

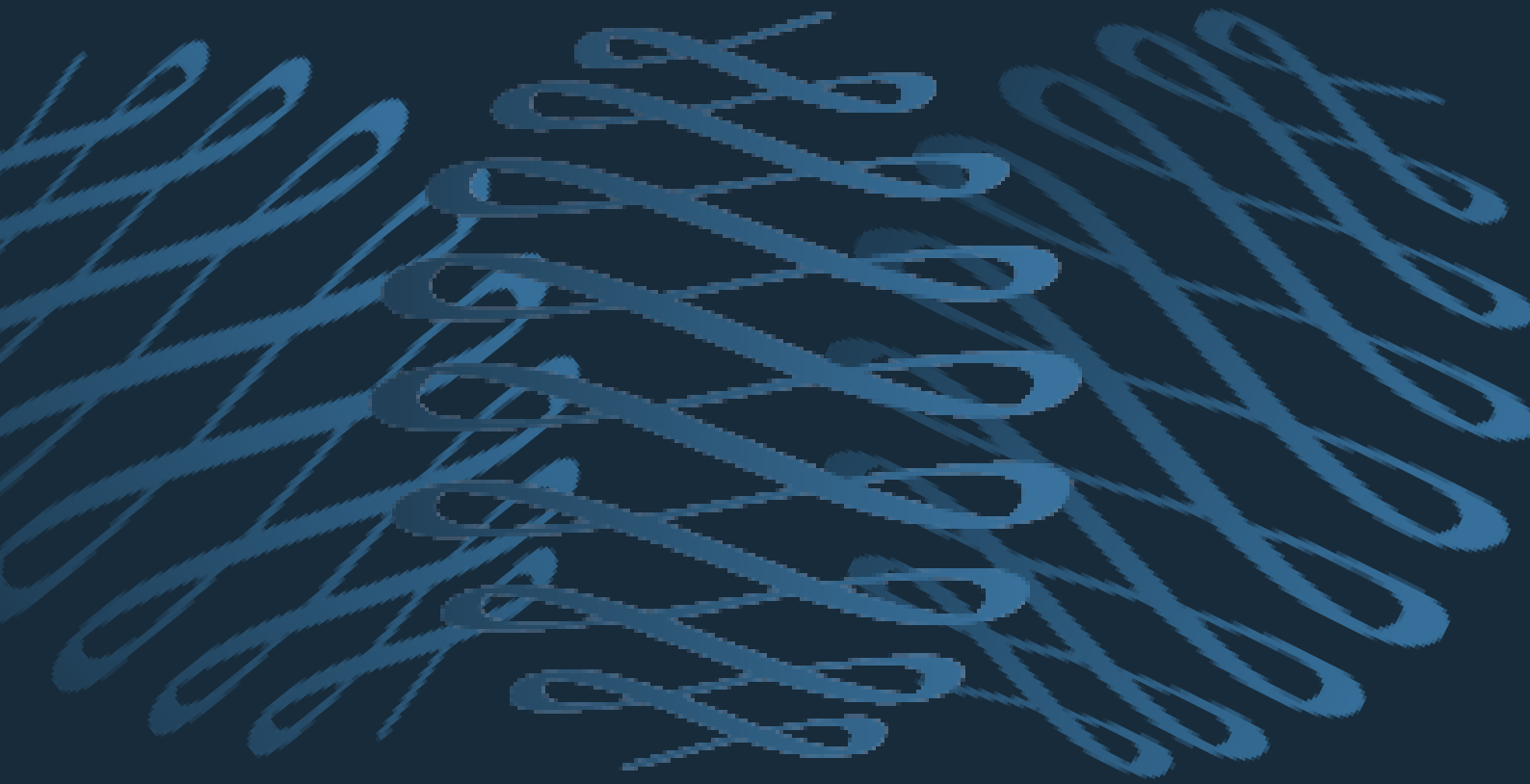
CIDS

GENEVA CENTER FOR
INTERNATIONAL DISPUTE SETTLEMENT

CIDS

ANNUAL REPORT

2022



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The Center

The Center for International Dispute Settlement (CIDS) was established in late 2016 as a collaborative effort between the Faculty of Law at the University of Geneva and the Graduate Institute of International and Development Studies in Geneva. Its primary objectives include providing in-depth and executive education, promoting research, and contributing to public debates and activities in the field of international dispute settlement.

Leading the CIDS is Professor Laurence Boisson de Chazournes (University of Geneva), who serves as its Director, while Mariona Cusi holds the position of MIDS Executive Director. The CIDS Council, presided over by Professor Emerita Gabrielle Kaufmann-Kohler (University of Geneva, Partner at Lévy Kaufmann-Kohler), oversees the Center's operations and is composed of several distinguished members, including 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), and Professor Laurence Boisson de Chazournes.

The CIDS is ultimately accountable to the Directoire, comprising representatives from the University of Geneva and the Graduate Institute, including 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).

This report pertains to the Center's activities in 2022.

Education - The MIDS Program

The MIDS program was established in September 2008 to become the principal teaching program of the CIDS. The program is jointly organized by the Faculty of Law of the University of Geneva and the Graduate Institute of International and Development Studies, covering a wide range of international dispute settlement mechanisms, including international commercial and investment arbitration, WTO dispute settlement, mediation, proceedings before various international courts and tribunals, and legal advocacy skills. Its comprehensive coverage makes it one of the few programs worldwide that encompasses all relevant aspects of the field, recognizing the connections and similarities that exist between most methods and mechanisms of international dispute settlement.

The MIDS aims to be one of the top three choices worldwide for postgraduate education in international arbitration or dispute resolution, offering full-time legal education to about 40 students annually. The program, which requires 90 ECTS credits, is designed for students who have already earned a complete law degree and are proficient in English, with most students possessing professional law experience.

The program structure is primarily elective, allowing students to pursue their specific interests in dispute settlement while ensuring that they acquire the essential knowledge of the field. The program is taught in English, with optional French courses also available.

Since its inception, the MIDS program has educated over 500 students from over 85 countries across all continents. Graduates of the program pursue careers in law firms, foreign affairs, trade or justice ministries, as legal officers in international dispute settlement institutions, international organizations, and non-governmental organizations. Some graduates also teach at various universities globally or pursue PhD studies following the MIDS.

