



Claudia Annacker
Annacker | International Disputes

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Dr. Claudia Annacker focuses her practice on international arbitration and litigation and public international law matters, in particular investor-State disputes, inter-State disputes, disputes involving international organizations and human rights cases. She has represented States and investors in more than 35 investment arbitrations.

Consistently recognized as a leading expert in international arbitration by *Chambers* and *The Legal 500*, she is described as “a brilliant arbitration lawyer who has profound knowledge and expertise in handling complex international arbitration cases,” “an investment treaty specialist with a phenomenal reputation...profound practical experience and high academic knowledge of international treaty disputes,” a “strategy maestro with a unique and impressive presence in the court room” and “highly respected by tribunals and opposing counsel.” She is also noted for her “second-to-none knowledge of theory of international law and arbitration practice.” *Benchmark Litigation* selected Dr. Annacker as a “Litigation Star” and named her “Lawyer of the Year” France (2019). *The Legal 500 EMEA* lists her in the “Hall of Fame.”

Dr. Annacker is a member of the ICSID Panel of Arbitrators. She currently serves on the SIAC Court of Arbitration and on the VIAC Board, where she chairs the Investment Arbitration Committee and led the task force that drafted the 2021 Vienna Investment Arbitration Rules.

Dr. Annacker holds a *venia legendi* (habilitation) in public international law. She is an adjunct professor at the University of Vienna, where she teaches advanced research seminars in international responsibility and international dispute settlement and supervises PhD theses. She has also been a visiting professor at the Paris Oest Nanterre La Défense University and regularly lectures at other leading universities.

Education

University of Vienna, Master in Law, 1990
University of Vienna, Doctor iuris (Dr. iur.), 1992, *cum laude*
University of Vienna, *Venia legendi et docendi* (habilitation), 1997

Clerkships

Vienna Criminal District Court, Vienna Commercial Court, Vienna District Court

Bar Admissions/Qualifications

Paris, Vienna (currently inactive)

Arbitration Panels

ICSID
Asian International Arbitration Centre (AIAC)
Mauritius International Arbitration Centre (MIAC)
Oman Commercial Arbitration Centre (OAC)
Singapore International Arbitration Centre (SIAC)
European Commission Pool of Individuals Suitable for Appointment as Arbitrators in Bilateral Disputes under EU Trade Agreements

List of Arbitrators Nominated by the European Union under the EU-Kazakhstan Enhanced Partnership and Cooperation Agreement

Affiliations

Court of Arbitration of the Singapore International Arbitration Centre
Board of the Vienna International Arbitral Centre
Board of Trustees of the Foundation for International Arbitration Advocacy
Energy Charter Treaty Legal Advisory Task Force
International Law Association
European Society of International Law
German Society of International Law
American Society of International Law

Selected Experience

As Arbitrator

- Co-arbitrator in an ICC arbitration seated in Zurich, Switzerland, between Austrian and Italian companies, relating to a joint venture agreement for the construction of a tunnel.
- Member of an *ad hoc* Committee in ICSID Case No. ARB/10/18, between a Barbadian company and Bangladeshi State-owned oil and gas companies, relating to gas supplies.
- Presiding arbitrator in ICSID Case No. ARB/20/30, between a Lithuanian investor and the Kingdom of Denmark under the Lithuania-Denmark bilateral investment treaty, relating to riots on a construction project.
- Presiding arbitrator in ICISD Case No. ARB/16/30, between a Turkish construction company and the Republic of Turkmenistan under the Turkmenistan-Turkey bilateral investment treaty, relating to the construction of a shopping center.
- Presiding arbitrator in an ICC arbitration seated in Paris, France, between a Polish company and a Korean company, relating to an agreement for the sale and purchase of helicopters.
- Sole arbitrator in an ICC arbitration seated in Miami, United States, between a Panama company and a US company, relating to an exclusive distribution agreement.
- Sole arbitrator in an ICC arbitration seated in Paris, France, between an Italian company and a Montenegrin company, relating to the privatization of a steel production company.

