



The Present and Future Role of Investment Treaty Arbitration in Adjudicating Environmental Disputes

**PluriCourts Symposium
5 and 6 November 2015, Oslo**

The interaction between international investment law and (inter)national environmental law has been of interest to scholars and practitioners for quite some time. Most of the discourse and analysis has focused on issues of fragmentation, conflict, and the balancing of obligations between legal regimes as they arise in the context of disputes before investment treaty tribunals. Many of these cases call upon arbitrators to decide whether a change to a state's environmental regime is justified even where such changes might violate the state's obligations under an international investment agreement (IIA) (ie a fracking moratorium, changes in zoning regulations, or a nuclear phase-out program).

However, this is just one facet of potential interactions between these regimes. There is also an emerging strand of scholarship and reform-minded practice focusing on the ways in which international investment law and environmental law can be mutually supportive and complimentary. For example, this mutually supportive approach could be investigated from a number of angles: 1) how, when, and to what extent can future IIA practice – as informed by existing treaty practice and jurisprudence – integrate environmental sustainability and protection components (ie GATT-like general exceptions, sustainable development obligations) while still protecting legitimate foreign investments; 2) how, when, and to what extent could environmental agreements (especially those relating to the funding of climate change mitigation and adaptation) incorporate 'green' investment protections that are subject to dispute settlement provisions; and 3) how might investment treaty tribunals help promote a state's compliance with its own environmental obligations where such compliance is the basis of the foreign investor's claim (ie the pending *Allard v Barbados* claim).

This symposium will focus on investment treaty arbitration from a forward-looking perspective on how future practice might be shaped or reformed in a way that can both promote environmental sustainability and protect responsible and legitimate foreign investments. In light of this focus, the symposium will engage participants in discussions on specific reform proposals and practical policy and treaty practice responses to issues dealing with how international investment law and environmental law might become more mutually supportive and complimentary especially in the context of the adjudication of foreign investment disputes concerning environmental issues.

The symposium is arranged by PluriCourts: a Center of Excellence at the University of Oslo, Department of Public and International Law. PluriCourts studies the legitimate roles of international courts and tribunals in the global order: <http://www.jus.uio.no/pluricourts/english/>

Contacts:

Professor Christina Voigt, PluriCourts coordinator, environmental law (christina.voigt@jus.uio.no)
Professor Ole Kristian Fauchald, PluriCourts coordinator, investment law (o.k.fauchald@jus.uio.no)
Dr. Daniel Behn, PluriCourts postdoctoral researcher, investment law (d.f.behn@jus.uio.no)



Postal address:
Postbox 6706
St. Olavs plass 5
0130 OSLO Norway

Visiting address:
St. Olavs plass 5
5th floor
0130 OSLO Norway

Phone: +47 228 59421
Fax: +47 228 59420
E-mail: pluricourts@jus.uio.no
<http://www.jus.uio.no/pluricourts/>