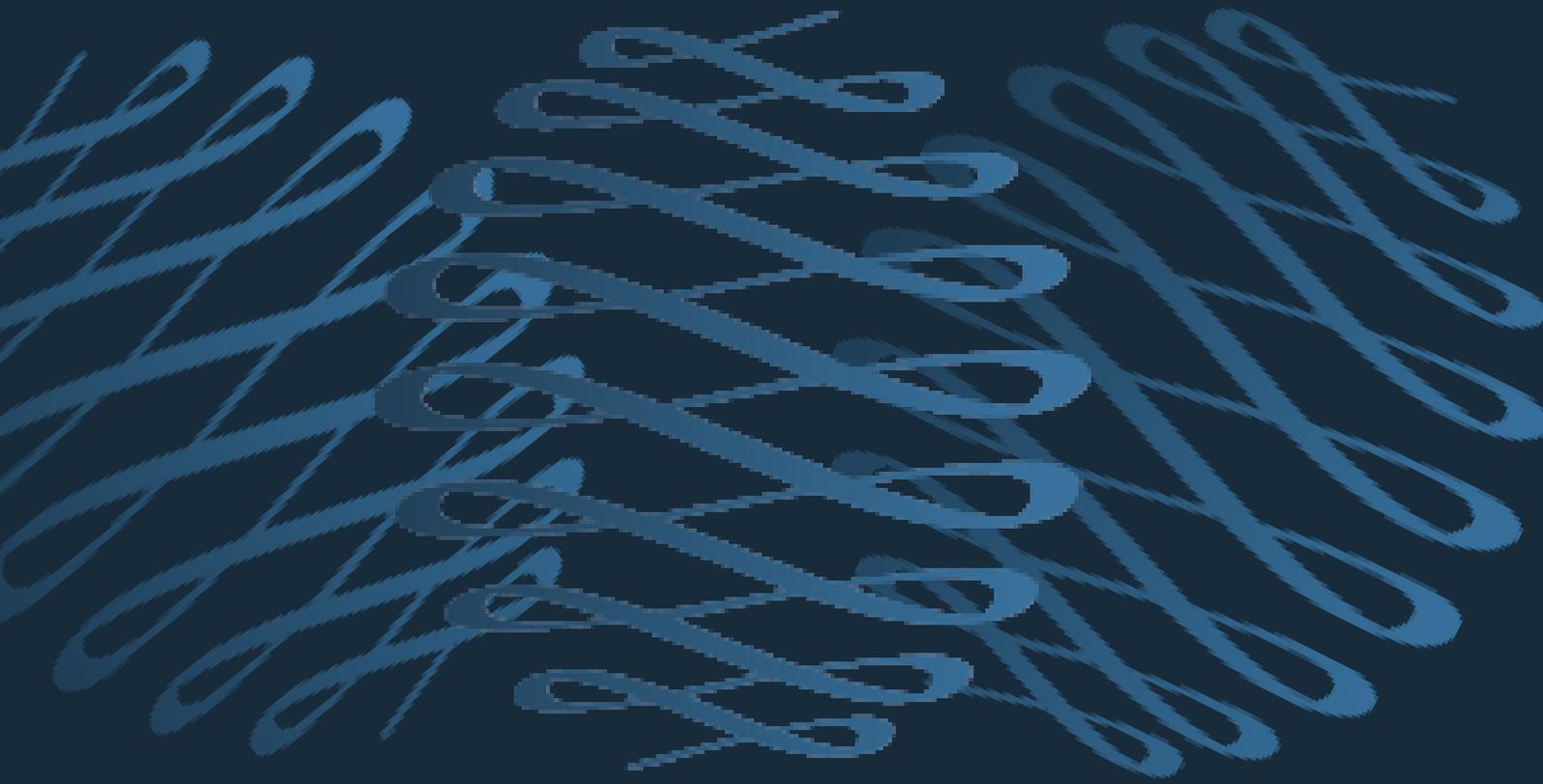
CIDS

GENEVA CENTER FOR
INTERNATIONAL DISPUTE SETTLEMENT

CIDS

ANNUAL REPORT

2021



CIDS

Annual Report 2021

Contents

Foreword	3
1. The Center	4
2. Education	5
2.1 MIDS.....	5
2.1.1 MIDS Governance	6
2.1.2 Curriculum.....	6
2.1.3 MIDS Online Section	8
2.1.4 The 2020-2021 and 2021-2022 MIDS editions.....	9
2.1.5 Career services	28
2.1.6 Professional and social events.....	30
2.1.7 MIDS – PCA Fellowship.....	31
2.1.8 MIDS 2020-2021 Graduation and 2021-2022 Opening Ceremony.....	31
2.1.9 Alumni.....	32
2.1.10 MIDS-NUS Double Degree Program.....	34
2.2 Other Educational Programs	34
3. Research.....	35
Current Projects.....	35
3.1 Grant Applications.....	39
3.2 Research-Related Events.....	40
3.2.1 Doctoral Research Seminars	40
3.2.2 Brown Bag Research Seminars	41
4. Outreach.....	41

Foreword

After the start of the global pandemic in 2020, 2021 still saw strict sanitary measures reinforced by governments to face a health situation not yet resolved. Schools around the world were forced to go back to online teaching after the continued rise of Covid-19 cases, with classrooms, conference halls and meeting rooms replaced again by Zoom sessions.

Digital transformation was already part of the CIDS strategy for some years, but in particular during the second part of 2020. The CIDS changed the way it operated by moving all teaching and assessments online during the second half of 2020, making the continuation of remote teaching and working smoother for 2021. The CIDS continued to accompany the students and faculty as well as seek additional activities and remote opportunities to improve the quality of the teaching and create connections in spite of the social distancing throughout this challenging period.

The quality of the programs offered, the liveliness of the class discussions and the commitment to the objective of the CIDS to contribute to the development of knowledge of the multiple phenomena that underlie the mechanisms for the settlement of international disputes, and to the education of future actors in this field remained unchanged.

This Annual Report 2021 gives an overview of what the CIDS accomplished during this challenging year.

1. The Center

The Center for International Dispute Settlement (CIDS) is a joint center of the Faculty of Law of the University of Geneva and the Graduate Institute of International and Development Studies in Geneva. Founded at the end of 2016, its mission is to deliver in-depth and executive education, to conduct and promote research, and to contribute to public debates and activities in the field of international dispute settlement.

The CIDS is led by its director, Professor Laurence Boisson de Chazournes (University of Geneva). Mariona Cusí serves as the MIDS Executive Director.

During 2021, the CIDS experienced some personnel changes. Thomas Schultz resigned from his position as co-director of the CIDS and Ana Ruiz, the CIDS Executive Director, left the post by the end of the year. The MIDS also experienced some staff changes: Evelyne Bryden left the program and Christine Taets, former CIDS Executive Assistant replaced her as the MIDS Program Coordinator. Pylyka Bun Sodany and Callie Cunningham joined the MIDS team as Administrative Assistant and Techno-Pedagogue respectively.

The Center is supervised by the CIDS Council, presided over by Professor Emerita Gabrielle Kaufmann-Kohler (University of Geneva, Partner at Lévy Kaufmann-Kohler) and further composed of His Excellency Judge Abdulqawi A. Yusuf (former President of the International Court of Justice), Dr. Michael Schoell (Vice-Director of the Swiss Federal Office for Justice), Elliott Geisinger, (Past President of the Swiss Arbitration Association, Partner at Schellenberg Wittmer), Professor Zachary Douglas QC (Graduate Institute, Matrix Chambers), Professor Marcelo Kohen (Graduate Institute, Secretary General of the *Institut de Droit International*), as well as Professor Laurence Boisson de Chazournes.

The CIDS is placed under the ultimate authority of the *Directoire*, representing its parent institutions, the University of Geneva and the Graduate Institute, and composed of Professors Yves Flückiger (Rector of the University of Geneva), Marie-Laure Salles (Director of the Graduate Institute), Nicolas Levrat (University of Geneva), and Mohamed Mahmoud Mohamedou (Graduate Institute).

