



WASHINGTON ARBITRATION WEEK

7th
Edition

26 - 30 October

2026



WASHINGTON ARBITRATION WEEK

Washington, D.C. stands at the center of the global investment arbitration community. The city is home to the International Centre for Settlement of Investment Disputes (ICSID), leading law firms active in investment arbitration, public international law, and international commercial arbitration, as well as international organizations, U.S. federal agencies, embassies, leading academic institutions, NGOs, and think tanks.

Washington Arbitration Week (WAW) brings together this diverse community and provides a forum for practitioners, academics, government officials, and other stakeholders from the United States and around the world. Through its programming, WAW promotes meaningful discussion and analysis of developments in international arbitration, including those arising from arbitral awards, treaties, and other international legal instruments.

WAW panels are designed to be dynamic and interactive, encouraging thoughtful exchanges on the issues shaping international arbitration today and in the years ahead. The program examines emerging trends and techniques, evolving legal interpretations and perspectives, and developing best practices across the field.

The seventh edition of Washington Arbitration Week, WAW 2026, will once again bring together the international arbitration community in Washington, D.C. On behalf of our sponsors and supporting organizations, speakers, and moderators, we are pleased to welcome both established practitioners and those newer to the field to participate in a week of discussion, exchange, and engagement.

WAW Founders,
José Antonio Rivas & Ian A. Laird

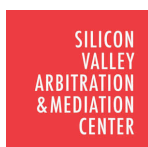
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Circle of Experts



Circle of Supporting Organizations



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We are also grateful to our interns, **Juan Sebastián Cabrera**, **Daniela Vargas Martínez**, and **Tyla Kellogg**, for their valuable support and contributions to Washington Arbitration Week 2026

Marketing Lead: Julián Bonilla

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Product Development: Your AI Mate

EVENT PROGRAM

Friday, 23 October

⌚ 3:45 PM
5:30 PM LATAP U.S. Launch Event

**Hughes
Hubbard
& Reed**

Sunday, 25 October

⌚ 3:45 PM
5:30 PM WAW x DC Arbitration Runners 5K

**ARBITRATION
RUNNERS**

**GREENER
ARBITRATIONS**
DRIVING SUSTAINABLE CHANGE

Monday, 26 October

⌚ 8:00 AM
8:45 AM Breakfast

 **WOMBLE
BOND
DICKINSON**

⌚ 9:00 AM
10:15 AM Beyond the BIT: Contractual Claims in ISDS

 **WOMBLE
BOND
DICKINSON**

⌚ 10:25 AM
11:40 AM Taxes in Investment Treaties, Tax Regulations,
and Tax-Related Investment Disputes

**CORNERSTONE
RESEARCH**

⌚ 11:55 AM
1:10 PM To Infinity and Compliance: AI, Ethics, and
Dispute Resolution in the Space Economy

**BATES
WHITE**
ECONOMIC CONSULTING

⌚ 1:10 AM
2:00 PM Lunch

**BATES
WHITE**
ECONOMIC CONSULTING

⌚ 2:00 PM
3:15 PM 250 years since the United States Declaration of
Independence: Influence of the U.S. in
International Law, Dispute Resolution and
Investment Disputes

 **NERA**

⌚ 3:30 PM
4:45 PM Geopolitical Risk in Damages Calculation

 **NERA**

⌚ Exclusive Speaker's Reception

**PAUL
HASTINGS**

EVENT PROGRAM

Tuesday, 27 October

⌚	8:00 AM 8:45 AM	Breakfast	
⌚	9:00 AM 10:15 AM	From Precedent to Practice: Historical Claims Commissions & the Ukraine ICC	
⌚	10:25 AM 11:40 AM	Challenging the Tribunal — Bias, Diversity, Jurisdiction, and Judicial Intervention in Investment Arbitration	 
⌚	12:00 PM 1:15 PM	The New Era of Mediation: Commercial and Investor-State Disputes in a Changing World	 
⌚	1:25 PM 2:40 PM	AI in the Tribunal Room: Tool, Risky Gadget, or Responsibility for Arbitrators?	
⌚	3:00 PM 4:15 PM	Investment Projects, Arbitration, and the Communities Caught in Between	
⌚	4:25 PM 5:40 PM	Corruption in International Investment and Commercial Projects	
⌚		Reception	

EVENT PROGRAM

Wednesday, 28 October



**9:00 AM
10:15 AM**

Influence of International Advisory Opinions on
Climate Change on States' Defenses &
Investors' Claims



**10:25 AM
11:40 AM**

The 2022 ICSID Rules After Four Years: Case
Management in Practice



**12:00 PM
1:15 PM**

Enforcing Arbitral Awards Against States:
Sovereign Immunity, U.S. Court Litigation
and Structural Barriers to Investment Award
Enforcement



**1:25 PM
2:40 PM**

The U.S. as Foreign Policy Actor: OFAC, CFIUS &
Arbitration



**4:00 PM
5:30 PM**

One Centre, 60 Years, Enduring Impact: ICSID
and the Future of Investor-State Dispute
Settlement



**5:30 PM
7:30 PM**

Reception



EVENT PROGRAM

Thursday, 29 October

⌚	8:00 AM 8:45 AM	Breakfast	Step toe
⌚	9:00 AM 10:15 AM	War, Tariffs, Illicit Trade & Trade Wars: Force Majeure and the Evolving Arbitration Docket	Step toe
⌚	10:25 AM 11:40 AM	Emerging Sectors and Digital Assets: Data Centers, IP, Blockchain, Crypto, and Enforcement Challenges	Step toe
⌚	12:00 PM 1:15 PM	Mining in International Arbitration: Africa, Latin America, Resource Nationalism and Quantum Challenges	 Brattle
⌚	1:25 PM 2:40 PM	UNCITRAL at 60 and ISDS Reform: Has a New Architecture Finally Emerged?	 Brattle
⌚	3:00 PM Onwards	The Quantum Challenge: Workshop	WHITE & CASE
⌚	6:00 PM onwards	Reception	WHITE & CASE

EVENT PROGRAM

Friday, 30 October

⌚	8:00 AM 8:45 AM	Breakfast	
⌚	9:00 AM 10:15 AM	Splitting the Atom – Nuclear Related Disputes & the Role of Arbitration	
⌚	10:40 AM 11:55 AM	Technology Enabled Arbitration–Running Arbitration Smarter: Rapid Fire Tech and AI Demos for Practitioners	
⌚	12:10 PM 1:25 PM	Building the Next Generation of Arbitration Leaders: Practical Skills, Mentorship, Sponsorship, and Career Advancement	 
⌚	1:45 PM 3:00 PM	Quantum Computing: The Next Frontier in International Arbitration	 
⌚	3:15 PM 4:30 PM	Isolation to Integration? Incorporating General International Law, Environmental Law, and Human Rights into Investment Arbitration through Article 31(3)(c) of the VCLT.	 
⌚	4:30 PM Onwards	Reception	 

