


# Professor Yarik Kryvoi

MCI Arb, LLM (Harvard)

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Yarik Kryvoi is the Senior Research Fellow in International Economic Law at the British Institute of International and Comparative Law and Director of Investment Treaty Forum. He is also Professor of Law (part-time) at the University of West London and serves on editorial boards of several international legal periodicals. For several years, he practiced international commercial law and dispute resolution advising States, investors, international organizations and non-governmental organisations on matters of international and comparative law, commercial arbitration and investor-state arbitration. Professor Kryvoi has also extensively published in these areas.

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## Academic Career Details

- **British Institute of International and Comparative Law:** Senior Research Fellow in International Economic Law and Director of Investment Treaty Forum, since 2017.
- **University of West London:** Professor of Law since 2016; Associate Professor 2013-2016; Senior Lecturer 2011-2013; Erasmus coordinator, link tutor for a joint LLM programme with a partner institution in Sri Lanka.
- **Nagoya University,** Graduate School of Law, Japan: Visiting Professor (lecture series on advanced issues of international dispute resolution), 2015, 2016.
- **London School of Economics,** University of London, Department of Law: Visiting Fellow (co-taught Advanced Issues of International Arbitration), 2010-2011.
- **Queen Mary,** University of London, Department of Law: Visiting Lecturer (co-taught International Trade and Investment Dispute Settlement), 2010.
- **Bilkent University,** Ankara, Turkey: Visiting Lecturer (taught a course on international arbitration), 2008.
- **Harvard Law School,** Research Assistant to Prof Reinier Kraakman (conducted research on law & economics in the context of corporate law), 2006-2007.
- **Belarusian State University,** Lecturer, Department of Private International and European Law, 2004-2006.

## Classes Taught

- International Commercial Arbitration and Mediation, Comparative Corporate Law and Governance, International Commercial Law, International Public Law, Legal Aspects of International Finance, International Economic Law, International Investment Law, European Union Law, English Contract Law, International and Comparative Labour Law, Civil Law.

## Non-Academic Career Details

- **Freshfields Bruckhaus Deringer LLP,** London, United Kingdom: Associate (practised international commercial and investor-state arbitration with a special focus on oil & gas disputes involving Russia, Eastern Europe and Central Asia), 2009-2010.
- **Morgan, Lewis & Bockius LLP,** Washington, DC, United States: International Legal Consultant (practice focused on public international law, international commercial

arbitration and federal litigation involving issues of international and foreign law), 2007-2009.

- **United States Court of Appeals for the District of Columbia Circuit**, Washington, DC: Extern Law Clerk to Judge Stephen F. Williams (researched and drafted detailed memoranda and opinions in cases involving public international law, foreign law, sovereign immunity and other US federal law issues), 2007.
- **Economic Court of the Commonwealth of Independent States**, Minsk, Belarus: Counsel (prepared memoranda on various issues of international administrative law, employment and pension rights of international civil servants), 2005-2006 (part-time).
- **International Labour Organisation**, Geneva, Switzerland: Intern, Multinational Enterprises Program (analysed oil & gas multinationals' corporate codes of conduct, labour and investment legislation of Kazakhstan and other former Soviet Union countries), 2002.
- **Baker & McKenzie**, St Petersburg, Russia: Summer Associate (drafted due diligence reports, wrote memoranda on various issues of Russian commercial and employment law, prepared articles on doing business in Russia), 2001.

### Education and Qualifications

- **Harvard Law School**, merit scholarship, LLM, 2007.
- **Moscow State Law Academy** and **Belarusian State University**, tuition waiver, PhD in Law, 2006.
- **Nottingham University** and **Utrecht University**, Huygens Scholar, joint Master's in International and European Law *with honours*, 2003.
- **Ludwig-Maximilians-Universität München**, Munich University Summer Training in German and European Law (MUST), 2003.
- **St Petersburg State University**, merit scholarship, LL.B *with distinction*, 2002.
- **USD Oxford Institute on International and Comparative Law**, intensive summer courses on international commercial arbitration and European Union law, 2001.
- Member of the **New York Bar** (2008), qualified lawyer in **Russia** (2003) and **Belarus** (2003), Member of the Chartered Institute of Arbitrators, **MCI Arb** (2015).

