



International Economic Law  
Interest Group

**ESIL International Economic Law Interest Group**  
**Workshop of the ESIL IEL IG**  
**Side-event to the 2023 ESIL Annual Conference in Aix-en-Provence**

**Wednesday 30 August (13.00-19.00 CEST)**  
**and**  
**Thursday 31 August 2023 (09.30-12.30 CEST)**

**Pursuing Fairness in Times of Crisis:  
Reflections on the Future of International  
Economic Law**

*Hybrid Event – Registration required*

The event is foreseen to take place as a hybrid event.

**Registration is required** through the 2023 ESIL Annual Conference website:

<https://www.esilaix2023.fr/register>

Further details are available on the conference website: <https://www.esilaix2023.fr/>

For any questions regarding the registration and the logistical details, please contact the local organizers at [contact@esilaix2023.fr](mailto:contact@esilaix2023.fr)

Please note that all workshop participants are expected to be **ESIL members**. Please find information about ESIL membership here: <https://esil-sedi.eu/individual-members/>

For any further information regarding the programme, please contact the IG IEL Co-Convenors at: [esilintecolawig@gmail.com](mailto:esilintecolawig@gmail.com)

## *Programme*

**Wednesday, 30 August 2023 (h. 13.00-19.00)**

**h. 13.00-14.00**

***Opening remarks: Professor Elisa Baroncini (Alma Mater Studiorum - Università di Bologna)***

**PART 1 FAIRNESS IN INTERNATIONAL TRADE LAW**

**SESSION 1 SECURITY ISSUES IN INTERNATIONAL TRADE LAW**

***Chair: Professor Elisa Baroncini (Alma Mater Studiorum - Università di Bologna)***

*Toward Best Practices for Trade-Security Measures – Harlan Cohen (University of Georgia)*

*Pandora Box of the WTO Security Exceptions has been Opened – Daria Boklan (National Research University Higher School of Economics)*

*Reversing Unfairness Resulting from the Use of Unilateral Economic Sanctions in the Light of the International Rule of Law Principles - Hazar Kaan Ozkonak (Utrecht University)*

*Foreign Investments and Energy Transition in the Netherlands: Balancing Economic and Security Interests - Olga Hryniv and Saskia Lavrijssen (Tilburg University)*

***Discussion***

**h. 14.00-15.30**

**SESSION 2 DIFFERENT FACETS OF FAIRNESS IN INTERNATIONAL TRADE LAW**

***Chair: Dr. Anna-Alexandra Marhold (Leiden University)***

*Understanding (Un)Fairness in International Economic Law through a Law and Literature Lens – Emily Sipiorski (Tilburg University)*

*Coping with Today's Global Challenges: When "Unfair" Trade Becomes a Necessity – Richard Ouellet (Laval University)*

*When remedies for unfair trade become unfair: towards an abuse of anti-dumping and countervailing measures in the WTO – Antoine Comont (Laval University, University of Bordeaux)*

*Agricultural Domestic Support under the WTO Agreement on Agriculture. Possible Prospects for a Fair Deal* - Klaus Günter Blank (European Commission, Directorate-General Agriculture and Rural development, Global issues Unit)

*Fairness in International Trade Law: The Status of the South Asian Countries in the WTO* – Ravindra Pratap (South Asian University)

*The Development Discourse in and beyond the WTO: Rethinking the Status and Capacity of Developing Countries* – Wei Yin (Southwest University of Political Science and Law)

***Discussion***

**h. 15.30-16.00 – coffee break**

**h. 16.0-17.30**

## **PART 2 FAIRNESS IN INTERNATIONAL INVESTMENT LAW AND ARBITRATION**

### **SESSION 1 INTERNATIONAL INVESTMENT LAW TREATIES AND FAIRNESS ISSUES**

***Chair: Dr. Gustavo Prieto (Ghent University)***

*Ghosts of the Past: The Dominance of Older Treaty Language in International Investment Arbitration* - Runar Lie (University of Oslo)

*International Investment Law from an Adaptive Law Perspective* - Laura Létourneau Tremblay (PluriCourts, University of Oslo)