PANEL

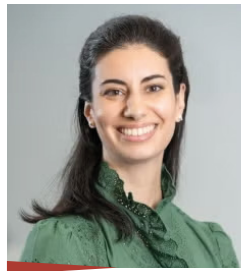
Beyond the BIT: Contractual Claims in ISDS

Moderator:



Scott Vesel
Partner, Three
Crowns

Panelists:



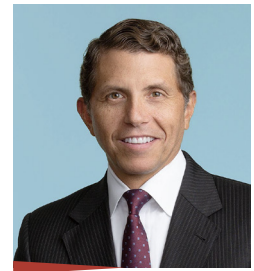
**Gabriela González
Giráldez,**
Legal Counsel, ICSID



Matt Brown,
Counsel, SPRF



David Attanasio,
Partner, Womble
Bond Dickinson



Rafael Boza
Pillsbury Winthrop
Shaw Pittman LLP

Investment disputes often emerge at the intersection of public international law and complex commercial relationships between investors, States, and State-owned entities. In this context, investment contracts may operate as more than instruments governing a particular transaction: they may allocate regulatory risks, establish standards for the exercise of public authority, and create long-term frameworks of accountability between private parties and the State. Contracts may contribute to rule-of-law making by translating principles of stability, transparency, non-discrimination, and procedural fairness into enforceable commitments concretely agreed between the parties.

The interaction between treaty protections and contractual obligations raises difficult legal and strategic questions. Commercial contracts may incorporate protections resembling treaty standards, while contractual mechanisms—such as stabilization clauses, change-in-law provisions, representations and guarantees, and dispute resolution clauses—may address risks that are also covered by investment treaties. Contract-based ICSID proceedings further demonstrate that access to ICSID is not limited to consent contained in an investment treaty: written consent may also arise directly from an arbitration clause included in an investment contract, provided that the jurisdictional requirements of the ICSID Convention are satisfied. At the same time, contractual and treaty claims remain legally distinct: the same State conduct may constitute a breach of contract, a breach of an investment treaty, both, or neither, depending on the source and content of the applicable obligation.

This panel will examine the role of investment contracts, the incorporation or adaptation of treaty standards in commercial agreements, and the growing significance of contractual cases before ICSID. It will also explore the distinction between contract and treaty claims, the jurisdictional effect of contractual consent, the interaction between contractual forum selection clauses and treaty-based dispute settlement, and the management of parallel or overlapping proceedings. Drawing on recent practice and a period of relatively limited investment treaty negotiations worldwide, the discussion will consider the implications of these developments for contract drafting, dispute prevention, jurisdictional strategy, and the evolving contract and treaty basis for investor-State arbitration.

PANEL

Taxes in Investment Treaties, Tax Regulations, and Tax-Related Investment Disputes

Moderator:



Kristen Young
Partner, Willkie Farr &
Gallagher LLP

Panelists:



Ronnie Barnes
Vice President,
Cornerstone
Research



**Professor Dr. Robert
Danon**
University of Lausanne
/ Danon Law



Danielle Morris
Partner, King &
Spalding LLP



Darrell B. Chodorow
Principal, The Brattle
Group

States tax. Investors arbitrate. And tribunals are being asked to referee. Increasingly, States and investors collide head-on over taxes. From the Yukos saga to *Cairn v. India* tax-related investment disputes have become a flashpoint where sovereign fiscal authority meets the substantive guarantees of investment treaties. Carve-outs, filters, and the old instinct to wall tax off from arbitration are losing their grip: empirical evidence shows carve-outs block fewer than one in five tax-related claims, and “futility” exceptions may dismantle filter mechanisms. Is jurisdiction over fiscal measures the new normal? Are carve-outs no longer working? Or do they depend on the type of applicable investment treaty? And if so, where exactly is the line between a “tax dispute proper” and a treaty breach dressed up in the language of taxation?

This session goes further: once a tribunal has jurisdiction, how should it actually decide the case? How should a tribunal approach the “mosaic” of municipal tax law and double taxation conventions which may form part of a tax-related investment dispute? Can investment standards such as Fair and Equitable Treatment be interpreted consistently with globally accepted tax standards and practices developed by the OECD and/or the Inclusive Framework on BEPS bringing together more than 140 countries (for example when defining “abuse,” “harassment,” and procedural or substantive “arbitrariness”) in ways that protect investors without gutting sovereign tax policy? This panel will explore two possible avenues to achieve such alignment: using systemic integration under Article 31(3)(c) VCLT or relying on a comparative public law analysis to identify the relevant tax benchmarks. Moreover, the panel will consider whether, and if so, to what extent, decisions of international courts—particularly the ECHR and the CJEU—or domestic courts dealing with issues common to most tax systems may assist investment treaty tribunals.

The discussion will finally conclude with an overview of recent investment treaty and tax policy trends to address the coordination between the two fields.

Join us for a deep dive into the next frontier of investment arbitration, where tax law and treaty law are no longer separate spheres: they are converging.

PANEL

To Infinity and Compliance: AI, Ethics, and Dispute Resolution in the Space Economy

Moderator:



Diego Durán de la Vega
Partner, Hughes
Hubbard & Reed

Panelists:



Petr Polášek
Partner, White &
Case



Glenn George, Ph.D.
Partner, Bates White



Pamela Meredith
Chair, Space Law
Practice Group, KMA
Zuckert LLP



Dr. Gershon Hasin
Associate, Fietta LLP

The space economy just crossed the line from science fiction to serious money: the World Economic Forum puts it on track to hit \$1.8 trillion by 2035. But growth this fast does not come with a rulebook. Networks of thousands of satellites are crowding orbit, states are treating the licenses that let satellites communicate with Earth like geopolitical chess pieces, revoking them or canceling contracts overnight, and companies are already eyeing asteroid and lunar mining operations that the Outer Space Treaty never anticipated. Add satellites that increasingly operate themselves through AI, making split-second decisions without a human in the loop, and you get a frontier where the law is scrambling to catch up with the hardware.

So, who settles it when the company that launched the rocket, the company that operates the satellite, and a sovereign State all show up to the same fight? This panel dives into why arbitration, not national courts, is fast becoming the venue of choice for an industry that blends private contractors with public stakes, and what happens when AI enters the picture as both a source of disputes and a tool for resolving them. Expect a frank conversation about difficult questions, including, among others (i) how is arbitral jurisdiction established when the relevant facts happened in outer space, and (ii) when an autonomous system makes the decision that causes the damage, who bears the legal responsibility, and are our current frameworks even equipped to answer?

