LILLEHAMMER WORKSHOP

International investment contracts: Concept, features, contexts

Meeting room 4

5 December 2024

PhD pre-session
10.00-13.00
Discussants: **Yuliya Chernykh** (University of Inland Norway), **Ana Maria Daza-Clark** (University of Edinburgh), **Laura Létourneau-Tremblay** (University of Inland Norway), **Natalia Torres Zuniga** (University of Inland Norway)

- **Waris Hakim Syal** (University of Dundee). Rethinking Investment Governance: International Investment Contracts (IICs) as a Path Forward in the Era of Bilateral Investment Treaty (BIT).
- **Agata Daszko** (University of Edinburgh). Back to Square One or Starting a New Game? The Resurgence of State Contracts in ISDS.
- **Harshad Pathak** (University of Geneva). International Investment Contracts through Applicable Law.
- **Nicolò Andreotti** (University of Padua). Contracts Concluded by the International Seabed Authority and International Investment Contracts: Similarities and Differences.
- **Giovanni Viglino** (Bocconi University). A Reconceptualization of the Investment Treaty System through the Negotiations of Revised Investment Contracts.
- **Pratibha Tandon** (Chicago Kent College of Law). Standardization of Dispute Settlement Mechanism in International Investment Contracts: Lessons for Contract based ICSID Cases.

Introduction and welcome: Yuliya Chernykh (University of Inland Norway)
14.00-14.15

Keynote: Maria Chiara Malaguti (UNIDROIT) The UNIDROIT – ICC Joint Project on the UPICC and International Investment Contracts.
14.15-14.45

Panel 1: CONCEPT
Moderator: **David Collins** (City University of London)
15.00-18.00

- **Vladislav Djanic** (Independent consultant). (Re-)Constructing the Historical (De)Nationalisation of International Investment Contracts
- **Sondra Faccio** (University of Trento). From Economic Development Agreements to Investment Contracts. Some reflections around sustainability and choice of law.
- **Rocco Palma** (UNIDROIT). International Investment Law and the 'Return to Contracts': A Uniform Law Instrument to Harmonise the Principles of International Investment Contracts.
- **Ana Maria Daza-Clark** (University of Edinburgh). The Inbetweeners: Investment Contracts and Their Public-Private Boundaries.
- **Mala Sharma** (University of Surrey). Defining International Investment Contract through an Effects-based Approach.
- **Marco Argentini** (University of Naples). ‘Duration’ as a Critical Tool for Defining IICs.

6 December 2024

Panel 2: FEATURES
Moderator: **Hayk Kupelyants** (King's College London)
10.00-13.00

- **David Collins** (City University of London). The Egyptian Model Mining Exploitation Agreement and the Rebalancing of International Investment Law.
- **Federica Violi** (Erasmus School of Law). The Triangulation of State (Investment) Contracts: A Theoretical Framework.
- **Xueji Su** (University of Macau). Exploring the Three-tiered Constraints on State Power in Granting Concessions within Investment Contracts.
- **Livia Hinz** (EUI) and **Astrid Iversen** (University of Oslo). The Nature of Sovereign Debt Contracts: Commercial v. Investment.
- **Stanislava Nedeva** (Cardiff University). Oil and Gas Investor-state Contracts as Relational Contracts Focused on Parties' Commonalities and Contractual Equilibrium.
- **Johannes Fahner** (University of Amsterdam & Lévy Kaufmann-Kohler) Between Privity and Attribution: The State Party to International Investment Contracts.

Panel 3: CONTEXTS
Moderator: **Ole Kristian Fauchald** (University of Oslo)
14.00-17.30

- **Fernando Dias Simões** (Peking University School of Transnational Law). The Contract-Treaty Split: Investments in Water Services as a Case Study.
- **Özge Varış** (Kirklareli University). International Investment Contracts and States: Case of Agricultural Investments.
- **Yarik Kryvoi** (British Institute of International and Comparative Law). Allegations of Corruption in Investor-State Contracts and Arbitration.
- **Kehinde Folake Olaoye** (Hamad Bin Khalifa University). Force Majeure and Investor-State Contracts.
- **Gustavo Prieto** (Ghent University). Indigenous Communities and Investment Contracts: Judicial Review of 'Social Clauses' in Transnational Disputes.
- **Alisher Umirdinov** (Nagoya University of Economics). Mainstreaming International Economic Law by Other Means: Legal nature of investment contracts that are mobilized to govern Chinese BR investments in Central Asia.
- **Rudiger Tscherning** (University of Calgary & University of Bergen). Contractual Perspectives and the "Regionalisation" of Canadian Energy: Hydrogen and Nuclear Fuel Trade in the Transatlantic and North American Context.

17.30-17.40 Concluding observations and the way forward **Yuliya Chernykh**