



In cooperation with



and

The Program on Law and the Global Economy

Academic Forum on ISDS

UNIVERSITY OF MICHIGAN LAW SCHOOL

29-30 September 2023

29 September 2023

8:45-9:00 a.m. Breakfast

9:00-10:00 a.m. Opening Keynote

- The Limits of Reform: Views From the War Room
Mélida Hodgson, Arnold & Porter; President-Elect, American Society of International Law

10:00 a.m.-12:00 p.m. Panel I

Discussant: Julian Arato, University of Michigan Law School

- Discourses of ISDS Reform: A Comparison of UNCITRAL Working Group III and ICSID Processes
Andrea Bjorklund, McGill University & **Jean Michel Marcoux**, Carleton University
- Working Group III Reform of ISDS: A Model for International Law-Making?
Ladan Mehranvar, Columbia Center on Sustainable Investment
- The Construction of 'Problems' through UNCITRAL Working Group III: The development and reception of the Draft legislative guide on investment dispute prevention and mitigation
Jonathan Bonnitcha, UNSW & **Mavluda Sattorova**, Liverpool
- A Data-Based Study of the UNCITRAL Working Group III Negotiations on Investor-State Dispute Settlement Reform
Huaxia Lai, Peking University School of International Studies

12:00-1:30 p.m. Lunch

- *Informal Discussion of UNCITRAL Working Group III Secretariat Note WP.231 Draft Provisions on Procedural and Cross-Cutting Costs and WP.232, Annotations to Draft Provisions on Procedural and Cross-Cutting Issues*, available [here](#).

1:30-3:00 p.m. Panel II

Discussant: **Julianne Marley**, Debevoise & Plimpton

- Control Mechanisms in a Multilateral Investment Court: Navigating Procedural Multilateralism and Substantive Bilateralism
Joshua Paine, University of Bristol
- Deconstructing Transparency: A System View of Investor-State Dispute Settlement Reforms
Jarrod Wong, McGeorge School of Law, University of the Pacific & **Jason Webb Yackee**, University of Wisconsin
- The Anti-Reformist Stance in Investment Law
Ben Heath, Temple University

3:00-3:15 p.m. Coffee Break

3:15-5:15 p.m. Panel III

Discussant: **Ben Heath**, Temple University

- The Judicial Function of Investment Tribunals and Institutional (Re-)design
Yanwen Zhang, University College London
- A Fourfold Genealogy of Investment Treaty Arbitration
Oliver Hailes, LSE
- Proportionality and the Ethic of Conviction in Investment Arbitration
David Schneiderman, University of Toronto
- Bits & Bytes: ISDS and the Framing of Data Law
Thomas Streinz, NYU School of Law & **Julian Arato**, University of Michigan Law School

7:30 p.m. Conference Dinner

Aventura, 216 E. Washington Street, <https://www.aventuraannarbor.com/>

30 September 2023

8:30-8:45 a.m. Breakfast

8:45-10:45 a.m. Panel I

Discussant: **Kathleen Claussen**, Georgetown

- How ISDS Has Become a Battlefield for Interstate Conflicts: The Case of Ukraine
Erman Özgür and **Günes Ünuvar**, Max Planck
- The Conundrum of Lawfully Using Frozen Russian Assets to Compensate for the War Damages in Ukraine: International Investment Law Provides an Answer
Csongor István Nagy, University of Szeged
- Layering the Delegation of Adjudicatory Authority in Investor-State Dispute Settlement: National Courts as Agents of the Rule of Law in International Investment Arbitration
Katerina Florou, University of Liverpool
- A Roadmap to Establish a Flexible Multilateral Instrument on International Investment Dispute Settlement: Learning from the MLI
Mingjie Cui, University of International Business and Economics

10:45-11:00 a.m. Coffee Break

11:00 a.m.-1:00 p.m. Panel II

Discussant: **Jonathan Bonnitcha**, UNSW

- International Investment Law and Human Rights – Procedural Solutions based on the Hague Rules on Business and Human Rights Arbitration
Anne van Aaken, University of Hamburg; **Diane A. Desierto**, Notre Dame and **Steven Ratner**, University of Michigan
- Of Rights and Obligations: Comparing ISDS and WTO Dispute Settlement
Chios Carmody, Western University
- Investment Dispute Settlement in Special Economic Zones: ISDS in the Era of International Commercial Courts?
Julien Chaisse, City University of Hong Kong; **Dominic Dagbanja**, Western Australia;; **Georgios Dimitropoulos**, HBKU; **Safaa Jaber**, HBKU; **Junianto James Losari**, City University of Hong Kong; **Kehinde Olaoye**, City University of Hong Kong & **Rene Uruena**, Los Andes
- Are Investment Treaties Redundant? Evidence from Investor-State Disputes
Stratos Pahis, Brooklyn Law School & **Andrew van Duyn**e, Debevoise & Plimpton

1:00-2:00 p.m. Lunchtime Lecture

Daniel Behn Memorial Lecture

Malcolm Langford, University of Oslo

2:30-4:30 p.m. Panel III

Discussant: **Simon Batifort**, Curtis Mallet-Prevost, Colt & Mosle

- Arbitrating Corruption
Rachel Brewster, Duke
- Formalism in Investment Treaty Arbitration: A Critical Assessment
Richard Chen, University of Hawaii
- Bifurcating Foreign Investor Protection
Vera Korzun, University of Akron
- The Impact of Foreign Investors' Challenges to Domestic Regulation
Weijia Rao, George Mason University; **Mark Maffett**, University of Miami & **Mario Milone**, UC San Diego

4:30-4:45 p.m. Coffee Break

4:45-5:45 p.m. Closing Keynote & Remark

- ISDS and Compensation, and Public International Law
Martins Paporinskis, University College London; International Law Commission