If you have ever wondered what happens when humanity's oldest legal questions of property, liability, and sovereignty collide with its newest technology, this is the session. Come for the space law, stay for the existential vertigo.

PANEL

250 years since the United States Declaration of Independence: Influence of the U.S. in International Law, Dispute Resolution and Investment Disputes

Moderator:



Craig Gaver
Partner, Continental
PLLC

Panelists:



David Bigge,
Partner, Wordstone
Dispute Resolution



Roland Potts
Partner, Foley &
Lardner LLP



Nathaniel Jedrey
Chief of Investment
Arbitration at U.S.
Department of State



Lena Raxter
Adjunct Professor,
American University,
Washington College
of Law

Since the Declaration of Independence was issued 250 years ago, the United States has played a consequential role in shaping public international law. From the 1794 Jay Treaty with Great Britain, which pioneered the use of international arbitration to resolve disputes left in the wake of the American Revolution, to the 1863 Lieber Code, which helped lay the foundations of modern international humanitarian law; from its central role in constructing the Bretton Woods system and the post-war international economic order, to the enactment of the Foreign Sovereign Immunities Act in 1976, the United States has repeatedly helped develop the institutions, rules, and mechanisms through which international law operates.

In particular, the FSIA transformed sovereign immunity from custom into statute. That instinct to codify, institutionalize, and proceduralize dispute resolution would become one of America's most influential legal exports. From its role in the creation of ICSID and the development of the U.S. Model BIT to its promotion of transparency, due process, and reasoned decision-making, the United States did not merely participate in the evolution of international dispute resolution. It helped shape its architecture.

Against the backdrop of significant geopolitical and institutional shifts in the United States and beyond, taking stock of the country's contributions to public international law and investment arbitration offers an opportunity to assess how those legacies continue to shape the field—and what they may suggest about its direction beyond 2027.

This panel will look into the role of the U.S. in public international law and investment arbitration through four lenses: sovereign immunity and commercial activity exceptions; the global impact of the U.S. Model BIT on treaty drafting; due process guarantees drawn from American administrative law traditions; and the enforcement mechanisms that gave arbitral awards practical force. Fifty years after the FSIA, this panel asks whether the American vision of dispute resolution built a durable framework for international investment, whether the rule-based framework or parts of it remain applicable or are patently dead, and whether it created a system whose rigidity ultimately exposed its limits?

PANEL

Geopolitical Risk in Damages Calculation

Moderator:



Christina Beharry
Partner, Foley Lardner
LLP

Panelists:



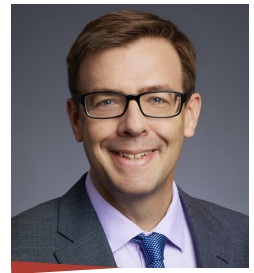
Sencer Ecer
Senior Vice President,
Compass Lexecon



Tyler Smith Khoury
Managing Director,
HKA



Chris Polson
Partner, PwC Canada



Robert Patton
Managing Director
NERA

Damages went from being on spreadsheets to worldwide live headlines. Wars, sanctions, tariffs, capital controls, civil unrest, institutional instability and shifts in trade policy can affect the value of an investment or commercial project. For damages experts and tribunals, the challenge is not simply to calculate loss, but to decide which risks were priced into the investment, which risks were caused by the wrongful conduct, and which risks belong in the counterfactual world.

Political risk premiums, country risk adjustments, discount rates, probability-weighted cash flows and scenario modeling are no longer technical details reserved for experts.³⁴ They can determine whether the damages model reflects commercial reality or quietly double counts, undercounts, or misplaces risk. The issue becomes even more sensitive in cases involving authoritarian or unstable regimes: When investors enter a market with known political risk, how should tribunals assess legitimate expectations? At what point does instability become part of the bargain and at what point does State conduct cross the line into compensable harm?

This panel will analyze how geopolitical risk enters quantum analysis in practice, and whether there are various and opposing jurisprudential lines. Panelists will consider how experts account for political risk premiums, how tribunals distinguish market risk from treaty or contractual breach and how damages models should treat volatility without becoming speculative. This panel is for anyone who has ever looked at a valuation model and wondered whether the spreadsheet captured the world outside the hearing room.

PANEL

From Precedent to Practice: Historical Claims Commissions & the Ukraine International Claims Commission

Moderator:



Ian Laird Partner,
Crowell & Moring LLP

Panelists:



Amanda Tuninetti
Special Counsel,
Covington & Burling



Gene Burd
Partner, Pierson
Ferdinand



Patrick Pearsall
Partner, Gibson Dunn



**Dr. Olena
Perepelynska**
Partner, IMPACTA Law

More than three decades of mass-claims experience — from the Iran-U.S. Claims Tribunal's adjudication of thousands of expropriation and contract claims, to the UN Compensation Commission's unprecedented processing of Gulf War reparations, to the Eritrea-Ethiopia Claims Commission's wartime damages docket — offers a rich, if uneven, blueprint for what may come next in Ukraine. In December 2025, 35 States and the European Union signed the Convention, establishing an International Claims Commission for Ukraine in The Hague. And by mid 2026, a preparatory committee with representatives of more than 50 states plus the EU had already held its first meeting. More than 165,000 claims have already been submitted to the Register of Damage for Ukraine, awaiting transfer to the future Commission. This means the institution now being designed must absorb a caseload of a scale none of its predecessors ever faced.

This panel turns historical hindsight into forward-looking design guidance. Drawing on procedural, evidentiary and eligibility lessons from the Iran–United States Claims Tribunal, United Nations Compensation Commission and Eritrea-Ethiopia Claims Commission, our speakers will examine which mass-claims models scale, which mechanisms hold up under political pressure, and where the drafters of the Ukraine ICC have already departed from precedent.

For practitioners advising claimants, States or funders navigating this emerging compensation architecture, this is a rare chance to hear analysis based on the claims commissions that came before.

PANEL

Challenging the Tribunal — Bias, Diversity, Jurisdiction, and Judicial Intervention in Investment Arbitration

Moderator:



Dr. Todd Weiler
Independent
Arbitrator

Panelists:



Mahnaz Malik
Twenty Essex



Christopher Ryan
Partner, A&O
Sherman



Mark Kantor
Independent
Arbitrator



**Dr. Claudia
Frutos-Peterson**
Partner, Curtis
Mallet-Prevost, Colt &
Mosle LLP

Choosing a seat of arbitration is a high-stakes consequential decision. Recent decisions from Canadian courts have shown just how much power the courts of the seat hold over an award's survival. In *Grace v. Mexico*, an Ontario court annulled a NAFTA award rendered under the UNCITRAL rules in its entirety, finding both that the tribunal got its own jurisdiction wrong and that one arbitrator had quietly taken on a parallel engagement he never disclosed. And in *Vento Motorcycles, Inc. v. Mexico*, 2025 ONCA 82, the Court of Appeal ruled that once there are justified doubts about the impartiality of even one member of a tribunal, the award cannot stand, no matter how the other two arbitrators voted. These rulings have reignited debate on arbitrator impartiality, jurisdictional overreach, and the limits of judicial intervention. Questions on the standard for establishing bias are increasingly shaping how parties litigate after the award is rendered.

