

# **REPORT TO THE BOARD OF THE EUROPEAN SOCIETY OF INTERNATIONAL LAW INTEREST GROUP ON INTERNATIONAL ECONOMIC LAW 2017–2018**

## **1. ACTIVITIES**

### **A) PUBLICATION OF THE PAPERS SELECTED FOR THE INTERNATIONAL CONFERENCE "THE ROLE OF THE EUROPEAN PARLIAMENT IN THE CONCLUSION AND IMPLEMENTATION OF AGREEMENTS ON INTERNATIONAL ECONOMIC LAW ISSUES" (EUROPEAN PARLIAMENT, BRUSSELS, 9 DECEMBER 2016)**

The European Investment Law and Arbitration Review (Brill) published in Volume 2 of 2017 a focus section on “Transparency in the EU’s Investment Policy” gathering some of the papers selected for the ESIL IEL IG International Conference organized in the Brussels premises of the European Parliament in December 2016. The following articles have been published: EU Constitutional Law as Restraint for EU Trade and Investment Agreements: The Example of CETA and Investor-State Dispute Settlement, by *Ernst-Ulrich Petersmann*; The European Parliament’s Oversight Powers over Trade and Investment Negotiations, by *Fernando Dias Simões*; Transparency, Investment Protection and the Role of the European Parliament, by *Szilárd Gáspár-Szilágyi*; It Takes Two to Tango: Regional Investment Treaties and Investor Protection on Both Sides of the Atlantic, by *Ana M. Lopez-Rodriguez*; Requiem for Transparency, by *Marcin Menkes*. The articles have been preceded by an Introductory Note on “The Role of the European Parliament in the Conclusion and Implementation of Free Trade Agreements” by *Elisa Baroncini, Marina Trunk-Fedorova and Peter-Tobias Stoll*. See the link <https://brill.com/abstract/title/34613>

### **B) PUBLICATION OF THE PAPERS SELECTED FOR THE ESIL IEL IG WORKSHOP ON "GLOBAL PUBLIC GOODS, GLOBAL COMMONS, FUNDAMENTAL VALUES: THE RESPONSES OF INTERNATIONAL ECONOMIC LAW" (NAPLES, 6 SEPTEMBER 2017)**

The Brill Open Law (BOL) Journal published in July 2018 some of the papers selected for the ESIL IEL IG Workshop on "GLOBAL PUBLIC GOODS, GLOBAL COMMONS, FUNDAMENTAL VALUES: THE RESPONSES OF INTERNATIONAL ECONOMIC LAW" held in Naples on 6 September 2017. The following articles have appeared in the Brill open access review in July 2018: Public Goods and International Investment Law: Does the New Generation of IIAs Better Protect Human Rights? (author: Pavel Šturma); The Right to Water Before Investment Tribunals (author: Ursula Kriebaum); Private Actors, Public Goods and Responsibility for the Right to Water in International Investment Law: An Analysis of *Urbaser v. Argentina* (author: Edward Guntrip); Counterclaims Based on International Human Rights Obligations of Investors in International Investment Arbitration (author: Patrick Abel); The Margin of Appreciation Debate over Novel Cigarette Packaging Regulations in *Philip Morris v. Uruguay* (author: Pei-Kan Yang).. The research articles have been preceded by the Introductory Note “Global Public Goods, Global Commons, Fundamental Values and International Investment Law: Responses of the New Generation of International Economic Law Agreements and Investment Arbitration Proceedings” (authors: Elisa Baroncini; Holger Hestermeyer; Peter-Tobias Stoll; Catharine Titi and Marina Trunk-Fedorova). See the link <http://booksandjournals.brillonline.com/content/journals/23527072>

### **C) INTERNATIONAL ECONOMIC LAW COLLOQUIUM: INTERNATIONAL INVESTMENT LAW & THE LAW OF ARMED CONFLICT, ATHENS, 5-6 OCTOBER 2017**

With the support of the ESIL Interest Group on International Economic Law, the Athens Public International Law Center (AthensPIL) of the National and Kapodistrian University of Athens Faculty of Law, the French National Centre for Scientific Research (CNRS), the Research Centre on Procurement law and International Investments (CREDIMI) of the University of Burgundy, and the Faculty of Law of the University of Zaragoza organised, in the context of the *Investment Law Initiative*, a Colloquium on “International Investment Law & the Law of Armed Conflict”. The Colloquium took place on 5-6 October 2017 in Athens, Greece, with the participation of experts coming from all over the world, selected through an international call for paper which encountered a great success (the Conference had 14 sessions). The Colloquium Programme is attached as Annex 1.