As Counsel

Investment Arbitration

- Georgia in an **ICSID** arbitration under the Georgia-Azerbaijan bilateral investment treaty, relating to the acquisition of a Georgian telecommunications company (ICSID Case No. ARB/16/20).
- The Hellenic Republic in **ICSID** annulment proceedings arising from an arbitration under the Hellenic Republic-Lebanon bilateral investment treaty, relating to investments in a shipyard (ICSID Case No. ARB/16/20).
- The Arab Republic of Egypt in an **ICSID** arbitration under the Egypt-Kuwait bilateral investment treaty, relating to agricultural and urban development projects (ICSID Case No. ARB/18/31).
- The Republic of Côte d'Ivoire in an **ICSID** arbitration under a concession contract for waste management services in Abidjan (ICSID Case No. 17/48).
- The Hellenic Republic in an **ICSID** arbitration under the Hellenic Republic-Cyprus bilateral investment treaty, relating to measures taken to address the Hellenic Republic's financial and sovereign debt crisis (ICSID Case No. ARB/17/4).

- The Republic of Austria in an **ICSID** arbitration under the Austria-Malta bilateral investment treaty, relating to regulatory measures taken against a bank and its management (ICSID Case No. ARB/15/32).
- The Hellenic Republic in an **ICSID** arbitration under the Cyprus-Hellenic Republic bilateral investment treaty, relating to measures taken to address the Hellenic Republic's financial and sovereign debt crisis (ICSID Case No. ARB/14/16).
- The Arab Republic of Egypt in an **ICSID** arbitration under the Spain-Egypt bilateral investment treaty, relating to an investment in an LNG plant and ensuing annulment proceedings (ICSID Case No. ARB/14/4).
- The French Republic in an **ICSID** arbitration under the French Republic-Turkey bilateral investment treaty, relating to IP rights (ICSID Case No. ARB/13/22).
- DP World in an **ICSID** arbitration under a port concession agreement and the UK-Peru bilateral investment treaty, relating to the development and operation of the South Pier of the Port of Callao (ICSID Case No. ARB/11/21).
- E.T.I. Euro Telecom International N.V. in an **ICSID** arbitration under the Netherlands-Bolivia bilateral investment treaty, relating to the nationalization of a telecommunications company (ICSID Case No. ARB/07/28).
- The Argentine Republic in an **ICSID** arbitration under the Italy-Argentina bilateral investment treaty, relating to sovereign bonds (ICSID Case No. ARB/07/8).
- The Argentine Republic in an **ICSID** arbitration under the Italy-Argentina bilateral investment treaty, relating to sovereign bonds (ICSID Case No. ARB/07/5).
- The Republic of Slovenia in an **ICSID** arbitration brought under the Netherlands-Slovenia bilateral investment treaty, relating to the acquisition of a stake in a brewer company (ICSID Case No. ARB/04/17).
- An Italian bank in an **UNCITRAL** arbitration under domestic investment legislation, relating to promissory notes issued by the respondent State's Central Bank.
- Georgia in an **UNCITRAL** arbitration under the US-Georgia bilateral investment treaty, relating to a real estate project.
- The Republic of Tatarstan and its Ministry of Land Property Relations in an **UNCITRAL** arbitration under the Russia-Ukraine bilateral investment treaty, relating to an investment in a refinery.
- OAO Gazprom in an **UNCITRAL** arbitration under the Russia-Lithuania bilateral investment treaty, relating to the forced divestiture of natural gas transmission operations and assets.
- OJSC Tatneft in an **UNCITRAL** arbitration under the Russia-Ukraine bilateral investment treaty, relating to an investment in a refinery and ensuing annulment and enforcement proceedings.
- The Russian Federation in three parallel **UNCITRAL** arbitrations under the Energy Charter Treaty, relating to Yukos Oil Company's liquidation, and ensuing annulment proceedings before the Hague District Court.
- E.T.I. Euro Telecom International N.V. in an **UNCITRAL** arbitration under the Netherlands-Bolivia bilateral investment treaty, relating to the nationalization of a telecommunications company.
- A Dutch company in an **UNCITRAL** arbitration under the Netherlands-Czech and Slovak Federal Republic bilateral investment treaty, relating to real estate investments.
- An Austrian company in an **UNCITRAL** arbitration under the Austria-Croatia bilateral investment treaty, relating to a gaming concession agreement.
- The Russian Federation in an **SCC** arbitration under the UK-Soviet bilateral investment treaty, relating to Yukos Oil Company's liquidation.
- A European State in an **ICC** arbitration under a bilateral investment treaty, relating to regulatory measures taken against a bank and its management.