This panel reviews a field that is still working out its own rules: when should national courts defer to tribunals and when must they step in, how disclosure failures that once might have been overlooked now sink entire awards, and whether the push for a more diverse pool of arbitrators can rebuild confidence in party appointments. The panelists will trace what these rulings mean in practice: how lawyers vet and challenge arbitrators, how tribunals decide whether they have the authority to hear a case, and how parties choose where to arbitrate with the risk of a later court challenge in mind.

If your award needs to survive contact with a national court, and every award eventually does, this is the session that tells you where the fault lines may be.

PANEL

The New Era of Mediation: Commercial and Investor-State Disputes in a Changing World

Moderator:



Joe Matthews
Matthews Mediation
Chambers

Panelists:



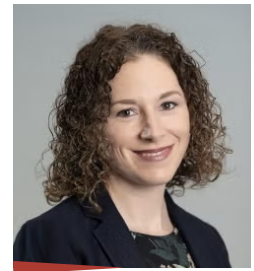
Harshitha Ram
GAMA



David Huebner,
FCIArb, C.Arb, CollArb,
JAMS



Ximena Bustamante
Founding Partner,
Pactum



Anna Holloway
Senior Legal Counsel,
ICSID

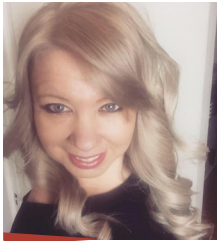
Mediation is gaining ground in international dispute resolution. Commercial parties increasingly use it to manage cross-border risk, preserve business relationships, achieve flexible outcomes, and avoid termination of ongoing commercial projects and contracts. In parallel, in the investment world, for decades, arbitration was the default and often the only real path when an investor-state dispute arose. Yet, in 2022, ICSID rolled out its first set of rules of mediation of investment disputes, and some treaties in the Asia-Pacific region are increasingly requiring parties to attempt mediation before they can arbitrate, as a mandatory first step. With ICSID's caseload at record highs and ever-present focus over cost, duration of proceedings, and arbitrator independence, today mediation constitutes an alternative that cannot be overlooked. It has been successfully tried in a few cases, and for some investment disputes it can become a means of peaceful resolution, learning from the long road and often successful experience of mediation in commercial disputes.

This panel examines mediation across both contexts, focusing on advocacy, process design, cultural and political considerations, and stakeholder management. Panelists will explore when mediation works, how it can complement arbitration in some disputes, and how it may be used to fully solve a commercial or investment dispute without going through an arbitration process. Through successful mediation experiences shared by our panelists, the session may identify key aspects to conduct a mediation in a commercial dispute, which may too be embraced in the investment context, may soften skepticism against mediation, and contribute to effectively solve disputes.

PANEL

AI in the Tribunal Room: Tool, Risky Gadget, or Responsibility for Arbitrators?

Moderator:



Staci Gellman,
Arbitration Specialist,
Crowell and Moring
LLP

Panelists:



Sirshar Qureshi
Partner, PwC



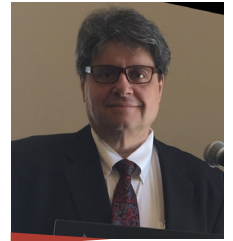
Jeffrey Senger
Arbitrator & Mediator
JAMS



Jasmine Chalashtori
Womble Bond
Dickinson



Dr. Reza Eftekhari
IUSCT



Luis Martínez
Vice President,
International Centre
for Dispute Resolution

Artificial intelligence (AI) can summarize records, organize evidence, assist with translations and transcripts, support legal research, help draft procedural documents and many other tasks. Nonetheless, at the exact same time, AI can also hallucinate, reproduce bias, compromise confidentiality, complicate the assessment of evidence, especially by creating fake and false documents, amongst other things. Since AI has already entered the tribunal room, now arbitrators and practitioners need to figure out how to control its use.

AAA-ICDR's announcement of an AI arbitrator, ICC's work on AI governance in dispute resolution and emerging guidance on disclosure, confidentiality and independent judgment all point in the same direction: arbitrators and practitioners can no longer treat AI as an issue outside the scope of an arbitration tribunal. Whether used by counsel, experts, tribunal secretaries, institutions or arbitrators, AI raises due process questions that go to the legitimacy of the proceeding.

This panel will ask what responsible AI use looks like from the arbitrator's seat. Questions like the following will arise: Should tribunals disclose their use of AI tools? Should procedural orders regulate party use? What happens when evidence generated by AI is part of the record? Join us for a practical and candid discussion on whether AI is simply a tool, a risky gadget, part of the arbitrator's professional responsibility, and how counsel, experts and arbitrators should handle it as an unavoidable factor of today's world.

PANEL

Investment Projects, Arbitration, and the Communities Caught in Between

Moderator:



María Carolina Durán
Special Counsel,
Baker Botts

Panelists:



Jonathan Hamilton
Partner, Paul
Hastings LLP



Courtney Hikawa
Senior Counsel,
Norton Rose Fulbright



Jeffery Commision
Director and Head of
Arbitration, Burford
Capital



Diana Tsutieva
Partner, Arnall Golden
Gregory LLP

Mines, dams, highways, and wind farms involved in investment arbitration may sit on land where people actually live. Yet communities most affected by these projects may complain that they have no automatic seat at the arbitration table: investment treaties grant rights to investors and obligations to states, while local and Indigenous communities can participate, if at all, only through written amicus curiae submissions that tribunals may ignore. That asymmetry is under more pressure than ever. Tribunals are being asked to weigh what happens when an investor never earned the community's acceptance of a project. Philippe Sands' dissent in *Bear Creek v. Peru*, arguing that a mining company's disregard for the Aymara communities around its project should cut its damages in half, still resonates in the debate. Other examples can be found in the cases like *South American Silver Limited v. Bolivia*; *Copper Mesa Mining Corporation v. Ecuador*; *Glamis Gold, Ltd. v. United States*. James Anaya, former U.N. Rapporteur for the Rights of Indigenous Peoples at a panel during WAW Bogotá 2022, emphasized the importance of considering rights and voices of local communities, whether indigenous or not, who may be potentially affected by the projects.

