

DISSETTLE Research Workshop

**THE USE OF ECONOMICS IN
INTERNATIONAL ARBITRATION¹**
&
**GENERAL INTERESTS OF HOST STATES IN INTERNATIONAL
INVESTMENT LAW**
6-7 June 2013

organised by

Università Commerciale "L.Bocconi"

and

Centre for Trade and Economic Integration (CTEI) at the Graduate Institute of International and
Development Studies, Geneva

to be held at

Università Commerciale "L.Bocconi", Milan

PROGRAMME

¹ This workshop is organised as part of the project 'Dispute Settlement in Trade: Training in Law and Economics' (DISSETTLE), a Marie Curie Initial Training Networks (ITN) Funded under the EU's Seventh Framework Programme, Grant Agreement No FP7-PEOPLE-2010-ITN_264633.

<http://dissettle.org>

WEDNESDAY, 5 JUNE 2013:

COMPLEMENTARY SKILLS TRAINING FOR DISSETTLE FELLOWS

Presentation Skills (John Trimbos) Group 1 Vocal Coaching (Judy Hall) Group 2	14.00-17:00
DISSETTLE Meeting	17:00 - 18:00
CONFERENCE DINNER	19.30

THURSDAY, 6 JUNE 2013:

THE USE OF ECONOMICS IN INTERNATIONAL ARBITRATION

Welcome to DISSETTLE <i>Fabrizio Onida</i> (Bocconi University) and <i>Theresa Carpenter</i> (Graduate Institute, Geneva)	9.00
Morning Session Chair: <i>Fabrizio Onida</i> (Bocconi University)	9.15
Analysis of economic equilibrium (with reference to "reasonable economic tariffs" for water or electricity providers) <i>Theresa Carpenter (tbc)</i> (Graduate Institute, Geneva)	
An Economics Assessment of the nature and purpose of Sovereign Wealth Funds in connection with the Jurisdictional Immunities of the States. <i>Victorino Tejera**</i> (Graduate Institute, Geneva)	
COFFEE BREAK	10.30
Assessment of "legitimate expectations" in the context of fair and equitable treatment <i>Michele Potestà</i> (Graduate Institute, Geneva)	10.45
Questions of Investment Treaty Design in Dispute Settlement: Some Law and Economics Insights <i>Wolfgang Alschner</i> (Graduate Institute, Geneva)	
LUNCH	12.00
Afternoon Session Chair: <i>Theresa Carpenter</i> (Graduate Institute, Geneva)	13.00
The Intersection of micro-and macroeconomics: Impact of causes of action and defences on damages in investment arbitration <i>Laura Halonen</i> (Lalive, Geneva);	
The Use of Economics for Empirical Studies in Investment Arbitration	

Susan D Franck (Washington and Lee School of Law)

SHORT BREAK 14.30

Indirect expropriation and the right to regulate: which role for regulatory impact analyses? *Ana Maria Petrescu* (Università Bocconi) 14.45

Financial and Non-financial Aspects of the Proposal for a Regulation: the Case of Future EU Investor-State Dispute Settlement *Blerina Xheraj* (University of Geneva)

COFFEE BREAK 16.00

Roundtable: Economics in International Arbitration Procedures: Insights from practice 16.30

Moderator: *Anne van Aaken*, (St Gallen University)

Participants: *Alejandro Escobar* (Baker Botts, London); *David P. Roney* (Sidley Austin, Geneva); *Paolo Marzolini* (Lenz & Staehelin, Geneva).

CONFERENCE DINNER 19.30

FRIDAY 7 JUNE 2013

GENERAL INTERESTS OF HOST STATES IN INTERNATIONAL INVESTMENT LAW

REGISTRATION + COFFEE From 8:45

Welcome: 9.00
Giorgio Sacerdoti (Università Bocconi, Milano) – The Volume on “**General Interests of Host States in International Investment Law**”, Cambridge University Press 2013²

Session 1: Non-investment Concerns and New Approaches in International Investment Law 9:30

Chair: *Maria Beatrice Deli* (Università degli Studi del Molise)

The Integration of Non-investment Concerns into International Investment Law *Pia Acconci* (Università di Teramo)

The Protection of General Interests of Host States in the Application of the Fair and Equitable Treatment *Mara Valenti* (Università degli Studi di Milano)

Indirect Expropriations and Regulatory Takings: what Role for the “Legitimate Expectations” of Foreign Investors *Anna De Luca* (Università Bocconi)

² The Volume brings together the final results of the Research project PRIN-2008, titled “Limiting foreign investors’ protection vis-a-vis host States’ general actions in the public interest in the development of international law”. The project has been funded by the Italian Ministry of Education and developed by Bocconi, Milan and Teramo Universities.

The Safeguard of the National Security of Host States: the case of Sovereign Wealth Funds as Protected Investors under BITs *Michele Barbieri* (Ph.D Università Bocconi)

Discussant: *Antonietta di Blase*, (Università Roma Tre)

COFFEE BREAK

11:15

Session 2: Contracting Parties' General Interests in the EU investment policy and in Regional Agreements

11:30

Chair: *Paola Mariani* (Università Bocconi)

Non-Economic Concerns and the EU External Action: the coherence of EU Investment Policy *Alessandro Perfetti* (Università degli Studi di Teramo)

The Protection of General Interests of Host States in Regional Agreements in the Asia-Pacific Area *Claudio Dordi* (Università Bocconi)

Non-Economic Concerns in the Lending Policy of the European Investment Bank and other Development Banks *Emanuela Pistoia* (Università degli Studi di Teramo)

Discussant: *Anne van Aaken* (St. Gallen University)

LUNCH

13:00

Roundtable: Interpretation of Investment Treaties: how relevant are WTO Law and International Financial Rules?

14:30

Hélène Ruiz Fabri (Université Paris I – Panthéon Sorbonne); *Graham Cook* (WTO); *Giorgio Sacerdoti* (Università Bocconi); *Annamaria Viterbo* (Università degli studi di Torino); *Friedl Weiss* (University of Vienna)

WORKSHOP CLOSE

17:00

SATURDAY, 8 JUNE 2013:

COMPLEMENTARY SKILLS TRAINING FOR DISSETTLE FELLOWS

Presentation Skills (John Trimbos) Group 2
Vocal Coaching (Judy Hall) Group 1

9.30-12:30

***Marie Curie Fellow*