### **D) INFORMAL MEETING OF THE EUROPEAN COMMISSION WITH THE ESIL INTEREST GROUP ON INTERNATIONAL ECONOMIC LAW, BRUSSELS, 19 JANUARY 2018**

On 19 January 2018, in Brussels in the premises of the European Commission DG Agriculture, the ESIL IEL IG Chairs had an informal meeting with the officials of the European Commission involved in WTO, investments, FTAs issues. The following reports were deliberated: Elisa Baroncini (Università di Bologna), US Blockage on New WTO Appellate Body Members - Pathways to Maintaining an Effective System for Appellate Review; Peter Leibkühler (University of Nanjing, PR China), The PRC Cybersecurity Law; Marina Trunk-Fedorova (Universities of St. Petersburg and Kiel), Free Trade Agreements of the Eurasian Economic Union. Holger Hestermeyer (King’s College, London) and Peter-Tobias Stoll (University of Göttingen) illustrated some projects of international trade law publication involving academia together with practitioners. A roundtable followed where EU officials discussed the researches presented and offered their views as practitioners in the field of international economic law. The meeting with the European Commission was the first of a series of events of collaboration between the ESIL IEL IG and the European institutions. The purpose of such joint events is that of finding a channel through which research and practice in the field of International Economic Law may meet and reciprocally improve.

### **E) MANCHESTER ESIL IEL IG ANNUAL WORKSHOP ON “INTERNATIONAL ECONOMIC LAW IN 2018: BETWEEN REFORM AND CONTESTATION”, 12 AND 13 SEPTEMBER 2018**

On 12 and 13 September 2018, the ESIL IEL IG held the traditional annual Workshop in Manchester, within the events organized by the Manchester 2018 ESIL Conference. The ESIL IEL IG Workshop, devoted to “International Economic Law in 2018: Between Reform and Contestation”, has been organized through an international call for papers, which had a great success and allowed the setting up of two panels -on i) Electronic Commerce, Cyberspace & International Economic Law, and ii) Reform of Investment Dispute Settlement and Developments in EU Investment Law- and a final roundtable on the multilateral trading system in trouble. The programme of the Manchester Workshop is attached to this Report as Annex 2.

## **2. MEMBERSHIP**

The current list of members is held by the ESIL Secretariat, and counts 450 members (as of 7 October 2018).

### **3. GOVERNANCE**

The International Economic Law Interest Group is governed by five Co-Chairs, Elisa Baroncini (U. Bologna), Holger Hestermeyer (King's College), Peter-Tobias Stoll (U. Göttingen), Catharine Titi (French National Centre for Scientific Research-U. Paris II Panthéon-Assas), Marina Trunk- Fedorova (U. St. Petersburg and Kiel). They run the Interest Group's day-to-day business, administer its web page and organise its regular events. The 5 Co-Chairs managed and manage to meet also during Conferences and Seminars of common interest.

### **4. FUTURE ACTIVITIES**

The ESIL IEL IG is organizing the call for papers for a full day Workshop at the ESIL Research Forum in Göttingen on 3 April 2019 on the new generation of EU free trade agreements. Another call for papers will be prepared for the annual Workshop on IEL at the ESIL 2019 Athens Conference -the ESIL IEL IG Workshop will be on 12 September 2019. A joint event, together with the Interest Group on International Economic Law of the American Society of International Law is planned in Bologna / Ravenna in the first week of December 2019, on the WTO reform process and the new developments on IEL from a EU/US perspective. In January 2019 another meeting with the European institutions will be managed; and in Autumn 2019, the ESIL IEL IG will organize a Conference at St. Petersburg State University on the EU and Russian approach and contribution to IEL issues and developments.