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

1. Governance

- Program Director: Prof. Laurence Boisson de Chazournes
- MIDS Committee:
 - Prof. Laurence Boisson de Chazournes

- Prof. Zachary Douglas
- Prof. Jacques de Werra (since June 2022)
- Prof. Marcelo Kohen (until September 2022)
- Prof. Joost Pauwelyn (since October 2022)
- Executive Director: Ms. Mariona Cusí
- Program Coordinator: Ms. Christine Taets
- Academic and Educational Technology Manager: Ms. Callie Cunningham
- Administrative Assistant: Ms. Pylyka Bun Sodany
- Lecturers:
 - Dr. Dafina Atanasova (until August 2022)
 - Dr. Lorenzo Palestini
 - Mr. Alfredo Crosato (from September 2022)

2. Curriculum

The program is composed of the following core components:

- Two semester-long **General Courses**, providing the framework for the courses taught in the program and a comprehensive overview of international dispute settlement. During the first semester, the General Course focuses on the following:
 - The core questions of the organization of international arbitration, both commercial and investment, and tools to critically assess its normative and institutional framework. In this regard, the course focuses on the following topics:
 - Institutional and normative environment of international arbitration;
 - Consenting to commercial arbitration, including arbitrability and the separability of the arbitration agreement;
 - Consenting to investment arbitration, with a focus on the core requirements of having a qualifying investor and investment;
 - Arbitrator selection and duties;
 - The powers of the arbitral tribunal, with a focus on interim measures; and
 - Annulment and recognition/enforcement of the arbitration award.

- The main characteristics of the diplomatic and judicial mechanisms tasked with resolving disputes that involve at least one State. Topics covered during this part of the course include:
 - Matters of jurisdiction and admissibility as well as substantive law issues (*inter alia*, State responsibility, sovereignty issues);
 - The International Court of Justice, inter-state arbitration, the WTO dispute settlement mechanism and other devices such as those established in regional trade agreements or referred to in the United Nations Convention on the Law of the Sea (UNCLOS); and
 - Issues arising from the multiplication of disputes and dispute settlement mechanisms.

During the second semester, the General Course focuses on international legal proceedings, with particular emphasis on:

- The arbitral proceedings, in particular by encouraging students to appraise critically both conceptual and pragmatic aspects of the proceedings, with focus on the following topics:
 - The arbitration agreement in commercial arbitration: governing law and questions of extension and incorporation by reference;
 - The arbitration agreement in investment arbitration: formation, governing law and the impact of EU law on its validity;
 - The distinction between jurisdiction and admissibility: the case of shareholder claims in investment arbitration;
 - Jurisdiction, admissibility, merits: contract and treaty claims in investment arbitration;
 - Public policy in commercial and investment arbitration: corruption, fraud and the plea of illegality; and
 - After the decision: sovereign immunity and arbitration.
- Focus during the spring semester's public part of the General Course is given to proceedings before the ICJ and other dispute settlement mechanisms. Building on what the students learned in the first semester in relation notably to jurisdiction and admissibility, the spring semester's course also addresses a number of incidental proceedings, applicable law (including the sources of international law) and evidence, and lastly, addresses the end of the dispute settlement process and post-adjudication phases.

- Two semester-long **Tutorials**, focusing on the topics and outlines taught during the General Courses. Tutorials take the form of weekly interactions between one of the MIDS lecturers and a group of 10 students. Tutorials serve two different purposes:
 - To provide students with an opportunity to revisit and further delve into the key concepts addressed in the general course; and
 - To discuss different research papers that will have been prepared in advance by a different student and presented during each tutorial session.

Students are expected to participate actively during tutorials, not only in the discussions of the issues covered by the general courses, but also on the research papers presented by their classmates.

- 13 to 15 **Intensive Courses** that vary from year to year and 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.

During the 2022 civil year, the following courses were offered:

- Contract Law in International Commercial Arbitration with Patricia Saiz
Every dispute that gives rise to a commercial arbitration arises out of a contract and calls for the tribunal to apply and interpret such contract. How do arbitrators deal with contract issues? Taught by an experienced arbitration practitioner, member of the ICC International Court of Arbitration and professor of international commercial and investment arbitration, this course reviews topics that are recurrent before arbitral tribunals, including interpretation, default and termination, liability, waivers and limitations to liability, force majeure and changed circumstances, and damages.
- The PCA and its Contribution to the Evolution of International Dispute Settlement with Brooks Daly
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 inter-state disputes to its diverse modern activity, this course examines how the PCA has contributed to, and been transformed by, the dispute settlement needs of the international community.

- WTO Dispute Settlement with Gabrielle Marceau

This course focuses on how the dispute settlement mechanism of the WTO operates from a legal, political and diplomatic perspective. In reviewing the procedural steps of actual disputes, including the use of experts, the retaliation stage, together with alternative means of settling disputes, the students will be able to better understand how States and other international actors can address international economic tensions resulting from societal choices, while pursuing the WTO goals of both fighting illegitimate protectionism and protecting legitimate public policy objectives. It will also help understand the context of the suspension of the Appellate Body's activities and the calls for specific or general reforms in the WTO, and its dispute settlement system.

- Reform of Investor-State Dispute Settlement with Gabrielle Kaufmann-Kohler

At the same time as it grew exponentially, investment arbitration started attracting increasingly vocal criticism especially about the lack of transparency, consistency and legitimacy. This course seeks to understand where investment arbitration comes from, what the profound reasons for the current critiques and concerns are, and why they are raised now. It then focuses on the reform initiatives that are presently ongoing, be it through treaty drafting, rules amendments by institutions, such as ICSID, and most importantly through the UNCITRAL reform process. Should investment arbitration be abolished in favor of national courts, or mediation? Should it be replaced by an investment court? Or supplemented by a permanent appellate mechanism? Should it be simply improved? How? Answering these questions will allow to reflect on the purpose of international dispute settlement and on how to design a workable and fair justice system.

- Commercial Arbitration in China with Jane Willems

This course introduces the trends and fundamental legal concepts underlying domestic and international commercial arbitration in Mainland China. It starts with the legal framework and the institutional organizations active in the field. It then turns, relying on a comparative approach of arbitral and judicial practice, to the main characteristics of Chinese commercial arbitration underlying (i) the enforcement of agreements for arbitration with a seat in Mainland China; (ii) the commencement and conduct of arbitration proceedings in Mainland China; and (iii) recourse against arbitral awards rendered in Mainland China as well as enforcement of Chinese and foreign arbitral awards.

