

Robert Kovacs

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Robert is partner in the litigation and arbitration team.

Dr Robert Kovacs specialises in international arbitration (commercial and investment), public international law and business and human rights (BHR). He is dual qualified in Australia and England & Wales.

Robert has represented individuals, companies, States, and State-owned entities in international disputes across a range of sectors, including renewables, energy, mining, construction, finance, mergers and acquisitions, sport, property and technology. He has a focus on Europe, Asia-Pacific and MENA and has worked as counsel under all the major arbitration rules, including ICSID, UNCITRAL, LCIA, ICC, SCC, SIAC and HKIAC Rules, as well as in ad hoc arbitrations. Robert also sits as an arbitrator.

In addition to his arbitration and public international law practice, Robert has advised clients for over eight years in relation to ESG issues, including on BHR. He has assisted businesses with regulatory compliance, supply chain due diligence and grievance and remediation mechanisms. He has also represented clients in ESG and climate change related litigation.

Robert holds a PhD in international law, is the former Co-Chair of the Asia-Pacific Forum for International Arbitration, sits on the editorial board of the Australasian Dispute Resolution Journal and is an honorary senior fellow at the Melbourne University Law School.

Track record

A Mainland Chinese industrial conglomerate in a claim against the Federal Republic of Nigeria

Acting for a PRC industrial conglomerate in a billion-dollar treaty claim against the Federal Republic of Nigeria under the China-Nigeria bilateral investment treaty. The claim was for expropriation and breaches of fair and equitable treatment and other standards regarding an investment in a 10,000-hectare free trade zone and joint venture agreement with Ogun State in Nigeria.

Investor treaty arbitration

Representing a Chinese company in an ad hoc investor treaty arbitration against an African State

ICSID arbitrations banking sector

Representing the Republic of Croatia in multiple ICSID arbitrations brought by Austrian companies concerning the banking sector

ICSID arbitration

Representing a Dutch company in an ICSID arbitration against the Bolivarian Republic of Venezuela relating to the expropriation of a manufacturing facility

LCIA arbitration

Representing a Croatian State-owned entity in a LCIA arbitration regarding an energy supply contract

Cross-border oil and gas deposit

Advising a government on its rights in relation to a cross-border oil & gas deposit in an occupied territory under international and humanitarian law

International human rights

Advising a multinational company on international human rights obligations in relation to a mine in an African State

Sanctions regimes

Advising a multinational company on sanctions regimes under the UK, US, EU and UN frameworks

Model bilateral investment treaty

Advising a government on drafting a model bilateral investment treaty and issues of public international law

External publications

Sovereign Wealth Funds: Transnational Regulation and Dispute Resolution, Withers and British Institute of International and Comparative Law, 2021, co-author.

UAE in J. Fouret (ed.), *Enforcement of Investment Treaty Arbitration Awards* (Globe Law and Business, 2015), co-author.

The Law is What the Arbitrator Had for Breakfast: How Income, Reputation, Justice, and Reprimand Act as Determinants of Arbitrator Behaviour, in J.C. Betancourt (ed.), *Selected Topics in International Arbitration - Liber Amicorum for the 100th Anniversary of the Chartered Institute of Arbitrators* (Oxford University Press, 2015), co-author.

International Arbitration and Insolvency - Question of Applicable Law, The 2014 Nappert Prize - Selected Papers, ICC Publication No764E.

Public Policy under the International Arbitration Act -- Emerald Grain Australia Pty Ltd v Agrocorp International Pte Ltd, ADRB 2014 Vol. 1 No. 3, co-author.

Efficiency in international Arbitration: An Economic Approach, 23 Am. Rev. Int'l. Arb. 155 (2012).

The Rise of a Third Generation of Arbitrators? Fifteen Years After Dezalay & Garth 28(2) *Arbitration International* (2012), co-author.

A Transnational Approach to the Arbitrability of Insolvency Proceedings in International Arbitration, International Insolvency Institute, 2012. This article was awarded the 2012 III Gold Medal Prize.

Admissions

England & Wales, 2022

Victoria, Australia, 2008

Education

University of Geneva, Ph.D (summa cum laude) International Arbitration

Monash University, LL.B (Hons)

Monash University, B.Com, Economics

Languages

English

Memberships

Young ICCA

Asia-Pacific Forum for International Arbitration

International Insolvency Institute

Law Institute of Victoria

Key dates

Year joined: 2019

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