



## Writers' Workshop

### EMPIRICAL PERSPECTIVES ON INVESTMENT TREATY ARBITRATION

Oslo, August 27-28, 2015

#### Thursday, August 27

9:30 – 10:00      **Introducing the Project and the PITAD Database**  
*Ole Kristian Fauchald and Daniel Behn, University of Oslo*

*Theoretical and historical perspectives*

10:00 – 10:45      **1) Mixing Methodologies in Investigating Investor-State Arbitration (via Skype)**  
*Luke Nottage, University of Sydney*  
*Shiro Armstrong, Australian National University*  
Comments: *Cedric Dupont, Graduate Institute*

10:45 – 11:00      **Coffee break**

11:00 – 11:45      **2) Measurement Error in Empirical Perspectives on Investment Treaties**  
*Lauge Poulsen, University College London*  
*Jason Yackee, University of Wisconsin-Madison*  
Comments: *Christopher Drahozol, University of Kansas*

11:45 – 12:45      **Lunch**

*Institutional legitimacy and change*

12:45 – 1:30      **3) The Institutional Evolution of Arbitration**  
*Alec Stone Sweet and Sheng Li, Yale Law School*  
Comments: *Catherine Rogers, Penn State University*

1:30 – 2:15      **4) Legitimation through Renegotiation: Do States Seek More Regulatory Space in their BITs?**  
*Yoram Haftel, Hebrew University*  
*Alex Thompson, Ohio State University*  
Comments: *Theresa Squatrito, University of Oslo*



- 2:15 – 2:30                    **Coffee break**
- 2:30 – 3:15                    **5) Personal Values, Diversity and Fairness in Arbitral Decision-Making**  
*Stavros Brekoulakis*, Queen Mary School of Law  
Comments: *Thomas Schultz*, King's College
- 3:15 – 4:00                    **6) Challenges as a Control Mechanism in International Investment Arbitration**  
*Chiara Giorgetti*, University of Richmond  
Comments: *Daphna Kapeliuk*, Goldfarb Seligman
- 4:00 – 4:15                    **Coffee break**
- 4:15 – 5:00                    **7) On Dissents and the Legitimacy of Investment Treaty Arbitration**  
*Daphna Kapeliuk*, Goldfarb Seligman  
Comments: *Chiara Giorgetti*, University of Richmond
- 5:00 – 6:00                    **Towards publication: revisions, editing, book contract, publication of datasets, etc.**
- 7:00                              **Dinner**

## **Friday, August 28**

### *Substantive legitimacy*

- 9:30 – 10:15                    **8) The Public Interest(s) in Investment Arbitration**  
*Andrea Bjorklund*, McGill University  
Comments: *Gus Van Harten*, Osgoode Hall Law School
- 10:15 – 11:00                    **9) Investment Arbitration and the Rule of Law**  
*Christopher Drahozol*, University of Kansas  
*Catherine Rogers*, Penn State University  
Comments: *Alec Stone Sweet*, Yale Law School
- 11:00 – 11:15                    **Coffee break**



- 11:15 – 12:00    **10) Forms of Political Risk in Investment Treaty Arbitration**  
*Thomas Schultz, King's College*  
*Cedric Dupont, Graduate Institute*  
Comments: *Yoram Haftel, Hebrew University*
- 12:00 – 12:45    **11) Fair and Equitable Treatment: Ordering Chaos through Precedent? (via Skype)**  
*Florian Grisel and Meng Jia Yang, King's College*  
Comments: *Ole Kristian Fauchald, University of Oslo*
- 12:45 – 1:45        **Lunch**
- 1:45 – 2:30        **12) Financial Transfers Due to ISDS: Size and Wealth of Claimants**  
*Gus van Harten, Osgoode Hall School of Law*  
Comments: *Jason Yackee, University of Wisconsin-Madison*
- 2:30 – 3:15        **13) Characterizing the Respondent: Rule of Law, Democracy, Governance and Development**  
*Daniel Behn, Tarald Berge, Ole Kristian Fauchald and Malcolm Langford, University of Oslo*  
Comments: *Andrea Bjorklund, McGill University*
- 3:15 – 3:30        **Coffee break**
- Managing legitimacy deficit*
- 3:30 – 4:15        **14) Managing Backlash: The Evolving Investment Treaty Arbitrator?**  
*Daniel Behn and Malcolm Langford, University of Oslo*  
Comments: *Stavros Brekoulakis, Queen Mary School of Law*
- 4:15 – 5:00        **15) Self-Organizing Networks and the Legitimacy of Investment Tribunals (via Skype)**  
*Sergio Puig, University of Arizona*  
*Anton Strezhnev, Harvard University*  
Comments: *Daniel Behn, University of Oslo*