

THREE CROWNS



# India Climate Change and Environmental Disputes Day

Friday 10 December, 4:00pm IST / 10:30am GMT



Supported by

[REGISTER HERE](#)



India Branch

CI Arb



Confederation of Indian Industry

## INDIA CLIMATE CHANGE & ENVIRONMENTAL DISPUTES DAY

The global response to climate change is one of the most pressing issues facing society. The Intergovernmental Panel on Climate Change's latest analysis underlines the critical need to stabilise the climate and implement strong and sustained reductions in greenhouse gas emissions to achieve at least net zero emissions by 2050. This rapid and extensive transition requires significant investments, contracts, and regulation, which in turn are generating and will continue to give rise to complex contractual, investment treaty, and other legal disputes.

India is set to be a focal point for climate change and environmental disputes. Such disputes have already arisen in the context of foreign investments, domestic commercial operations, and the environmental impacts of climate change in India. The trend is likely to continue, as India expands its renewable energy capacity, continues its efforts to reduce emissions, develops schemes for emissions trading, emerges as a leader in the issuance of green financial instruments, and attracts investments in new technologies.

In this context, Three Crowns, in collaboration with the Mumbai Centre for International Arbitration, will be hosting the inaugural India Climate Change and Environmental Disputes Day on 10 December 2021. Taking place on Human Rights Day and shortly after the COP 26 UN Climate Change Conference, the event – the first of its kind in India – will examine:

- the types of climate change and environmental disputes arising in India and the fora used to resolve those disputes;
- the international law framework addressing climate change and implications of recent developments in that framework (including COP 26) for countries like India;
- investment treaty arbitrations that have arisen in the context of legislative and regulatory changes by States, as they seek to transition to low carbon, sustainable, and climate resilient economies;
- commercial disputes that may arise in the climate change context, including construction issues, decommissioning of oil and gas assets, emissions trading, and financing disputes;
- implications of recent decisions in common and civil law jurisdictions extending companies' liabilities for ESG failures of foreign subsidiaries and third parties in supply chains; and
- in-house counsel's perspective on the ongoing transition, including impacts on business and operations and approaches to management of risks and disputes.

# PROGRAMME

4:00pm – 6:00pm IST / 10:30am – 12:30pm GMT

**Opening Remarks** Constantine Partasides QC, Partner, Three Crowns

## **Panellist discussion**

### **Speakers:**

- Gopal Subramaniam, Senior Advocate, Supreme Court of India
- Sapan Gupta, General Counsel, ArcelorMittal
- Jorge E. Vinuales, Harold Samuel Professor of Law and Environmental Policy, University of Cambridge
- Manish Aggarwal, Partner, Three Crowns
- Kathryn Khamsi, Partner, Three Crowns
- Nawneet Vibhaw, Partner, Shardul Amarchand Mangaldas & Co
- Nicole Schwab, Co-Director, Platform to Accelerate Nature-Based Solutions and [1t.org](https://1t.org), World Economic Forum

**Moderator:** Nicola Peart, Senior Associate, Three Crowns

**Closing remarks** Neeti Sachdeva, Secretary General and Registrar, MCI

## **Audience Q&A**

## SPEAKERS



### **Gopal Subramaniam**

*Senior Advocate, Supreme Court of India*

Gopal Subramaniam is a Senior Advocate at the Supreme Court of India. In 1993, he was designated Senior Advocate suo moto by the Supreme Court, one of the youngest in India's history to receive the designation. Mr. Subramaniam served as Solicitor General of India from 2009 to 2011, during which period he was also Chairman of the Bar Council of India. From 2005 to 2009, he served as Additional Solicitor General of India.

Mr. Subramaniam is a Foundation Fellow at Somerville College and a Member of the Chancellors Court of Benefactors, the University of Oxford, an Associate Member of 3 Verulam Buildings, London, and a Judge at the Qatar International Court.

In 2009, Mr. Subramaniam received the National Law Day Award for Outstanding Jurist from the President of India.