2. Education

2.1 MIDS

The MIDS, launched in September 2008 under the aegis of the Faculty of Law of the University of Geneva and the Graduate Institute of International and Development Studies, is the core teaching program of the CIDS.

The MIDS covers international dispute settlement broadly speaking, including international commercial and investment arbitration, WTO dispute settlement, proceedings before the International Court of Justice and various other international courts and tribunals, mediation, and legal advocacy skills. Its broad scope makes it one of the rare programs in the world that covers all relevant aspects in the field, thereby acknowledging the interrelations and similarities that exist between most methods and mechanisms of international dispute settlement.

The MIDS aims at ranking among the first three choices worldwide for students seeking postgraduate education in international arbitration or dispute resolution. The program provides full-time postgraduate legal education to around 40 students per year.

The MIDS, a 90 ECTS credit course, is designed for students who hold a first complete law degree and have a good command of the English language. Most students already have professional experience in law at the time of enrolling, some to a significant extent.

The structure of the program is largely elective, offering students latitude to pursue their specific interest in dispute settlement while keeping within parameters, set to ensure the acquisition of the indispensable knowledge in the field. The program is taught in English, with the possibility to take optional courses in French.

Since its start, the MIDS has provided education to 474 students from over 85 countries and all continents.

MIDS graduates head for careers in arbitration or international law departments of law firms, in foreign affairs, trade or justice ministries, as legal officers in international dispute settlement institutions, international organizations, and non-governmental organizations. Some graduates teach at various universities around the globe and others pursue PhD studies after the MIDS.

The MIDS faculty includes experts carefully selected from among the best-known and most respected academics and practitioners in the field of dispute settlement worldwide.

2.1.1 MIDS Governance

- Program Director: Prof. Laurence Boisson de Chazournes
- MIDS Committee:
 - Prof. Laurence Boisson de Chazournes
 - Prof. Zachary Douglas
 - Prof. Marcelo Kohen
- Executive Director: Ms. Mariona Cusí
- Program Coordinator: Ms. Christine Taets
- Techno-pedagogue: Ms. Callie Cunningham
- Administrative Assistant: Ms. Pylyka Bun Sodany
- Lecturers:
 - Dr. Dafina Atanasova
 - Dr. Lorenzo Palestini

2.1.2 Curriculum

The program includes the following main building blocks:

- Two semester-long **General Courses**, providing a comprehensive overview of international dispute settlement. The first General Course deals with the organization of international dispute settlement: which disputes correspond to which dispute resolution mechanisms, and how these mechanisms operate. The second General Course reviews the main proceedings, with an eye for comparison and contrasts.

- The General Courses are accompanied by weekly “Oxbridge” style **tutorials**, held in small groups of about ten people. Tutorials serve two different purposes. On the one hand, they provide an opportunity to revisit and explore in more detail the key concepts addressed in the General Course. On the other hand, during every tutorial session, a student presents a research paper that is then the subject of a discussion among classmates. Every student delivers two research papers during the MIDS, one in each semester.
- A choice of **intensive courses**, most of which are taught by visiting professors. Each course consists of nine hours of class, spread over two or three days. These courses focus on a specific dispute settlement mechanism or explore in depth a particular topic. Intensive courses typically elaborate on matters addressed more briefly in the General Courses. Students are offered 12 to 15 courses out of which the requirement is to take 8, the average number of courses followed by a MIDS student being 10.
- A choice of semester-long **optional courses**, drawn from a list of classes offered in the regular master program curricula of the Graduate Institute and the Faculty of Law of the University of Geneva. These courses revolve broadly around international dispute settlement. Students must take at least 2 optional courses.
- Education in the field of international dispute resolution cannot remain solely academic. The MIDS curriculum therefore includes a series of clinical **workshops**, aiming at improving core advocacy skills required in the international dispute settlement practice, such as legal writing skills, commercial mediation, financial damage analysis, and arbitration advocacy.
- An **academic retreat**, where students engage in a commercial arbitration moot exercise during two days, concluding with hearings before an arbitral tribunal composed of practitioners. The purpose is to develop skills in analyzing facts and evidence, building a strategy, construing a legal argumentation, practicing oral advocacy, and working in a team, all with limited time and with the related pressure.
- **Seminars** on new developments in international dispute settlement and on the work of key international organizations and arbitral institutions.

- International **conferences** on international dispute settlement related topics. Students are required to attend at least two, one in Switzerland and one abroad, from a choice that typically includes ASA conferences, BIICL Investment Treaty Forum and WTO conferences, ICC Annual Meetings, MILAN CAM Annual Conference, and the University of Neuchâtel conference, among others.
- At least three public **lectures** with well-known academics and practitioners. These lectures are open to the public and gather a large number of students, practitioners, and academics from Switzerland and France.
- **Site visits** to dispute settlement institutions in Paris, The Hague, and Geneva.

2.1.3 MIDS Online Section

With its Online Section, the MIDS sought to be at the forefront of the educational offering in the field of international dispute settlement. Not only has the Covid-19 pandemic highlighted the need for providing students and young professionals with the opportunity to pursue their education while respecting their sanitary choices and travel constraints; the increasingly competitive and fast moving job market in international dispute settlement is calling for new and more flexible educational and networking options which give anyone the possibility to access a prestigious degree without disrupting their professional and personal life.

The curriculum of the Online Section is similar to the traditional program in residence. Only its pedagogy has been adapted to incorporate innovative teaching formats and technologies inspired by the best practices developed in recent years, in order to adapt to the specificities of distance learning.

Students admitted to the Online Section during the 2020-2021 and 2021-2022 academic years were able to choose whether to undertake the program in one (full time) or two years (part time). This new modality aims at bringing flexibility while ensuring the same high-profile and quality education as the traditional MIDS program.

2.1.4 The 2020-2021 and 2021-2022 MIDS editions

Students

For the 2020-2021 edition of the MIDS program, about 270 validated applications were submitted. The final class was composed of 42 regular MIDS students (of which 34 were admitted on-campus and 8 fully online) and 1 double degree student coming from NUS. 3 out of the 8 online students were admitted for a 1-year program, while the other 5 were admitted to complete the MIDS in two years, part time. Of the 42 students, 30 were female and 12 male, representing a total of 24 countries.

For the 2021-2022 edition, the MIDS received over 243 validated applications. The final class is composed of 47 students, of which 2 are following the double degree program between the MIDS and NUS. 15 students are undertaking the MIDS Online Section. Of these, 3 will complete the program in one year and 12 in two years, part-time. Out of the 12 students following the program online in two years, 6 are in their first year and 6 are already in their second and final year at the MIDS.

MIDS students in 2020-2021

MIDS On-Campus students:

Deepanshi Ahlawat (India)

Ilias Andreadis (Greece)

Gracious Avayiwoe (Ghana)

Atie Babaie (Iran)

Maria Bejan (Austria)

Misol Fernanda Bolaños Gutiérrez (Mexico)

Misha Chandna (India)

Chen Chen (Hungary)

Dullo Adan Ware Dullo (Kenya)

Nathalie Finan (Canada, Egypt)

Yiwen Guan (China)

Shivansh Jolly (India)

Anthea Jay Kamalnath (USA)

Ayong Lim (South Korea)

Kammal Machkokot (France)

Ricardo Marroquín González (Mexico)

Bettina Omizzolo (Brazil)

Myrto Pantelaki (Greece)

María Eugenia Piacquadio (Argentina)

Vamika Puri (China - Hong Kong)

Tusa Rutherford (USA)

Abhijeet Sadikale (India)

Sanjana Sharma (India)

Priyanka Shinde (Singapore)

Katsiaryna Shkarbuta (Belarus)

