



Symposium « Public Interest / Private Dispute »

The Sciences Po Law School Human Rights Clinic and White & Case LLP are proud to have jointly organized the symposium « Public Interest / Private Dispute » on 12 November 2014. The event took place at White & Case LLP's Paris office from 5PM to 8PM, followed by a reception.

The symposium fostered a constructive dialogue on the proper balance of public and private interests in the future practice of international arbitration among esteemed members of the international arbitration community. Sciences Po Law School Human Rights Clinic students, Jeremy Lagelee, Evgeniya Latysheva, and Miglena Angelova, delivered performances they developed in conjunction with their tutor Robert Houston to introduce each of the two panel discussions. These performances included a mock arbitration centered on the UNCITRAL Transparency Rules and "Voices of the TTIP", a recitation of statements appearing in recent public reports and the ongoing debate in the media over Investor-State Dispute Settlement provisions in the Trans-Atlantic Trade and Investment Partnership.

The keynote speaker for the symposium was Catherine Rogers, Professor of Ethics, Regulation & the Rule of Law and Co-Director of the Institute for Ethics & Regulation at Queen Mary/University of London, as well as Professor of Law at Pennsylvania State University. White & Case partner, Michael Polkinghorne, who is head of the firm's International Arbitration Group in Paris, joined Horatia Muir Watt, Professor of International Law and Co-director of the program Global Governance Studies at the Sciences Po Law School, to welcome the audience to the joint event. The esteemed panelists included the following:

- **Diego P. Fernández Arroyo:** Professor of International Law, Co-director of the program Global Governance Studies, Sciences Po Law School
- **James Castello:** Partner, King & Spalding (Paris); US Delegate to the UNCITRAL Working Group on Arbitration during the drafting of the Transparency Rules for Treaty-based Investor-State Arbitration
- **David Gaukrodger:** Senior Legal Adviser, OECD Investment Division
- **Michael Polkinghorne:** Partner and Head of International Arbitration Group at White & Case's Paris office
- **Eliana Maria Tornese:** Counsel, ICC Court of Arbitration
- **Catherine Rogers (Keynote Speaker):** Professor of Ethics, Regulation & the Rule of Law and Co-Director of the Institute for Ethics & Regulation, Queen Mary/University of London; Professor of Law, Penn State Law
- **Horatia Muir Watt (Moderator):** Professor of International Law, Co-director of the program Global Governance Studies, Sciences Po Law School

The two panel discussions addressed the following topics:

1 **The implications of the 2014 UNCITRAL Transparency Rules for the practice of international arbitration** : Panelists discussed the application of the new UNCITRAL Transparency Rules in Treaty-based Investor-State Arbitration, which came into force where applicable on April 1, 2014. These rules represent a major shift toward an expectation of public availability of certain documents in the arbitral process and increased opportunity for third-party participation. Panelists agreed that the current trend is toward greater transparency, although opinions diverged as to the specific implications of this shift in international arbitration and the specific contexts in which transparency should prevail above party concerns for confidentiality.

2 **The Trans-Atlantic Trade and Investment Partnership ("TTIP") and the future of the public-private divide in international arbitration** : Sciences Po Law School students introduced the second panel through the « Voices of the TTIP » presentation in order to provide the audience with a sense of the polarized nature of the current debate in the press and political opinion on this topic. The TTIP has triggered the greatest public debate over ISDS provisions in trade agreements to date. While generally recognizing the value of this debate as a public conversation, panelists again diverged on the value of current conclusions with regard to ISDS discussed in the popular press.

The project's team is pursuing its work on transparency in Investor-State arbitration and hopes to build new partnerships in order to further this debate. A video recording of the event will be made publicly available. Do not hesitate to contact the Clinic's administration if you have any question. Please send your queries to jeremy.perelman@sciencespo.fr.

Sciences Po Law School and White & Case LLP thank you for your support.

