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COLLOQUIUM

International Investment Law & New Technologies

9 and 10 December 2021
Tilburg, the Netherlands

CALL FOR PAPERS

The Tilburg Law and Economics Center (TILEC) at Tilburg University (the Netherlands) is hosting a *Colloquium on 'International Investment Law & New Technologies'* which will take place on 9 and 10 December 2021 in Tilburg, the Netherlands.

The *Colloquium on 'International Investment Law & New Technologies'* is jointly organized by TILEC; Athens Public International Law Center (Athens PIL) of the National and Kapodistrian University of Athens School of Law; and Hamad Bin Khalifa University (HBKU) College of Law (Qatar).

The *Colloquium* is convened by Panos Delimatsis (Tilburg Law School), Georgios Dimitropoulos (HBKU College of Law), and Anastasios Gourgourinis (National and Kapodistrian University of Athens, School of Law; Athens PIL).

Colloquium theme

International investment law was part of the liberal world order that developed in the post-World War II era. The liberal world order assumed that capital would flow from private investors of the North and West into the developing countries of the South and East. Following a largely industrial paradigm of development, the physical movement of investors and capital into the host State was envisaged.

However, a paradigm shift is observed in recent times. New technologies have emerged in the global economy. Liberal capitalism has given way to a new model of capitalism in international economy: digital capitalism. The new technologies change the nature in which investments are made. Artificial Intelligence and machine learning technology allow for investments conducted by algorithms rather than humans. Blockchain technology allows transactions in crypto-assets such as cryptocurrencies across borders in a pseudonymous way. Overall, new technologies challenge previously established concepts in international investment law and thus call for revisiting the role of International Investment Law in the age of digital capitalism and digital transactions.

At the same time, new technologies give rise to opportunities for foreign investment away from the traditional fields of International Investment Law such as natural resources and infrastructure, and towards the innovation economy such as in new digital markets; in the areas of AI and robots; biometrics; genomic medicine; quantum and blockchain; FinTech; as well as smart waste management methods and use of secondary critical raw materials in line with the circular economy opportunities. The products and services of the innovation economy will have the tendency to be developed in Global Value Chains and offered in a cross-border way. At the same time, nationalistic tendencies to reinvigorate investment in strategic digital capacities and capabilities in areas such as AI, cybersecurity, data and cloud infrastructure, 5G and 6G networks; or supercomputers emerge emphatically. This raises new sets of questions: What is the role of International Investment Law in the age of the innovation and sharing economy? And how does the pursuit of controlling digital supply chains or achieving technological sovereignty affect our understanding and interpretation of basic economic law concepts?

In addition, the assets in which foreign investments have traditionally taken place acquire new importance and raise new issues in the age of new technologies as they can be used and manipulated in a cross-border way. The management of critical infrastructure such as airports, ports, highways, bridges, etc.. raises novel issues of national security. In addition, in the current geopolitical environment, previously mundane technological equipment becomes part of critical infrastructure that may have an impact on health-, education-, transport-, or logistics-related services. Thus, digital assets, considered by now as strategic, can be targeted by foreign investors and therefore may need to be protected. This raises the following question: What is the role of International Investment Law in the age of rising national security concerns regarding critical infrastructure?

New technologies reshape the foundations of International Economic Law and the protection of investments under IIAs, and potentially pose challenges to the system of investor-state dispute settlement (ISDS).

The organizers of the *Colloquium* invite scholars working in the relevant fields to submit abstracts of a conceptual, theoretical and empirical nature on the following, broadly defined areas:

A. The International Economic Order in the Age of Digitization and Innovation

- The new political economy of International Investment Law in digital capitalism
- The new political economy of International Investment Law in the innovation economy
- The new political economy of International Investment Law in the circular economy
- B. Foreign Investment and International Investment Law in the Digital Economy
 - Issues of foreign investment in the digital economy
 - Issues of foreign investment in the sharing and platform economy
 - Digital services and International Investment Law
- C. Foreign Investments and International Investment Law in the Innovation Economy
 - Foreign investments and Global Value Chains
 - Issues of foreign investment in AI and robots
 - Issues of foreign investment in biometrics
 - Issues of foreign investment in genomic medicine
 - Issues of foreign investment in biometrics
 - Issues of foreign investment in digital assets, crypto-assets and FinTech
- D. Blockchain Technology and International Investment Law
 - Crypto-assets as ‘investments’ in International Investment Law
 - The nodes as ‘investors’ in international investment law
 - Initial Coin Offerings (ICOs) in International Investment Law
- E. Foreign Investment in Digital Infrastructure
 - Foreign investment in ‘critical infrastructure’
 - National security exceptions in IIAs vis-à-vis investment in non-physical critical infrastructure
 - Strategic value chains: investment-related issues
 - Digital supply chains and cybersecurity: investment-related issues
 - Technological sovereignty and strategic digital capacity – Role of and impact on IIAs
- F. Arbitrating Investment Disputes in the Age of New Technologies
 - Grounds for exclusion of investments in digital assets from the *ratione materiae* scope of IIAs
 - The use of algorithmic decision-making in investment arbitration
 - The use of blockchain technology in investment arbitration
 - Blockchain evidence in investment tribunals
 - Personal data protection issues in investment arbitration
 - Big-data-related issues in investment arbitration
 - Other evidentiary issues affected by new technologies

Guidelines for Submission

Senior and junior academics and practitioners with a legal, economic or other social science background (including PhD candidates and post-doctoral researchers) are invited to participate to the call for papers of the ***Colloquium on ‘International Investment Law & New Technologies’***. Authors are invited to submit abstracts of original papers which are neither published nor accepted for publication when the *Colloquium* takes place, by 28 May 2021. Papers will be selected based on submitted abstracts, subject to double-blind peer review. Only one abstract per author will be considered. Abstracts must not exceed 800 words, must be anonymous and not identify the name or affiliation of the author(s) in the abstract, the title, or the name of the document, and must be submitted to the following email addresses: p.delimatsis@uvt.nl; agourg@law.uoa.gr; and gdimitropoulos@hbku.edu.qa. In addition to the abstract, each submission should contain, as a separate file, a short (one-page) author’s CV, including the author’s name and affiliation and contact details and a list of relevant publications.

Authors of selected abstracts for the *Colloquium* will be notified by July 9, 2021. Following this, they must submit a draft paper (6,000-8,000 words) words by November 5, 2021. The draft papers will be distributed to the other participants in advance to facilitate an in-depth discussion during the *Colloquium*.

After the *Colloquium*, submission of final papers (up to 10,000 words) by authors is due by 14 January 2022. Final papers will be considered for publication, subject to further peer review, either as an edited volume with a reputable publisher or as a special edition of a law journal.

Venue, participation and registration

The *Colloquium* will be held at the premises of TILEC at Tilburg University, if the global public health conditions allow. Otherwise, it will be held as a webinar. Attendance at the *Colloquium* will be open to the public, but a limited number of places is available. Speakers will be expected to bear the costs of their own travel and accommodation.

Key dates

- 28 May 2021: Deadline for abstracts submission
- 9 July 2021: Announcement of accepted abstracts
- 5 November 2021: Deadline for draft paper submission (6,000-8,000 words)
- 9 and 10 December 2021: *Colloquium*
- 14 January 2022: Deadline for final paper submission for publication (up to 10,000 words)

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