Annex 1:

Annex 2:

# COLLOQUIUM

## International Investment Law & the Law of Armed Conflict

**October 5 & 6, 2017**

Historical Central Building  
National and Kapodistrian University of Athens  
Panepistimiou 30, 10679 Athens





# PROGRAMME

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## Wednesday 4 October 2017

17:00 – 20:00 **Registration**

**Athens PIL Premises** | Akadimias 47 (3rd floor), 106 79 Athens

## Thursday 5 October 2017

09:00 – 10:00 **Registration**

**The Great Hall** | Historical Central Building

10:00 – 10:30 **Welcome and Introduction**

**The Great Hall** | Historical Central Building

**Meletios A. Dimopoulos**, Rector of the National & Kapodistrian University of Athens

**Philippos Spyropoulos**, Dean, Faculty of Law, National & Kapodistrian University of Athens

**Photini Pazartzis**, Professor, Faculty of Law, National and Kapodistrian University of Athens; Director, Athens Public International Law Center

**Katia Fach Gómez**, Professor, Faculty of Law, University of Zaragoza.

**Catharine Titi**, Research Scientist, French National Centre for Scientific Research (CNRS) and CREDIMI, University of Burgundy.

**Anastasiosourgourinis**, Lecturer, Faculty of Law, National and Kapodistrian University of Athens; Athens Public International Law Center.

10:30 – 11:30 **Keynote Lecture**

Nicolas Politis Lecture Series

**The Great Hall** | Historical Central Building

**Christoph Schreuer**, Emeritus Professor, Department of European, International Law and Comparative Law, University of Vienna; Of Counsel, zeiler.partners Rechtsanwälte

[War and Peace in Investment Law](#)

12:00 – 13:30 **Parallel Sessions**

### Parallel Session 1

**The Great Hall** | Historical Central Building

**Chair: Attila Massimiliano Tanzi**, Professor, Department of Legal Studies, University of Bologna

#### Speakers:

**Tomer Broude**, Sylvan M Cohen Chair, Faculty of Law and Department of International Relations, and Academic Director of the Minerva Center for Human Rights, Hebrew University of Jerusalem  
[The Protection of Investments in Occupied Territories: Some Considerations](#)

**Patrick Dumberry**, Associate Professor at the University of Ottawa (Civil Law Section)  
[An Overview of State Succession Issues Arising as a Result of an Armed Conflict](#)

**Ursula Kriebaum**, Professor, Department of European, International Law and Comparative Law, University of Vienna

[Investment arbitration as a means to de-politicize investment conflicts](#)

**Martins Paparinskis**, Reader in Public International Law, University College London

[International Investment Law and Disputed Territories: A Generalist Perspective](#)

### Parallel Session 2

**"Alkis Argiriadis" Amphitheater | Historical Central Building**

**Chair: Photini Pazartzis**, Professor, Faculty of Law, National and Kapodistrian University of Athens; Director, Athens Public International Law Center

#### Speakers:

**Tobias Ackermann**, Research Associate and Doctoral Student, Institute for International Law of Peace and Armed Conflict (IFHV), Ruhr University Bochum

[Investments Under Occupation: Belligerent Occupation and the Application of Investment Treaties](#)

**Belén Olmos Giupponi**, Senior Lecturer in EU and International Law, Liverpool Hope University,

[Exploring the links between nationality changes and investment claims arising out of armed conflicts](#)

**Teerawat Wongkaew**, Legal Officer, Department of Treaties and Legal Affairs, Ministry of Foreign Affairs (Thailand)

[Cross-fertilization of international investment law and international humanitarian law: prospects and pitfalls](#)

**Stratis Georgilas**, G – H Chambers, Head of Chambers

[Protecting an Investment while safeguarding Cultural Property in the Event of Armed Conflict: An essential Dialogue between Fora](#)

13:30 – 14:30

### Break

14:30 – 16:00

### Parallel Sessions

#### Parallel Session 3

**"Ioannis Drakopoulos" Amphitheater | Historical Central Building**

**Chair: Julien Chaisse**, Professor, Chinese University of Hong Kong (CUHK), Faculty of Law

#### Speakers:

**Robert Howse**, Lloyd C. Nelson Professor of International Law, New York University

[Host state responsibility for taking measures against terrorism](#)

**Sébastien Manciaux**, International Law Professor, University of Burgundy

[The Full Protection and Security Standard in Investment Law: An Obligation of Result or an Obligation of Conduct?](#)

**Eric De Brabandere**, Professor of International Dispute Settlement, Grotius Centre for International Legal Studies, Leiden University

[The Subjectivity of Full Protection and Security and the Due Diligence Standard](#)

**Ira Ryk-Lakhman**, MPhil/PhD Student, University College London

['Reasonable' protection and security of foreign investments in armed conflicts](#)