### Relevant External Activities

- Approved tutor and examiner, **Chartered Institute of Arbitrations**, since 2015.
- Listed independent expert (Commercial Law, Comparative Law, International Law), **European Parliament**, 2017-2021.
- Senior Advisor, International Courts Committee of the **American Bar Association Section of International Law**, since 2014.
- Member of the Arbitrators Panel, **Kuala Lumpur Regional Arbitration Centre**, since 2014. Trustee, **Belarusian Francis Skaryna Library and Museum in London**, since 2014.
- External Examiner, **The Dickson Poon School of Law**, King's College London, 2014-2016.
- Co-Chair, International Courts Committee of the **American Bar Association Section of International Law**, 2012-2013.

- **Higher Education Academy**, Fellow, since 2013.
- **Russian and CIS Arbitration Network**, Member of Executive Committee, since 2012.
- **International Council for Commercial Arbitration (ICCA)**, Advisory Member, since 2011.
- **Philip Jessup International Law Moot Court Competition**: national champion (Russia), 2001; coach (Belarus), 2004-2005; judge, 2007-2010 (Belarus, Russia, UK, USA).

### **Funding, Fellowships, Grants**

- Secured a grant from the **European Commission** for a teaching mobility project with an Eastern Partnership country (2017).
- Secured a grant from **Daiwa Anglo-Japanese Foundation** to conduct research, organise a seminar in London and a conference in Japan on comparative international commercial arbitration (2015).
- Secured Collaborative Travel Grant from the **Harvard Institute of Global Law and Policy** (2014).
- Grant from **the Government of Norway** to commission, edit and write analytical papers and articles on Belarusian politics, economy & law, 2013-2014.
- Grant from **Pact** (implementer of the **United States Agency for International Development**), Strengthening Independent Civil Society and Media in Belarus, 2012- 2013.
- **Open Society Institute** Academic Fellowship Program, Minsk, Belarus: Returning Scholar Fellowship, 2005-2006.
- **Open Society Institute** Civic Education Project, Minsk, Belarus: Local Faculty Fellowship, 2004-2005.
- **University of Minnesota** Carlson School of Management, Humphrey Institute of Public Affairs, Industrial Relations Center “Governing the Global Workplace” Symposium: Paper Prize, 2005 (\$5,000).
- **Max-Planck Institute for Foreign and International Social Law**, Munich, Germany: Visiting Fellowship, 2003.
- **German Academic Exchange Service (DAAD)**, Munich University Summer Training in German and European Law (MUST), Germany: DAAD Scholarship, 2003.
- **The Government of the Netherlands**, The Hague, the Netherlands: Huygens Scholarship, 2002.

### **Enterprise, Consultancy and Industry Links**

- **The Chamber of Commerce and Industry of the Republic of Uzbekistan**, member of the Working Group on improving the legal framework and practice of international commercial arbitration in Uzbekistan (April-August 2017).
- The Ruler of Dubai, **Dubai Government Excellence Program**, Expert for Dubai Legal Department (main area: reform of the legal profession), March 2017.

- United Arab Emirates Government, **UAE Government Excellence System**, Expert for the Ministry of Justice (main area: reform of the ministry of justice and judiciary), October 2016.
- Contributed as a speaker and researcher to activities of the **International Administrative Law Centre of Excellence** and its Internal Justice Systems of International Organisations Legitimacy Index 2015 (2015).
- Acted as a consultant for **Freedom House** (2015), the **European Council on Foreign Relations** (2015), the **World Trade Organisation** (2012), the **International Labour Organisation** in Geneva, the **Economic Court of the Commonwealth of Independent States** in Minsk (2004-2006).
- **EU International Association for the Promotion of Cooperation with Scientists from the New Independent States of the Former Soviet Union (INTAS)**: scientific evaluator and expert for INTAS projects, 2005 – 2007.

### Public Service

- Founder of the **Ostrogorski Centre** - a private, non-profit organisation dedicated to analysis and policy advocacy on problems which Belarus faces in its transition to market economy and the rule of law. Its work is nonpartisan and dedicated to achieving practical results, since 2010.
- Founder and Editor-in-Chief of **Belarus Digest** – a leading English-language periodical on Belarus, since 2008.
- Trustee, **Francis Skaryna Belarusian Library and Museum** in London, since 2015.