This panel asks unsolved questions that will keep on arising as infrastructure, mining, energy and transportation projects may have significant life changing effects on local communities. When a project collapses amid community opposition, who bears the loss: the investor, the state, or the people caught in between? Can host states turn human rights and environmental counterclaims against investors into a real tool of accountability, or will procedural hurdles keep them symbolic? Is the State always responsible for the effects suffered by local communities for projects it permits? Or are investors alternatively or jointly responsible for those effects? Is there a due process sequence (comprising of soft law or hard international law), or comparative administrative law that the State may follow to conduct environmental and social assessments in an orderly manner that may prevent affecting the investor's legitimate expectations? And as new-generation treaties begin writing investor obligations, consultation requirements, and benefit-sharing into their texts, is the field of international law which feeds investment treaty arbitration, making room for the protection of local communities' rights?

PANEL

Corruption in International Investment and Commercial Projects

Moderator:



**Jennifer Haworth
McCandless**
Partner, Baker Botts

Panelists:



Simon Consedine
Partner, Three
Crowns



**Alexandre de
Gramont**
Partner, Womble
Bond Dickinson



Lucinda Low
Low & Kinnear
Dispute Resolution



Jonathan Ulrich
Of Counsel, Paul
Hastings LLP

An investment made through corruption can mortally taint the international legality of that investment and lead to a final jurisdictional award against the investor, as seen in the case of *World Duty Free v. Kenya*, and *Metaltech v. Uzbekistan*. Even when the investment was lawfully made, findings of corruption during the development of the investment project can have severe consequences in an arbitration proceeding.

A dispute that begins with contract performance, project delays, unpaid invoices, regulatory change or treaty protections can quickly become an inquiry into consultants, intermediaries, procurement records, unexplained payments, political connections, and parallel investigations. In infrastructure, energy, natural resources, public procurement and large commercial projects, corruption is not just background noise. It can affect liability, damages, enforcement and the credibility of the arbitral process itself.

Part of the difficulty is that corruption does not always present itself as corruption. Tribunals often face fragments of it, such as circumstantial evidence, missing documents or suspicious timing. Recent work by the ICC Task Force has brought renewed attention to how tribunals identify, validate and assess corruption indicators. Arbitrators are still to discuss what disclosure obligations arise when corruption is suspected, what standard of proof is appropriate, what should happen to an award or a contract if the project is tainted.

This panel will explore corruption from both the investment and commercial arbitration perspectives, focusing on tribunal powers, evidentiary tools, public policy and enforceability, and the consequences for the arbitral proceeding, jurisdictional or on the merits, subject to the presence and timing of corruption. Speakers will examine how arbitrators can confront corruption without turning suspicion into a shortcut and without allowing illegality to hide behind procedural form. For practitioners, States, investors and corporate users, this is a conversation about integrity and consequences.

PANEL

Influence of International Advisory Opinions on Climate Change on States' Defenses & Investors' Claims

Moderator:



José Antonio Rivas
Partner, Xstrategy
LLP

Panelists:



Dr. Fabricio Nuñez
Managing Director,
NERA



Kiran Nasir Gore
Law Offices of Kiran N
Gore PLLC



Ian Laird
Partner, Crowell &
Moring LLP



Nigel Blackaby KC
Partner, Freshfields



Professor Chiara
Georgetti
University of
Richmond

The panel on Climate Change and Investor-State Arbitration will address the implications of the ICJ's June 2025 Advisory Opinion for ISDS practice, particularly in light of customary international law obligations relating to the protection of the climate system. These include, among others, States' obligation to exercise due diligence with respect to the climate system, the obligation to cooperate, and the precautionary principle, as well as the broader treaty obligations arising under the United Nations climate change regime.

The panel will likely address how investment treaty protections such as fair and equitable treatment, full protection and security, and indirect expropriation may be understood and applied in an evolving international legal environment. In particular, through treaty interpretation and the application of Article 31(3)(c) of the VCLT, the interpretation of investment treaties may increasingly need to account for relevant rules of general international law, including the climate-related obligations identified in the ICJ's Advisory Opinion.

Several passages of the ICJ's Advisory Opinion may suggest that the emergence and consolidation of customary international law obligations relating to climate change—including, among others, the duty of due diligence to regulate for the protection of the climate system and effectively enforce such measures, the obligation to cooperate, and the precautionary principle—may be reshaping the scope of investors' legitimate expectations in what is increasingly becoming a new public international law reality shaped by climate change.

Beyond the traditional tension between investors in sectors such as energy, mining, infrastructure, and transportation, on the one hand, and environmental protection, on the other, are we beginning to see the emergence of a new category of claims brought by investors in green energy and climate-related projects whose investments may themselves depend on effective protection of the climate system? Such investors may increasingly argue that States cannot justify failures to regulate transparently for environmental protection or to enforce environmental laws in a consistent and non-discriminatory manner.

Our WAW panelists will consider how States may rely on the ICJ's Advisory Opinion to defend measures adopted for environmental protection, the corresponding risks for investors, and how the Opinion may shape investors' legitimate and reasonable expectations. The panel will also explore whether investors in renewable energy and other climate-protection projects may themselves invoke the Opinion in support of claims that host States have failed to take sufficiently proactive, transparent, or effective measures to protect the climate system.

PANEL

Lore and Order: An ICSID Rules Retrospective

Moderator:



Mallory Silberman
MS Arbitration

Discussion Leaders:



Alex Kaplan
Senior Legal Counsel,
ICSID



Antonio R. Parra
Former Senior Counsel,
World Bank; former
Deputy
Secretary-General,
ICSID



Karen Fassi Wilbur
Wordstone

Show of hands, DC: do you have a rulebook within reach? Have you ever explained ICSID procedure to your parents? Or informed a computer that “arbitrator” is a word? Felt relieved you had asked how to pronounce Broches properly?

If you raised your hand (or even if you just wanted to), please join us for this interactive session; as the 2022 ICSID Rules near their fifth anniversary, we will discuss the implementation of these rules to date and case management approaches. We will also look back at the evolution of the rules and celebrate all things procedural. The discussion leaders will share stories and reflections, and everyone will participate in the fun. (Come ready for trivia!) ICSID newbies are welcome, as are longtime enthusiasts — and all attendees will be able to compete for a prize.

PANEL

Enforcing Arbitral Awards Against States: Sovereign Immunity, U.S. Court Litigation and Structural Barriers to Investment Award Enforcement

Moderator:

Gary Shaw
Counsel, Pillsbury
Winthrop Shaw
Pittman LLP

Panelists:

Nicolle Kownacki
Partner, White &
Case



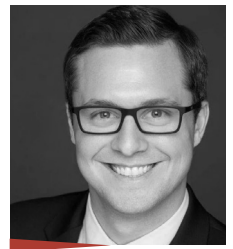
Paul Levine
Partner, Baker-
Hostetler



Steve K. Davidson
Partner, Steptoe LLP



T. Michael Guiffre
Partner, Crowell &
Moring LLP



Sean Anderson
Partner, Head of Latin
America, Mintz Group

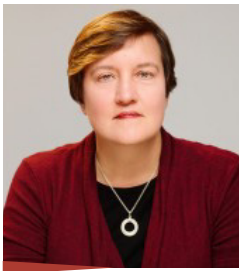
The tribunal has rendered its final award, the damages have been determined, and the arbitral proceedings have formally concluded. Yet, when the award debtor is a State, obtaining the award may be only a steppingstone. Award creditors increasingly face sophisticated resistance strategies, parallel proceedings and complex questions of sovereign immunity. Even where an award is recognized, identifying and attaching State assets capable of satisfying it may prove far more difficult.