## Parallel Session 4

**"Alkis Argiriadis" Amphitheater | Historical Central Building**

**Chair: Katia Fach Gómez**, Professor, Faculty of Law, University of Zaragoza

### Speakers:

**Maria Gavouneli**, Associate Professor of Public International Law, Faculty of Law of the National and Kapodistrian University of Athens; Athens Public International Law Research Center

[Armed conflict and the protection of investments in the energy sector](#)

**Antal Berkes**, Postdoctoral Research Fellow, Manchester International Law Centre, School of Law, University of Manchester

[The responsibility of the host State for the violations of investors' rights in a part of its territory under occupation](#)

**Merryl Lawry-White**, Associate, Debevoise & Plimpton LLP

[International investment arbitration and standards applicable in conflict: parallel or merging worlds?](#)

**Ofilio J. Mayorga**, Associate Attorney, Foley Hoag LLP

[Arbitration of Disputes Under State Contracts in Times of Military Occupation](#)

16:00 – 16:30

## Break

16:30 – 18:00

## Parallel Sessions

### Parallel Session 5

**"Ioannis Drakopoulos" Amphitheater | Historical Central Building**

**Chair: Friedl Weiss**, Professor, Department of European, International Law and Comparative Law, University of Vienna

### Speakers:

**Daniel Joyner**, Elton B. Stephens Professor of Law, Director of International Program, University of Alabama

[Termination and suspension of investment treaties as a consequence of armed conflict](#)

**Catharine Titi**, Research Scientist, French National Centre for Scientific Research (CNRS) and CREDIMI, University of Burgundy

[The Life Cycle of Investment Protections in Times of Armed Conflict: Survival and Revival in \*Ius in Bello\* and \*Ius Post Bellum\*](#)

**Gabriele Gagliani**, Contract Professor of International Law, Bocconi University  
[Supervening Impossibility of Performance and the Effect of Armed Conflict on Investment Treaties: Any Room for Maneuver?](#)

### Parallel Session 6

**"Alkis Argiriadis" Amphitheater | Historical Central Building**

**Chair: Marina Trunk-Fedorova**, Senior Research Fellow - Kiel University, KEEL - Kiel Center for Eurasian Economic Law

### Speakers:

**Kevin Crow**, Lecturer and Senior Researcher at the University of Halle - Wittenberg Law School (Germany), Research Associate, Asia School of Business (Malaysia)

[International Investor Obligations and Crimes Against Humanity: The Urbaser Spectrum](#)



**Alia Algazzar**, Doctoral Student, Graduate Institute of International and Development Studies; Trainee at Freshfields Bruckhaus Deringer LLP, Dubai  
[Jus in Bello in Investment Treaty Disputes: A Rising Moon in the Twilight Zone of Investment Protections in Times of Armed Conflict](#)

**Kong Soon Lim**, University of Northumbria  
[Armed Conflicts and Customary Law on Investment: Codification and Fragmentation of 'Protection and Security'](#)

**Michail Risvas**, Associate, Three Crowns LLP  
[Non-discrimination and the protection of investments during and after armed conflict](#)

## Friday 6 October 2017

09:00 – 10:30 **Parallel Sessions**

### Parallel Session 7

**"Ioannis Drakopoulos" Amphitheater | Historical Central Building**

**Chair: Jansen Calamita**, Head, Investment Treaty Law & Policy, Centre for International Law; Research Associate Professor, Faculty of Law, National University of Singapore

#### Speakers:

**Anna Aseeva**, Researcher at the Centre d'Etudes Juridiques et Politiques (CE-JEP), University of La Rochelle, and Adjunct Professor at HEC Paris  
[Coercive interference through transnational investment relations: development, territory and resources](#)

**Martin Hemmi**, Research and Teaching Assistant, Institute of Public Law, University of Bern  
[Using International Investment Arbitration for Compensating Victims of Torture](#)

**Eleni Micha**, Teaching Fellow, Faculty of Law, National and Kapodistrian University of Athens; Athens Public International Law Center  
[Responsible investment in occupied territories: Beyond the UN & OECD Principles](#)

**Tom Syring**, Visiting Scholar at University of Oslo, Norwegian Centre for Human Rights  
[Foreign Corporate Responsibility in Times of War and Occupation: The Case of Heineken-Bralima in the Congo](#)

### Parallel Session 8

**"Alkis Argiriadis" Amphitheater | Historical Central Building**

**Chair: Maria Telalian**, Hellenic Ministry of Foreign Affairs

#### Speakers:

**Antonis Bredimas**, Emeritus Professor, Faculty of Law, National and Kapodistrian University of Athens; Athens Public International Law Center  
[Kosovo and Foreign Investment Protection](#)

