

Claudia Annacker

Dr. Claudia Annacker is a partner at Cleary Gottlieb Steen & Hamilton LLP based in the Paris office.

Dr. Annacker's practice focuses on international arbitration and public international law matters, including investor-State disputes, disputes involving international organizations, State succession issues and State immunity, as well as disputes before the European Court of Human Rights.

Dr. Annacker received a Ph.D. degree, *summa cum laude*, from the University of Vienna in 1992. She received a *venia legendi et docendi* (Habilitation) for public international law from the University of Vienna in 1997 and has been a visiting professor at the Paris Ouest Nanterre La Défense University.

Dr. Annacker is a member of the Paris Bar, and a member of the Court of Arbitration of the Singapore International Arbitration Centre, International Law Association, American Society of International Law, European Society of International Law and German Society of International Law. Dr. Annacker is an Austrian citizen and speaks German (native), English and French.

Dr. Annacker is distinguished by Chambers Global (Global) for her public international law expertise and by Chambers Global (Global, Europe and France) and Chambers Europe (Europe and France) for her international arbitration expertise. She is listed as a Leading Individual by Legal 500 and recognized as a Thought Leader (Arbitration) by Who's Who Legal. She was recently named Lawyer of the Year 2019 (France) by Benchmark Litigation.

Education

1990 University of Vienna, Master of Law

1992 University of Helsinki, Diploma in Public International and European Law

1992 University of Vienna, Doctor of Jurisprudence

1997 University of Vienna, *Venia legendi et docendi* for public international law

Memberships

2015 – Present

Member of the Court of Arbitration of the Singapore International Arbitration Centre

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2010 – Present

Member of the Bar in Paris

1998 – 2010

Member of the Austrian Bar

1993 – Present

Member of the American Society of International Law

1998 – Present

Member of the International Law Association

(Austrian branch; Member of the US Committee on Intergovernmental Settlement of Disputes; Reporter on disputes relating to State debts)

2006 – Present

Member of the European Society of International Law

2003 – Present

Member of the German Society of International Law

Publications

Books

- 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

- “Issues relating to Challenging and Enforcing Arbitration Awards – ICSID Awards,” The Guide to Challenging and Enforcing Arbitration Awards, J William Rowley, Emmanuel Gaillard, Gordon E. Kaiser (eds) (2019).
- “Role of Investor’s Legitimate Expectations’ In Defense of Investment Treaty Claims,” Yearbook on International Investment Law & Policy 2013-2014 (September 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 (April 15, 2014).

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- “Protection and Admission of Sovereign Investment under Investment Treaties,” *Chinese Journal of International Law*, Volume 10 (2011).
- “How Bilateral Investment Treaties Can Protect Foreign Investors in the Arab World or Arab Investors Abroad,” *Journal of International Arbitration*, Volume 25, N°2 (2008).
- “State Succession and the Liquidation of a UK Licensed Bank,” *Banker’s Law*, Volume 1, N°4 (2007).
- “How Better Investment Treaties May Help China Investors,” *IFLR* (March 2006)
- “State Immunity and Arbitration”, *ICC International Court of Arbitration Bulletin*, Volume 15, N° 2 (Fall 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*, Volume 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 European Courts”) *Europäische Zeitschrift für Wirtschaftsrecht*, Volume 2 (1995).
- “Part Two of the International Law Commission’s Draft Articles on State Responsibility,” *German Yearbook of International Law*, Volume 37 (1994).
- “The Legal Régime of *Erga Omnes* Obligations in International Law,” *Austrian Journal of Public International Law*, Volume 46, N°2 (1994).