### Editorships

- **International Legal Materials (ILM)**, American Society for International Law, Corresponding Editor, since 2009.
- **CIS Arbitration Forum**, Founder and General Editor, since 2010.
- **The Journal of Belarusian Studies**, Editor, since 2013.
- **International Journal of Comparative Labour Law and Industrial Relations**, Kluwer Law International, Editor, 2003-2013.
- **International Encyclopaedia of Laws**, Kluwer Law International, Member of International Advisory Board, since 2002.

### Monographs and Book Chapters

- **LAW AND PRACTICE OF INTERNATIONAL ARBITRATION IN THE CIS REGION** (co-edited with Kaj Hobér) (Kluwer Law International, 2017).
- **THE INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES**, 228 pp. (Kluwer Law International, 2016, third edition).
- **'Bribery and Russia-Related Arbitration'**, in **ARBITRATION IN CIS COUNTRIES: CURRENT ISSUES**, pp. 113-126 (Association for International Arbitration 2012).
- **'Flexibility and Security in the World Bank's Doing Business Reports'**, in **LABOUR REGULATION IN THE 21ST CENTURY: IN SEARCH OF FLEXIBILITY AND SECURITY**

(Tomas Davulis & Daiva Petrylaitė eds), pp. 49-62 (Cambridge Scholars Publishing 2012).

- **LABOUR LAW IN BELARUS**, 120 pp. (Kluwer Law International 2011).
- **'The World Bank and the ILO: Two Visions of Employment Regulation'**, in *REGULATION OF FIXED-TERM EMPLOYMENT CONTRACTS: A COMPARATIVE OVERVIEW* (Roger Blanpain & Claire Grant eds.), pp. 47-59 (Wolters Kluwer 2009).
- **'Do International Labour Standards Matter? Some Peculiarities of Social Partnership in Belarus'** in *LABOUR AND SOCIAL SECURITY LAW IN XXI CENTURY: CHALLENGES AND PERSPECTIVES*, pp. 535-547 (Cambridge Scholars Publishing 2007).
- **THE EU GENERALIZED SYSTEM OF PREFERENCES AND LABOR STANDARDS: THE ROLE OF LAW, ECONOMICS AND POLITICS**, Published Thesis (LLM), Harvard Law School, Cambridge, MA 2007.
- **LEGAL REGULATION OF TEMPORARY AGENCY WORK**, 135 pp. (Kovaliova Publisher 2007) (in Russian).
- **'Belarus'** in *SMOKING AND THE WORKPLACE* (Roger Blanpain ed.), pp. 69-75 (Kluwer Law International, 2005).

#### Articles in Academic Journals

- **'Economic Crimes in International Investment Law'**, *INTERNATIONAL AND COMPARATIVE LAW QUARTERLY* (forthcoming, 2018).
- **'Procedural Fairness as a Precondition for Immunity of International Organizations'**, *INTERNATIONAL ORGANIZATIONS LAW REVIEW*, Volume 13, pp. 255-272 (2016).
- **'Consent Awards in International Arbitration: From Settlement to Enforcement'** (with Dmitry Davydenko), *BROOKLYN JOURNAL OF INTERNATIONAL LAW*, Volume 40, pp. 827-686 (2015).
- **'The Law Applied by International Administrative Tribunals: From Autonomy to Hierarchy'**, *GEORGE WASHINGTON INTERNATIONAL LAW REVIEW*, Volume 46, pp. 267-301 (2015).
- **'International Courts'** in *THE YEAR IN REVIEW, AN ANNUAL PUBLICATION OF THE ABA/SECTION OF INTERNATIONAL LAW*, pp. 129-147 (co-authored with Emerson Beishline et al, 2013).
- **'Corporate Disputes in Arbitration Tribunals: To Be or Not To Be'**, *ZAKON*, Issue 4, pp.108-118 (co-authored with Sergej Strembelev, in Russian) (2013).
- **'Counterclaims in Investor-State Disputes'**, *MINNESOTA JOURNAL OF INTERNATIONAL LAW*, Volume 21, pp. 216-252 (2012), London School of Economics Legal Studies Working Paper No. 8/2011 (2011).
- **'Piercing the Corporate Veil in International Arbitration'**, *GLOBAL BUSINESS LAW REVIEW*, Volume 1, pp.169-186 (2011).
- **'The Achilles' Heel of Autocracies: The Role of Media in Transition to Democracy'**, *WILLAMETTE LAW REVIEW*, Volume 46, pp. 75-98 (2009).
- **'Employee Ownership and Corporate Governance in Post-Privatization Russia'**, *UC DAVIS BUSINESS LAW JOURNAL*, Volume 8, pp. 298-322 (2008); reprinted in *CORPORATE GOVERNANCE IN TRANSITION ECONOMIES*, pp. 221-249 (McGee ed. 2008).