Yvete Marie Sola (Philippines)
Arjun Sreenivas (India)
Jie Tai (China)
Leah Thomas (India)
Danielle Tubert (Brazil, France)
Jiahe Yu (China)
Hanchun Zhu (China)
Laura Camila Zinnerman (Argentina, Italie)

MIDS Online Students:

Lorette Giacometti (Switzerland)
Lorraine Granier (France)
Daniel S. Hofileña (Philippines)
Delfina Isoardi (Argentina)
Octavio Kehr (Chile, Switzerland)
Manasi Kumar (India)
Samantha Raymann (Switzerland, Mexico)
Shri Singh (India)
Julie Tannous (Lebanon)

MIDS Students in 2021-2022

MIDS On-Campus students:

Remah Abouzaid (Egypt)
Adetola Adebessin (Nigeria)
Rahman Apalara (Nigeria)
Spyridon Batzios (Greece)
Fernanda Botti Vilaca Martins (Brazil, Italy)
Veronika Bulatova (Russia)
Nicolas Orlando Cely Bustacara (Colombia)
Anirudh Gandhi (India)
Alexia Gkoritsa (Greece)
Mihika Gupta (India)
Danying He (China)
Efemena Iluezi-Ogbaudu (Nigeria)
Kryspin Janata (Czech Republic)
Akriti Kataria (India)

Ranjeev Khatana (India)
Nihan Kir (Turkey)
Seoyun Kong (Republic of Korea)
Zuzanna Kowalska (Poland)
Nicolas Krotten (Germany)
Karolina Magdalena Latasz (Poland)
Anirudh Lekhi (India)
Sarthak Malhotra (India)
Jayant Malik (India)
Brisney David Molina Coello (Ecuador)
Saba Lucien Mollaian (Switzerland, Australia)
Clio Mordivolgia (Hungary, Italy)
Mohit Pandey (India)
Shambhavi Pandey (India)
Elizaveta Rachkova (Russia)

Natalia Rodriguez Calderon (Colombia)

Cosima Wimmers (Canada, Austria)

Online Section Students (second year):

Lorette Giacometti (Switzerland)

Lorraine Granier (France)

Delfina Isoardi (Argentina, Italy)

Manasi Kumar (India)

Samantha Raymann (Switzerland, Mexico)

Julie Tannous (Lebanon)

Online Section Students (second year):

Arianna Arce (Costa Rica)

Won-Youb Choi (Republic of Korea)

Adnan Jaafar (Egypt)

Karla Soren (Croatia)

Wen Jin Lau (Singapore)

Rishi Murarka (India)

Vahid Rezadoost (Iran)

Luis Miguel Soares (Portugal)

Tadas Varapnickas (Lithuania)

Scholarships

The sources of income for the MIDS program are the tuition fees (CHF 28'000 per student as of 2020) and contributions in kind from the Faculty of Law of the University of Geneva and the Graduate Institute.

Thanks to the generous support of donors, the MIDS was able to offer several scholarships, either partial or full, to around 10 students:

- Lévy Kaufmann-Kohler (Geneva) offered a full scholarship covering the tuition fees and living expenses during the program, for both academic years covered in this report;
- LALIVE (Geneva) offered a full scholarship covering the tuition fees and living expenses during the program, for both academic years covered in this report;
- Dechert LLP (Paris) offered a full scholarship covering the tuition fees and living expenses during the program for one student during the 2020-2021 academic year;
- Three Crowns LLP offered a partial scholarship covering most of the MIDS tuition fees to one student during the 2021-2022 academic year;
- Lambadarios Law Firm (Athens) offered a partial scholarship in the form of a reduction of the tuition fees, for both academic years covered in this report;

- The MIDS alumni may choose to make donations towards the MIDS Alumni Scholarship. This scholarship covers part of the MIDS tuition fees and is offered to a student each academic year. The amount of the scholarship may vary from year to year, depending on the donations received from the alumni.

MIDS on behalf of Young-ICCA offered a partial scholarship covering the full tuition fees, for both academic years covered in this report.

In addition to that, a private Swiss foundation offered 5 partial scholarships covering the living expenses during the program. Under the agreement with this foundation, students awarded with scholarship benefited from a reduction of their tuition fees.

MIDS 2020-2021 Curriculum

A new wave of the Covid-19 pandemic hit Geneva early at the start of the first semester of the 2020-2021 academic year, affecting the students following the MIDS program. In this regard, all activities and courses had to be shifted online and adapted to the new situation.

Knowing the importance of keeping the program true to itself and to support the students in this difficult situation, the MIDS team worked once again to not only continue to deliver the curriculum as initially scheduled but also to provide the best MIDS experience possible to its students even in these exceptional circumstances.

In this regard, the MIDS was able to keep, albeit in an online format, most of its planned courses and activities thanks to the help and support of the University of Geneva and the Graduate Institute, the MIDS staff and the faculty involved. The MIDS also kept close communication with its students, giving them regular updates on the situation and adaptation of the courses remotely, as well as being available to support them individually as necessary. Moreover, taking from its experience during the 2019-2020 academic year, the MIDS was able to offer better online pedagogics and better technical support as well as organize additional online activities and networking opportunities for its students.

General Course – Spring semester

This course discusses the main procedural issues that arise in the international legal proceedings examined in the General Course during the first semester. As the procedures in the different dispute resolution processes raise similar issues (i.e. jurisdiction, provisional remedies, equal treatment, evidence, enforcement), this course reviews these aspects with an eye to comparisons and contrasts.

It was taught by Prof. Zachary Douglas (Graduate Institute) and Prof. Marcelo Kohen (Graduate Institute).

Tutorials

Intrinsically connected to the General Courses, the tutorials are weekly interactions between a tutor, one of the MIDS lecturers, and a group of about ten students. The tutorials were conducted by MIDS lecturers, Dr. Lorenzo Palestini (public international law) and Dr. Dafina Atanasova (private international law).

Intensive courses

- **Sports Arbitration with Prof. Antonio Rigozzi**, University of Neuchâtel; Partner, Lévy Kaufmann-Kohler

Switzerland hosts most major international sports federations and organizations, including the International Olympic Committee and the Court of Arbitration for Sport (CAS), which acts as the world's highest sports tribunal for most kinds of disputes between athletes or clubs and sport's governing bodies. CAS also administers commercial arbitrations about sports matters and a specific arbitration procedure for the Olympic Games. MIDS students were introduced to these different procedures and also had the opportunity to discuss their impact on the rights of athletes.

- **EU Law and International Arbitration with Prof. George A. Bermann**, Walter Gellhorn Professor and Jean Monnet Professor, Columbia Law School

For some time, it has been assumed in European circles that international commercial arbitration was adequately regulated by the fundamental text, the 1958 New York Convention. But a number of circumstances have come together – a growing awareness that important EU claims are being decided in arbitral rather than judicial fora, a dramatic heightening of EU activity in private international law generally, debates over the use of anti-suit injunctions in the international arbitration field, and imperfections of the New York Convention itself – to put international commercial arbitration suddenly in the EU spotlight. The course examined these developments and their prospects.

- **The PCA and its Contribution to the Evolution of International Dispute Settlement with Mr. Brooks W. Daly**, Deputy Secretary-General and Principal Legal Counsel, Permanent Court of Arbitration

While arbitration is most often thought of as an alternative to litigation in national courts, the PCA was founded in 1899 to provide an alternative to war. From its beginnings in the settlement of interstate disputes to its diverse modern activity, this course examined how the PCA has contributed to, and been transformed by, the dispute settlement needs of the international community.

- **Investment Arbitration in Action with Dr. Michele Potestà**, Partner, Lévy Kaufmann-Kohler and Senior Researcher, CIDS; **and Ms. Catherine Kettlewell**, Legal Counsel, ICSID

How does an investment arbitration proceeding unfold in practice? This intensive course walked students through the main steps and phases of an investment arbitration proceeding, seen from the various viewpoints of parties, counsel, tribunal, tribunal secretaries, arbitral institution, and other actors (e.g., non-disputing parties). The course included a practical exercise centered on an investment mock case, which allowed

students to train their writing and oral skills and better understand and anticipate procedural steps in an arbitration.