**Fabio Bassan**, Professor of International Law, University of Rome 3  
[Multilateral, primary and secondary sanctions and Investments: the case of Iran](#)

**Stamatios Tsetos**, Founding Partner, Tsetos & Leboulanger Law Firm Partner, Leboulanger & Associés  
[Investment protection in Libya](#)

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**Ana Maria Daza**, Lecturer in International Law, University of Edinburgh; **Daniel Behn**, Postdoctoral Research Fellow in International Dispute Settlement, PluriCourts Centre of Excellence, Department of Public and International Law, University of Oslo  
[War and Peace in Libya: Investment treaty arbitration during and in between periods of armed conflict](#)

10:30 – 11:30 **Break**

11:30 – 13:00 **Parallel Sessions**

### **Parallel Session 9**

**“Ioannis Drakopoulos” Amphitheater | Historical Central Building**

**Chair: Robert Howse**, Lloyd C. Nelson Professor of International Law, New York University

#### **Speakers:**

**Vladimir Gladyshev**, Managing Partner Gladyshev and Partners AB  
[Russian domestic law in Crimea-related investment arbitrations: issues and pitfalls](#)

**Yarik Kryvoi**, Senior Research Fellow in International Economic Law and Director of the Investment Treaty Forum at the British Institute of International and Comparative Law; Professor of Law, University of West London  
[Annexation of Crimea and International Investment Law](#)

**Laura Rees-Evans**, Senior Associate, Fietta LLP  
[Litigating the use of force: reflections on the interaction between investor-State dispute settlement and other forms of international dispute settlement in the context of the conflict in Ukraine](#)

### **Parallel Session 10**

**“Alkis Argiriadis” Amphitheater | Historical Central Building**

**Chair: Maria Gavouneli**, Associate Professor of Public International Law, Faculty of Law of the National and Kapodistrian University of Athens; Athens Public International Law Research Center

#### **Speakers:**

**George Kyriakopoulos**, Lecturer, Faculty of Law, National and Kapodistrian University of Athens; Athens Public International Law Center  
[The impact of acts of violence and social unrest on investment contracts](#)

**Rafael Tamayo Álvarez**, PhD Candidate from the Doctoral Program in Law, Universidad de Los Andes, Bogotá  
[The Colombian Land Restitution Programme: A Clash Between Transitional Justice and Foreign Investment Protection](#)

**Lukas Vanhonnaeker**, Doctoral Candidate, McGill University, Faculty of Law Montreal  
[The Recourse to Private Military and Security Companies by Foreign Investors in Conflict-Affected Countries: Dangers, Opportunities and the Need to Regulate](#)

**Michail Dekastros**, Associate, Three Crowns LLP  
[Armed conflict and the protection afforded to sovereign wealth funds under international investment law](#)

13:00 – 14:00 **Break**

14:00 – 15:30 **Parallel Sessions**

**Parallel Session 11**

**“Ioannis Drakopoulos” Amphitheater | Historical Central Building**

**Chair: Stelios Stavridis**, Senior Research Fellow, Fundación Agencia Aragonesa para la Investigación y el Desarrollo, University of Zaragoza

**Speakers:**

**Gabriel Bottini**, Partner, Uría Menéndez (Madrid); Adjunct Professor of Public International Law, University of Buenos Aires  
*Reflections on the origins and evolution of war and civil disturbance clauses*

**Caroline Henckels**, Senior Lecturer, Faculty of Law, Monash University  
*Investment treaty exceptions and the circumstances precluding wrongfulness in the context of armed conflict*

**Suzanne Spears**, Partner, Volterra Fietta, London; **Maria Fogdestam-Agius**, Associate, Volterra Fietta, London  
*Protection of Investments in War-Torn States: A Practitioner Perspective on War Clauses in Bilateral Investment Treaties*

**Jure Zrilic**, Lecturer, University of Liverpool  
*Force majeure as a defence against conflict-related investment claims*

**Parallel Session 12**

**“Alkis Argiriadis” Amphitheater | Historical Central Building**

**Chair: Christoph Schreuer**, Emeritus Professor, Department of European, International Law and Comparative Law, University of Vienna; Of Counsel, zeiler. partners Rechtsanwälte

