

THE CENTRE FOR INTERNATIONAL & PUBLIC LAW
ANU COLLEGE OF LAW PRESENTS:



FRIDAY LUNCHTIME SEMINAR SERIES

THE BATTLE OVER INTERPRETIVE POWER: States and Tribunals in the Investment Treaty System

Ms Anthea Roberts

Lecturer in Law, London School of Economics
Visiting Fellow, ANU College of Law



Friday 6 May 2011, 1–2pm

Phillipa Weeks Staff Library
ANU College of Law (Bldg 5), Fellows Road
The Australian National University

Please RSVP by 4 May to E: rsvp@law.anu.edu.au

Enquiries to T: 02 6125 0454

This event is free and open to the public.

The investment treaty system is currently witnessing a battle between states and tribunals about the appropriate balance of power between them when it comes to interpreting investment treaties. States entering into investment treaties establish dual roles for themselves as treaty parties (with an interest in interpretation) and actual or potential respondents in investor-state disputes (with an interest in avoiding liability). By viewing states primarily as respondents rather than also as treaty parties, investment tribunals often overlook or undervalue the relevance of the treaty parties' subsequent agreements and practice to the interpretation of investment treaties. Drawing on international relations theories, public international law interpretive tools and comparisons with human rights law, this talk examines how states can reclaim their interpretive role in the investment treaty field and what limitations should be imposed on such a role.

Anthea Roberts, who is a graduate of the ANU College of Law, is a Lecturer at the London School of Economics where she teaches Public International Law, International Dispute Resolution and Investment Treaty Law. In 2011-12, Anthea will be a Visiting Professor at Harvard Law School. Prior to joining the LSE, Anthea was a lawyer in the International Dispute Resolution Group at Debevoise & Plimpton LLP in New York and London and an Associate to the Chief Justice of the High Court of Australia, the Hon A M Gleeson AC. This talk is based on her recent article, 'Power and Persuasion in Investment Treaty Interpretation: The Dual Role of States,' 104 *American Journal of International Law* 179-225 (2010), which won the American Society of International Law's 2011 Francis Deák Prize for the best article published by a young scholar. Anthea also won the 2002 Francis Deák Prize for her article entitled 'Traditional and Modern Approaches to Customary International Law: A Reconciliation,' 95 *American Journal of International Law* 757 (2001), which was based on her ANU Honours Thesis.

The views expressed in this lecture are those of the presenter and do not necessarily represent the views of The Australian National University.

ANU COLLEGE OF LAW

<http://law.anu.edu.au/cipl>