



The International Arbitration Club of New York

The International Arbitration Club of New York's Tenth Annual Smit-Lowenfeld Prize Awarded to Julien Chaisse and Cristen Bauer

New York, January 14, 2021– The International Arbitration Club of New York (IACNY) announced today that Julien Chaisse and Cristen Bauer are the recipients of the 2021 Smit-Lowenfeld Prize for best article in the field of international arbitration. The prize is being awarded for the article entitled “Cybersecurity and the Protection of Digital Assets: Assessing the Role of International Investment Law and Arbitration,” which was published in the *Vanderbilt Journal of Entertainment & Technology Law* (Vol. 21, No. 3) and examines the extent to which digital assets can or might be protected as investments in investment treaty arbitrations. The authors explore how digital assets can be treated as covered investments by analyzing three potential investment claims. They also consider potential updates to Bilateral Investment Treaties (BITs), including language related to cyber-attacks and digital assets, as part of collaborative measures that incorporate a cybersecurity risk management framework in broader economic and social policies. The article concludes that evidence-based approaches to policy making are necessary in effective international internet governance.

The prize was presented to Dr. Chaisse and Ms. Bauer virtually on January 14, 2021. In making the award, Lawrence W. Newman, Presiding Member of the IACNY and Of Counsel at Baker McKenzie, said: “The winners contribute to the field of international arbitration by providing original insights into disputes concerning an increasingly important part of the world economy. We look forward to following their work in the future and expect them to remain thought leaders in the field.”

The winning article was chosen by an IACNY selection committee chaired by Rory O. Millson, a retired partner at Cravath, Swaine & Moore LLP, who said: “In their commendable analysis, Dr. Chaisse and Ms. Bauer provide insight on international mechanisms that can be used to protect digital assets, an issue that will only grow in importance in the years to come.”

The International Arbitration Club of New York considers articles submitted directly to the competition by the authors or their peers, as well as articles chosen through the Club's survey of articles appearing in leading international journals. The winning article is chosen from those gathered through a two-phase winnowing process, involving close scrutiny by members of the International Arbitration Club of New York.

The selection committee for the prize also included Simon Batifort (prior Smit-Lowenfeld prize winner and Curtis, Mallet-Prevost, Colt & Mosle LLP partner); Lea Haber Kuck (Skadden, Arps, Slate, Meagher & Flom LLP and Affiliates partner); Fredrick E. Sherman (Jones Day consultant); and Richard F. Ziegler (AcumenADR LLC arbitrator and mediator).

Julien Chaisse said: “I am truly honored and thrilled to be awarded the tenth Smit-Lowenfeld Prize. I feel extremely humbled especially to be listed with prior honorees, some of the most prominent names in the field. Many thanks to the International Arbitration Club of New York, the Selection Committee, Vanderbilt Law School, and of course, my co-author, Ms. Cristen Bauer. The legal studies of the digital world is for sure more and more important, but during this pandemic, we’ve also learned how much we miss and cherish the exchange of our research face to face. Take care, my respected colleagues and friends! Hope to see you in New York or elsewhere in the world soon.”

Cristen Bauer said: “I am immensely grateful and humbled to be awarded the Smit-Lowenfeld Prize. Really grateful to the International Arbitration Club of New York and to the Selection Committee for giving visibility to these emerging issues and to my co-author, Dr. Julien Chaisse, for continuing to champion this work. The COVID-19 pandemic has highlighted the enormous importance of digital connectivity in our lives and underscored the urgent need for us to upgrade our international legal frameworks to facilitate trustworthy trade and investment that can bring meaningful internet connectivity to all people. I look forward to an occasion for us to cross paths (in person!) at some point in the near future.”

This is the tenth year the IACNY has awarded this prize, selecting one article annually. Prior honorees include Aloysius Llamzon and Anthony Sinclair for their article “Investor Wrongdoing in Investment Arbitration: Standards Governing Issues of Corruption, Fraud, Misrepresentation and Other Investor Misconduct”; Nicolas Ulmer for his article “The Cost Conundrum”; Catharine Titi for her article “Investment Arbitration in Latin America: The Uncertain Veracity of Preconceived Ideas”; Stephen Fietta and James Upcher for their article “Public International Law, Investment Treaties and Commercial Arbitration: An Emerging System of Complementarity?”; Professor Charles H. Brower II for his article “Arbitration and Antitrust: Navigating the Contours of Mandatory Law”; Gary Born for his article “A New Generation of International Adjudication”; E. Alexandra Dosman and Grant Hanessian for their article “Songs of Innocence and Experience: Ten Years of Emergency Arbitration”; Simon Batifort and J. Benton Heath for their article “The New Debate on the Interpretation of MFN Clauses in Investment Treaties: Putting the Brakes on Multilateralization”; and Soterios Loizou for his article “Revisiting the ‘Content-of-Laws’ Enquiry in International Arbitration.”