- Investment Arbitration in Action with Michele Potestà and Katherine Kettlewell
How does an investment arbitration proceeding unfold in practice? This intensive course will walk students through the main steps and phases of an investment arbitration proceeding, seen from the various viewpoints of parties, counsel, tribunal, tribunal secretary, arbitral institution, and other actors (e.g., non-disputing parties). The course includes a practical exercise centered on an investment mock case, which will allow students to train their writing and oral skills and better understand and anticipate procedural steps in an arbitration.
- Investment Arbitration in Africa with Makane Moïse Mbengue
African States have contributed significantly to the development of international investment law but also to the development of dispute settlement mechanisms dealing with investment disputes. This course aims at analyzing the participation of African States in the shaping of universal mechanisms such as ICSID in particular. It will also show how specific procedures for the settlement of investment disputes have been put in place within the African continent, for instance through African regional courts and at the level of the Organization for the Harmonization of Business Law in Africa (OHADA). Last but not least, the course will emphasize on-going reforms and proposals in Africa with respect to investment arbitration.
- French Law in International Arbitration: Law, practice and annulment of international arbitral awards with Maximin de Fontmichel
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 introduces the students to that French heritage, from the rules governing the arbitral agreement to the rules applicable to the arbitral award, and discusses today's international commercial arbitration law and practice in France.
- EU Law and International Arbitration with George Bermann
For some time, the European Union and International Arbitration legal orders enjoyed a peaceful coexistence, each operating in its own sphere and according to its own "first principles." That has radically changed over the last decade or so. The difficulties began with the so-called intra-EU bilateral investment treaties which the

EU came to view as interfering with the "autonomy" of EU law, as defined by the EU. Although the intra-EU BITS are on the road to dissolution, there remain related issues under both the Energy Charter Treaty and the ICSID Convention. More generally, the notion of "EU public policy" has grown to the point that it now is challenging international arbitration, both commercial and investment. Other areas of conflict, such as the compatibility with EU law of judicial and arbitral "anti-suit" injunctions, have arisen. Finally, the EU is playing a leading role in the reform of the international investment law and arbitration architecture, championing in particular the creation of a "multilateral investment court," a proposal that many countries around the world disfavor. With the Lisbon Treaty, amending the governing treaties of the EU, the EU has acquired exclusive competence, vis-a-vis the Member States over the field of investor protection, and a whole new generation of international investment agreements, starting with the CETA Agreement with Canada, is entering into force. These treaties clearly reflect the EU's vision of what the investment law and arbitration picture should look like going forward. The course covers all these aspects -- and others -- of the European Union/international arbitration interface.

- Transnational Corruption in International Arbitration with Abdulhay Sayed
The course proposes to address the set of legal issues arising from suspicions, allegations and findings of corruption in the context of commercial and Investor-State arbitration. The course builds on a growing body of arbitration cases in which such questions have been raised and considered. The course will be practice oriented. It will aim to provide participants with an immersive experience into the decision-making process that practitioners typically face when dealing with corruption matters in international arbitration.
- Arbitration in the United States with Catherine Rogers
This course examined select topics of the US law on international commercial arbitration, which illustrate how the US approach is distinct from the arbitration law and practice in other jurisdictions. The course situated US law certain issues in comparative perspective, considered specific case studies and hypotheticals, and analyzed how these issues are treated in the Restatement of the Law of International Commercial and Investor-State Arbitration.
- ICC Arbitration with Pierre Tercier and Alexander Fessas
The International Court of Arbitration of the ICC is one of the most important and best known institutions of arbitration. Its unique set of procedures has been applied to

more than 20'000 disputes since their adoption. Students taking ICC Arbitration are offered a concrete review of the ICC arbitration process and its specificities. This course runs for 18 hours, half of which are taught at the premises of the ICC in Paris.

- The Arbitration Agreement in International Commercial Arbitration with Sébastien Besson

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 Erica Stein

The New York Convention of 1958 on the Recognition and Enforcement of Foreign Arbitral Awards is the single most important legal text in international commercial arbitration, as it defines the international currency of international arbitration 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. See also his website: www.newyorkconvention.org

- At least two semester-long **optional courses**. Students are given the option to select from a list of international law related courses offered in the regular program curricula of the Graduate Institute and the Faculty of Law of the University of Geneva. The MIDS further guides and helps students through the registration formalities in place both at IHEID and UNIGE and liaises with the relevant administration or course professor as required.
- A series of clinical **workshops**, with the objective of giving students hands-on training designed to develop practical skills necessary for the practice of international dispute settlement. Workshops offered focus on legal writing skills, commercial mediation, financial damage analysis, and arbitration and witness examination advocacy.
- An **academic retreat** where students participate in a commercial arbitration moot exercise for two days, culminating in hearings before an arbitral tribunal consisting of practitioners in the field of international arbitration. The primary objective of this exercise is to enhance skills in analyzing facts and evidence, constructing legal arguments, developing strategies, practicing oral advocacy, and collaborating effectively in a time-constrained, high-pressure environment.

- **Seminars** organized by the MIDS on new developments in international dispute settlement and on the work of key international organizations and arbitral institutions.
- **Lectures** with well-known academics and practitioners. These lectures are organized by the CIDS and open to the public. They usually gather a large number of students, practitioners, and academics from Switzerland and France.
- Students need to attend one or two **conferences** organized by external actors on topics related to international dispute settlement. These conferences are held in Switzerland or abroad, and students are given a choice to select from various options. Some of the conferences that are usually offered as part of the MIDS program include: ASA conferences, BIICL Investment Treaty Forum and WTO conferences, ICC Annual Meetings, Milan Chamber of Arbitration Annual Conference, and the University of Neuchâtel conference, among others. The MIDS organizes all travel, accommodation and logistics related to its students' participation in these conferences.
- **Site visits** to dispute settlement institutions in Paris, The Hague, and Geneva. Travel, accommodation and logistics are all covered and organized by the MIDS for its students.
- A master's **thesis** presenting an original argument that is well substantiated. The thesis is due the first week of August of each academic year. Students are able to choose their supervisors amongst the faculty members of the MIDS and count with the support of the MIDS Lecturers throughout the preparation period.

A fulfilling educational journey encompasses more than just academic knowledge. It also requires a conducive environment, friends to share experiences and perspectives with, as well as opportunities to enjoy a year away from work obligations. It is also crucial for students to establish connections for their future endeavors. To fulfill these requirements, MIDS organizes various **social events**, including welcome and farewell cocktails. These gatherings are attended by significant personalities from the international dispute settlement community in Geneva, which additionally facilitates networking opportunities.

MIDS Online Section

With its Online Section, the MIDS sought not only to respond to the needs brought by the Covid-19 pandemic, but also to be at the forefront of the educational offering in the field of international dispute settlement.

The curriculum of the Online Section is similar to the traditional program in residence. Only its pedagogy was 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. Online students had access to carefully edited recordings of courses taking place in Geneva, as well as separate sessions organized with each of the professors remotely to facilitate discussions and enhance learning opportunities. For some workshops, seminars as well as the academic retreat, the online students benefited from fully separate and carefully designed programs.

Students admitted to the Online Section during the 2021-2022 and 2022-2023 academic years were able to choose whether to undertake the program in one (full time) or two years (part time). This new modality aimed at bringing flexibility while ensuring the same high-profile and quality education as the traditional MIDS program.

The MIDS was, however, designed for maximum efficiency and results with in person participation. With this in mind and with the Covid-19 pandemic coming to a close, the CIDS decided that 2022-2023 would be the last MIDS program offered both in the in person and online modalities.

3. Academic years in 2022

Academic year 2021-2022 – spring semester:

The MIDS was able to complete most of the 2021-2022 academic year in presence, following the restrictions and sanitary measures recommended by the Swiss Government. The MIDS therefore continued 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 at the beginning of the academic year 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.