Commercial Arbitration

- *Électricité de France (EDF)* in an **ICC** arbitration initiated by the Federal State of Baden-Württemberg, through a special purpose company, which had acquired EDF's shareholding in the German energy company *Energie Baden-Württemberg AG (EnBW)*.
- *Asahi Glass* in an **ICC** arbitration seated in Zurich, Switzerland, relating to a joint venture and technology dispute with *Schott Glass*.
- A Czech steel company in an **ICC** arbitration seated in Vienna, Austria, relating to a letter of credit issued under a contract for the construction of a steel mill.
- The Republic of Iraq in a **VIAC** arbitration seated in Vienna, Austria, relating to financial sanctions imposed by the UN Security Council on the Saddam Hussein regime.
- A Russian oil and gas company in an **AAA** arbitration, relating to the sale of an interest in a Russian company formed to develop an oilfield in the Orenburg region.
- Russian oil and gas companies in an **AAA** arbitration, relating to the ownership of oil and gas exploration and production assets.

Inter-State and Other Public International Disputes

- The Republic of Iraq in an ICC arbitration against the Republic of Turkey under intergovernmental agreements governing the operation of transnational oil pipelines and related facilities.
- The Republic of Slovenia in Chamber and Grand Chamber proceedings initiated by Croatian nationals before the European Court of Human Rights, relating to liabilities arising out of the former Socialist Republic of Yugoslavia's guarantee of foreign currency deposits.
- The Republic of Slovenia in Chamber and Grand Chamber proceedings initiated by Bosnian nationals before the European Court of Human Rights, relating to liabilities arising out of the former Socialist Republic of Yugoslavia's guarantee of foreign currency deposits.
- The Republic of Slovenia in UK High Court proceedings concerning State succession issues.
- Japan in proceedings commenced by Australia and New Zealand, first before the International Tribunal for the Law of the Sea and then before a tribunal constituted under Annex VII of the United Nations Convention on the Law of the Sea relating to international fishing rights.
- The Bank for International Settlements in proceedings before the standing arbitral tribunal established pursuant to the 1930 Agreement regarding the Complete and Final Settlement of the Question of Reparations, commenced by the Bank's former private shareholders seeking additional compensation for the mandatory redemption of their shares.

Advisory Work

- Advice to an Eastern European State on remedies for breach of the Central European Free Trade Agreement.
- Advice to a Middle Eastern State on the drafting of a model bilateral investment treaty.
- Advice on the establishment of a European financial intergovernmental organization.
- Advice to the International Investment Bank on a proposed merger with the International Bank for Economic Cooperation (IBEC).
- Advice on the reorganization of a European telecommunications satellite organization.
- Advice on the validity and legality of decisions by the United Nations Interim Administration in Kosovo.
- Advice on the reorganization of a treaty-based corporation.

Selected Publications

Books and Book Chapters

- Articles 13 to 15 of the International Law Commission's Articles on Responsibility of States for Internationally Wrongful Acts, in: *Commentary on General International Law in International Investment Law*, M. Waibel and A. Kulick eds., Oxford Commentaries on International Law Series (2023)
- Evolution of Investment Law in Treaty Making and Arbitral Practice: Comments from Counsel's Perspective, in: *Evolution, Evaluation and Future Developments in International Investment Law – Proceedings of the 10 Year Anniversary Conference of the International Investment Law Centre Cologne*, St. Hobe, J. Scheu eds. (2021)
- Issues relating to Challenging and Enforcing Arbitration Awards – ICSID Awards, in: *The Guide to Challenging and Enforcing Arbitration Awards*, J. William Rowley, Emmanuel Gaillard, and Gordon E. Kaiser (eds) (2019).
- *Der fehlerhafte Rechtsakt im Gemeinschafts- und Unionsrecht (Defective Legal Acts in EU Law)* (1999), Vienna/New York.
- *Die Durchsetzung von erga omnes Verpflichtungen vor dem Internationalen Gerichtshof (The enforcement of Erga Omnes Obligations before the International Court of Justice)* (1994) Hamburg.