- **French Law on International Commercial Arbitration with Prof. Maximin de Fontmichel**, Professor, Université de Bretagne Occidentale and Director, Master in International Arbitration and Business Law, University of Versailles-Paris Saclay

The French arbitration law, tradition and culture are not only among the most important frameworks for international commercial arbitration today because Paris is a leading place for international arbitration; they are also among the intellectual factors that most profoundly shaped the world of arbitration as we know it today. As French arbitration law still inspires new legal frameworks and is being used by practitioners throughout the world, this course introduced the students to that French heritage, from the rules governing the arbitral agreement to the rules applicable to the arbitral award, and discussed today's international commercial arbitration law and practice in France.

- **The New York Convention of 1958 with Erica Stein** (partner, Dechert LLP) and **Niuscha Bassiri** (partner, Hanotiau & van den Berg)

The New York convention of 1958 on the recognition and Enforcement of Foreign Arbitral Awards is the single most important legal text in international agreements and arbitral awards. Students taking the New York Convention of 1958 course obtain a unique insight into the application of the Convention and into the great challenges it faces to keep current with the world of arbitration as it has evolved since 1958.

- **International Commercial arbitration in the UK with Prof. Stavros Brekoulakis**, Professor in International Arbitration Law, Queen Mary University of London & Member of 3 Verulam Buildings (Gray's Inn)

London has been traditionally one of the most important, and arguably the most popular, arbitration centre worldwide, with more than 5'000 arbitration cases being recorded annually. This course examines the fundamental theoretical concepts and legal

framework for international commercial arbitration in the UK. While attention is focused on UK arbitration law and practice, discussion will include comparative references to other major arbitration jurisdictions as well as international arbitration instruments, including the 1958 New York Convention, and arbitration rules of the major arbitration institutions.

- **International Arbitration in Latin America with Prof. Eduardo Silva Romero**, Partner, Dechert LLP; former Deputy Secretary General, ICC International Court of Arbitration; Professor at Rosario University in Bogotá; Lecturer at Sciences Po Paris

The increasing number of arbitrations involving Latin American parties has raised many important issues in respect to the development and clarification of investment and commercial arbitration. This course will identify the specificities and similarities of arbitration in Latin America compared to the general transnational trends.

Optional courses

In addition to the General Course and intensive courses, students had the opportunity to choose semester-long weekly optional courses drawn from a list of 20 to 30 classes relating to international dispute settlement and neighboring fields. The courses were drawn from the regular masters' curricula of the Graduate Institute and the Faculty of Law of the University of Geneva. Most of the students took the following course during the 2nd semester of the 2020-2021 academic year:

- International Investment Law with Prof. Joost Pauwelyn

Workshops

- **Financial Damage Analysis Workshop with Mr. Geoffrey Senogles** (Partner, Senogles & Co, Chartered Accountants, Switzerland).

Any lawyer working in arbitration, whether as counsel, arbitrator or arbitral secretary, will undoubtedly be faced with quantum issues. Through this workshop, students got an

insight into financial damage expertise and methodologies from the perspective of a practicing forensic accountant, who frequently testifies as financial expert witness in international proceedings and previously dealt with financial aspects of mass claims at the United Nations Compensation Commission (UNCC).

- **Witness Examination in International Arbitration Workshop**, organized with the Foundation for International Arbitration Advocacy (FIAA)

This two-day workshop in arbitration advocacy was specifically designed by the FIAA for the MIDS students. FIAA is a Geneva-based foundation which is generally recognized for providing the world's best clinical training in arbitration advocacy. For this edition of the workshop, the MIDS and FIAA counted with the support of the International Dispute Resolution Centre (IDRC) in London, who provided the online platform and helped with the logistics of organizing the workshop online.

Following an introductory session, the students were taken through practical exercises of witness examination in small groups and given immediate feedback. The FIAA advocacy faculty was led by Mr. David Roney (FIAA Founder; Sidley Austin, Geneva) and Ms. Wendy Miles QC (Twenty Essex, London and Chair of the FIAA Executive Committee), who were joined by the following arbitration practitioners:

- James Clark, Quinn Emanuel Urquhart & Sullivan LLP, Paris
- Maria Hauser-Morel, Hanefeld Rechtsanwälte, Paris
- David Hunt, Boies Schiller Flexner (UK) LLP, London
- Ndanga Kamau, Ndanga Kamau Law, The Hague
- Samantha Lord Hill, Freshfields Bruckhaus & Derringer LLP, Dubai
- Emilie McConaughey, LALIVE, Geneva
- Mahnaz Malik, Twenty Essex, London

- Matei Purice, Freshfields Bruckhaus & Derringer LLP, Dubai
- Spandana Ashwath, Aarna Law LLP, Bangalore
- Laetitia Souesme, White & Case LLP, London
- TIONG Teck Wee, WongPartnership LLP, Singapore
- Mark Tushingham, Twenty Essex, London
- **MIDS Online Mediation Workshop with Prof. Brian Hutchison** (University College Dublin)

This workshop is prepared and organized exclusively for the MIDS Online students.

Spanning over three afternoons to take into account time differences, it includes several preparatory videos, two live seminars and one mediation role-play session.

Academic Retreat

The MIDS Academic Retreat is a two-day academic retreat devoted to an arbitration competition similar to a moot court. It usually takes place in a picturesque country setting in Château de Bossey, overlooking Lake Lemman.

During the Retreat, students are divided into teams of claimants and respondents and handed out materials from an international commercial arbitration case. The students then meet in teams to prepare their strategy and oral arguments well into the night of the first day. During this first day of preparations, Dr. Michele Potestà and the MIDS Lecturers support and advise the students on the elaboration of their respective strategies. On the second day, the students present oral arguments before arbitral tribunals, composed of practitioners in the field.

The purpose of this Retreat is to develop skills in analyzing facts and evidence, building a strategy, designing a line of argumentation, practicing oral advocacy, and improving teamwork, all within limited time and with pressure evocative of reality.

The MIDS Academic Retreat for the 2020-2021 academic year took place in a hybrid manner, to comply with the sanitary measures in place. The students were able to work together in small teams in different classrooms at the Maison de la Paix, as well as meet as Claimants and Respondents in previously prepared classrooms for the hearings of the second day. The following arbitrators joined remotely the MIDS Academic Retreat hearings:

- Joachim Knoll (LALIVE)
- Philippe Baertsch (Schellenberg Wittmer)
- Isabelle Michou (Quinn Emanuel)
- Agustin Barrier (LALIVE)
- Nora Fredstie (White & Case)
- Dorothee Shramm (Sidley Austin)
- Giulio Palermo (Archipel)
- Vanessa Alarcón (King & Spalding)
- Yas Banifaemi (GBS Disputes)
- Jean Marguerat (Floriep)
- Eniko Horvath (Dechert)
- Bernd Ehle (LALIVE)

In order to compensate for the students not being able to meet the arbitrators in person and to allow them to network in an informal setting, the MIDS organized several virtual socializing lounges at the end of the second day with the participating arbitrators. These virtual lounges offered the opportunity to informally interact with an arbitrator in small groups of around three students.

The MIDS also organized a separate Academic Retreat for its students in the Online Program. This Retreat took place over three afternoons, with schedules adapted to the existing time differences. The following arbitrators participated in this second Academic Retreat:

- Alexandre Fessas (ICC International Court of Arbitration)

- Gregory Travaini (Herbert Smith Freehills)
- Clovis Trevino (Convington & Burling)
- Matei Purice (Freshfields)
- Kevin Nash (Singapor International Arbitration Centre)
- Huawei Sun (Zhong Lun Law Firm)

Seminars and lectures

On 28 May 2021, the Geneva-based law firm **LALIVE** organized an online **training seminar** on the practice of international arbitration for the MIDS students in their offices. During this half-day training, MIDS students could benefit from the experience and knowledge of the firm's leading lawyers. This year's session focused on commercial arbitration proceedings. At the end of the training, the students had the opportunity to informally meet and exchange with the partners and counsels of the firm.