**Speakers:**

**Yannick Radi**, Professor of Public International Law, University of Louvain (UCLouvain)  
*In-Between Law and Policy: Attributing (or Not) the Conduct of Insurrectional Movements to States in Investor-State Arbitration*

**Anastasiosourgourinis**, Lecturer, Faculty of Law, National and Kapodistrian University of Athens; Athens Public International Law Center  
*Armed Conflict and ‘Denial-of-Benefits’ Clauses in Investment Treaties*

**Maria-Eleni Chrysanthakopoulou**, Faculty of Law, National and Kapodistrian University of Athens & FDI Moot Alumni Vice-President; **Nicolas Pralica**, Associate, Dechert LLP & FDI Moot Alumni President  
*Armed conflict, contributory fault and damages in investment disputes*

**José Gustavo Prieto Muñoz**, Post-Doctoral Researcher, University of Verona  
*Awarding damages in times of armed conflict: An emerging standard of ‘economic capacity’ of the host state*

15:30 – 16:00

**Break**

16:00 – 17:30

**Parallel Sessions**

**Parallel Session 13**

**“Ioannis Drakopoulos” Amphitheatre | Historical Central Building**

**Chair: Charalambos Pamboukis**, Professor, Faculty of Law, National and Kapodistrian University of Athens

### Speakers:

**Georgios Petrochilos**, Partner, Three Crowns LLP

[The obligation of due diligence under general international law and international investment law during armed conflicts](#)

**Philippe Leboulanger**, Founding Partner, Leboulanger & Associés

[Duty to Protect Foreign Investment in Armed Conflicts and International Arbitration](#)

**Athina Fouchard Papaefstratiou**, Counsel, Lazareff Le Bars

[Armed conflicts clause in investment treaties: minimum protection or lex specialis?](#)

**Sebastian Wuschka**, Associate, Luther Rechtsanwaltsgesellschaft; Visiting Lecturer & Doctoral Student, Ruhr-University Bochum

[The Obligation of Non-Recognition of Situations Created by an Illegal Use of Force before International Investment Tribunals](#)

### Parallel Session 14

**"Alkis Argiriadis" Amphitheater | Historical Central Building**

**Chair: Catharine Titi**, Research Scientist, French National Centre for Scientific Research (CNRS) and CREDIMI, University of Burgundy

### Speakers:

**Markus Wagner**, Associate Professor, University of Warwick School of Law

[The Parallel - Though Temporally Distinct - Development of the Principle of Proportionality in International Investment Law and International Humanitarian Law](#)

**Jansen Calamita**, Head, Investment Treaty Law & Policy, Centre for International Law; Research Associate Professor, Faculty of Law, National University of Singapore

[Investment Treaties and Peace Agreements: What Role for Lump Sum Settlements?](#)

**Daniel Behn**, Postdoctoral Research Fellow in International Dispute Settlement, PluriCourts Centre of Excellence, University of Oslo; **Taylor St. John**, Postdoctoral Research Fellow, PluriCourts Centre of Excellence, Department of Public and International Law, University of Oslo; and **Günes Ünüvar**, Postdoctoral Research Fellow, Centre of Excellence for International Courts (iCourts), Faculty of Law, University of Copenhagen

[Might Claims Commissions Work Better? A Comparative Analysis of Claims Commissions and Arbitral Tribunals to Settle Investment-Related Disputes in Conflict Zones](#)

**Vaios Koutroulis**, Lecturer in Public International Law, International Law Centre, Faculty of Law, Université libre de Bruxelles (ULB)

[Interpretation of military necessity in the context of international investment law](#)

17:30– 18:30

### Keynote Lecture

Nicolas Politis Lecture Series

**"Alkis Argiriadis" Amphitheater | Historical Central Building**

**Alain Pellet**, Emeritus Professor, University Paris Nanterre

[The Paradox of the Prohibition on the Use of Force in Contemporary International Law: Some Remarks](#)

18:30

### Closing Remarks



## International Economic Law Interest Group

**ESIL International Economic Law Interest Group  
2018 MANCHESTER ESIL Conference  
Workshop of the ESIL IEL IG – 12 and 13 September 2018**