Lectures

- Advanced research seminars in international responsibility and international dispute settlement at the law faculty of the University of Vienna (2004 to present)
- Introduction to investor-State Arbitration, *Austrian Arbitration Academy* (2019)
- Course on investor State dispute settlement, *National University of Singapore* (2018)
- Course on investment arbitration at the *Université Paris Ouest Nanterre Law Défense* (2013)

Selected Speeches and Presentations

- “Evolution of Investment Law in Treaty Making and Arbitral Practice,” 10 Year Anniversary Conference of the International Investment Law Centre Cologne, May 16, 2019
- MIDS Lecture – “30 Years of Investment Treaty Arbitration: An Engine for the Development of General International Law for Good and for Bad,” Geneva Center for International Dispute Settlement, May 7, 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
- International Energy Charter Forum on “Investment Protection Charter Standards Under the Energy Charter Treaty, is there a need to clarify”, held in Brussels on June 17, 2017
- “Forging the Path in Asia: The Draft SIAC Rules on Investment Arbitration,” presentation at the SIAC Congress 2016 held in Singapore on May 25, 2016
- “The Reaction to Contemporary Jurisprudence – Time to Move from Hegemony and Fragmentation to Harmonisation?,” chaired panel at the GAR Live BIT conference held in Washington DC on April 27, 2015
- “Are Contracting Parties Successfully Clawing Back Investment Treaty Protections?,” chaired the investment treaty arbitration panel of the GAR Live conference held in Frankfurt on 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?,” presentation at the Columbia Arbitration Day Conference “Interactions Between Different Fora in International Arbitration”, New York, March 18, 2014.
- “Legitimate Expectations,” “The Litigation of Public Law Concepts in Investor-State Arbitration – Practical and Theoretical Considerations,” speech at the Twentieth

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Investment Treaty Forum Public Conference organized by the British Institute of International and Comparative Law, held in London on May 10, 2013.

- “Prospects for Reform of the New York Convention of June 10, 1958,” speech at the seminar “Recognition and Enforcement of Arbitral Awards,” jointly organized by the ICC international Court of Arbitration, UIA Arbitration Commission and ArbIt, the Italian Forum for International Arbitration and ADR, held in Rome on September 30, 2011.
- “European Civil Procedure and Arbitration,” speech at the 2012 Vienna Arbitration Days held on February 17 and 18, 2012.
- “Corruption, Fraud, Illegality Issues In Investment Arbitration – ‘Como Espada y Escudo’,” speech at the Yale Law School – Latin American Legal Studies Breakfast Roundtable – International Investment Arbitration in the Latin American Context, held in New York, NY on April 12, 2012.
- “Investment Treaty Arbitration from the Perspective of the Host State,” presentation at the Meeting of the Asian African Legal Consultative Organization, “Promoting International Law,” held at the United Nations, New York, NY on November 1, 2011.
- “Recent Trends of Investment Treaty Arbitration,” “Policy Implications Host States’ Perspectives,” Seoul National University Center for International Economic & Business Law, May 22, 2009.

Selected Arbitration Experience

As Counsel

- Maltese entity v. Republic of Austria, re: investment treaty claims relating to an investment in an Austrian bank, ICC (2018-present) (for the Republic of Austria)
- Italian bank v. Republic of Liberia, re: claims under the Liberian Investment Act relating to promissory notes issued by the Central Bank of Liberia, UNCITRAL (2018-present) (for the Italian company)
- US investors v. Georgia, re: investment treaty claims relating to a real estate project, UNCITRAL (2018-present) (for Georgia)
- US company v. Republic of Côte d'Ivoire, re: claims under a waste management concession agreement, ICSID (2017-present) (for the Republic of Côte D'Ivoire)
- Cypriot bank v. Hellenic Republic, re: investment treaty claims relating to sovereign debt and banking operations, ICSID (2017-present) (for the Hellenic Republic)
- Dutch company v. Republic of Austria, re: investment treaty claims relating to an investment in an Austrian bank, ICSID (2015-present) (for the Republic of Austria)
- Russian entities v. Ukraine, re: investment treaty claims relating to a refinery investment, UNCITRAL (2015-present) (for the Russian entities)
- Spanish company v. Arab Republic of Egypt, re: investment treaty claims relating to a liquefied natural gas plant, ICSID (2015-present) (for the Arab Republic of Egypt)
- Cypriot bank v. Hellenic Republic, re: investment treaty claims relating to sovereign debt and banking operations, ICSID (2014-present) (for the Hellenic Republic)
- Slovak bank v. Hellenic Republic, re: investment treaty claims relating to sovereign debt, ICSID (2013-present) (for the Hellenic Republic)
- Turkish investor v. French Republic, re: investment treaty claims relating to IP rights, ICSID (2013-present) (for the French Republic)
- Republic of Iraq v. Republic of Turkey and Turkish pipeline company, re: breach of transnational oil pipeline agreements, ICC (2014-present) (for the Republic of Iraq)
- US company v. Arab Republic of Egypt, re: investment treaty claims relating to an Egyptian resort, ICSID (2012-2014) (for the Arab Republic of Egypt).
- German federal State v. French company, re: claims relating to State aid, ICC (2012-present) (for the French company)