- **'Why European Union Trade Sanctions Do Not Work'**, MINNESOTA JOURNAL OF INTERNATIONAL LAW, Volume 17, pp. 209-246 (2008); Harvard European Law Working Paper No.02/2007 (2007).
- **'Enforcing Labor Rights against Multinational Corporate Groups in Europe'**, INDUSTRIAL RELATIONS: A JOURNAL OF ECONOMY AND SOCIETY, Volume 46, pp. 364-384 (2007).
- **'Discrimination and Security of Employment in a Post-Soviet Context'**, THE INTERNATIONAL JOURNAL OF COMPARATIVE LABOUR LAW AND INDUSTRIAL RELATIONS, Volume 22, No.1, pp. 5-17 (2006).
- **'Smarriti nella transizione: i lavoratori meno giovani nelle economie europee di transizione'**, Diritto delle Relazioni Industriali, Volume 15, No.4, pp. 1019-1026 (2005) (in Italian).
- **'The Relationship between the State and Trade Unions on the Labour Market: the Belarusian Case'**, BULLETIN OF COMPARATIVE LABOUR RELATIONS, Volume 48, pp.223-231 (2003).

### **Selected Shorter Articles and Reviews**

- **'From Sanctions to Summits: Belarus after the Ukraine Crisis'**, Policy Memo, The European Council on Foreign Relations, May 2015.
- **'Contract Law in Russia'** (book review), KING'S LAW JOURNAL, Volume 25, pp.488-491 (2014).
- **'Russia's Mistral Deal under International Sanctions — Will the Dispute be Arbitrable?'** (co-authored with Ivan Philippov) LexisPSL Arbitration, 3 October 2014.
- **'Clash of Giants — the Yukos Arbitration Decision'**, LexisPSL Arbitration, 12 August 2014.
- **'Protecting Foreign Investors in Crimea: is Investment Arbitration an Option?'** Lexis PSL Arbitration, 31 July 2014.
- **'Zabluzhdenia o mezhdunarodnom kommercheskom arbitrazhe' (Misconceptions about International Arbitration)** (co-authored in Russian with Noah Rubins), CORPORATE LAWYER, ISSUE 56, pp.56-58 (2011) (in Russian).
- **'Introductory Note to European Court of Human Rights: Kin-Stib & Majkic v. Serbia (Can an Arbitration Award be Expropriated?)'**, INTERNATIONAL LEGAL MATERIALS, VOLUME 49, pp.1181-1184, 2010.
- **Termination of Employment Legislation Digest: Belarus**, International Labour Organization, Geneva (2007).
- **'Belarusian Labour Law – Stuck in Transition'**, TRANSITION STUDIES REVIEW, Volume 13, pp. 571-575 (2006).
- **'Transnational Corporations and Labour'**, PRAVOVEDENIE, Volume 5, pp. 121-126 (2000) (in Russian).

### **Selected Recent and Forthcoming Presentations**

- Speaking on **'Investor-State Disputes and China's Belt and Road Initiative: Arbitration or a Specialised Court?'** at a joint workshop of the Great Britain China

Centre and the Centre for Common Law, Renmin University of China in Beijing, China, March 2018.