Against the backdrop of recent U.S. decisions—including the Supreme Court's ruling in *CC/Devas v. Antrix* and the D.C. Circuit's decisions in *NextEra*, *9REN* and *Blasket*—this panel will examine the growing role of Washington, D.C. as a forum for the enforcement of investment arbitration awards. Panelists will consider personal and subject-matter jurisdiction under the Foreign Sovereign Immunities Act, immunity from attachment, the treatment of State assets used for commercial versus sovereign purposes, anti-enforcement injunctions and questions of international comity arising from proceedings in multiple jurisdictions. The discussion will explore when the protection of sovereign interests becomes a structural obstacle to enforcement, what options remain available when a final award does not bring the dispute to an end, and the increasingly important role of asset tracing in identifying State-owned or State-controlled assets across jurisdictions and determining whether they may ultimately be reached to satisfy an award.

PANEL

The U.S. as Foreign Policy Actor: OFAC, CFIUS & Arbitration

Moderator:



Marinn Carlson
Independent
Arbitrator

Panelists:



James Mendenhall
Partner, Sidley
Austin



Matthew H. Kirtland
Partner, Norton Rose
Fulbright



Marik A. String
Partner, WilmerHale



Sally Pei
Partner, Arnold &
Porter

In the last couple of years, the U.S. may have experienced an incredibly active, and perhaps unpredictable, environment in cross-border investment. The "America First Investment Policy" memorandum, issued in February 2025, directs CFIUS to fast-track reviews for allied investors while intensifying scrutiny of investments connected to adversarial countries. Layer on top of that a new Outbound Investment Security Program, and the result is a foreign-policy toolkit that is reshaping which deals get done, which might be subject of deeper scrutiny and may be rejected, and which end up in dispute.

This panel explores what all of this means for arbitration in practice, how OFAC sanctions and CFIUS interventions are being raised as defenses, how investors caught in the crossfire of export controls and "America First" posture are framing their claims, and how tribunals are responding to disputes that sit at the intersection of national security policy and private rights.

For anyone advising clients with U.S. exposed investments, this allows watching foreign policy turn into case law in real time.

PANEL

One Centre, 60 Years, Enduring Impact: ICSID and the Future of Investor-State Dispute Settlement

Moderator:



Martina Polasek
Secretary General,
ICSID

Panelists:



Gabriel Alves da Costa
International
Arbitration and
Energy Counsel &
Arbitrator



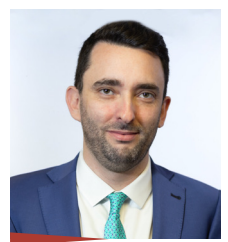
Jadranka Osrečak
Deputy Municipal
State Attorney in
Zagreb, State
Attorney's Office of the
Republic of Croatia



Frauke Nitschke
ICSID Chief Counsel,
Accredited Mediator,
and JAMS/Weinstein
Foundation Mediation
Fellow



Bob Rijkers
Senior Economist,
Development
Research Group,
World Bank Group



Juan Ignacio Stampalija
Legal and
Administrative
Secretary of the
Ministry of Economy of
the Argentine
Republic

When the ICSID Convention entered into force in 1966, it had 20 ratifying States and a clear mandate: to provide a trusted, neutral forum and a stable and predictable framework for dispute resolution in support of international investment flows. Sixty years on, ICSID counts with 159 Contracting States, has administered over 1,118 cases, and stands as the global leader in international investment dispute settlement.

This panel marks ICSID's 60th anniversary by examining the Centre's enduring relevance and impact on development, including evidence on the relationship between ICSID membership and foreign investment flows to Contracting States. It also looks ahead to the Centre's priorities for the future, with particular attention to mediation, dispute prevention, and contract-based dispute resolution, ensuring that ICSID remains ready to meet evolving investment needs and to continue delivering on its founding promise.

PANEL

War, Tariffs, Illicit Trade & Trade Wars: Force Majeure and the Evolving Arbitration Docket

Moderator:

Chloe Baldwin
Partner, Step toe LLP

Panelists:

Minwoo Kim
Special Counsel,
Covington & Burling



Mauricio Salcedo
Transnational Alliance
to Combat Illicit Trade



Richard Deutsch
Partner, Pillsbury
Winthrop Shaw
Pittman LLP



Lillian Khoury
Senior Associate ,
Step toe LLP

The arbitration docket is starting to sound like the evening news. Armed conflict, sanctions, tariffs, export controls, blocked shipping routes and sudden changes in trade policy are placing a lot of pressure on cross-border contracts. Clauses that once sat quietly at the back of agreements, often receiving little attention, are now moving to center stage, particularly force majeure, material adverse change (MAC), and hardship provisions. The notion of illicit trade and its meaning under international trade law is also part of the unsolved puzzle. Parties are now asking themselves, “who agreed to these risks?” Is this “a lawful form of trade”? These questions arise not only when performance becomes delayed, more costly, legally constrained, or commercially unviable, but also when trade continues while the legality of the goods or services exchanged, or of the underlying commercial operations, is itself in question.

Tariff and trade-war disputes are usually resolved through negotiation, pricing alternatives, adjustments to the supply chain or settlements. The goal is almost always to avoid reaching a tribunal. But what about nowadays, where everything is quickly changing? With the rise of these disputes, tribunals are waiting for their arrival.

In parallel, in the field of international trade law, the Multi-Party Interim Appeal Arbitration Arrangement (MPIA) has, despite initial uncertainty, remained operational for six years and contributed to the resolution of disputes. It may now face increasingly sensitive controversies arising from today's complex geopolitical environment, in which wars, sanctions, rising tariffs, and other trade measures are reshaping international commerce, often against the backdrop of environmental and human rights concerns.