*The Disorder in International Investment Law Regime: A Fairness Challenge* – Prabhash Ranjan (South Asian University)

*'Legitimate Expectations' Beyond Fair and Equitable* - Hui Pang (University of New South Wales)

*Fairness as Balance: Investor Obligations and the Investment Treaty Reform* - Klara Polackova Van der Ploeg (University of Nottingham)

*EU Values Into Investment Law: Balancing Legal Certainty with Regulatory Stability* - Maria Laura Marceddu (European University Institute)

***Discussion***

**h. 17.30-19.00**

**SESSION 2 INTERNATIONAL INVESTMENT LAW PROCEDURAL ISSUES**

**Chair: Dr. Federica Cristani (Institute of International Relations, Prague)**

*Remedies in International Investment Law beyond the ILC Articles on State Responsibility: Lessons from Domestic Laws* – Xuan Shao (New York University)

*A Fair Quantification of Damages in Investment Arbitration: What Role for Broader Contextual Elements?* – Erik Brouwer (Université Catholique de Louvain)

*Can Valuation ever be Fair? A Comparative Analysis of Valuation Practices under International Investment, Trade and Tax Law Regimes* – Toni Marzal (University of Glasgow)

*Enforcers of Fairness? The Use (or Abuse) of Annulment Proceedings* – Nicola Strain (PluriCourts, University of Oslo)

*Impartiality (?) of Party-Appointed Arbitrators* – Marina Konstantinidi (Independent Researcher)

*Down the Rabbit Hole of Investment Arbitration and Ethics: An Inquiry into Fairness amongst the Duties of Arbitrators* – Paolo Vargiu (University of Leicester)

**Discussion**

**Thursday 31 August 2023 (h 09.30-12.30)**

**h. 9.30-10.45**

**Opening remarks: Professor Peter-Tobias Stoll (Georg-August-Universität Göttingen)**

**PART 3 FAIRNESS IN THE GLOBAL FINANCIAL ARCHITECTURE**

**Chair: Professor Peter-Tobias Stoll (Georg-August-Universität Göttingen)**

*Financial Crisis Response and Regime Complexity: an Uneasy Compromise* – Panagiotis Kyriakou (Archipel law firm)

*Taking Global Tax Justice Seriously* - Tsilly Dagan (University of Oxford) and Alice Pirlot (Geneva Graduate Institute)

*Economic Crisis Resolution & Monetary Power. Sovereign Immunity Rules Concerning Central Banks and Sovereign Debt* – Astrid Iversen (Inland Norway University of Applied Sciences)

*Between Authority and Principle: on the Role of Supranational Financial Institutions in Assessing the Fairness of Challenged Measures in International Investment Law* – Alina Papanastasiou (University of Cambridge)

**Discussion**

**h. 10.45-11.15 – coffee break**

**h. 11.15-12.30**

**PART 4 FAIRNESS QUESTIONS IN CURRENT PRESSING ISSUES IN INTERNATIONAL ECONOMIC LAW**

**Chair: Dr Marina Trunk-Fedorova (Kiel University)**

*Environment-Led 'WTO-Minus' Provisions of EU External Trade Agreements* – Cédric Henet (Catholic University of Louvain)

*Addressing the Unfairness Regarding Climate vis a vis Geopolitical Security Responses in Investment Regulation* – Zaker Ahmad (University of Göttingen, University of Chittagong)

*Regulating Digital Economy through Trade Agreements. A Path for Fairness or a Way to Preserve Unfairness?* - Magdalena Słok-Wódkowska and Joanna Mazur (University of Warsaw)

*Yesterday and Today for State Contracts-Explicationibus on the Routes of Administrative Law and Public International Law* - Cristina Elena Popa Tache (Bucharest University of Economic Studies)

**Discussion**

**Concluding Remarks: Dr Marina Trunk-Fedorova (Kiel University)**

### **Convenors**

Dr. Federica Cristani, Institute of International Relations, Prague

Dr. Anna Marhold, Leiden University

Dr. Gustavo Prieto, Ghent University

Dr. Marina Trunk-Fedorova, Kiel University