- Speaking at Investment Treaty Forum meeting on '**General Principles of Law in Investment Arbitration, and the Hierarchy of Norms under International Law**' in London, United Kingdom, March 2018.
- Presenting '**BITs, the Belt and Road and investor-state dispute settlement**' at a joint workshop 'Cross-Border Commercial Dispute Resolution with Chinese Parties: Trends, Risks and Opportunities for Business, Lawyers and States' organised by Great Britain China Centre and Centre for Common Law at Renmin University, Beijing, China, March 2018.
- Presenting on '**Ethics and the Rule of Law in Investment Arbitration**' at Investment Treaty Forum meeting in Tokyo, Japan, June 2018.
- Speaking at the conference on '**International Investment Law & the Law of Armed Conflict**' at the National and Kapodistrian University of Athens, Greece, October 2017.
- Presentation at panels on '**Lapses and failures by the regulator: are legal remedies and sanctions adequate**' and '**Looking in the crystal ball – protecting our values in the future**' at the 35th Cambridge International Symposium on Economic Crime at Jesus College, University of Cambridge, United Kingdom, September 2016.
- Seminar '**Putting Legal Education into a Practical Context: The Potential of Online Learning**' at the Institute of Advanced Legal Studies, London, United Kingdom, June 2017.
- Organising and speaking at the conference '**Economic Crime an International Investment Law**' at the British Institute of International and Comparative Law, London, United Kingdom, May 2017.
- Conducting the seminar '**A Study of Laws and Practices Arbitration in the CIS Region**' at the Institute of Advanced Legal Studies, London, United Kingdom, May 2017.
- Moderating '**The History of International Investment Law: A Conversation with Antonio Parra and Christoph Schreuer**' at Hogan Lovells LLP in London, United Kingdom, March 2017.
- Moderating the panel '**Territorial Disputes and Protection of Foreign Investments**' at the British Institute of International and Comparative Law in London, United Kingdom, March 2017.
- Chaired the panel '**A comparative look at the jurisdiction and admissibility criteria in international courts and tribunals**' at IBA-ELSA Conference in London, United Kingdom, November 2016.
- Presentations at panels on '**The implementation of good governance procedures – aspiration over experience?**' and '**Investigating the misuse of public funds: legal and operational impediments**' at the 34th Cambridge International Symposium

- on Economic Crime at Jesus College, University of Cambridge, United Kingdom, September 2016.
- Delivering series of lectures on **international commercial arbitration and investor-state arbitration** at Nagoya University Graduate School of Law, Nagoya, Japan, June 2016.
  - Presentation '**Succeeding as an International Arbitration Hub: Opportunities and Challenges**' at a conference at Nagoya University, Japan, June 2016.
  - Conducting seminar '**How to Compete as an International Arbitration Hub**' for Eastern Court of Arbitration, hosted by Faculty of Law, Bialystok University, Poland, June 2016.
  - A series of lectures on **alternative dispute resolution** at Lazarski University (Warsaw) and Bialystok University, Poland, May-June 2016.
  - Organising and moderating seminar '**Creating a Favourable Arbitration Climate: Lessons from England and Japan**' at the Institute of Advanced Legal Studies, London, United Kingdom, May 2016.
  - Presentation '**The Concept of Fairness in International Administrative Law**' at the International Administrative Law Centre of Excellence 3rd Annual Conference, London, United Kingdom, October 2015.
  - Keynote address '**What it Takes for a Country to Become a Successful International Arbitration Hub**' at "The Law of Arbitration: New Challenges" conference organised by Colombo Law Society and ANC Education on 22 September 2015, Colombo, Sri Lanka, September 2015.
  - Presentation on **corruption and related misconduct in international dispute resolution in transition economies** at the 33rd Cambridge International Symposium on Economic Crime at Jesus College, University of Cambridge, United Kingdom, September 2015.
  - Series of **lectures on international dispute resolution** at Nagoya University Graduate School of Law, Japan, June 2015.
  - Presentation '**Economic Sanctions and Arbitrability**' at seminar 'The Effect of Sanctions and Political Interactions between Governments on International Rule of Law and Resolution of Disputes' organised by the Kuala Lumpur Regional Centre for Arbitration, Kuala Lumpur, Malaysia, May 2015.
  - Presentation '**Hierarchy in International Administrative Law**' at international colloquy 'Common Focus and Autonomy of International Administrative Tribunals' organised by the Council of Europe, Strasbourg, March 2015.
  - Presentation '**The Law Applied by International Administrative Tribunals: From Autonomy to Hierarchy**', Oxford Public International Law Discussion Group, University of Oxford, February 2015.
  - Presentation '**Pitfalls When Dealing with Settlement Agreements in International Arbitration**' at the ICLP Arbitration Centre, Colombo, Sri Lanka, January 2015.
  - Presentation '**EU Sanctions against Belarus: Theory and Practice**' at the Transformation Studies Summer School organised by the European Humanities University in Trakai, Lithuania, July 2014.
  - Presentation '**Are European Union Sanctions Fit for Purpose?**' at the annual conference of British International Studies Association, Dublin, Ireland, June 2014.



