

Professor Yarik Kryvoi

PhD, 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 the Investment Treaty Forum. He advises and acts as an expert on matters of the rule of law, regulatory policy, international and comparative law, commercial arbitration and investor-state arbitration. Professor Kryvoi has also extensively published and managed research and law reform projects in these areas.

Academic Career Details

- **British Institute of International and Comparative Law:** Senior Research Fellow in International Economic Law and Director of the Investment Treaty Forum, since 2017.
- **University of West London:** Visiting Professor of Law, since 2018; Professor of Law 2016-2018; 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

- Listed arbitrator, **Hong Kong International Arbitration Centre**, since 2019.
- Member of the Panel of Arbitrators, **Shenzhen Court of International Arbitration**, since 2019.
- Approved tutor and examiner, **Chartered Institute of Arbitrations**, since 2015.
- Listed practitioner, **Vienna International Arbitration Centre**, since 2016.
- 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, **Asian International Arbitration Centre (formerly known as 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 **UK Economic and Social Research Council and Social Sciences and Humanities Research Council of Canada** to conduct research on UK-Canada investment relationship after Brexit (2018).
- 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 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, October 2018.
- **The Ministry of Justice of Kazakhstan**, consultant on issues related to the reform of rule-making, justice authorities as well as implementation of common law concepts into the law of Kazakhstan. Project supported by the World Bank (2018).
- **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.
- 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.

Online Legal Education

- Competing a PhD degree at the UCL Institute of Education in the field of **Educational/Instructional Technology** (expected in 2020)
- Significant experience **designing and teaching law in developed and developing countries using blended and entirely online delivery**. A recent example of an entirely online course International Investment Law and Dispute Resolution informed by research conducted for this book is available at <http://biicl.org/isds>.

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.

Editorships

- Occasional referee for article submissions **ICSID Review - Foreign Investment Law Journal**, **Journal of International Dispute Settlement**, **International and Comparative Law Quarterly**, **International Commercial Arbitration Review**.
- **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

- **THE INTERNATIONAL CENTRE FOR SETTLEMENT OF INVESTMENT DISPUTES**, 228 PP. (KLUWER LAW INTERNATIONAL, 3RD EDITION, 2020).
- **‘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

- **Private or Public Adjudication? Procedure, Substance and Legitimacy**, *Leiden Journal of International Law*, Volume 34, Issue 3, pp. 681-703 (2021).
- **Non-retroactivity as a General Principle of Law**, *Utrecht Law Review*, Volume 17, Issue 1, pp.46–58 (2021).
- **‘The Path of Investor-State Disputes: from Compensation Commissions to Arbitral Institutions’**, *ICSID REVIEW - FOREIGN INVESTMENT LAW JOURNAL*, Volume 33, Number 3, pp 743-765 (2019).
- **‘Economic Crimes in International Investment Law’**, *INTERNATIONAL AND COMPARATIVE LAW QUARTERLY*, Volume 67, Issue 3, pp. 577-605 (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 Sergey 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).

Reports

- **Sovereign Wealth Funds: Transnational Regulation and Dispute Resolution** BIICL and Withers (2021)
- **Empirical Study: Annulment in ICSID Arbitration**, BIICL and Baker Botts (2021)
- **‘Empirical Study: Corporate Restructuring and Investment Treaty Protections’**, BIICL/Baker McKenzie (2020).

- **'Empirical Study: Provisional Measures in Investor-State Arbitration'**, British Institute of International and Comparative Law and White & Case (2019).
- **'Investment Promotion and Protection in the Canada-UK Trade Relationship: Knowledge Synthesis Report'** (2018).
- **Comparative Analysis of the National Legislation and International Good Practices in the Area of Activities of the Justice Authorities and Recommendations for the Republic of Kazakhstan**, World Bank funded project report for the Ministry of Justice of the Republic of Kazakhstan, 191pp (2018) (not public).
- **Comparative Analysis of the National Legislation and Law Enforcement Practices of the Republic of Kazakhstan in Relation to Rulemaking/Legislative Drafting and International Good Practices that Regulate Rulemaking**, World Bank funded project report for the Ministry of Justice of the Republic of Kazakhstan, 217pp (2018) (not public).
- **Comparative analysis of the National Legislation and International Good Practices for Further Development of the Entrepreneurship Code's Provisions**, World Bank funded project report for the Ministry of Justice of the Republic of Kazakhstan, 229pp, (2018) (not public).
- **'ICSID Arbitration Reform: Mapping Concerns of Users and How to Address Them'**, British Institute of International and Comparative Law (2018).
- **'Consolidating the International Investment Agreement Network'**, UNCTAD Annual High-level IIA Conference 2017, United Nations Commission on Trade and Development (2017) (with Steffen Hindelang).
- **'Improving Arbitration Climate in Japan: Report and Recommendations'** (2017).

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).

Personal information

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