The MIDS also organized other online seminars during the academic year. During the spring semester, the following took place:

- MIDS Online Lecture on **“The ICJ – Its working methods” with Judge Yves Daudet**. The lecture took place on 12 April 2021; and
- **“Outer Space Activities and Dispute Resolution: An Introduction” with Arthad Kurlekar**, MIDS Alumnus and an associate in the International Arbitration Group at Curtis Mallet-Prevost Colt & Mosle LLP. This online seminar took place on 26 May 2021.

By the end of the semester, certain activities were allowed to take place in person again, with certain sanitary measures in place. Following the measures in place, the MIDS was able to organize a **Q&A Session with Star Arbitrator Bernard Hanotiau**, who was thus able to meet the students in Geneva.

Conferences

As a mandatory part of the curriculum, on-campus students attend two international conferences, one in Switzerland and another one abroad. The choice of conferences varies from year to year according to the offer and topics dealt with by different conferences and institutions.

Due to the sanitary situation, most conferences initially scheduled to take place in presence had to progressively move online. The MIDS turned this as an opportunity to give its students access to more events than it is usually planned for in the curriculum. In this regard, during this spring semester, MIDS students attended (either online or in person) the following conferences:

- “Arbitration and crime: enforcement of awards, tainted assets, transnational public policy, sports arbitration” (online event, 8 January 2021);
- ASA Annual Conference 2021 on “Arbitration and Insolvency” (online event, 28-29 January 2021);
- 35th ITF Public Conference on “Evidence in Investor-State Arbitration” (online event, 29-30 April 2021);
- Several GAR interactive conferences (regional conferences held online at different dates during the academic year, including the spring semester).

Study trips

The MIDS on-campus students usually visit several international institutions in The Hague during the second semester of the academic year. Visits include lectures and seminars with a Judge at the International Court of Justice, with staff from the Permanent Court of Arbitration, as well as with members of the Iran-United States Claims Tribunal.

Due to the sanitary situation, unfortunately, all study trips and institutional visits had to be cancelled during the second semester of 2020-2021. The students were nevertheless able to participate in online seminars with Judge Yusuf from the International Court of Justice, as well as with the MIDS-PCA Fellow at the time, Scott Falls, on behalf of the Permanent Court of

Arbitration. In addition to the seminar, Scott Falls also took the students on a virtual tour of the Peace Palace during the online session.

MIDS 2021-2022 Curriculum

In spite of the sanitary measures put in place by the Swiss Government to face the new Covid wave in September, the MIDS was able to start the 2021-2022 academic year in presence. The MIDS had the possibility to keep classes in person thanks to the exception given by the Government to continued education programs with small and regular cohorts of students. The MIDS therefore started the academic year in a hybrid manner (in person for students admitted on-campus and remotely for students admitted to the Online Program).

In order to provide a safe environment for its students in Geneva and to respect the sanitary measures in place at the time, the MIDS provided each student with two high-quality cloth facemasks, emblazoned with the MIDS logo, and made sure that all classrooms were well ventilated during the classes.

The MIDS students also benefited from the following options:

- Free Covid vaccines at the University of Geneva; and
- Free Covid tests at the Graduate Institute when experiencing symptoms.

Nevertheless, the difficult nature of the continued sanitary situation and with students switching from the online to the on-campus modalities (and vice-versa) for health and preventive reasons, the MIDS once again relied on its team of staff and faculty to deliver the best possible experience to its students and support them in these difficult times.

General Course – Autumn semester

This course sets the stage and reviews the different mechanisms for resolving international disputes. The course focuses on commercial and investment arbitration, ICJ, ITLOS, the PCA and WTO dispute settlement procedures, as well as on certain other contemporary dispute

settlement mechanisms. The main characteristics of each dispute settlement institution and procedure are examined, with emphasis on the types of disputes that can be brought before each one.

It was taught by Prof. Laurence Boisson de Chazournes (University of Geneva) and Prof. Thomas Schultz (University of Geneva).

Tutorials

The tutorials were conducted by MIDS lecturers, Dr. Lorenzo Palestini (public international law) and Dr. Dafina Atanasova (private international law).

Intensive courses

- **ICC Arbitration with Prof. Pierre Tercier**, Emeritus Professor, University of Fribourg and Honorary Chairman, ICC International Court of Arbitration

The International Court of Arbitration of the ICC is one of the most important and best-known arbitration institutions. Its unique set of procedures has been applied to more than 20'000 disputes since their adoption. Students attending this course benefited from a thorough insight into the ICC arbitration process.

- **The Arbitration Agreement in International Commercial Arbitration with Prof. Sébastien Besson**, Professor, University of Neuchâtel and Partner Lévy Kaufmann-Kohler

The arbitration agreement is the cornerstone of international commercial arbitration. It raises many issues that in part receive divergent answers under different arbitration laws. This course explores these issues in depth, including the notion of separability of the arbitration agreement and the principle of competence-competence that play a fundamental role in the theory and practice of international commercial arbitration.

- **The New York Convention of 1958 with Prof. Albert Jan van den Berg**, Emeritus Professor of Law, Erasmus University, Rotterdam; Visiting Professor, Georgetown Law School, Washington DC and Tsinghua School of Law, Beijing; Partner, Hanotiau & van den Berg)

The New York convention of 1958 on the recognition and Enforcement of Foreign Arbitral Awards is the single most important legal text in international agreements and arbitral awards. Students taking the New York Convention of 1958 course obtain a unique insight into the application of the Convention and into the great challenges it faces to keep current with the world of arbitration as it has evolved since 1958. Indeed, since the publication in 1981 of his classical treatise “The New York convention of 1958: towards a Uniform Judicial Interpretation”, Professor Albert Jan van den Berg has been widely recognized as the worldwide expert on the topic.

Optional courses

Students had the choice to take at least one semester-long weekly optional course, drawn from a list of relating to international dispute settlement and neighboring fields. The courses were drawn from the regular masters’ curricula of the Graduate Institute and the Faculty of Law of the University of Geneva. The courses listed below are those most attended by MIDS students during the 1st semester of the 2021-2022 academic year:

- International Trade Law with Prof. Jan Bohanes (Graduate Institute)
- International Arbitration with Prof. Thomas Schultz (University of Geneva)
- WTO Law and Practice with Prof. Gabrielle Marceau (University of Geneva)
- Comparative Methodology: Contract Law with Prof. Thomas Kadner (University of Geneva)

Workshops

- **Legal Writing Workshop with Mr. David Roney and Ms. Tanya Landon**, Partners, Sidley Austin

It covered the legal drafting process in international arbitration with a special emphasis on written advocacy and persuasion. In addition to the theoretical underpinnings, it included practical exercises and individualized feedback on legal submissions, drafted by the students as part of the workshop.

- **Mediation Workshop with Ms. Birgit Sambeth Glasner**, Partner, Altenburger Ltd legal+tax

Over the course of three days, a respected international commercial mediator takes the class through the nuts and bolts of mediation by discussing some of the key questions of this practice, such as: when should parties settle, when are they ready to do so, how to bring them to a settlement, etc. These questions require simple skills, which are too often ignored by counsel and arbitrators alike, much to the detriment of the parties. Having such skills is a competitive advantage on the job market.

- **Financial Damage Analysis and Expert Witness Perspective with Mr. Geoffrey Senogles** (Partner, Senogles & Co, Chartered Accountants, Switzerland).

Any lawyer working in arbitration, whether as counsel, arbitrator or arbitral secretary, will undoubtedly be faced with quantum issues. The goal of this series of workshops is to provide an insight into financial damage expertise and methodologies from the perspective of a practicing forensic accountant who frequently testifies as financial expert witness in international proceedings and previously dealt with financial aspects of mass claims while on staff at the United Nations Compensation Commission (UNCC).