Students

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 Mordivolia (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 (first 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)

Courses and activities:

During the 2021-2022 spring semester, students followed the **general course** with professors Zachary Douglas and Marcelo Kohen, who taught the private and public part of that course respectively. Lorenzo Palestini and Dafina Atanasova were in charge of the **tutorials** during the semester.

The following **intensive courses** took place during the second half of the 2021-2022 MIDS academic year:

- Contract Law in International Commercial Arbitration with Patricia Saiz. The course was organized fully online for all students on 8-9 February and 4 March 2022).
- The PCA and its Contribution to the Evolution of International Dispute Settlement with Brooks Daly (Online: 22-24 February 2022 + Separate session with online students on 11 March 2022)
- WTO Dispute Settlement with Gabrielle Marceau (On-campus: 1-3 March 2022 + separate session with online students on 25 March 2022)
- Reform of Investor-State Dispute Settlement with Gabrielle Kaufmann-Kohler (On-campus: 22-24 March 2022 + separate session with online students on 12 April 2022)
- Commercial Arbitration in China with Jane Willems (On-campus: 29-31 March 2022 + separate session for online students on 14 April 2022)
- Investment Arbitration in Action with Michele Potestà and Katherine Kettlewell (On-campus: 5-7 April 2022 + separate session for online students on 26 April 2022)
- Investment Arbitration in Africa with Makane Moïse Mbengue (On-campus: 12-14 April 2022 + separate session for online students on 3 May 2022)
- French Law on International Commercial Arbitration with Maximin de Fontmichel (On-campus: 26-28 April 2022 + separate session with online students on 17 May 2022)
- EU Law and International Arbitration with George Bermann (On-campus: 4-6 May 2022 + separate session with online students on 31 May 2022)
- Transnational Corruption in International Arbitration with Abdulhay Sayed (On-campus: 24-26 May 2022 + separate session for online students on 10 June 2022)
- Arbitration in the United States with Catherine Rogers (On-campus and online on 2-6 June 2022 for 6h only). Exceptionally and due to a last minute need to change the professor in charge, this intensive course had a duration of 6h instead of the usual 9h.

Out of the course offered by the Graduate Institute and the Law Faculty of the University of Geneva, the MIDS students chose to pursue the following **optional courses**:

- Current Issues of International Law Through the Case Law of International Courts with Makane Moïse Mbengue (UNIGE);
- Internet, Technology and International Law with Thomas Schultz (IHEID);

- International Investment Law with Dolores Bentolila, Michele Potestà and Nathalie Bernasconi (IHEID);
- The Theory and Practice of Treaty Interpretation with Andrea Bianchi and Fuad Zarbiyev (IHEID);
- Introduction to Common Law with Zachary Douglas and Phillip Landolt (UNIGE).

Several of the MIDS **workshops** for the 2021-2022 academic year were organized during the spring semester. In particular, the students benefitted of the following workshops during this period:

- Mediation workshop for online students (20-22 April 2022):
Conducted by Brian Hutchinson, the workshop started with the issue of several pre-recorded lectures for the MIDS online students. Through the course of three days, the students then held remote sessions with the professors that included both theoretical lectures and practical exercises on the nuts and bolts of mediation.
- FIAA workshop (11, 27 and 28 May 2022):
Through a combination of lectures, demonstrations and, most importantly, small group learning-by-doing exercises, MIDS students had a unique opportunity to learn and put into practice critically important advocacy skills and techniques, with the objective of improving their oral advocacy skills, with particular focus on witness examination in international arbitration. The workshop led by David Roney with the help of well-known practitioners in the field:
 - o Wendy Miles KC, Twenty Essex, London
 - o Luis Miguel Velarde Saffer, LALIVE, Geneva
 - o Yuri Mantilla, Freshfields, Paris
 - o Dolores Bentolila, White & Case, Geneva
 - o Agnès Bizard, King & Spalding, Paris
 - o Hannah Eckhoff, Freshfields, Frankfurt
 - o Alexander Leventhal, Quinn Emanuel, Paris
 - o Andrea Stauber, King & Spalding, London

To make this workshop possible, the MIDS organized the travel for all faculty members and organized coffee breaks, lunches and networking dinners with the faculty and students participating in the workshop.

Exceptionally, the MIDS organized a second and separate FIAA workshop for online students on 22 June. This remote workshop was led by David Roney as well and featured the following faculty:

- Wendy Miles KC, Twenty Essex, London
- Shreyas Jayasimha, Aarna Law, India
- Christophe Guibert de Bruet, LALIVE, Geneva
- Ndanga Kamau, Ndanga Kamau Law, The Hague
- Andrea Stauber, King & Spalding, London

The MIDS **Academic Retreat** for online students also took place during the spring semester of 2021-2022. From 16 to 18 March, online students worked independently in groups on the case and held online hearings with carefully selected practitioners in the field. The Retreat concluded with virtual networking sessions where the students were able to informally discuss with the arbitrators present in the session

As part of their curriculum at the MIDS, students also benefited from a virtual session with WIPO's Arbitration and Mediation Center (1 July 2022), as well as the following **seminars**:

- Career options in arbitral institutions. Led by Benjamin Moss, this online seminar featured several speakers with different backgrounds in the field of international arbitration and discussed career options in arbitral institutions from their personal experience and perspectives.
- Equal Representation in Arbitration (ERA) Pledge Young Practitioners Subcommittee's seminar on "Achieving diversity for the next generation of international arbitration practitioners – why it matters". To celebrate International Women's Day on 8 March 2022, Sofía Klot, Marta García Bel and Patricia Saiz shared their experiences and lead a discussion about the causes of underrepresentation of women on arbitral tribunals and the concrete and actionable steps that practitioners and students can take to change the picture. They also introduced the initiatives launched by the YPSC and how the young international arbitration community can get involved.
- Seminar on "An Introduction to HKIAC: Current practice and recent developments" with Sicen Hu. This session on 24 March and focused on the Centre as a venue for ADR in Asia, its Rules, structure and work from the perspective of a MIDS alumni and current member of the institution.

- Hybrid seminar with Mamadou Hebié on “Handling Procedural Incidents at the International Court of Justice: Some Insights from the Office of the President”. The seminar took place on 27 April 2022 and offered insights on some of the most common procedural incidents, especially those that raise complex issues of law and policy, and discussed, based on the speaker’s experience as Special Assistant to the former President of the ICJ, how the Court deals with them, both procedurally and on the merits.
- A Q&A session with star arbitrator Brigitte Stern was organized in Geneva for students and was followed by a cocktail where students had the opportunity to further engage in informal discussions with the speaker.
- MIDS – ASA seminar on 10 May 2022. Hosted by ASA, the seminar was led by several members of the Center, some of which are MIDS alumni, and attended by its Executive Director. With focus on the Center, the Swiss rules and the legal counsel’s role, it allowed students to also have an informal discussion with its members and benefit from networking opportunities during the cocktail that followed the session.
- MIDS – LALIVE Training Seminar on 17 May 2022. Hosted by the law firm, this session includes a practical training seminar on international arbitration, with a particular focus on commercial arbitration. Through this half-day seminar, LALIVE’s lawyers, including partner and counsel, provide the students with not only practical training, but also their views and advice, based on their first-hand experience. The training was followed by a cocktail offered by the firm.

