



Adjudicating International Trade and Investment Disputes: Between Isolation and Interaction

PluriCourts Conference
Professorboligen, Faculty of Law

Oslo, 25 and 26 August 2016

Thursday, August 25

- 9:00 – 9:15 **Welcome and introduction to the conference**
Daniel Behn, Ole Kristian Fauchald, Geir Ulfstein and Michelle Zang, PluriCourts
- 9:15 – 10:30 **The new mega-regionals**

The mega-regionals: innovation versus imitation?
Manfred Elsig, World Trade Institute

Envisioning a model role for mega-regionals in international economic law
Tania Voon, University of Melbourne
- 10:30 – 10:45 **Coffee break**
- 10:45 – 12:30 **The new mega-regionals – paper presentations**
Chair and discussant: *Jose Alvarez, New York University*

International trade law in China: from paternalism to partnership
Greg Shaffer, University of California – Irvine

The scope of investment protection under newly negotiated FTAs: piecemeal reaction or serious reassessment?
Kate Parlett, 20 Essex Street

Participatory aspects of investor-state dispute settlement in the EU ‘new wave’ trade agreements
Joanna Jemielniak and Gunes Üniüvar, University of Copenhagen

The creeping multilateralization of investment dispute resolution under EU trade and investment agreements
Hannes Lenk, University of Gothenburg
- 12:30 – 1:15 **Lunch**
- 1:15 – 3:00 **The new investment court proposal – panel debate and discussion**
Moderators: *Daniel Behn and Malcolm Langford, PluriCourts*

Completion of the legal analysis by the WTO appellate body – lessons for an appeal tribunal of an international investment court
Nicholas Lamp, Queens University

The Appellate Body of the WTO: obiter dicta, judicial economy, interpretation and the ban on adding obligations or diminishing rights
Lothar Ehring, DG Trade

Debate: Debating the pros and cons of the new EU investment court proposal
Julie Maupin, Max Planck Institute
Nikos Lavranos, EFILA
- 3:00 – 3:15 **Coffee Break**



- 3:15 – 4:00 **Cross-fertilization and learning**
Converging divergences: a common law of international economic relations
Sunjoon Cho, Chicago-Kent College of Law
- 4:00 – 4:15 **Coffee break**
- 4:15 – 6:00 **Cross-fertilization and learning – paper presentations**
Chair and discussant: *Laurence Boisson de Chazournes, University of Geneva*
Cross-fertilization between the international trade and investment regimes
Markus Wagner, University of Warwick
Judicial interaction between trade and investment adjudication: theoretical foundation and empirical constraints
Michelle Zang, PluriCourts
Entry rights and investment in services: convergence between regimes?
Murilo Otavio Lubambo de Melo, University College London
The driving forces of the convergence of WTO dispute settlement mechanism and international investment arbitration
Fenghua Li, Renmin University of China
- 7:00 **Dinner for speakers**
Dinner lecture
Introduction: *Geir Ulfstein, PluriCourts*
The multiplicity of international courts and tribunals: factors of convergence and divergence
Georges Abi-Saab, Graduate Institute

Friday, August 26

- 9:15 – 10:30 **Comparisons and practices**
Comparative judicial practices: comparing dissent practices in the trade and investment regimes
Jeff Dunoff and Mark Pollack, Temple University
Comparing the East African and Caribbean Courts of Justice: explaining judicial behavior
Theresa Squatrito, PluriCourts
- 10:30 – 10:45 **Coffee break**
- 10:45 – 12:30 **Comparisons and practices – paper presentations**
Chair and discussant: *J. Christopher Thomas, National University of Singapore*
Do different treaty purposes matter for the interpretation of WTO agreements and investment agreements
Graham Cook, World Trade Organization
The use of public international law sources in WTO dispute settlement (with a side glance to the approach taken by investment tribunals)
Vitaliy Pogoretsky, Advisory Centre on WTO law
Approaches to external precedent: invocation of international decisions in investment arbitration and WTO dispute settlement
Niccolo Ridi, King's College London
Sharing interpretive functions between states and tribunals
Yuliya Chernykh, University of Oslo



- 12:30 – 1:30 **Lunch**
- 1:30 – 2:45 **Roundtable discussion – between isolation and interaction?**
Moderator: *Ole Kristian Fauchald, PluriCourts*
- Georges Abi-Saab, Graduate Institute*
Jose Alvarez, New York University
Laurence Boisson de Chazournes, University of Geneva
Giorgio Sacerdoti, Bocconi University
J. Christopher Thomas, National University of Singapore
- 2:45 – 3:00 **Coffee break**
- 3:00 – 4:45 **Comparisons and practices – paper presentations**
Chair and discussant: *Giorgio Sacerdoti, Bocconi University*
- Regime shifting of IPR law-making and enforcement to international investment law
James Gathii and Cynthia Ho, Loyola University Chicago
- On the interchangeability of trade and investment disputes: potential risks and opportunities
Andreas Ziegler, University of Lausanne
- Adjudicating performance requirements disputes: blurring lines of trade and investment dispute settlement
Julien Chaisse, Chinese University of Hong Kong
- Can a court's function adequately explain the exercise of inherent powers: a comparison of the powers of the WTO Appellate Body and ICSID tribunals
Ridhi Kabra, University of Cambridge
- 4:45 – 5:00 **Wrapping-up**