Academic Retreat

The 2021-2022 MIDS Academic Retreat took place on 13 and 14 December at the Château de Bossey, in a hybrid manner. During the first day, the teams worked together in small groups in different rooms at the Château, preparing their strategy and oral arguments. During the afternoon of the second day, the hearings took place. Three out of the four arbitral tribunals took place in person, whilst one took place fully online, to accommodate students that were not able to participate in person (due to experiencing Covid symptoms or as a preventive measure for personal reasons). The following arbitrators participated in this Academic Retreat:

- Joachim Knoll (LALIVE)
- Bernd Ehle (LALIVE)
- Elliott Geisinger (Schellenberg Wittmer)
- Pierre-Yves Gunter (Bär & Karrer)
- Tanya Landon (Sidley Austin)
- Maria de la Colina (Guglielmino)
- Lukas Innerebner (Swiss Arbitration Centre)
- Marion Paris (Peter & Kim)
- Nina Lauber-Thommesen (LKK)
- Claudia Baró Huelmo (Withersworldwide)
- Hanno Wehland (Lenz & Staehelin)
- Leonard Stóyanov (Floriep)

Seminars and lectures

At the **Opening Ceremony** of the academic year 2021-2022, **Prof. Pierre Tercier** (Honorary Chairman, ICC International Court of Arbitration; Emeritus Professor, University of Fribourg) addressed the question of the appointment of arbitrators.

MIDS students could also broaden their knowledge on the **Law of the Sea** with a seminar given by **Prof. Tullio Treves** (University of Milan; former Judge, International Tribunal for the Law of

the Sea; Counsel, Curtis Mallet-Prevost Colt & Mosle). They also benefited from the experience and teaching of **Prof. Makane Moïse Mbengue** (Professor, University of Geneva; Affiliate Professor, Sciences Po Paris School of Law) during the seminar “**Dispute Settlement at the WTO: An Introduction**”.

In addition, MIDS students were able to benefit from two additional seminars (one hybrid with students both on-campus and online and a second one exclusively online) with **Prof. Yannick Radi**. The seminar included a presentation by Prof. Radi and a discussion with Prof. Boisson de Chazournes and Prof. Mbengue on “**Rules and Practices of International Investment Law and Arbitration**”.

Conferences

During the first semester of the 2021-2022 academic year, the MIDS offered its students the possibility to attend the following conferences:

- ASA below 40 conference on “Back to the future – Old problems, new solutions?” (22 October 2021);
- 4th GAR Live conference in Vienna (26 November 2021); and
- 41st ICC Institute Annual Conference on “Rethinking the Paradigms of International Arbitration – In Person” (29 November 2021)

Study trips

During the autumn semester, the MIDS curriculum included a study trip to Paris. On 30 November and 1 December 2021, the students continued their intensive course on “ICC Arbitration” with Prof. Tercier in Paris.

During the first day, the MIDS was hosted at the offices of Three Crowns LLP in Paris, where students had the opportunity to interact with several lawyers of the firm and enjoy presentations delivered by practitioners such as:

- Georgios Petrochilos QC, Partner, Three Crowns LLP

- Fernando Mantilla, Partner, Latham & Watkins LLP
- Eduardo Silva Romero, Partner, Dechert
- Maximin de Fontmichel, Director, Master in International Arbitration and Business Law, University of Versailles-Paris Saclay

The second day of the course was held at the premises of the International Chamber of Commerce in Paris, where members of the ICC International Court of Arbitration Secretariat addressed the students on various topics, including the following:

- Ms. Nil Daver, Deputy Counsel, made a general presentation and spoke about the evolution of the ICC arbitration system;
- Ms. Elena Fontanelli, Deputy Counsel, talked about nomination, confirmation, challenge and control of arbitrators as well as some practical aspects;
- Mr. Michael Neumeier, Deputy Counsel, talked about expedited procedures;
- Mr. Sergii Melnyk, Deputy Counsel, approached the issues of multiple parties, consolidation, joinder and multi contracts;
- Ms. Friederike Schafer, Counsel, talked about costs and financial aspects; and
- Ms. Hjordis Birna Hjartardottir, Counsel, addressed the topic of scrutiny and approval of arbitral awards.

2.1.5 Career services

One of the key features of the program is the individualized career service offered to each MIDS student. They benefit throughout the year from individual meetings with the MIDS Executive Director and Career Advisor, Mariona Cusí.

The goals of the individual meetings with the students evolve during the year. During the first semester, students work on how to draft their CV and application letter, with the aim of improving how to introduce themselves and be more effective in drawing up the documents required for internship applications. The students also benefit from a MIDS workshop on career strategy, CV and cover letter drafting, professional networking, as well as social media presence skills. During the 2021-2022 academic year, this workshop was offered jointly with Benjamin Moss, Senior Managing Associate at Sidley Austin in Geneva. Benjamin Moss offered students further insight into the recruitment process in international law firms.

As the academic year progresses, students prepare their strategy to apply for internship positions. The MIDS Career Advisor conducts individual mock interviews based on the features of the forthcoming real interview. Following the real interview, students are offered feedback and debriefing sessions.

In addition, the MIDS pays special attention to improving the students' networking skills and professional presence, not only in the social media, but also at the different events and conferences attended throughout the year. During the 2020-2021 academic year, the MIDS organized, together with the Swiss company Skillsgarden, a practical seminar on "How to Network Online". This seminar had the objective of helping students navigate and thrive in the new reality brought in by the global pandemic of having to network and find internships or job opportunities remotely.

Over the years, the MIDS has formed strong bonds with many international law firms and arbitral institutions, including Archipel, Dechert, Freshfields Bruckhaus Deringer, Hanotiau & van den Berg, LALIVE, Lévy Kaufmann-Kohler, Schellenberg Wittmer, Siassi McCunn Bussard, Sidley Austin, Three Crowns, the ICC International Court of Arbitration, ICSID, the International Court of Justice, the Permanent Court of Arbitration, the Swiss Arbitration Centre, UNCTAD, WIPO's Arbitration and Mediation Center and the World Trade Organization, among others.

Traditionally, a majority of MIDS students find internship positions for their “life after the MIDS” before the end of the program. In the academic year 2020-2021, around 80% of the students were hired by law firms, arbitral institutions, international organizations or government authorities (some already had a job waiting for them after the MIDS). Some of the students also chose to continue their studies.

During the 2020-2021 and 2021-2022 academic years, the MIDS continued its Mentorship Program, offering students the possibility to be paired with a mentor from a pool of alumni. This program aims at providing students with academic and career guidance and has been highly appreciated by both mentors and mentees.

2.1.6 Professional and social events

A successful educational experience is not only about academic content. It also requires the right atmosphere, friends to share experiences with, and occasions to enjoy a year away from professional constraints. For the students, it is also important to build contacts for the future. To meet these expectations, the MIDS organizes a number of social events, including welcome and farewell cocktails. These events are attended by many of the key actors in the Geneva community of international dispute settlement, allowing for networking.

In this particular year hit by the pandemic and marked by confinements and isolation, networking and career development was no longer the only aim of the social events organized by the MIDS. Solicitous about the well-being of its students, the MIDS multiplied the opportunities for contact and interactions of the students with its staff and faculty. These events took various forms and shapes:

- 14 virtual coffee sessions with MIDS faculty members, including intensive course professors. In order to create some closeness and allow for better interactions, the groups were kept small with a maximum of 10 students per session.

- Regular information sessions over Zoom with MIDS staff for updates on the sanitary situation and overall follow-up with students on their well-being.
- Informal class meetings with the Online Section students and the MIDS staff. The purpose of these meetings was to receive on the experience the students were having with the new modality of the program. The feedback was then immediately used to adapt and improve the methodology and the services.
- Frequent individual meetings with MIDS staff held online or in presence according to the student's preference. The purpose of these meetings depended on the need and interest of the student, partly professional, partly personal, and often a mix of both.
- An end-of-the-year dinner with students, professors and MIDS staff at the restaurant Vieux Bois in Geneva.

