

Aniruddha Rajput

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Dr. Aniruddha Rajput is a Member of the UN International Law Commission (2017-21). He was the Chairperson of the Drafting Committee for the 69th Session of the ILC in 2017.

His areas of expertise are general international law, dispute resolution, boundary disputes, law of the sea, international investment law and international trade law. He has advised governments on proceedings before the International Court of Justice, private clients on proceedings under the Alien Tort Claims Act before the US Courts, and human rights and other public international law litigation in the Supreme Court of India.

He has taught courses in international law at several Universities and presently serves as a member of the Board of Studies of the South Asian University created by the South Asian Association for Regional Cooperation (SAARC) countries. He was a member of the Study Group Constituted by the Law Commission of India on the 2015 Draft Indian Model BIT and a member of the 5th Haryana State Finance Commission constituted under Article 243 I and Y of the Constitution of India. His recent book 'Protection of Foreign Investment in India and Investment Treaty Arbitration' was published by Kluwer International. During 2017, he was a Practitioner-in-Residence at the Berlin Potsdam Research Group International Rule of Law -Rise or Decline? based at the Humboldt University Berlin. **

Track record

Government of India Jadhav Case

Advised the Government of India on the Jadhav Case (India v Pakistan) before the International Court of Justice (ICJ).

Government of India Rhingya refugees

Advised the Government of India on the petition filed in the Supreme Court regarding the Rhingya refugees.

Alien Tort Claims Act

Advised on potential and pending proceedings under the Alien Tort Claims Act.

Supreme Court of India law of the sea

Appeared before the Supreme Court of India on cases involving issues of law of the sea, human rights and application of international law in domestic courts.

Talks

- *Conferences / Papers*
- Speaker at the 3rd Vienna Arbitration Debate, 22 June 2018.
- Maritime Delimitation in the Bay of Bengal between India, Bangladesh and Myanmar: A case study of peaceful resolution of disputes under UNCLOS' 4-5 October 2017, Port Blair, India.
- *"Maritime Terrorism and Threat of a Terrorist Attack from the Sea"* 6th Biennial Conference, Asian Society of International Law, 25-26 August 2017, Seoul, South Korea.
- *"Lessons form the WTO dispute resolution for investment treaty arbitration"* at WTO@20 Conference, New Delhi, 16-18 February, 2017 organized by the WTO Appellate Body and the National Law University, Delhi to celebrate 20 years of the WTO.
- Member, Advisory Committee, 9th Annual National Conference on Business and Management, Guru Jambheshwar University, Hisar, 8-9 February 2017.
- *"Maritime Security and Threat of a Terrorist Attack"*, KFG International Rule of Law: Rise or Decline? 12 January 2017.
- *"Call for Consistency: The Future of Cross Border Insolvency"* at Celebrating UNCITRAL's 50 Years Global Standards for Rule-based Commerce, New Delhi, 28-29 November 2016.
- *"UN Sustainable Development Goals 2030: International Rule of Law and the Role of Lawyers"* Indian National Bar Association's 5th Annual International Conference on Law & Policy Issues, 26th November 2016, New Delhi.
- Panel Discussion: *"Rampal Power Project: A site for interface between investment protection and environmental regulation."*, South Asian University, New Delhi, 10 November 2016.
- *"Changing Face of ISDS: The TPP ISDS and ISDS Only Tobacco carve out"*, 1st CARTAL Conference on International Arbitration, National Law University Jodhpur, 15-16 October 2016.
- *"Conserving Regulatory Space: Analysis of the Indian Model BIT"*, Bi-Annual Conference of the Society of International Economic Law, Johannesburg, South Africa, 7-9 July 2016.

- “Does the New Draft Indian Model Bilateral Investment Treaty Balance Investment Protection with Regulation” Round Table Conference, South Asian University, New Delhi, 17 April 2015.
- “Sole Effects Doctrine and Indirect Expropriation” World Congress on International Law - Contemporary Issues of International Law, Indian Society of International Law, New Delhi, India; 9-11 January, 2015. (Paper Selected)
- “Investment Arbitration and the Lex Specialis Nature of the Jurisprudence of the Iran-United States Claims Tribunal” (Selected to represent National University Singapore) ATLAS AGORA, 2014, a network of Universities for PhD students at Melbourne University, Australia, June, 2014.
- “Growing Similarities Between Commercial Arbitration and Investment Arbitration and Possibility of Investocommercial Arbitration” at the Round Table Conference organized by National Law School (NLSIU) Bangalore, India, April 2014.
- “Enforcement of Commercial Arbitration Awards: Is Investment Arbitration the New Form?”_4th Biennial Conference of Indian Society of International Law in collaboration with Asian Society of International Law, New Delhi, India; November, 2013.
- “The Myth of Multilateralism in International Investment Law” 5th international Conference on New Heaven School, City University Hong Kong, 16-19, September 2013.
- “Celebrating Diversity: Pluralism in Investment Treaties” 10th ASLI Conference, Bangalore, Delhi, May 2013.
- *Invited Lectures*
- Lectured on general public international law, evidence before international courts and tribunals, investment arbitration, international trade law and WTO law, international commercial arbitration, commercial law, public/constitutional law and litigation in different countries.