The annual Smit-Lowenfeld prize honors the late professors Hans Smit, former Stanley H. Fuld Professor Emeritus at Columbia Law School, and Andreas Lowenfeld, former Rubin Professor Emeritus at the New York University School of Law, for their distinguished careers in the field of international arbitration, both as scholars and as arbitrators. Article selection is based on originality, quality, significance and scholarship, among other factors. Honorees are selected annually by the IACNY and are awarded an honorarium of \$2,500.

The International Arbitration Club of New York

The International Arbitration Club of New York was formed on June 25, 2010, by 70 founding members as a not-for-profit association. The Club now comprises approximately 115 leading practitioners and scholars in the field of international arbitration who reside and/or work in the New York City area. The Club is governed by a steering committee that includes James H. Carter of Wilmer Cutler Pickering Hale and Dorr LLP; John Fellas of Hughes Hubbard & Reed LLP; David Lindsey of Chaffetz Lindsey LLP; Lawrence W. Newman (Chair) of Baker McKenzie; David W. Rivkin of Debevoise & Plimpton LLP; and Robert H. Smit, formerly of Simpson Thacher & Bartlett LLP. The purpose of the Club is to promote best practices in arbitration as a means of settling international commercial disputes, and the Club holds regular meetings to hear speakers from both within and outside of its membership. The Club also sponsors the Smit-Lowenfeld prize for the best scholarly article in the field and cooperates with other arbitral organizations on projects in the field of international arbitration.

The 2021 Award Recipients:

Julien Chaisse



Julien Chaisse is Professor at the City University of Hong Kong, School of Law and Chairman, Asia Pacific FDI Network. He is a globally recognized authority on the intersection between international economic law (trade, investment and tax), international dispute resolution and the transnational law of globalization. His scholarship, which includes a dozen books and over 60 articles and book chapters, has created an enduring presence in the academic space and has even been cited by international courts/tribunals. As a trusted source for the most respected news outlets, Dr. Chaisse has been featured/published in The Wall Street Journal, South Asia Morning Post, Financier Worldwide and Financial Times.

Dr. Chaisse is an experienced arbitrator. He is also frequently called upon to appear as expert witness on arbitration law issues in international arbitration proceedings or enforcement actions before domestic courts. Dr. Chaisse also is a sought-after consultant/expert to international organizations, governments, law firms and private investors. He has advised international organizations and governments on private and public international law issues (including concessions contracts, special economic zones, investment structuring, state and international organization immunities and WTO accession) and assisted with the drafting of legislation in Austria, Azerbaijan, Canada, Ivory Coast, France, Georgia, Mongolia, Morocco, Pakistan and Vietnam.

Dr. Chaisse has extensive experience as a corporate board member and served on the Board of Directors/Advisory Board for a number of international organizations, including the World Free Zone Convention (WFZC), Academy of International Dispute Resolution & Professional Negotiation (AIDRN) and Asian Academy of International Law (AAIL). He also is an active member of the World Economic Forum (“Tax and Globalization Working Group” and “Data Policy Platform”). Dr. Chaisse is a member of the Hong Kong’s Government Board of Review (Inland Revenue Ordinance), advisor & partner to the United Nations ARTNET on FDI, and member of the Academic Forum on Investor-state Dispute Settlement. He also serves as Director of the Dot Trademark Policy Committee (DTPC), co-founder of the Internet Intellectual Property Institute (IIPI) and member of the ICANN’s Working Group which produced the 2020 “Report of the Review of All Rights Protection Mechanisms.”

Prior to joining City University School of Law, Dr. Chaisse taught at the Chinese University of Hong Kong (2009-2019) where he served as research centre director and PhD & MPhil Program director. He earlier worked as deputy head of the team analyzing the rules for multilateral trade and investment agreements at the World Trade Institute (Switzerland, 2006-2009), lecturer at elite school Sciences Po Aix (France, 2004-2006) and as a diplomat for the French Ministry of Foreign Affairs in New Delhi (Embassy of France in India, 2001-2004).

Cristen Bauer



Cristen is a well-rounded professional with more than ten years of diverse international work experience, spanning many countries across Asia, Africa, America and Europe. She is a highly collaborative problem solver, who is committed to the important role of international dispute resolution in our increasingly complex global political environment.

For the past several years, Cristen has worked on issues at the intersection of international trade, investment and technology, including for the International Chamber of Commerce in Paris, the United Nations regional headquarters in Bangkok, and a technology startup in Washington, D.C. She has experience working with governments, the private sector and international organizations on a wide range of issues including intellectual property, cybersecurity, artificial intelligence, data ethics and privacy. Cristen is currently a Fellow at the Institute of International Economic Law in Washington, D.C.,

where she is focused on ways to upgrade the international trade and investment regimes for the digital era.

Cristen is the Chair of the Vis Moot Alumni Association (MAA) Mentorship Program, which is a year-long, annual mentorship program that connects experienced international arbitration professionals with students and young professionals around the globe. She also represented the MAA as an Observer Delegate in UNCITRAL's Working Group III on Investor-State Dispute Settlement Reform from 2017-2020.

Cristen is currently pursuing an LL.M. in International Business and Economic Law at Georgetown University Law Center. She also has a J.D. from The Chinese University of Hong Kong and a B.S. from Texas A&M University.

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