2.1.7 MIDS – PCA Fellowship

By virtue of an agreement between the Permanent Court of Arbitration and the MIDS, a student of the graduating class has the opportunity to join the PCA, participating for a period of twelve months in the work of the PCA's International Bureau as an Assistant Legal Counsel.

Mr. Ricardo Marroquín, student from the 2020-2021 MIDS edition, joined the PCA for this one-year fellowship opportunity in September 2021. Mr. Scott Falls (MIDS 2019-2020), Mr. Maté Csernus (MIDS 2018-2019), Mr. Arthad Kurlekar (MIDS 2017-2018), Mr. Byron Perez (MIDS 2016-2017) and Ms. Maria Kiskachi (MIDS 2015-2016) preceded him in this position.

2.1.8 MIDS 2020-2021 Graduation and 2021-2022 Opening Ceremony

The Graduation for the MIDS 2020-2021 edition and the Opening for the 2021-2022 program were held in a joint ceremony on 23 September 2021 at the Maison de la Paix. The event was

held in a hybrid mode to respect the sanitary measures in place in Geneva at the time, as well as to allow for the participation of students in the Online Program.

Prof. Laurence Boisson de Chazournes opened the ceremony, while Prof. Joost Pauwelyn (Director, Department of International Law, IHEID) addressed and congratulated the graduating class. Prof. Pierre Tercier (Honorary Chairman, ICC International Court of Arbitration; Emeritus Professor, University of Fribourg) then delivered the keynote speech to congratulate the graduating class and to welcome the incoming students. The representatives of the, at the time, newly formed MIDS Alumni Association introduced the Association and welcomed the graduating students to the alumni community. Ms. Misha Chandna and Ms. Laura Zinnerman spoke on behalf of the 2020-2021 class, remembering the experiences and memories of the students' year and welcoming the incoming 2021-2022 class.

2.1.9 Alumni

Many Alumni have joined leading law firms in major arbitration hubs, such as Brussels, Paris, London, Geneva, Singapore or New York. Others practice international dispute settlement in their home countries, including Albania, Argentina, Australia, Belgium, Brazil, Canada, Chile, China, the Czech Republic, Cyprus, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, France, Germany, Georgia, Greece, India, Indonesia, Italy, Kazakhstan, Korea, Lithuania, Mexico, Poland, Romania, Russia, Slovakia, Spain, Sweden, Switzerland, Thailand, Turkey, Ukraine, the United Arab Emirates, the United Kingdom, the United States of America and Uzbekistan.

A number of MIDS alumni hold positions at universities, for instance in Chile, Ethiopia, Mexico, Turkey or Ukraine; in governments, including in Argentina, Armenia, the Czech Republic, Egypt or Georgia; in national or regional arbitral institutions such as ICSID, the ICC International Court of Arbitration, the Dubai International Arbitration Centre, the Georgian International Arbitration Centre, the Kuala Lumpur Regional Centre for Arbitration, the LCIA-Mauritius International

Arbitration Centre, the Singapore International Arbitration Centre, and the Swiss Chambers' Arbitration Institution.

Others have started a career as legal officers at international courts and international organizations such as the African Union, the European Court of Human Rights, the European Union, the International Court of Justice, the Permanent Court of Arbitration, the Iran-US Claims Tribunal, the United Nations Economic Commission for Africa, UNCTAD, the World Bank, the WTO and WIPO's Arbitration and Mediation Centre.

MIDS Alumni Association

2021 saw the creation and launch of the MIDS Alumni Association. The main objectives of the Alumni Association are to maintain and reinforce the links between the MIDS alumni, represent their interests vis-à-vis the MIDS and contribute to disseminating the reputation of the MIDS.

The Association was launched with a conference on "International Dispute Settlement in Times of Global Crises" that took place on 24 September 2021. The Conference included sessions on the following topics:

- Climate change and international dispute settlement;
- A debate on "ISDS will obstruct the global climate change action";
- International dispute settlement and Covid-19; and
- A second debate on "Arbitration is well suited for pandemic-affected companies";

Organized in a hybrid manner, the Alumni conference was a great success that introduced the MIDS Alumni Association and saw the election of its first Executive Committee.

To start its activities after this first and very successful conference and closer collaboration objectives with the MIDS, the Alumni Association worked with the MIDS staff in the organization of the mentoring program for the 2021-2022 academic year.

2.1.10 MIDS-NUS Double Degree Program

In 2017, the MIDS signed a Memorandum of Understanding with the National University of Singapore (NUS), establishing a Double Degree Program in international dispute settlement. By virtue of this agreement, students of either institution having completed a first degree (either the MIDS or the NUS LL.M. in International Arbitration and Dispute Resolution), may apply to continue their studies at the other institution for one additional semester and some extra activities thereby obtaining both degrees.

In September 2021, Ms. Cosima Wimmers (Canada, Austria) joined the MIDS on-campus program for one semester after completing the requirements of the NUS LL.M. She will graduate with two degrees in 2022. Mr. Wen Jin Law (Singapore) joined the MIDS Online Program in September 2021 for one semester after completing the requirements of the NUS LL.M. He will also graduate with two degrees in 2022.

In 2020-2021, Mr. Han Wool Kim (South Korea) joined NUS for the first semester of the academic year, after completing the MIDS requirements. During this same academic year, Ms. Vamika Puri (China, Hong Kong) joined the MIDS for one semester after having completed the NUS LL.M. requirements. They both received diplomas for the two institutions in 2021.

In 2019-2020, two NUS students joined the MIDS, Ms. Swarupa Madhavan (India) and Ms. Aayushi Singh (India), after completing the requirements of the NUS LL.M. They graduated with the two degrees in 2020. Mr. Rachid Sultan (Pakistan), a 2018-2019 MIDS student, joined NUS for one semester after completing the MIDS. He graduated with the two degrees in 2020.

2.2 Other Educational Programs

Due to the sanitary situation and the need to manage and organize all the courses, activities and logistics for the MIDS Online program, the CIDS temporarily stopped the organization of other educational programs during 2021. Mindful of the importance of these programs, however, the

CIDS remained in contact with the different partners in order to be able to restart them again in the near future.

3. Research

Research in law, and in particular criteria for excellence in research, have over the last decades globally shifted from a service towards legal practice to a purpose in itself, seeking the advancement of knowledge and understanding. CIDS in part follows this trend but, aware of the importance of continued critical contributions by academia to the defense and development of pacific methods of dispute settlement, it also significantly engages in services to practice. The projects it conducts reflect this diversity in approaches and aims.

Current Projects

“The International Judicial Function under Pressure: Do Courts and Tribunal Go off the Rails?” – led by Prof. Laurence Boisson de Chazournes and Dr. Lorenzo Palestini

The purpose of the research project is to ascertain, through mixed methods relying on qualitative analysis, whether correlations can be established between backlash and the way the judicial function is being exercised. The research project will provide an inventory of the criticisms relating to judicial overreach, as well as a catalogue of the proposed corrective devices that tighten the leash on supposedly reckless international courts and tribunals. The project started in November 2021.

‘From Situated Knowledge Production to Socio-Economic Effects: A Meta-Analysis of the Investment Arbitration Regime’ – led by Prof. Thomas Schultz and Dr. Niccolò Ridi

Does research about investment arbitration change investment arbitration? Who controls the knowledge about and the realities of this institution? This project first aims at an

understanding of the structures of knowledge production about investment arbitration. It also examines how this knowledge shapes the institution and our representation of it, how it actually works and the understanding we have of how it works. On this tack, it conducts a meta-analysis of empirical studies about the socio-economic effects of investment arbitration, and analyses how the findings of these studies could and do feed back into the understanding of this institution, how they clash with the key knowledge producers' interests and aesthetic prefiguration, and how they lead to measurable change.