Articles

- Fragmentation and Integration in International Investment Law: Plus Ça Change, *ICSID Review – Foreign Investment Law Journal* (2023)
- 2021 Vienna Investment Arbitration Rules, *Austrian Yearbook on International Arbitration* (2022)
- Conflicts of Interest under the SIAC Rules, Clear Path or Jungle in Commercial Arbitrators' Conflict of Interests, *ASA Special Series*, Vol. 48 (2021)
- Role of Investor's Legitimate Expectations' In Defense of Investment Treaty Claims, *Yearbook on International Investment Law & Policy 2013-2014* (2015).
- Investment Treaty Arbitration as a Tool to 'Enforce' Arbitral Awards?, *The European, Middle Eastern and African Arbitration Review* (2015).
- Protection of Sovereign Wealth (book review), *ICSID Review – Foreign Investment Journal* (2014).
- Protection and Admission of Sovereign Investment under Investment Treaties, *Chinese Journal of International Law*, Vol. 10 (2011).
- How Bilateral Investment Treaties Can Protect Foreign Investors in the Arab World or Arab Investors Abroad, *Journal of International Arbitration*, Vol. 25(2) (2008).
- State Succession and the Liquidation of a UK Licensed Bank, *Banker's Law*, Vol. 1(4) (2007).
- How Better Investment Treaties May Help China Investors, *International Financial Law Review* (2006)
- State Immunity and Arbitration, *ICC International Court of Arbitration Bulletin*, Vol. 15(2) (2004).
- How Bilateral Investment Treaties Can Protect Japanese Investors, *Journal of the Japanese Institute of International Business Law* (2004).
- Free Movement of Goods and the Protection of Trademarks – Current Issues concerning Repackaging, Relabelling and Rebranding in EC Law, *The Journal of World Intellectual Property*, Vol. 5 (2002).
- Die Rechtswirkungen von Sicherheitsratsresolutionen im österreichischen Recht, (The Legal Effects of UN Security Council Resolutions in Austrian Law) *Juristische Blätter* (1995).
- Die Inexistenz als Angriffs- und Verteidigungsmittel vor dem EuGH und EuG, (Inexistent Legal Acts in Proceedings before the ECJ and the General Court) *Europäische Zeitschrift für Wirtschaftsrecht*, Vol. 2 (1995).

- Part Two of the International Law Commission's Draft Articles on State Responsibility, German Yearbook of International Law, Vol. 37 (1994).
- The Legal Regime of Erga Omnes Obligations in International Law, Austrian Journal of Public International Law, Vol. 46(2) (1994).

Selected Teaching And Speaking Engagements

Lectures

- Advanced research seminars in international responsibility and international dispute settlement, University of Vienna (2004 to present).
- Course on Investor-State Dispute Settlement, Chulalongkorn University (2021).
- Course on Investor-State Dispute Settlement, Fudan University (2020, 2022).
- Course on Investor-State Dispute Settlement, National University of Singapore (2019 - 2021).
- Course on Investor-State Dispute Settlement, National Academy of Legal Studies and Research, Hyderabad (2020, 2021).
- Course on investor-State Arbitration, Austrian Arbitration Academy (2019 – present).
- MIDS Lecture – 30 Years of Investment Treaty Arbitration: An Engine for the Development of General International Law for Good and for Bad, Center for International Dispute Settlement, Geneva (2019)
- Course on investment arbitration, Université Paris Ouest Nanterre Law Défense (2013).

Speeches and Presentations

- Tax-Related Measures in Investor-State Arbitration, British Institute of International and Comparative Law, London, December 7, 2023.
- The Next Generation of Disputes in International Arbitration, 2023 SIAC Symposium, Singapore, August 28, 2023.
- Investment Arbitration Update, Baltic Arbitration Days, Riga, June 12, 2023
- Artificial Intelligence – Hope or Hype for Dispute Resolution, 2023 London International Disputes Week, London, May 17, 2023.
- Lecture on Investment Arbitration: Status and Trends, 64. DACH Tagung, Paris, May 13, 2023.
- Investment Protection in the European Union: Arbitration and its Alternatives, Paris, March 30, 2023.
- ESG in Investment Arbitration: Status and Trends, Swiss Arbitration Association Conference, Zurich, February 3, 2023.
- MIAS Latin America Investor-State Arbitration Conference, Debate on Dual Nationals in Investment Arbitration, Miami, October 30, 2022.
- Fragmentation and Integration in International Investment Law: Plus Ça Change, Keynote Speech, 12th Prague Investment Treaty Conference, Prague, October 20, 2022.
- The Notion of Provisional Measures, Georgian International Arbitration Days, Tbilisi, October 12, 2022.
- International Investment Law and Sovereign Immunity, lecture, ELSA Athens Summer School on International Investment Law, Athens, July 29, 2022.
- State Succession to USSR BITs, Baltic Arbitration Days, Riga, June 12, 2022.
- GAR Live BITs Conference, co-chair, London, June 8, 2022.