### **Sapan Gupta**

*General Counsel, ArcelorMittal*

Sapan Gupta serves as General Counsel of ArcelorMittal, having previously been General Counsel of ArcelorMittal Nippon Steel (AMNS) and Vice President at ArcelorMittal Group. ArcelorMittal is one of the world's largest steel producers and a global leader in industrials and manufacturing.

Sapan has significant experience in dispute resolution, banking and finance, bankruptcy, fintech, mergers & acquisitions, private equity, capital markets, industrials, manufacturing, and infrastructure. Sapan's prior roles include serving as a Partner and National Practice Head at Shardul Amarchand Mangaldas, Chief Legal Officer at Bajaj Finance, Deputy Head of Legal at Standard Chartered Bank in South Asia, and positions at Sidley Austin, ICICI Bank, HSBC, and Tata Group.

Frequently acknowledged for his achievements, Sapan has won awards and recognition from *Chambers*, *IFLR 1000*, *The Legal 500*, and *Asia Law 500*.

Sapan graduated from the University of Delhi with a degree in Commerce and his LLB Law qualification. He was awarded his LLM at Harvard Law School and attended the LSE as a Chevening Gurukul Scholar. Sapan is licensed to practice law in India and the state of New York.



## Constantine Partasides QC

*Partner, Three Crowns*

Constantine Partasides QC, one of the founding partners of Three Crowns, has appeared as counsel in some of the largest international arbitrations of the last two decades. In the commercial space, Constantine has been lead counsel in claims against sovereigns and State entities in Venezuela, Algeria, Nigeria, the Kurdistan Region of Iraq, and Kazakhstan. Constantine has also advised and represented a variety of investors and States in relation to disputes under bilateral and multilateral investment treaties.

In addition to his counsel work, Constantine appears regularly as arbitrator, including in disputes that involve States and State entities.

Constantine has been named a “Global Elite Thought Leader” by *Who’s Who Legal*, a “Star Individual” in *Chambers*, and in the Hall of Fame in *The Legal 500*.

Constantine is a co-author of the fourth, fifth, and sixth editions of the leading textbook on international arbitration, *Redfern and Hunter on International Arbitration*.



## Jorge Viñuales

*Professor, University of Cambridge*

Professor Jorge E. Viñuales holds the Harold Samuel Chair of Law and Environmental Policy at the University of Cambridge and is the founder and former Director of the Cambridge Centre for Environment, Energy and Natural Resource Governance (C-EENRG). He is also a Member (Associé) of the Institut de Droit International, the Chairman of the Compliance Committee of the UNECE/WHO Protocol on Water and Health, the co-General Editor of the ICSID Reports, a member of the Panel of Arbitrators of the Shanghai International Arbitration Centre, and the Director-General of the Latin American Society of International Law.

Jorge has wide experience as a practitioner, both in an advisory and a litigation context. He has served as arbitrator, counsel, co-counsel, expert and, earlier in his career, as secretary of arbitration tribunals in inter-State, investment, and commercial disputes.





## **Manish Aggarwal**

*Partner, Three Crowns*

Manish Aggarwal is a dual-qualified English solicitor and Indian advocate, and partner in the London office of Three Crowns. He has extensive experience of representing clients in both commercial and investment treaty arbitrations across a broad range of sectors (including energy, infrastructure, life sciences, telecommunications, and technology) and in arbitration-related court litigation.

He is consistently ranked as a leading practitioner in arbitration and public international law by major legal directories, such as *Who's Who Legal* and *The Legal 500*.

Manish is a co-chair of the LCIA's Young International Arbitration Group, serves as a faculty member of Delos Dispute Resolution's Remote Oral Advocacy Programme, and regularly teaches commercial and investment arbitration at LL.M. programmes at law schools across the globe.



## **Kathryn Khamsi**

*Partner, Three Crowns*

Kathryn Khamsi, a partner in the Paris office of Three Crowns, acts for corporate clients and States in all types of disputes. She is particularly sought after in high value disputes that raise complex issues of fact and law.

She is recommended by *Chambers*, *Who's Who Legal*, and *The Legal 500*.

Kathryn regularly lectures on arbitration at Sciences Po law school in Paris and has published extensively on questions of international arbitration and public international law. She was recently appointed to the ICSID Panel of Arbitrators for Bahrain and will serve a six-year term.