External publications

Articles

'Annual Review of ICSID Cases, 2020' Manchester Journal of International Economic Law, Volume 17 pp. 430-457 (2020).

'The Myth of a Multilateral Framework in International Investment Law' Indian Journal of International Law (2017) (forthcoming).

'Shifting Treaty Practice of India: From 2003 Model BIT to 2015 Model BIT' Jindal Global Law Review, volume 7 (2), pp. 201-226 (2016).

'Problems with the Jurisprudence of Iran-US Claims Tribunal on Indirect Expropriation' ICSID Review-Foreign Investment Law Journal, Volume 30 pp. 589-615 (2015).

'Book Review Article: Jingxia Shi, Free Trade and Cultural Diversity in International Law, Hart Publishing, Oxford and Portland, 2013, pages 337' Manchester Journal of International Economic Law, Volume 10 pp. 443-455 (2013).

'AES Summit Generation Limited and AES-Tisza Erőmű Kft. v. Hungary: The Scope of ad hoc Committee Review for Manifest Excess of Powers and Failure to State Reasons' ICSID Review-Foreign Investment Law Journal Volume 28, pp. 273-278 (2013).

'Defining Investments: A Developmental Perspective', Indian Journal of Arbitration Volume 11 (2013).

Advent of Investment Arbitration and Evolution of International Administrative Law, Journal of Indian Law Institute, Volume 54, pp. 232-247 (2012).

'Book Review Indirect Expropriation in International Law by Sebastian López ESCARCENA. Cheltenham: Edward Elgar Publishing Limited, 2014' 2015(5) Asian Journal of International Law 412-13.

Book Review Reinmar Wolf, New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards: Commentary (München, Verlag C H Beck oHG), pp. 613. Indian Journal of International Law Volume 55 (2015), pp. 297-298.

'Conserving Regulatory Space: Analysis of the Indian Model BIT' (submitted to a journal, currently undergoing review- 11,000 words).

Book Chapters

'*India and Investment Protection*' in Chin Leng Lim (ed), *Alternative Visions in the International Law on Foreign Investment: Essays in Honour of M Sornarajah*, Cambridge University Press, 2016.

'*Types of ADR in Sports*' in Justice Mudgal, *Law & Sports in India: Development, Issues and Challenges*, Lexis Nexis (2010).

Books

Dr. Ambedkar and Jammu and Kashmir: The book discusses the constitutional history of India and the federal structure in relation one of the provinces in India (Jammu and Kashmir) and relevant international law issues (manuscript submitted to publisher)

India and Investment Treaty Arbitration, (contract with Kluwer Law International - expected date of completion of manuscript May 2017)

Regulatory Freedom of State in International Law, Investment and Trade (expected date of completion of manuscript November 2017)

Reports

'*Report No. 260, Analysis of the 2015 Model Indian Bilateral Investment Treaty*', Law Commission of India, Government of India, August 2015, available at: \$

Blog posts

'*International Law Commission and the International Legislative Process*', International Law Square, 2 September 2016, available at: \$

Ongoing Research:

'*Maritime Security and Threat of a Terrorist Attack from the Sea Route*'. (manuscript complete, 21,000 words)

'*Enforcement of Commercial Arbitration Awards: Is Investment Arbitration the New Forum?*' (manuscript complete 11,000 words)

'*Cross-border Insolvency and Public International Law*' (manuscript complete 10,000 words)

'*Working Paper: India and Protection of Foreign Investment: A Tale of Resistance, Rise and Skepticism!*' (manuscript not yet complete).

'*International Law Commission and the International Legislative Process*' (manuscript not yet complete)

'*CLCS, ITLOS, ICJ or Annex VII Tribunals: The Race for deciding extended continental shelf claims!*' (manuscript not yet complete)

'*Rising sea levels and maritime entitlements of coastal states*' (manuscript not yet complete)

'*State Responsibility for Breach of Contract Arising from Non-Compliance with Awards of International Tribunals*' (manuscript not yet complete).

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Admissions

Advocate, Supreme Court of India, 2006

Education

LLB, ILS Law College Pune, 2005

LLM, London School of Economics and Political Science, 2006

PhD National University Singapore, 2016

Languages

English

Hindi
Marathi

Memberships

Member, Supreme Court Bar Association, India

Key dates

Year joined: 2018

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