Investment Protection, Human Rights, and International Arbitration
– Frankfurt Investment Law Workshop 2020 –

Goethe University Frankfurt am Main, Germany
Campus Westend, Theodor-W.-Adorno-Platz 4, Frankfurt

6 and 7 March 2020

The role of human rights in international investment law and arbitration is a complex issue. It not only raises fundamental questions of regime interaction within the international legal order, but also has triggered highly controversial discussions about the function and legitimacy of international investment protection and investor-State dispute settlement (ISDS).

In Europe, trade and investment negotiations conducted by the European Commission with the United States (TTIP) and Canada (CETA) were the starting point for various stakeholders from civil society, politics, legal practice, and academia to get involved in a heated debate on ISDS and public interests in a constantly globalizing economy. Culminating in a march of over 100.000 people in the streets of Berlin protesting against the TTIP negotiations, the public discussion on ISDS suggested that investment law and human rights were in irreconcilable conflict with each other.

When mass media and the general public moved on to other subjects, the legitimacy debate on ISDS was not put to an end. Instead, policy makers, treaty negotiators, and legal practitioners in the field of international investment law continued engaging in critical analysis and innovative thinking. First remarkable outcomes of this development were the adoption of the Transparency Rules in Treaty-based Investor-State Arbitration or the inclusion of a permanent Investment Court System in EU trade and investment agreements. In 2017, the creation of the UNCITRAL Working Group on ISDS reform clearly illustrated that investment law was and is still going through a period of fundamental change.

It is against this background that the 2020 Frankfurt Investment Law Workshop will take stock of the current state of interaction between international investment law and human rights. The fundamental question which has dominated the scholarly debate so far remains crucial: How can treaty makers and arbitral tribunals ensure that investment law concepts are not only in conformity with, but also promote international human rights? Do relevant specificities exist in the field of investments in land, food, and water? Does investment protection take account of international workers' rights? Is investment arbitration meeting the procedural standards that are necessary for being considered as a legitimate mechanism for the settlement of international disputes in which individual rights and public interests are at stake? And finally, is responding to all these demands legally feasible for the current system of international investment protection or are substantial reforms required?

In line with its tradition of inquiries into current and fundamental question of international investment law, the 2020 Frankfurt Investment Law Workshop will explore the interplay between investment protection, human rights, and international arbitration.

Friday, 6 March 2020

Location: IG-Farben Gebäude, Eisenhower-Saal (IG 1.314)

18.00 **Welcome**

Rainer Hofmann (Goethe University Frankfurt am Main)

Keynote Address

Anne van Aaken (University of Hamburg)

Investment Protection, Human Rights, and International Arbitration: Cross-Fertilization or Regime-Collision?

19.30 **Reception and Dinner Buffet**

Saturday, 7 March 2020

Location: Hörsaalzentrum, Hörsaal 14 (HZ 14)

09.30 **Registration**

10.00 **Opening Remarks and General Introduction**

Rainer Hofmann (Goethe University Frankfurt am Main)

Stephan Schill (University of Amsterdam)

Julian Scheu (University of Cologne)

10.30 **Panel 1: Human Rights in the Drafting of International Investment Agreements**

Barnali Choudhury (University College London)

Human Rights Provisions in International Investment Treaties and State Contracts

Jennifer Ann Zerk (Chatham House)

Human Rights Impact Assessment of Investment Agreements: Lessons from Trade Law Practice

Comment by **Markus Krajewski** (University of Erlangen-Nuernberg)

12.15 – Lunch break –

13.45 **Panel 2: Human Rights Perspective on Substantive Investment Protection Standards**

Edward Guntrip (University of Sussex)
Human Rights Perspective on Investments in Land, Food and Water

Henner Goett (University of Goettingen)
ILO Labour Rights in International Investment Law

Comment by **Christina Binder** (Bundeswehr University Munich)

– Coffee break –

16.00 **Panel 3: Human Rights Perspective on International Investment Arbitration**

Emily Sipiorski (University of Hamburg)
ISDS and Procedural Human Rights

David Schneiderman (University of Toronto)
Human Rights: Handmaiden of ISDS?

Comment by **Peter-Tobias Stoll** (University of Goettingen)

17.45 **Closing Remarks**

Christian J. Tams (University of Glasgow)

Registration: To register please get in touch with Ms. Sabine Schimpf, Merton Centre for European Integration and International Economic Order, Email: S.Schimpf@jur.uni-frankfurt.de, Tel.: + 49 (0) 69 798 34293, Fax: +49 (0) 69 798 34515, by 28 February 2020.