With the lifting of travel restrictions, the MIDS was also able to organize, with the help of the ICJ, its traditional **study trip** to The Hague on 23-24 June. The trip included sessions at the ICJ and the PCA, as well as an official visit of the Peace Palace. H.E. Judge Yusuf was present to lead the session at the ICJ and answer questions from the students. To promote networking and closer relations between current and former students, the MIDS organized a cocktail at a local café.

Students were also able to attend **external conferences** in person and online (depending on their individual situation or preference). In this regard, MIDS students were able to attend the 37th ITF Public Conference on “Overlapping Treaty Regimes in International Investment Law” in London on 22 April.

The MIDS further organized **social events** throughout the academic year. For the spring semester, students were able to benefit from the following:

- For online students:
 - o Virtual coffee with Prof. Boisson de Chazournes and the MIDS staff on 15 March;

- Virtual coffee with Mamadou Hebié (following his seminar);
- Virtual cocktail as end-of-year party with Prof. Laurence Boisson de Chazournes and the MIDS staff on 30 June.
- For students in Geneva:
 - Dinner at the invitation of Prof. Boisson de Chazournes on 6 May; and
 - MIDS end-of-year and cocktail party at the boat Neptune, on 22 June.

Academic year 2022-2023 – fall semester:

Students

On-campus students:

August Adamowicz (Poland)
 Sashia Diandra Anindita (Indonesia)
 Aparna N (India)
 Christopher Awodimila (Nigeria)
 Naranzaya Batdulam (Mongolia)
 Nicolo Filippo Bertolo (Italy)
 Quentin Chadanian (France)
 Pragya Choudhary (India)
 Mario Drago (Peru)
 Luigi Gasparrelli (Italy)
 Adam Geele (UK, Somalia)
 Elizabeth Jane Hackney (Australia)
 Henry Ho (UK)
 Laura Jaroslavsky Consoli (Argentina)
 Gabriele Miscia (Italy)
 Moein Naderi (Iran)
 Escipion Oliveira (Dominican Republic, Belgium)
 Ana Karina Parra (Ecuador)
 João Marcos Piovezan (Brazil)

Sneha Poddar (India)
 Lakshana R (India)
 Shaurya Rai (India)
 Anooksha Ratra (India)
 Gabriela Rodriguez Gonzalez (Paraguay)
 Sanskriti Sharma (India)
 Alefiyah Shipchandler (India)
 Aditya Suresh (India)
 Trishna Menon (India)
 Khaterine Michel Tecson (Philippines)
 Evgeny Voronin (Russia)
 Siming Wang (China)
 Malgorzata Zukrowska (Poland)

Online students (second year):

Arianna Arce (Costa Rica)
 Won-Youb Choi (Republic of Korea)
 Adnan Jaafar (Egypt)
 Vahid Rezaadoost (Iran)
 Luis Miguel Soares (Portugal)
 Tadas Varapnickas (Lithuania)

Courses and activities:

During the 2022-2023 autumn semester, students followed the **general course** with professors Laurence Boisson de Chazournes and Thomas Schultz, who taught the public and private part of that course respectively. Lorenzo Palestini and Alfredo Crosato were in charge of the **tutorials** during the semester.

As part of the public part of the General Course, the MIDS also organized two seminars for the students:

- Seminar on Dispute Settlement Under UNCLOS and Jurisdiction Ratione Materiae with Prof. Tullio Treves (27 October 2022); and
- Seminar on WTO Dispute Settlement Fundamentals with Makane Moïse Mbengue (21 November 2022).

The following **intensive courses** took place during the first half of the 2022-2023 MIDS academic year:

- ICC Arbitration with Pierre Tercier and Alexander Fessas (Geneva, 4-6 October 2022 and Paris, 7-8 December 2022). The first half of the course took place in Geneva. For the second half, the MIDS organized a study trip to Paris, where students had the opportunity to meet with members of the ICC secretariat for a full day of presentations and discussions at the ICC headquarters in Paris. During the second day of the trip, students went to the offices of Gide Loyrette Nouel, where several senior members of the law firm and other colleagues from other renowned Paris firms interacted with the students and organized discussions on the topic of this intensive course.

The MIDS also organized a separate session with Alexander Fessas for online students on 7 November 2022. Online students that wished to go to the Paris study trip were also welcome to attend.

- The Arbitration Agreement in International Commercial Arbitration with Sébastien Besson (9-11 November 2022 with a separate session for online students on 22 December 2022).
- The New York Convention of 1958 with Erica Stein (15-16 November 2022 with a separate session for online students on 29 November 2022).

During this first semester, students also went to **Paris** on a **study trip** on 7-8 December, as part of the ICC Arbitration intensive course. Delivered by Pierre Tercier and Alexander Fessas, the students attended lectures and benefited from discussions with a number of outstanding speakers at the ICC Secretariat (day 1) and at the offices of Gide Loyrette Nouel (day 2). Speakers for both days included the following:

- Živa Filipic, Managing Counsel, ICC International Court of Arbitration;
- Sergii Melnyk, Deputy Counsel, ICC International Court of Arbitration;
- Elina Zlatanska, Lawyer, Documentation and Research Center, ICC International Court of Arbitration;
- Nicolas Galvez, Counsel, ICC International Court of Arbitration;
- Margarita Chatzi, Deputy Counsel, ICC International Court of Arbitration;
- Avishai Azriel, Deputy Counsel, ICC International Court of Arbitration;
- Pedro Arcoverde, Counsel, ICC International Court of Arbitration;
- Carole Malinvaud, Partner, Gide Loyrette Nouel;
- Astrid Westphalen, Counsel, Gide Loyrette Nouel;
- Christian Camboulive, Partner, Gide Loyrette Nouel;
- Carine Dupeyron, Partner Darrois Villey Maillot Brochier; and
- Melanie Van Leeuwen; Partner Derains & Gharavi and President of the ICC Commission on arbitration and ADR.

The MIDS further organized a dinner at a local restaurant in Paris with the different speakers and all the students to allow for further discussions and networking opportunities.

