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Introductory Remarks to the Panel entitled "New Horizons and Mechanisms: International Law, Trade and Investment"

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60 Years in International Law: Seminar in Honour of Sir Elihu Lauterpacht CBE QC LLD
Gray's Inn, London, October 20, 2011

New Horizons and Mechanisms: International Law, Trade and Investment
(4.45 - 6.00)

Introductory Remarks by the Moderator

David D. Caron
President of the American Society of International Law
C. William Maxeiner Distinguished Professor of Law, University of California at Berkeley
Member of Chambers, 20 Essex Street

It is my distinct pleasure to moderate the second panel of this intellectual feast held to celebrate Sir Eli’s presence in international law for sixty years.

The focus of this second panel is on new horizons and new mechanisms. Sixty years ago, a young man interested in international law basically had before him the prospect of arguing a case before the International Court of Justice. Indeed, thirty years ago, the situation was not much different. Since then the world has rediscovered the value of claims commissions, created new permanent courts and mechanisms such as the dispute settlement process of the World Trade Organization and the International Tribunal for the Law of the Sea, expanded bodies for the protection of human rights and jumped with enthusiasm into the world of international criminal tribunals. On top of this, the end of the Soviet Union resulted in an astounding surge in ratifications of instruments such as the 1958 New York Convention on the Enforcement of Foreign Arbitral Awards and the 1965 Washington Convention on the Settlement of Investment Disputes; as well as an exponential growth in the conclusion of bilateral investment treaties and free trade agreements containing investment chapters. Moreover, we now encounter large disputes that manifest themselves in numerous fora simultaneously: as an international commercial arbitration, in an investment arbitration, in transnational litigation, and as a trade dispute.

Our distinguished panel brings together three leading lights in this new world of dispute resolution. Each speaker will have fifteen minutes to present his views on our theme, a discussion with the audience will follow their remarks. Their biographies are a part of your packet today, so my introductions will be brief.

Our first speaker is Charles N. Brower. Charles Brower is a Judge with Iran – United States Claims Tribunal in The Hague and, on the basis of surveys undertaken by the American Lawyer, has the distinction of being named for the past four years the most sought after and active international arbitrator globally. He comes to international arbitration with a uniquely deep knowledge of both public and private international law. I am forever thankful
that Charlie was my first boss in the law. His address is entitled “Investment Arbitration: An Arbitrator's Perspective.”

Our second speaker, Guglielmo Verdirame, is a brilliant new voice in the world of international arbitration and transnational litigation. As Chambers reports “he has a very strong academic background and is definitely one to watch.” He and I served as co-counsel in a complicated and delicate matter involving the re-structuring of assets/investments worth in excess of USD 1 billion with a view to maximising international legal protection, it was a tremendous pleasure to work with such a fine lawyer. He is Professor of International Law at King’s College, he will address the enforcement and challenge of arbitral awards.

Our last speaker is Donald M. McRae, Professor of Law at the University of Ottawa. Professor McRae is a leading expert on trade law and has served frequently on WTO panels. He is a member of the International Law Commission, and serves often as an arbitrator of international disputes. I had the great pleasure of serving with Professor McRae on the NAFTA Chapter 11 arbitration tribunal in the matter of Cargill, Incorporated v. United Mexican States. Professor McRae possesses an ability to move between the worlds of investment and trade that is invaluable particularly when those two worlds use the same language but actually intend two different meanings. Professor McRae will address “arbitrating trade disputes.”

All three of our speakers possess a broad range of knowledge of public and private law and deep experience in the new horizons and new mechanisms before us. We can ask for no better panel to provide us a personal tour of this new terrain.