Prior to entering private practice, Kathryn was a Legal Advisor to the Prime Minister of East Timor, coordinating East Timor's negotiations with Australia over maritime boundaries and the drafting of a new regime for petroleum investments. Kathryn has also worked with the International Development Law Organization in Kabul, Afghanistan, and with Columbia Law School.

Kathryn, who speaks English and French, is admitted in Paris, New York, and Ontario.



### **Nawneet Vibhaw**

*Partner, Shardul Amarchand Mangaldas & Co*

Nawneet Vibhaw is a partner at Shardul Amarchand Mangaldas & Co and specialises in environmental advisory and environmental disputes. Nawneet appears in environmental matters before the Supreme Court of India and the National Green Tribunal, and has been advising clients in diverse environmental matters (including ESG reporting) in sectors like cement, pharmaceuticals, chemicals, automotive, and construction.

He is an alumnus of NALSAR University of Law, Hyderabad and Lewis & Clark Law School, Portland, Oregon, USA, and has received international awards and fellowships from BELSPO, UKIERI, Robert Bosch Foundation and Asian Development Bank.

Nawneet has authored three books, published by LexisNexis, and has more than 60 publications in international and Indian publications. He has been involved in several speaking engagements at environment, sustainability and climate change conferences in India, USA, Australia, Germany, Spain, Philippines, and Belgium.



### **Neeti Sachdeva**

*Secretary General and Registrar, MCIA*

Neeti Sachdeva is the Secretary General and Registrar at MCIA. Prior to joining MCIA, Neeti worked extensively in the field of international commercial arbitration, both as a private practitioner representing clients and as an administrator facilitating dispute resolution procedures. Neeti has experience working with some of the top Indian law firms, including Trilegal and Economic Laws Practice, and the International Arbitration department of Freshfields Bruckhaus Deringer. She also served as a judicial clerk for Justice Gita Mittal and Justice Muralidhar of Delhi High Court.

Neeti has also worked with LCIA India as its First Deputy Registrar. She is active in the academic circle and is an academic advisor at KIIT Law School, Orissa, and guest faculty at HNLU Raipur and at National Law University, New Delhi. She is regularly invited as a speaker at conferences and conducts workshops in the field of arbitration. She is an office bearer at the IBA Arbitration Committee.



### **Nicole Schwab**

*Co-Director, Platform to Accelerate Nature-Based Solutions and 1t.org, World Economic Forum*

Nicole Schwab is Co-Director of the Platform to Accelerate Nature-Based Solutions and [1t.org](https://1t.org) at the World Economic Forum. With a scientific and public policy background, she started her career working on health policy in the Andes for the Government of Bolivia and the World Bank, before returning to Europe to become Founding Director of the Forum of Young Global Leaders – which she currently chairs.

In 2009, Nicole co-founded EDGE Certified Foundation, a business certification standard for gender equality in the workplace, which today works with over 250 multinational companies across 40 countries. She then served as a consultant and strategic advisor to non-profit organisations at the intersection of environment and gender, including National Geographic Society's Campaign for Nature. Her writing includes an award-winning novel, *The Heart of the Labyrinth*.



### **Nicola Peart**

*Senior Associate, Three Crowns*

Nicola, a senior associate in the Washington, DC office of Three Crowns, practices in all areas of international commercial and investment treaty arbitration, as well as arbitration under the UN Convention on the Law of the Sea and proceedings before the International Court of Justice.

She is recognised for International Arbitration in *The Legal 500 US* and *Who's Who Legal – Future Leaders*.

Nicola is a member of the International Bar Association's under-40 arbitration sub-committee, the ICCA Task Force on Gender Diversity in International Arbitral Appointments and Proceedings, and the Campaign for Greener Arbitration's Steering Committee. She previously served on the ICC Task Force on the Arbitration of Climate Change Related Disputes and has attended the international treaty negotiations of the UN Framework Convention on Climate Change since 2008, providing legal support to developing country negotiators and civil society.

Nicola holds degrees from the University of Cambridge (MA), Imperial College, London (MSc), and University College, London (LLM). She is admitted to practise as a barrister in England & Wales.