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- Russian company v. Republic of Lithuania, re: investment treaty claims relating to forced divestiture of natural gas transmission operations and assets, UNCITRAL (2012-present) (for the Russian company)
- Dubai and UK companies v. Republic of Peru, re: investment treaty claims relating to port concession, ICSID (2011-present) (for the Dubai and UK companies)
- Italian bondholders v. Argentine Republic, re: investment treaty claims relating to sovereign debt, ICSID (2007-present), (for the Argentine Republic)
- Russian company v. Ukraine, re: investment treaty claims relating to a refinery investment, UNCITRAL (2008-2014) (for the Russian company)
- Isle of Man company v. Russian Federation, re: investment treaty claims relating to taxation measures, UNCITRAL (2005-2016), (for the Russian Federation)
- Cypriot company v. Russian Federation, re: investment treaty claims relating to taxation measures, UNCITRAL (2005-2016), (for the Russian Federation)
- Cypriot company v. Russian Federation, re: investment treaty claims relating to taxation measures, UNCITRAL (2005-2016) (for the Russian Federation)
- Dutch company v. Bolivia, re: investment treaty claims relating to telecommunications investment, ICSID, UNCITRAL (2009-2010), (for the Dutch company)
- UK company v. Russian Federation, re: investment treaty claims relating to taxation measures, SCC (2007-2010), (for the Russian Federation)
- Austrian company v. Republic of Croatia, re: investment treaty relating to investment in casinos, UNCITRAL (2006-2009) (for the Austrian company)
- Dutch company v. Czech Republic, re: investment treaty claims relating to a steel plant, UNCITRAL (2005-2009), (for the Dutch company)
- German company v. Republic of Iraq, re: claims implicating financial sanctions imposed by the UN Security Council, Austrian Chamber of Commerce Rules, (2005-2007) (for the Republic of Iraq).
- Dutch company v. Republic of Slovenia, re: investment treaty claims relating to brewery investment, ICSID (2004-2005), (for the Republic of Slovenia)
- Japanese company v. German company, re: claims relating to joint venture agreement, ICC (2002-2005) (for the Japanese company)
- Australia and New Zealand v. Japan, re: claims under the United Nations Convention on the Law of the Sea relating to international fishing rights, *ad hoc* arbitration, (2000-2003) (for Japan)

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- Shareholders of several nationalities v. Bank for International Settlements, re: claims seeking additional compensation for mandatory share redemption, arbitration pursuant to Article XV of the Agreement signed at the Hague on January 20, 1930 (2001-2003) (for the Bank for International Settlements)

As Arbitrator

- Presiding arbitrator in an ICSID arbitration between a Turkish construction company and the Republic of Turkmenistan under the Turkmenistan-Turkey BIT relating to an investment in a shopping center.
- Sole arbitrator in an ICC arbitration seated in Paris, France, between an Italian company and Montenegrin company concerning a dispute arising from the privatization of a Montenegrin steel producer.
- Chairman of an ICC arbitral tribunal seated in Paris, France, between a Polish company and a Korean company concerning a dispute arising from an agreement for the sale and purchase of helicopters.
- Sole arbitrator in an ICC arbitration seated in Miami, United States of America, between a Panama company and a US company concerning a dispute arising from an exclusive distribution agreement.