From the courses available at the Graduate Institute and the Faculty of Law of UNIGE, the students selected the following **optional courses** during their first semester at the MIDS:

- WTO Law and Practice with Gabrielle Marceau (UNIGE);
- International Commercial Litigation with Gian Paolo Romano (UNIGE);
- International Trade Law with Jan Bohannes (IHEID);
- Research Seminar on the International Law of Energy with Jorge Viñuales (IHEID);
- Regulating the Internet with Neha Mishra (IHEID);
- Comparative Methodology: Contract Law with Thomas Kadner (UNIGE);
- International Arbitration with Thomas Schultz (UNIGE);
- Law Without the State with Thomas Schultz (IHEID);
- Law of the Sea: Current Challenges with Zachary Douglas (IHEID); and
- The Theory and Practice of Treaty Interpretation with Andrea Bianchi and Fuad Zarbiyev

During the first semester of the 2022-2023 program, MIDS students also participated in several workshops, seminars and other academic activities. In this regard, the semester included the following additional courses that were part of the MIDS curriculum:

- **Workshops:**

- Legal Writing Workshop with David Roney and Tanya Landon (26 September and 7 October 2022).

During this workshop, students discussed the legal drafting process in international arbitration with a special emphasis on written advocacy and persuasion. The course also included practical exercises and individualized feedback on the legal submissions drafted as part of the workshop.

- Financial Damage Analysis with Geoffrey Senogles

For this workshop, the MIDS organized the traditional sessions in Geneva on 11-13 October 2022, followed by a separate remote session for online students on 18 November 2022.

Any lawyer working in arbitration will undoubtedly have to deal with matters of quantum. For some, this can be a real challenge: critically reviewing your own expert's draft report; understanding the methodologies and findings of the other side's expert; planning cross-examination; advising your client on potential strengths and weakness in financial claims or defenses. The goal of this workshop was to provide students with an insight into the work of a financial expert witness and give them the tools to better understand and deal with matters of quantum in international arbitration.

- Academic Research and Writing workshop with Lorenzo Palestini and Alfredo Crosato (21 October 2022)

This workshop aimed at offering guidance to students and practical insights for all written components of the MIDS curriculum. This included the general course exams, tutorial research papers, intensive course assignments and the MIDS thesis. The workshop relied on specific writing samples and included short in-class exercises.

- **Additional seminars:**

- A Conversation with the Secretary-General of ICSID, Meg Kinnear (3 November 2022). This seminar, exclusive for MIDS students, preceded the MIDS-ASA Lecture that took place on the same day and gave MIDS students the unique opportunity to interact in an informal setting with Meg Kinnear.
- Schellenberg Wittmer Seminar with Sebastian Coulon Bauer, Anne-Carole Cremades and Anna Kozmenko (29 November 2022).

This seminar took place at the offices of the law firm in Geneva and focused on "ESG and Investment Arbitration". The session was followed by a cocktail that was also

attended by other lawyers in the firm with a view of providing an additional networking opportunity to the MIDS students.

- **Academic Retreat:**

The Retreat took place at the Château de Bossey on 12-13 December 2022 and was led by Michele Potestà with the support of the MIDS staff. Over these two days, students undertook a moot exercise aimed at developing their skills in analyzing facts and evidence, building a strategy and legal arguments, as well as practicing oral advocacy skills within limited time and pressure evocative of reality. Divided into different small teams, each team worked together with a MIDS coach to prepare the oral arguments they would then present before an arbitral tribunal on the afternoon of the second day. The arbitrators present for the four different mock hearings held on the second day of the Retreat included:

- Lukas Innerebner, Legal Counsel, Swiss Arbitration Centre;
- Joachim Knoll, Partner, LALIVE;
- Rodica Turtoi, Senior Associate, Peter & Kim;
- Alexandra Johnson, Partner, Pestalozzi;
- Sebastiano Nessi, Partner, Curtis;
- Léonard Stoyanov, Partner, MLL;
- Vanessa Alarcon Duvanel, Counsel, King & Spalding;
- Maria de la Colina, Of Counsel, Guglielmino;
- Michele Potestà, Partner, LKK;
- Clàudia Baró Huelmo, Senior Associate, Withersworldwide;
- Dolores Bentolila, Senior Associate, White & Case; and
- Bernd Ehle, Partner, LALIVE.

In addition, the MIDS also organized and hosted several public **lectures** and **social events**. In particular, the MIDS organized the following:

- A welcome day for new students on 16 September 2022: the MIDS staff welcomed the students at the Villa Moynier and held an information session to discuss the program, life at the MIDS and relevant regulations and logistics for a successful start and enjoyment of the program. The students then enjoyed a brown-bag lunch with the staff and a member of the MIDS Alumni Association, who was also present to welcome them and introduce them to the MIDS Community.

- An organized visit to the IHEID and UNIGE libraries on 19 September 2022.
- The MIDS Graduation Ceremony for the 2021-2022 program on 22 September 2022. The ceremony, attended by the previous year's students, their families, as well as the new students, was followed by a cocktail organized at the Terrasse de la Paix.
- A Zoom meeting to launch the 2022-2023 academic year with the online students following their second year at the MIDS on 28 September 2022.
- A MIDS online virtual coffee break with Laurence Boisson de Chazournes and the MIDS staff for online students on 14 December 2022.
- The MIDS traditional dinner with the students to celebrate the tradition of the Escalade at a local fondue restaurant (14 December 2022).

Upon their arrival to the MIDS in September 2022, the students were also able to choose which **external conferences** they would like to participate in as part of their MIDS curriculum. During the autumn semester, students were able to attend the following conferences:

- ASA below 40 – Fall Seminar on “Art & Arbitration” (Zurich, 28 October 2022);
- University of Neuchâtel Conference on “New Developments in International Commercial Arbitration” (Neuchâtel, 4 November 2022);
- London British Institute of International and Comparative Law (BIICL) “38th ITF Public Conference: Complex Arbitration Proceedings in ISDS” (London, 14 October 2022);
- Milan Chamber of Arbitration Annual Conference on “The Devil Wears Arbitration: Litigating in the fashion industry” (Milan, 25 November 2022); and
- 42nd ICC Institute of World Business Law Annual Conference on “Navigating the New Contents of International Public Policy – Compliance in Environment and Human Rights” (Paris, 6 December 2022).

4. Career services

Career services overview

In addition to organizing the program and supporting its students throughout their time in Geneva, the MIDS also supports its students in landing a job or an internship after completing the program. The MIDS career services are designed to help students to successfully enter the international dispute settlement market, whether it be in an international law firm, arbitral institution, international organization, international court, or company.

Career services start from day one and accompany students throughout their studies. The MIDS provides workshops and individual meetings with its Executive Director and Career Advisor, Mariona Cusí, on career planning, assistance with drafting CVs and cover letters, professional development of social media presence, networking skills coaching, mock interviews, and after-interview debriefing sessions. These individual meetings are scheduled at the request of students throughout the academic year and their time as MIDS students.

MIDS students are introduced to the career services on presentation day and have an individual meeting with the MIDS staff during their first week to discuss their expectations for the program and their career prospects after the MIDS. This helps the MIDS staff better understand each student's career goals and develop an individual approach for career counseling and training sessions.