This panel will examine how armed conflict, sanctions, and other trade measures are reshaping contractual defenses and flexibility in international dispute resolution, and how tribunals in international commercial arbitration and under the MPIA may approach these evolving issues. Speakers will consider when force majeure may excuse performance, when MAC or hardship clauses may be triggered, and how tribunals should assess foreseeability, causation, and mitigation in the face of geopolitical shocks. The discussion will also explore how human rights and environmental considerations are increasingly invoked to justify barriers to trade, and how adjudicators may assess such measures in an increasingly fragmented global legal and economic environment

PANEL

Emerging Sectors and Digital Assets: Data Centers, IP, Blockchain, Crypto, and Enforcement Challenges

Moderator:

**Robert Reyes
Landicho**
Partner, Steptoe LLP

Panelists:

Carolyn Berry
Partner, Bates
White



Tara Singh
Senior Managing
Director, FTI



June Casalmir
Legal and General
Counsel, Apkudo

Crypto just graduated from regulatory outlaw to regulated asset class. The GENIUS Act created the first comprehensive federal framework in U.S. history for stablecoins, the digital tokens with a fixed value equal to the dollar that now function as the payment rails of the crypto economy, and enforcement priorities are shifting fast as agencies rebuild their playbooks for a market now standing above \$ 300 billion that isn't going anywhere. Meanwhile, the infrastructure powering all of this is expanding at a pace regulators are visibly struggling to match: the data centers that supply the computing power, the intellectual property behind blockchain, and decentralized finance platforms that run financial services entirely through software, with no bank in the middle for regulators to supervise. Add global bodies like Financial Action Task Force, International Organization of Securities Commissions, and The Financial Stability Board pushing countries toward a single common rulebook, and you have a sector where the rules are being rewritten in real time.

This panel unpacks where the real enforcement and dispute risk is hiding. In the data centers quietly humming behind every AI and blockchain application, and the construction, energy, and computing capacity disputes they generate? In intellectual property fights over who actually owns an innovation built on shared, open technology? And in decentralized finance platforms testing exactly how far anti-money-laundering law can stretch when there is no company at the center to hold accountable?

This panel will also look at the newest institutional player on the field: the Unified Patent Court's Patent Mediation and Arbitration Centre, which opened in 2026 as Europe's first dedicated hub for resolving patent disputes outside the courtroom. It will also identify the central and most sensitive issues surrounding investment in digital assets in the United States and beyond, and the way counsel and tribunals may approach them.

PANEL

Mining in International Arbitration: Africa, Latin America, Resource Nationalism and Quantum Challenges

Moderator:



Jamie Hagerbaumer
The Brattle Group

Panelists:



Anna Meyendorff
Partner, Bates White



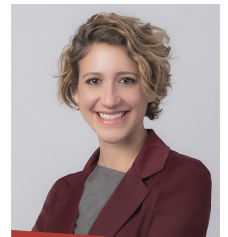
Shayda Vance
Counsel, Hughes
Hubbard & Reed



**Pablo D. López
Zadico**
Executive Vice
President, Compass
Lexecon



Florin Dorobantu
Principal, The Brattle
Group



Tatiana Sainati
Partner, Wiley Rein
LLP

The numbers tell their own story: oil, gas and mining accounted for 43% of all ICSID cases registered in 2025, a sharp jump from 28% in 2024 and double the historical average. With mining alone driving the majority of those new filings. Behind the statistics might lie a familiar story, resource-rich states in Africa and Latin America reasserting control over their mineral wealth through export restrictions, royalty hikes, contract renegotiations and outright nationalization, just as the global energy transition and the race for critical minerals make those resources more valuable than ever. Regional hegemonic powers may be prompting new astronomical deals, potentially affecting contracts between resource-rich countries in Africa or Latin America and private or State-owned companies from third States, thus creating fertile ground for international commercial or investment arbitration.

This panel puts the two regions side by side inside the global geopolitical context. Panelists will contribute with different perspectives on how resource nationalism, undoubtedly influenced by global transactional realism, is playing out across Africa and Latin America, what that means for the drafting and enforcement of stabilization and investment protection commitments, and how tribunals are approaching quantum in a sector defined by volatile commodity prices, long project horizons, and politically fraught valuation disputes.

With mining disputes now, the fastest-growing segment of the ICSID docket, this is a key panel for counsel, arbitrators and in-house teams advising on extractive-sector investments.

PANEL

UNCITRAL at 60 and ISDS Reform: Has a New Architecture Finally Emerged?

Moderator:



Chip Rosenberg
Partner, Diamond
McCarthy LLP

Panelists:



Ella Rosenberg,
Senior Legal ICSID



**Claire-Naila
Damamme**
Investment Manager
and Legal Counsel,
Omni Bridgeway



Fahira Brodlija
Legal Advisor,
Deutsche Gesellschaft
für Internationale
Zusammenarbeit



**Dr. Guillermo
Sabbioni**
Principal, The Brattle
Group



Michael J. Gilles
Office of the Legal
Adviser, U.S.
Department of State

PANEL

The Quantum Challenge: Workshop

Arbitrators:



Dr. Todd Weiler
Independent
Arbitrator



Matthew Drossos
Partner en White &
Case

Can you identify the strengths and weaknesses of a quantum expert's evidence under pressure?

Step into the hearing room for an immersive, interactive cross-examination workshop developed for Washington Arbitration Week 2026. Presented in partnership with PwC and White & Case, this session places audience members at the center of a high-stakes quantum dispute.

Through a realistic hearing-room demonstration, attendees will observe how counsel assess an expert report, develop a cross-examination strategy and test key assumptions in quantum evidence. The workshop will explore practical techniques for identifying vulnerabilities in expert analysis, challenging assumptions and presenting a persuasive case theory before a tribunal.

Whether you are an experienced arbitration practitioner or developing your advocacy skills, this practical session offers valuable insight into approaching damages and expert evidence in international arbitration.

PANEL

Splitting the Atom – Nuclear Related Disputes & the Role of Arbitration

Moderator:



David Stute
Counsel, Pillsbury
Winthrop Shaw
Pittman LLP

Panelists:



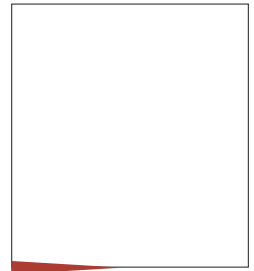
**Christina
England-Livengood**
Partner, White & Case
LLP



Toshi Dezaki
Managing Director,
Ankura



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Nuclear power is having a moment few saw coming. Roughly 80 reactors are now under construction worldwide, driven by the electricity demand from AI, data centers and a more volatile geopolitical environment. Yet the sector's legal infrastructure has not kept pace with its renewed ambition: only a handful of investor-state disputes have ever touched the nuclear industry directly, including, among others, *Hrvatska Elektroprivreda d.d. v. Republic of Slovenia* (ICSID Case No. ARB/05/24); *Vattenfall AB and others v. Federal Republic of Germany (II)* (ICSID Case No. ARB/12/12); *Limited Liability Company AMTO v. Ukraine* (SCC Case No. 080/2005). Almost all of them filed under the Energy Charter Treaty, leaving thin and inconsistent guidance as new capital, new technologies and new geopolitical flashpoints converge on the industry.