- Investment Arbitration at the Crossroads of Civil and Common Law, Keynote Speech, Harvard International Arbitration Conference, April 1, 2022.
- Shareholder and Corporate Claims in Investment Arbitration, Vienna Arbitration Days, February 25, 2022.
- Embracing the New Normal in Investor-State Dispute Settlement, Nigerian Chartered Institute of Arbitration Annual Conference, virtual, November 18, 2021.
- Refining Rules and Structures of ISDS Mechanism, 2021 Asia Pacific ADR Virtual Conference, Korean Ministry of Justice, UNCITRAL, ICC, KCB, and Seoul IDRC, Seoul, November 5, 2021.
- Sovereign Wealth Funds and International Dispute Resolution, British Institute of International and Comparative Law, London, September 14, 2021.
- Clear Path or Jungle in Commercial Arbitrators' Conflicts of Interest?, Swiss Arbitration Association Conference, Zurich, February 7, 2020.
- The Boundaries of Investment Arbitration: The Use of Trade and European Human Rights Law in Investor-State Disputes, London, December 11, 2019.
- Evolution Of Investment Law In Treaty Making And Arbitral Practice, Comment from Counsel's Perspective, 10 Year Anniversary Conference Of The International Investment Law Centre Cologne, Cologne, May 16, 2019.
- Recent Trends in Investment Arbitration, AILA Investment Treaty Law and Arbitration Training, London, September 20, 2018.
- Transforming Institutions in Investor-State Dispute Settlement, Harvard Law School, March 24, 2018.
- Denial of Benefits: When – How – Effects?, 7th Investment Treaty Arbitration Conference, Prague, October 26, 2017.
- Parallel Proceedings in Investment Arbitration, 2nd UNCITRAL Asia Pacific Judicial Conference on International Law, Hong Kong, October 18, 2017.
- Investment Protection Charter Standards under the Energy Charter Treaty, is There a Need to Clarify? International Energy Charter Forum, Brussels, June 17, 2017.
- Forging the Path in Asia: The Draft SIAC Rules on Investment Arbitration, 2016 SIAC Congress, Singapore, May 25, 2016.
- The Reaction to Contemporary Jurisprudence – Time to Move from Hegemony and Fragmentation to Harmonization? GAR Live BITs Conference, Washington, D.C., April 27, 2015.
- Are Contracting Parties Successfully Clawing Back Investment Treaty Protections?, GAR Live Conference, Frankfurt, June 5, 2014.
- Utilization of Investment Treaties to Compel or Effectively Reverse the Enforcement of Commercial Awards: Can Investment Treaty Protections Provide a Second Bite at the Enforcement Apple?, Columbia Arbitration Day, New York, NY, March 18, 2014.
- Legitimate Expectations, The Litigation of Public Law Concepts in Investor-State Arbitration – Practical and Theoretical Considerations, Twentieth Investment Treaty Forum Public Conference, British Institute of International and Comparative Law, London, May 10, 2013.
- The Place of Arbitration in European Civil Procedure, Vienna Arbitration Days, February 17 and 18, 2012.
- Corruption, Fraud, Illegality Issues In Investment Arbitration – 'Como Espada y Escudo', Yale Law School – Latin American Legal Studies Breakfast Roundtable – International Investment Arbitration in the Latin American Context, April 12, 2012.
- Investment Treaty Arbitration from the Perspective of the Host State, Meeting of the Asian African Legal Consultative Organization, "Promoting International Law," United Nations, New York, NY, November 1, 2011.
- Prospects for Reform of the New York Convention of June 10, 1958, Seminar on Recognition and Enforcement of Arbitral Awards, jointly organized by the ICC international Court of Arbitration, UIA

Arbitration Commission and Arbt, the Italian Forum for International Arbitration and ADR, Rome, September 30, 2011.

- Recent Trends of Investment Treaty Arbitration, Policy Implications Host States' Perspectives, Seoul National University Center for International Economic & Business Law, May 22, 2009.