In addition, the MIDS also organizes a workshop on drafting CVs and cover letters, professional social media presence, networking skills, job interviews, and strategic career planning. On 29 September 2022, Benjamin Moss and Mariona Cusí conducted the career services workshop for the 2022-2023 academic year.

During the program, the MIDS shares with its students relevant job and internship opportunities. For key partners and selected law firms, the MIDS also liaises with the selection committees, including to further provide insight on its students and promote the recruitment of MIDS candidates that fit the desired profile. On average, around 80% of each year's students are offered a job or an internship opportunity after the MIDS.

Throughout the MIDS academic year, students also have access to numerous networking events where they can apply the skills acquired through our workshops and individual career counseling and training sessions. MIDS staff also accompany students to the external conferences offered as part of the curriculum and are available to help students meet and network with other participants.

The MIDS Career Advisor also follows up with recent graduates to further assist them achieve their career objectives, when required. In this regard, the MIDS continues to share interesting job opportunities with its recent graduates when partner or known law firms, institutions and international organization get in touch to hire specific profiles or a MIDS graduate.

Internships part of the MIDS curriculum

The MIDS offers the possibility to substitute one optional course in its mandatory curriculum with an internship experience at a law firm and/or an institution working on international dispute settlement during the year following the students' MIDS course work. Students that choose to pursue this option

are supported by the MIDS staff, who will not only offer linked career advice, but also support the students in the administration steps required to renew their student status and residency permit. Should the internship take place abroad, the MIDS also guides the students in the creation, signature and follow-up involved in a convention de stages, as well as visa procedures and OCPM procedures when leaving Switzerland.

MIDS mentoring program

In 2022, the MIDS continued its Mentorship Program, offering students the possibility to be paired with a mentor from a pool of recent alumni. This program aims at providing students with academic and career guidance and has been highly appreciated by both mentors and mentees. In this regard, the MIDS career advisor worked with the MIDS Alumni Association to select the mentors amongst MIDS recent graduates and match them to current students interested in the mentorship program.

5. Student support

The MIDS program offers tailored support to its students from their admission until their successful graduation of the program.

Admitted students are supported by the MIDS staff throughout the admission and scholarship allocation process. In addition, upon receiving the admission letter, the MIDS offers a comprehensive welcome guide to incoming students, which includes essential information such as program details, preparation for arrival in Geneva, visa and residency permit requirements, accommodation options (with priority allocation for a limited number of MIDS students at selected student residences), health insurance requirements, and a to-do list for a smooth transition into the program. Additionally, the welcome guide provides students with a list of suggested summer readings for those who wish to refresh their knowledge of public or private international law before the start of the academic year.

At the beginning of the program in September, students receive a tailored course guide for that particular academic year. The course guide includes detailed information on the following issues:

- Curriculum requirements;
- Schedules and academic calendar;
- Detailed information on the different courses and activities offered at the MIDS;
- MIDS procedures and policies;
- A first overview on job and internship opportunities;
- Student services;

- IT and facilities;
- Other requirements and advice for newcomers in Geneva; and
- Important contacts during their stay in Geneva.

To further assist students, the MIDS staff prepares welcome gifts (i.e. umbrella, water bottle, lanyard, and cloth bag), individual business cards, name tags for use in class, and the relevant student cards for UNIGE and IHEID. Students have access to IHEID and UNIGE platforms and IT services, as well as the MIDS Moodle Platform. The staff manages the MIDS calendar, which includes all relevant information related to MIDS courses, such as course times, venues, deadlines, and reading materials.

Furthermore, the MIDS provides an individual follow-up with students on their thesis, tutorial research papers, and academic advice by the MIDS Lecturers. The Lecturers also organize mock exams for the general course and review sessions to help students prepare for the upcoming exams. These review sessions take place on December 15th and 23rd, 2022.

6. Alumni

The alumni are at the core of the MIDS reputation and success story. The MIDS has trained over 500 students representing over 85 nationalities, of which an average of over 60% originate from emerging and developing countries. Now working all over the world in law firms, international arbitral institutions and tribunals, international organizations, governments, universities and companies, these alumni are at the heart of the MIDS.

The MIDS Alumni Association, led by its Executive Committee, and founded in 2021, works together with the MIDS staff to achieve its main objectives to maintain and reinforce the links between the MIDS alumni, represent their interests and contribute to disseminating the reputation of the program.

The MIDS, with the help of the Alumni Association, also encourages its former students to contribute towards an Alumni Scholarship to cover part of the tuition fees of an outstanding candidate in need of financial support to come to study at the MIDS.

In addition, every year, the MIDS sponsors and hosts an Annual Alumni Event. In this regard, the Alumni Association's Executive Committee and the MIDS, prepare and organize a full one-day conference, featuring MIDS alumni as speakers and open to the public in Geneva. The 2022 event was organized on 18 November, as indicated in the section on MIDS lectures in this document.

7. Partnerships

The MIDS has fostered relationships with several partners over the years, including with law firms, international institutions and organizations, charitable foundations and other universities. In 2022, the MIDS partners included:

- Lévy Kaufmann-Kohler:

Lévy Kaufmann-Kohler has been a significant partner of MIDS since it was launched in 2008. The MIDS not only has close ties to the firm but also to individual members. The partnership offers various academic opportunities and activities, including intensive courses taught by key members of the firm. These courses include "Reform of Investor-State Dispute Settlement" taught by Prof. Gabrielle Kaufmann-Kohler, "The Arbitration Agreement in International Commercial Arbitration" taught by Prof. Sébastien Besson, and "Investment Arbitration in Action" taught by Dr. Michele Potestà and Ms. Ann Catherine Kettlewell from ICSID. Dr. Michele Potestà also leads and co-organizes the MIDS Academic Retreat. Additionally, the firm recruits two interns each academic year for a 6-month internship after completing the MIDS courses as part of their studies and program in Geneva. Lévy Kaufmann-Kohler also generously provides a full scholarship every academic year, covering both the MIDS tuition fees and living expenses in Geneva.

- LALIVE:

MIDS and LALIVE have been partners since the inception of the MIDS program. The partnership encompasses several critical components, including the practical training seminar on commercial arbitration organized as part of the MIDS program each year. LALIVE also commits to offering internships to approximately four or five MIDS students each year. Moreover, the law firm offers a full scholarship for one student, covering MIDS tuition fees and living expenses in Geneva for the duration of the one-year program. Lawyers from the firm also participate as arbitrators during the Academic Retreat.

- Three Crowns:

The Jan Paulsson Scholarship was founded in 2021 by Three Crowns LLP in honor of one of its founding partners. The scholarship aims to provide financial assistance to exceptional candidates from developing economies who exhibit a demonstrated financial need. The scholarship covers a significant part of the students' MIDS tuition fees. In addition to providing financial aid, the law firm is attentive to the selected students' life and progress at the MIDS.