This panel takes stock of where nuclear related arbitration stands and where it may be headed: what existing case law and liability conventions actually cover, what gaps remain for SMRs and other emerging technologies, and how investors and states should be thinking about expropriation, phase-out, licensing and war-risk exposure in a sector where disputes are rare but the stakes are enormous.

PANEL

Technology Enabled Arbitration—Running Arbitration Smarter: Rapid Fire Tech and AI Demos for Practitioners

Moderator:



Kelby Ballena
Hughes
Hubbard &
Reed LLP



Panelists:



**Jean-Rémi de
Maistre**
CEO Jus Mundi



Christine Falcicchio
Sopra Legal



Alex Karpman
Director of Business
Development,
Everchron



Zeke Alicea
Co-Founder of Leyla
Labs

Everyone is talking about AI in arbitration. AI can draft submissions, summarize transcripts, review thousands of documents in minutes, and even assist with award drafting. At the same time, the market is flooded with new platforms, bold promises, and plenty of skepticism.

This session cuts through noise. Through a series of rapid-fire demonstrations, practitioners and technology providers will showcase tools that are actually being used in arbitration today. From contract analysis and AI-assisted legal research to transcript review, workflow automation, predictive analytics, and hearing preparation, the focus is on practical applications rather than theoretical possibilities.

What works? What does it cost? Where are the risks? And which tools genuinely improve efficiency rather than simply adding another layer of complexity?

You will walk out knowing which tools are worth your time and which are industry theaters. Bring your questions!

PANEL

Building the Next Generation of Arbitration Leaders: Practical Skills, Mentorship, Sponsorship, and Career Advancement

Moderator:



Momin b. Mohsin
Associate, Xstrategy
LLP

Panelists:



Gaela Gehring Flores
Partner, Hughes
Hubbard & Reed LLP



Lauren Acres
Beacon Hill



Karol Ward
Communication
and Leadership
Consultant



Marija Ozolins
Associate, Curtis,
Mallet-Prevost, Colt &
Mosle LLP

You've got the skills. But do you know how to actually get in? And once you're in, how do you survive the first few years without imploding? The arbitration profession loves to mystify itself.

Mentorship happens by accident. Sponsorship by privilege. Women and lawyers from developing nations hit a glass ceiling before landing their first gig. This panel tears back the curtain and gets real about how to break into arbitration, ace the interview, and build a career that doesn't burn you out.

Breaking In: CVs that work, networking that doesn't feel slimy, timing the job hunt, and whether that LL.M. actually matters (spoiler: sometimes no).

The Interview: What senior partners actually want to see? Red flags, they spot in two minutes. Candid confessions from panelists on what they got wrong and right.

The First Few Years: How to manage brutal deadlines without drowning in imposter syndrome? What "strong work product" really means when you're junior? How to build habits that stick and know when to ask for help?

Panelists are rising stars and established leaders who've been where you are. They'll tell you what they wish they'd known, what worked, and what didn't. Come ready to take notes and breathe it all in.

PANEL

Quantum Computing: The Next Frontier in International Arbitration

Moderator:



Ucheora Onwuamaegbu
Special Legal
Consultant, ArentFox
Schiff

Panelists:



Dr. Mauro Morales
Joint Center for
Quantum
Information and
Computer Science



Doak Bishop
Independent
Arbitrator



Casey Wang
Associate, King &
Spalding LLP



Michael L. Scarpati, Ph.D.
Partner, Arent Fox
Schiff LLP

While the world watches AI reshape the landscape, quantum computing is cracking the code. Literally. In hours, quantum machines will decrypt data that would take today's supercomputers millennia to break. But the real revolution is not just technological—it's legal.

What happens when the engine of modern commerce—encryption, data security, trust itself—becomes obsolete overnight? This panel goes beyond the hype to explore the seismic shifts ahead: the disputes we cannot yet imagine, the contracts that may no longer hold water, the arbitrators who will need to master a physics nobody taught them.

From defense to pharmaceuticals, from finance to materials science, quantum computing will unlock unprecedented capabilities (and unleash unprecedented conflicts). The question is not whether arbitration will evolve. It is whether we will be ready.

How does international law adapt when the rules of the digital world change? Join us as we explore the quantum frontier.

PANEL

Isolation to Integration? Incorporating General International Law, Environmental Law, and Human Rights into Investment Arbitration through Article 31(3)(c) of the VCLT.

Moderator:



Meg Kinnear
Low & Kinnear
Dispute Resolution

Panelists:



Joseph Klinger
Partner, Foley Hoag



José Antonio Rivas
Partner, Xstrategy LLP



Cherine Foty
Senior Associate,
Covington & Burling
LLP



Professor Dr. Yannick Radi
Professor of Public
International Law,
University of Louvain

International law is often described as a single legal system, yet disputes increasingly expose its fragmentation. An investment claim may implicate human rights, environmental obligations, the law of the sea, or other rules of public international law, leaving courts and tribunals to decide whether those regimes should speak to one another or remain in separate legal worlds. Article 31(3)(c) of the Vienna Convention on the Law of Treaties offers a possible bridge, and arguably a binding reliance on relevant general international law and specific treaty law together with the context of the applicable treaty. This approach to systemic integration has arisen in cases such as *Urbaser S.A. and Consorcio de Aguas Bilbao Bizkaia v. Argentina* (water and sanitation); *David R. Aven et al. v. Costa Rica* (real estate and tourism), *Eco Oro Minerals Corp. v. Colombia* (mining) and *Bear Creek Mining Corporation v. Peru* (mining). Yet, the use of systemic integration under Article 31(3)(c) raises difficult questions about relevance, consent, and the limits of treaty interpretation.

This session will examine how the International Court of Justice and investment tribunals have relied on systemic integration to place treaty obligations within a broader legal context. Which external rules may legitimately inform interpretation? How closely must they bind the parties? And what role, if any, may be played by rules of international law that fall outside the requirements of Article 31(3)(c), including because they do not bind all parties to the treaty? The discussion will consider whether such rules may nonetheless inform interpretation through Article 32, including, for example, subsequent practice involving some but not all treaty parties.

More broadly, does Article 31(3)(c) promote coherence across international law, or can it become a gateway for importing obligations that States never agreed to include? And yet again, is it at all relevant that the disputing parties may be parties to the Vienna Convention on the Law of Treaties, or that they may have accepted the criteria under Article 31 as customary rules of interpretation of treaties? Drawing on ICJ case law and investment arbitration, the discussion will explore the relationship between Articles 31 and 32 and ask whether systemic integration is a must to uphold the international rule of law and solved the dilemma of fragmentation, or the effective application of such provision may be another source of interpretive controversy.

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