As part of this project, 2021 saw the publication by Thomas Schultz and Niccolò Ridi of "Empirically Mapping Investment Arbitration Scholarship: Networks, Authorities, and the Research Front", with Niccolò Ridi, in Katia Fach Gomez (ed.), *Private Actors in International Investment Law*, Springer, 2021, 209-241.

'Critical Arbitration' – led by Prof. Thomas Schultz and Dr. Clément Bachmann

This project seeks to apply to arbitration the basic findings and methodological moves of the Critical Legal Studies movement and more precisely its idea that law, generally, maintains a given power structure and, through it, a given social order. It aims at understanding the mechanics of the creation or perpetuation of a social order through arbitration and the contents of that order – the social inequalities it increases and decreases, the values it fosters and neglects, the norms it spreads and shuts down, the status groups it elevates and sidelines; its ethos, its layout, and its dynamics. It takes a critical look at arbitration, from this perspective. But it doesn't proceed from an aesthetic prefiguration that is critical of arbitration.

'The Vulnerability of International Courts and Tribunals' – led by Prof. Laurence Boisson de Chazournes

International courts and tribunals are under assault. They face serious, and mounting, hostility from a variety of state and non-state actors. In this context, in collaboration with Guillaume Guez, CIDS Research assistant, and Dr. Lorenzo Palestini, MIDS Lecturer, a research project

proposal has been developed, entitled “The International Judicial Function Under Pressure: Do Courts and Tribunals Go Off the Rails?” This project aims to analyse concrete legal criticisms of the way the judicial function is being exercised. It seeks to provide an inventory of these criticisms relating to judicial overreach, as well as a catalogue of the proposed corrective devices to tighten the grip of supposedly reckless courts and tribunals. The project then aims to assess whether the criticisms are well founded and whether the rectifying devices involved are compatible with the proper exercise of the judicial function, or rather worse than the alleged disease they seek to cure.

‘Legal Feminism and International Dispute Settlement’ – led by Prof. Thomas Schultz and Dr. Clément Bachmann

Starting from the simple observation that there are very few women in arbitration and international courts and tribunals, this project seeks to understand the consequences of this fact on the field of international dispute resolution, and through it on the areas of society that it touches.

‘Data Disputes and AI’ – led by Prof. Thomas Schultz

The use of artificial intelligence, broadly construed, is transforming all aspects of life and is assisting or replacing humans in a growing number of tasks, including tasks with legal objectives and/or effects. At the same time, there is evidence that algorithms may be replicating or even enhancing societal biases. As a result, several quarters of society have put forward a pressing concern for the need to open the black box of algorithms and understand how they make their decisions – that algorithms be ‘interpretable’. These developments have brought forward questions as to the aims, optimal levels and limits of interpretability, and have led to a growing understanding in the literature that the answers to these questions are context specific. Given the societal role of law and the importance of providing reasons for human legal

decisions, these questions are of particular relevance for algorithms that operate in the legal field.

In this multidisciplinary project, combining law and computer science/information technologies, our objective is to offer a comprehensive account of the extent to which the ideal of providing reasons in law should and could be translated into algorithms that have legal objectives and/or effects. The work would enable a refined understanding of the specificity of algorithmic decision-making when it pertains to the field of law, including the specific requirements of interpretability that law implies. By so doing, the project would provide an evaluative framework for legal algorithms, attuned both to their different roles within the field of law and to their technical characteristics.

A series of colloquia with the University of Montreal and the Université libre de Bruxelles on the theme of "Le droit algorithmique : plateforme d'excellence sur le droit, l'intelligence artificielle et le tournant numérique" were organized in 2021 by participants of this project.

'The Domain of International Adjudication: Why Sovereign States Abandon Decision Control' – led by Prof. Fuad Zarbiyev

This project aims to study the reasons explaining the jurisdictional commitments of States and their recourse to international courts and tribunals. States are often said to be reluctant to consent to the jurisdiction of international courts and tribunals and let the latter adjudicate their disputes, for instance because of a lack of predictability of court decisions and structural ambiguities of the applicable rules. These reasons, however, are particular manifestations of a more general phenomenon: the desire of all governments to keep control over the decisions that affect them. Yet states do make judicial commitments and voluntarily submit disputes in which they are involved to international courts and tribunals. What are the reasons that bring states to abandon decision control?

‘The Impact of Social Identity on Annulment Decisions among Lawyers’ – led by Prof. Fuad Zarbiyev, Prof. Thomas Schultz, and Dr. Umut Yüksel

This project aims at understanding, through quantitative, statistical analysis, the extent to which social identity plays a role in lawyers reviewing and annulling other lawyers’ decisions, here in the specific context of investment arbitration. Key question: in an ICSID ad hoc annulment committee procedure, how influenced are the committee members, when having to decide whether to annul an investment arbitration award of an ICSID tribunal, by similar social traits and by prior social experiences?

Although the CIDS project on **“ISDS Reform”** was completed in 2020, Prof. Gabrielle Kaufmann-Kohler and Dr. Michele Potestà continued to participate as experts for Switzerland for the interstate negotiations at UNCITRAL.

3.1 Grant Applications

“The International Judicial Function under Pressure: Do Courts and Tribunal Go off the Rails?”, SNF

In 2021, the CIDS submitted a grant application to the Swiss National Foundation for a project titled “The International Judicial Function under Pressure: Do Courts and Tribunals Go off the Rails?”. The application was successful, and the project started in November 2021 under the direction of Prof. Laurence Boisson de Chazournes and Dr. Lorenzo Palestini. The project obtained a grant of 448’985 CHF, which will last 34 months, and includes the partial or complete financing of two Ph.D. students (Guillaume Guez and Aditya Laddha) and a Master student research assistant, for the duration of the project.

‘Crisis, Criticism, and Change in the Investment Arbitration System’, SNF

In October 2020, CIDS submitted a revised grant application to the Swiss National Science Foundation (SNF) for a project entitled ‘Crisis, Criticism, and Change in the Investment Arbitration System’. The key questions addressed by the project are: If investment arbitration is so detrimental to society, as it is often and increasingly said, why does it not change in any significant way? In which way, and by which processes, could and should investment arbitration change? In 2021, the project obtained a grant of CHF 950’000, for a postdoc full time and two Ph.D. students, for four years. The project’s principal investigator is Prof. Schultz.

University of Geneva Internship Program

As a form of research grant ‘in kind’ from the University of Geneva, the CIDS benefitted in 2021 from the participation of about 10 interns to various research projects, selected from a pool of applicants. These interns are undergraduate students from Prof. Schultz’s course on ‘International Arbitration’ who volunteered for these projects in the framework of the Law Faculty’s ‘Stages académiques’, under which interns provide 160h of work in return for a one-course relief in their study program. These interns work under the supervision of Prof. Schultz.

3.2 Research-Related Events

3.2.1 Doctoral Research Seminars

This series of seminars offers Ph.D. students a platform to discuss central questions relating to doctoral research in international law, under the guidance of senior researchers in the field. They aim to achieve stimulating and provocative exchanges, leading doctoral students to ask important questions concerning research and to arrive at their own conclusions. Through these interactions, emerging international law scholars are expected to increase their autonomy as

researchers and approach the challenges of the Ph.D. in a spirit of innovation. In 2021, for the reasons mentioned above, the CIDS did not organize Doctoral Research Seminars.

3.2.2 Brown Bag Research Seminars

In 2019, the CIDS launched a series of Brown Bag Research Seminars, during which a researcher delivers an academic paper in an informal and small setting, followed by a discussion, for a total duration of about 2 hours. Although the CIDS was able to organize two brown bag seminars in 2020, it was not able to do so again in 2021 due to the sanitary situation, as well as the need to focus all efforts into the organization and continued development of the MIDS Online Program.

4. Outreach

In 2021, CIDS maintained the suspension of all its outreach events. The main reason was the continued reallocation of internal resources towards the organization and development of the MIDS Online Program.