- Lambadarios:

Lambadarios Law Firm is a partner and collaborator of MIDS and generously provides a partial scholarship each year to support a student enrolled in the program. The scholarship, established in 2020 in memory of Epaminondas Lambadarios, is designed to assist graduates of Greek universities who wish to pursue an LLM in international dispute settlement to enhance their knowledge and academic studies. The scholarship covers a portion of the MIDS tuition fees and is awarded based on both social and academic criteria.

In October 2022, Lambadarios also sponsored and hosted a full-day conference in Athens on strategies and options to build a career in international arbitration as well as key trends in the development of investment law. Zachary Douglas and Mariona Cusí participated in the conference as speakers.

- Schellenberg Wittmer:

The MIDS and the Swiss law firm have a collaboration agreement that includes the selection of one or two interns by the firm each year from the current MIDS students. The collaboration also includes the organization of a seminar for MIDS students at the firm's offices in Geneva.

- The Permanent Court of Arbitration:

With a long-standing collaboration, the PCA selects each year a graduate student from the MIDS to join their offices as Assistant Legal Counsel for a period of 12 months. In this regard, the MIDS provides a scholarship that is given to the graduate in monthly installments during their stay at the PCA.

Out of the 2021-2022 program graduates, the PCA selected Sarthak Malhotra as the recipient of the MIDS-PCA Fellowship.

- The National University of Singapore:

The MIDS has a double degree program with NUS since the academic year 2017-2018. The double degree program (DDP) offers students of each institution who have completed the curriculum for either the MIDS or the NUS LLM with specialization in International Arbitration and Dispute Resolution to enroll in the other institution for an additional (third) semester.

Upon successful completion of this additional semester, students receive both NUS LLM and MIDS LLM degrees. In 2021-2022, the MIDS nominated Kryspin Janata to pursue the DDP.

Kryspin completed an additional 3rd semester at NUS from August to December 2022 and is set to receive both LLM diplomas in 2023. In September 2022, the MIDS welcomed three NUS students for one semester: Elizabeth Hackney (Australia), Pragya Choudhary (India) and Sanskriti Sharma (India).

- ELSA Arbitration Summer School:

The ELSA Arbitration Summer School is one of many exceptional summer school programs offered by ELSA across various legal domains throughout Europe. MIDS has played a significant role in the success of the Arbitration Summer School conducted every two years in Geneva by providing its classrooms as a venue. Students attending the Summer School that are interested in applying to the MIDS program are also given a chance to meet with MIDS staff and ask any question they might have. MIDS endorses the ELSA Arbitration Summer School as an excellent chance for aspiring law students to gain valuable insight into international arbitration at the core of one of its international practice hubs and a leading academic institution.

- Paris Arbitration Academy:

The MIDS sponsors a cocktail in the premises of the ICC Secretariat during the Paris Arbitration Academy each year. The cocktail is preceded by a presentation of the program by members of the MIDS staff and is organized with the support of the ICC. This cooperation with the Arbitration Academy has proven fruitful. More and more MIDS applicants are recruited from candidates who have attended the Arbitration Academy prior to their admission to the MIDS. Having completed the Academy in Paris is a good basis for the more extensive and thorough training provided by the MIDS.

Outreach

1. MIDS-related events and conferences

The MIDS organized several public lectures or conferences with well-known academics and practitioners that were also part of the curriculum and an additional learning and networking opportunity for its students.

For 2022, and due to the sanitary situation, the MIDS was able to organize public lectures attended by a large public during the first semester of the 2022-2023 academic year. In this regard, the following public events were organized by the MIDS:

- MIDS 2022-2023 Opening Lecture with Isabelle Michou, Partner, Quinn Emanuel Urquhart & Sullivan LLP (27 September 2022). The lecture focused on “Interim measures: the critical impact they may have on International legal proceedings” and was followed by a cocktail for participants.

- MIDS-ASA Lecture with Meg Kinnear, Secretary-General of ICSID (3 November 2022). This Lecture, jointly organized with ASA, focused on “The 2022 Amendment of the ICSID Rules and Regulations: Key Takeaways”. The lecture included comments from Dr. Dolores Bentolila, Associate, White & Case, and Dr. Michele Potestà, Partner, Lévy Kaufmann-Kohler, and was followed by a cocktail for all participants.
- MIDS and UNIGE Faculty of Law Lecture with Judge Linos-Alexander Sicilianos, Professor of International Law, Dean of the Faculty of Law of the University of Athens and former Judge of the European Court of Human Rights, on “Challenges for the European Court of Human Rights and its Judges: an Insider View” (15 November 2022). The lecture was followed by a cocktail for participants.
- MIDS 2nd Alumni Association Annual Event (18 November 2022). With a full day program featuring speakers from all continents and from different MIDS academic years, the conference revolved around three main topics: i) good faith in the interpretation of contracts and in the conduct of arbitral proceedings; ii) the potential international liability of a State with respect to the passing of environmental, social, and governance measures; and iii) the question of whether and to what extent technology will render the role of counsel and arbitrators obsolete. Participants also benefited from coffee breaks and a standing lunch organized by the MIDS.

2. Research-related events

The CIDS organized a seminar on “The Advisory Judicial Function of the International Court of Justice and the Resolution of International Disputes”, as part of the CIDS Doctoral Seminars series and in the context of the research project “The International Judicial Function under Pressure: Do Courts and Tribunals Go off the Rails?”, on 25 March 2022. The seminar featured a dialogue between Pierre Klein and Lorenzo Palestini, with opening remarks by Professor Laurence Boisson de Chazournes.

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.

1. Current projects

“The International Judicial Function under Pressure: Do Courts and Tribunals 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.

In 2022, the research team completed the data collection effort, organized an online conference with Prof. Pierre Klein on the alleged blurring of the advisory and contentious functions of the International Court of Justice and held meetings with advisors to the Swiss State Secretariat for Economic Affairs to discuss key findings based on the data collected for the WTO dispute settlement system.

“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 analyzes 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.

In 2022, Thomas Schultz published the contribution “Double Jeopardy? The Use of Investment Arbitration in Times of Crisis”, with Cédric Dupont and Merih Angin, in D. Behn, O.K. Fauchald, and M. Langford (eds), *The Legitimacy of Investment Arbitration: Empirical Perspectives*, Cambridge University Press, 2022, 365-393.

“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 project reached its conclusion in 2022.

“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 project was completed at the end of February 2023. It will lead to a monograph (under contract with Cambridge University Press) co-authored by Fuad Zarbiyev and Umut Yüksel.

“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 inter-state negotiations at UNCITRAL.

2. Grant applications

“The International Judicial Function under Pressure: Do Courts and Tribunals 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 (Eduardo Cavalcanti De Mello Filho), for the duration of the project.