

CFRED's 13th Commercial Law Seminar:

**TAKING CHOICE OF LAW SERIOUSLY IN INTERNATIONAL
INVESTMENT DISPUTES**

by

Prof. Joshua Karton

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Chaired by: **Prof. Kun Fan**, *Faculty of Law, CUHK*

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Warren Chan Moot Court, Graduate Law Centre, 2/F Bank of America Tower, 12 Harcourt Road, Central

Investment treaty arbitration continues to attract backlash and controversy. Lawyers tend to see these debates as political, but they are actually fueled by a theoretical legal problem: uncertainty over the applicable law. The substantive provisions of investment treaties are incomplete and vaguely worded, and it is hotly contested how arbitrators should fill gaps and resolve ambiguities.

Can the flaws of investment treaty arbitration can be addressed without hard-to-achieve structural changes or lengthy periods of treaty repudiation and renegotiation? Yes—if investment arbitrators take choice of law seriously. This means not only identifying the applicable laws, but also determining how they should be ascertained and applied, according to the choice of law provisions of the investment treaty. This presentation applies theoretical insights to practical issues: how arbitrators should think about the relationship between investment treaties and other sources of law, how investors and states can frame their arguments on the governing law, and how states might act to re-take control of the arbitral process.

**All are welcome!
Admission is free of charge!**

Please join us by registering your interest [here](#) by 16 March 2016.

ABOUT THE SPEAKER:



Dr. Joshua Karton is an Associate Professor in the Law Faculty of Queen's University in Canada and a Visiting Associate Professor at the National Taiwan University. Professor Karton teaches and writes about international arbitration, comparative and international contract law, uniform law, globalization and law, and sociological analysis of law. He holds a BA in International Relations and Humanities from Yale (2001), a JD from Columbia Law School (2005), and a PhD in International Law from Cambridge (2011). A member of the New York Bar, he practiced in litigation and arbitration in the New York and Hong Kong offices of Cleary Gottlieb Steen & Hamilton LLP before commencing his doctoral studies. Professor Karton has received several awards for his teaching and research, including the International and Comparative Law Quarterly Young Scholar Award, the James Crawford Prize of the Journal of International Dispute Settlement, and the Queen's Law Student Society Excellence in Teaching Prize.