- Presentation '**Varieties of State Capitalism and International Economic Order: China, Russia, Brazil and Beyond**' at the Institute for Global Law and Policy intensive residential program at Harvard Law School, Cambridge, MA, United States, June 2014.
- Presentation '**Jurisdiction over Human Rights Violations**' at the conference Transnational Business and Human rights in the Context of the United States, European Union and International Law in Investor-State Arbitration organised by the European Humanities University, Vilnius, Lithuania, May 2014.
- Presentation '**Counterclaims in Investor State Arbitration**', Nagoya University, Japan, April 2014.
- Presentation '**International Administrative Law: Between Fragmentation and Constitutionalisation**' at a conference organised by the Polish Academy of Science in Warsaw, November 2013.
- Presenting research paper '**Optimizing the Effect of the European Humanities University on Belarus**' at the Congress of Belarusian Studies in Kaunas, Vilnius, October 2013.
- Presentation '**International Administrative Law: Real Law and Soft Law**' at the regional International Law Association Conference in Athens, Greece, August 2013.
- Course '**Bilateral Investment Treaties: Rights, Remedies and Related International Arbitration Process (including ICSID)**', CPD accredited training, Osborne Clarke, London, United Kingdom, June 2013.
- Talk '**International Administrative Law: A Truly Transnational Law?**' Conference The Transnational Dimension of Labour Relations: A New Order in the Making?, University of Modena, Italy, March 2013.
- Lecture '**Obligations of Investors under International Law**', The Centre for Transnational Legal Studies, London, UK, March 2013.
- Open Lecture '**Employability of Young Lawyers: What do Employers Want?**', Belarusian State University, Minsk, Belarus, March 2013.
- Chairing '**International Dispute Resolution Involving Russian and CIS Companies**' conference, Sofitel St James Hotel, London, UK, February 2013.
- '**Investment Arbitration: Challenges and Opportunities for Sri Lanka**' talk at the Annual Sri Lanka Corporate Lawyers Conference, Colombo, Sri Lanka, September 2012.
- Teaching a seminar on **International Trade Regimes** for officials from the former Soviet Union countries on International Trade at a seminar organised by the World Trade Organisation, Istanbul, Turkey, September 2012.
- Talk '**Thirty Years of Counterclaims in Investor-State Disputes: A Study of ICSID, UNCITRAL and Iran-US Claims Tribunal Jurisprudence**' at the Institute of Advanced Legal Studies, University of London, June 2012.
- Organising and lecturing at **Minsk Summer Arbitration School**, Minsk, Belarus, June 2012.
- Talk '**Corruption and Russia-Related Arbitration**' at a conference organised by the International Association for Arbitration in Brussels, Belgium, June 2012.
- Moderating a panel '**What makes Belarus Different?**' on Belarus at an event with

Edward Lucas, international editor of the Economist at the European Council of Foreign Relations in London, UK, May 2012.

- Open lecture '**Introduction to Economic Analysis of Law**' organised by Belarusian Research and Outreach Centre, Minsk, Belarus, February 2012.
- Presentation on **the World Bank and international labour standards** at a conference on labour and trade union rights in China, Bonn, Germany, November 2011.
- Presentation '**Addressing Investor Misconduct: Counterclaims in Investor-State Arbitration**' at international workshop Legitimacy and Efficiency in Global Economic Governance, Lecce, Italy, May 2011.

### **Personal information**

- Languages: fluent in English, Belarusian, Russian, Polish. Working knowledge of German and Ukrainian.
- Citizen of the United Kingdom and Belarus.