### **International Economic Law in 2018: Between Reform and Contestation**

**12th September 2018 h. 13:00 - 18:00  
Room 2.05, Williamson Building, 176 Oxford Road, Manchester, M13 9QQ**

**13th September 2018 h. 09:00 - 12:30  
Room C16, Renold Building, Altrincham Street, Manchester, M1 7JA**

**WEDNESDAY 12 SEPTEMBER 2018  
h. 13.00 – 14.45**

#### **Panel 1: Electronic Commerce, Cyberspace & International Economic Law**

**Chair:** Holger Hestermeyer, *King's College London*

**Speakers:**

Ines Willemyns, *Leuven Centre for Global Governance Studies (GGS) – Institute for International Law, KU Leuven*

The GATS (In)Consistency of Barriers to Digital Services Trade

Ana Luísa Soares Peres, *King's College London*, and Letícia De Souza Daibert, *Facultad Latinoamericana de Ciencias Sociales (FLACSO), Buenos Aires*

Public-Private Dialogue in the WTO: Supporting E-Commerce to Promote Development?

Loris Marotti, *University of Milan*  
Joint Interpretation Clauses: A Mixed Blessing?

Alessandra Arcuri, *Erasmus University Rotterdam* and Francesco Montanaro, *Erasmus University Rotterdam*  
Protecting the Public Interest in Investment Treaties

*Discussion*

**h. 14.45-15.00 Coffee Break**

**h. 15.00-16.45**

**Panel 2: Reform of Investment Dispute Settlement and Developments in EU Investment Law**

**Chair:** Catharine Titi, *CNRS-CERSA, University Paris II Panthéon-Assas*

**Speakers:**

Jansen Calamita, *National University of Singapore*  
The European Union's Investment Court: Bilateral and Multilateral Games

Rhea Tamara Hoffmann, *University of Erlangen-Nuremberg*  
The Multilateral Investment Court: Stepping Stone or Stumbling Block?

Javier Garcia Olmedo, *Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law*  
Investor-State Arbitration in Times of Reform: Balancing the Asymmetry of Investment Treaties through National Requirements

Dominik Moskván, *University of Antwerp*  
Out of (State) Control: EU Member States and State-Owned Enterprises' Investment Claims

Pavel Šturma, *Charles University in Prague*  
Is There Any Future for Investment Treaty Arbitration in Europe? Some Comments in Light of the *Achmea* Judgment

*Discussion*

**h. 16.45 – 17.00 Coffee Break**

**h. 17.00 – 17.30**

**General Meeting with the IG Members**

**THURSDAY 13 SEPTEMBER 2018**

## **Roundtable: The Multilateral Trading System in Trouble**

**h. 09.00-10.30**

### **The Multilateral Trading System in Trouble (Part I)**

**Chair:** Marina Trunk Fedorova, *St. Petersburg University*

#### **Speakers**

Ulrich Petersmann, *European University Institute*

Need for Democratic Legislation for Protecting the World Trading System

Elisa Baroncini, *Alma Mater Studiorum - University of Bologna*

The US Attack of the WTO Appellate Body

Geraldo Vidigal, *University of Amsterdam*

Westphalia Strikes Back? Coping with Conflicts of Conceptions in WTO Dispute Settlement

Ravindra Pratap, *South Asian University, New Delhi*

Exploring the Possibility of Litigation Costs in WTO Dispute Settlement

Richard Ouellet, *Faculté de droit de l'Université Laval*

The Dispute Settlement Crisis at the WTO: And If the US were defending fair trade?

**h. 10.30-11.00 Coffee Break**

**h. 11-12.30**

### **The Multilateral Trading System in Trouble (Part II)**

**Chair:** Peter-Tobias Stoll, *University of Göttingen*

#### **Speakers**

Hyokyung Jung, *Embassy of the Republic of Korea to New Zealand Wellington*

WTO under the Threat: Bilateral Agreements and Regional Public Goods

Matjaz Nahtigal, *University of Primorska, Slovenia*

Globalization, Rise of Populism and the Role of International Legal Institutions

Daria Boklan, *National Research University Higher School of Economics, Moscow*

Are Anti-Russian “Sanctions” Justifiable by WTO Security Exceptions?

Harlan Grant Cohen, *University of Georgia School of Law*

What Is International Trade Law For?

*Discussion*

### **Conveners**

Prof. Elisa Baroncini, *Alma Mater Studiorum* - Università di Bologna

Prof. Holger Hestermeyer, King's College

Prof. Catharine Titi, CNRS-CERSA, University Paris II Panthéon-Assas

Prof. Marina Trunk Fedorova, St. Petersburg University

Prof. Peter-Tobias Stoll, University of Göttingen