The Legitimate Role for Investment Law and Arbitration in Protecting Human Rights

Draft Program

4-5 September 2019, University of Oslo

**WEDNESDAY SEPTEMBER 4, Tøyen hovedgård, University’s Botanical Garden**

Welcome

9:00-9:15  **Ole Kristian Fauchald** (University of Oslo, PluriCourts)

Keynote

9:15-10:00  **Anne van Aaken** (University of Hamburg)

"The Multiple ways of Protecting Human Rights in foreign investments"

Session I

Chair:  **Malcolm Langford** (University of Oslo)

10:00-10:40  **Alessandra Arcuri** (Erasmus School of Law)

"On ‘Boundaries’ of International Investment Law as Mechanisms to Exclude Human Rights and Sustainable Development"

Comments:  **Ole Kristian Fauchald** (University of Oslo, PluriCourts)

10:40-11:20  **Dafina Atanasova** (National University of Singapore)

"Conflict Clauses in Investment Treaties: Asymmetries and Notable Absences"

Comment:  **Caroline Henckels** (Monash University)

11:20-11:40  **COFFEE BREAK**

Session II

Chair:  **Caroline Henckels** (Monash University)

11:40-12:20  **Edward Guntrip** (University of Sussex)

"Public and Private Perspectives on Investor-State Dispute Settlement: The Rule of Law as a Common Foundation?"

Comment:  **David Schneiderman** (University of Toronto) - TBC
12:20-13:00  **Ernst Ulrich Petersmann** (European University Institute)  
“Legitimating Functions of Invoking Human Rights in Investment Arbitration”  
Comment: **Tomer Broude** (Hebrew University of Jerusalem)

13:00-14:00  **LUNCH BREAK**

**Session III**

Chair:  **Tomer Broude** (Hebrew University of Jerusalem)

14:00-14:40  **Laura Létourneau Tremblay** (University of Oslo, PluriCourts)  
“Counterclaims and Investors’ Obligations: New Paradigm?”  
Comment: **Malcolm Langford** (University of Oslo)

14:40-15:20  **Jean-Michel Marcoux** (McGill University)  
“Informal Instruments to Impose Human Rights Obligations on Foreign Investors: An Emerging Practice of Legality?”  
Comment: **Anne van Aaken** (University of Hamburg)

16:00-17:00  **Guided tour of the botanical gardens**

18:00 Dinner at **Fjord restaurant**

**THURSDAY SEPTEMBER 5, Kjerka**, Domus Media Vest, Karl Johans gt. 47

**Session IV**

Chair:  **Eric de Brabandere** (Leiden University)

9:00-9:40  **Martin Jarrett** (University of Mannheim)  
“The Challenges of Prosecuting Human Rights Abuses by Investors in International Investment Law”  
Comment: **Anil Yilmaz-Vastardis** (University of Essex)

9:40-10:20  **Runar Lie** (University of Oslo, PluriCourts)  
“Does Change Matter? A computational study of ISDS actors’ response to change”  
Comment: **Daniel Behn** (University of Oslo)

10:20-11:00  **Moshe Hirsch** (Hebrew University of Jerusalem)  
“Social Movements, Reframing Investment Relations, and Enhancing the Application of Human Rights Norms in International Investment Law”  
Comment: **Caroline Henckels** (Monash University)
Session V
Chair: Daniel Behn (University of Oslo)

11:20-12:00 Tomer Broude (Hebrew University of Jerusalem) & Caroline Henckels (Monash University)
“Not all Rights are Created Equal: A Loss-Gain Frame of Investor Rights vs. Human Rights”
Comment: Ernst Ulrich Petersmann (European University Institute)

12:00-12:40 Ole Kristian Fauchald (University of Oslo, PluriCourts)
“The relationship between Foreign Direct Investment, the Right to Development and the UN Sustainable Development Goals”
Comment: Eric de Brabandere (Leiden University)

12:40-13:30 Lunch Break

Session IV
Chair: Ole Kristian Fauchald (University of Oslo)

13:30-14:10 Hans Morten Haugen (VID Specialized University)
“Do and Should Arbitration Tribunals Apply Human Rights?”
Comment: Ana-Maria Daza Vargas (University of Edinburgh)

14:10-14:50 Raymond Gao (Australian National University)
“Normative Divide Revisited: Balancing Investor Protection with Human Rights in Investment Arbitration”
Comment: Szilárd Gáspár-Szilágyi (University of Oslo)

Closing Remarks

14:50-15:30 Next Steps for the Special Issue in the Leiden Journal of International Law