

Conference on
'Socially Responsible Foreign Investment
under International Law'

Católica Global School of Law

Lisbon, October 24-25, 2019

Call for Papers

KEYNOTE SPEAKER:

Miguel Poiares Maduro European University Institute & Católica Global School of Law

ORGANIZED BY:

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From the perspective of a private entity, the main purpose of investing abroad is to obtain increased financial returns because of favourable production conditions and business opportunities in the host country. As such, the promotion of certain social goods is not the responsibility of foreign investors. However, host States may always condition foreign investments on the respect of certain rules and commitments aimed at the preservation or promotion of common goods they consider socially desirable. These social goods can be local or global – in any case, they usually have a cost for the foreign investors who will make their investment decision by considering it.

That is the usual story – a story made of respective roles and responsibilities, based on the rational behaviour of all actors.

However, does the story end there? Are host States free to pursue any social good they deem desirable? Are foreign investors protected from the whims of foreign governments? Are they accountable for making their investment at the expense of certain global goods, even at the request of the local authorities? Are foreign investors entitled to walk away and knock on the door of another potential host State, engaging in a race to the bottom? Should foreign investors be pursuing social goods on their own? If so, which ones? How to disentangle local social goods from global ones? Should home States of the foreign investors regulate their behaviour abroad in the name of social goods they considers global – irrespective of the views of the host State on the issue?

This is not simply a story of not doing abroad what you ought not to do at home: in an interconnected world, it goes deeper than that as the emergence of global goods protected under international law is shifting roles and responsibilities.

The purpose of this conference – which aims to attract investment law specialists, but also legal scholars from other fields – will be to enquire about how and to what extent can we speak about

'Socially Responsible Foreign Investments under International Law'

In this context, the convenors of the conference welcome the submission of papers on this theme, including (but not exclusive of) the following broad topics:

- Business and human rights, including the assessment of the application of human rights in horizontal relations or the protection of consumers' rights;
- Investment transparency, including the necessary procedural transparency and the adoption of good governance practices, anti-corruption standards;
- Environmental standards, including environmental stewardship, the protection of biodiversity, climate justice, and investor's *ex ante* and *ex post* responsibility;
- Investor-State arbitration and socially responsible investments;
- Universal civil jurisdiction against corporations and the jurisdiction of parent States of transnational corporations;
- Social impact bonds and the promotion of fair trade and sustainable development;
- Compliance, accountability, and enforcement of socially responsible standards, including State and corporate due diligence;
- ...

Submission and selection of potential contributions:

Interested practitioners and scholars (including early career researchers and PhD candidates) are invited to submit an abstract of about 500 words, in English or French, by **15 April 2019** at the latest, at the following address:

investmentconference2019@gmail.com

Submissions should include a *curriculum vitae*, including email and institutional affiliation, and should indicate current ESIL membership status.

Selected participants will be informed by 15 May 2019.

Confirmed participants will then provide a draft of their conference papers not later than 6 weeks before the conference.

A few weeks after the conference, participants will be invited to submit their final paper for publication in an edited monograph, subject to double-blind peer review.