



Facultad de Derecho  
**Universidad Zaragoza**

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International Economic Law  
Interest Group

## COLLOQUIUM

### *International Investment Law & the Law of Armed Conflict*

October 5 & 6, 2017

Historical Central Building, National and Kapodistrian  
University of Athens  
(30, Panepistimiou St, 10679 Athens)

**DRAFT PROGRAMME**

## ■ Thursday 5 October 2017

- 09:00 – 10:00      Registration      The Great Hall**
- 10:00 – 10:30      Welcome and Introduction      The Great Hall**  
*Meletios A. Dimopoulos*, Rector of the National & Kapodistrian University of Athens [TBC]  
*Dionysia Kallinikou*, Dean, Faculty of Law, National & Kapodistrian University of Athens [TBC]  
*Photini Pazartzis*, Professor, Faculty of Law, National and Kapodistrian University of Athens; Director, Athens Public International Law Center  
*Katia Fach Gómez*, Professor, Faculty of Law, University of Zaragoza  
*Catharine Titi*, French National Centre for Scientific Research (CNRS) and CREDIMI, University of Burgundy  
*Anastasios Gourgourinis*, Lecturer, Faculty of Law, National and Kapodistrian University of Athens; Athens Public International Law Center
- 10:30 – 11:30      Keynote Lecture      The Great Hall**  
*Christoph Schreuer*, Professor, Department of European, International Law and Comparative Law, University of Vienna
- 12:00 – 13:30      Parallel Sessions**
- Parallel Session 1      "Ioannis Drakopoulos" Amphitheater**
- Chair: *Attila Massimiliano Tanzi*, Professor, Department of Legal Studies., University of Bologna
- Speakers:
- *Tomer Broude*, Sylvan M Cohen Chair, Faculty of Law and Department of International Relations, and Academic Director of the Minerva Center for Human Rights at the Hebrew University of Jerusalem “[The Protection of Investments in Occupied Territories: Some Considerations](#)”
  - *Patrick Dumberry*, Associate Professor at the University of Ottawa (Civil Law Section), “[An Overview of State Succession Issues Arising as a Result of an Armed Conflict](#)”

- *Ursula Kriebaum*, Professor, Department of European, International Law and Comparative Law, University of Vienna, “Investment arbitration as a means to de-politicize investment conflicts”
- *Martins Paparinskis*, Reader, Faculty of Laws, University College London, “International Investment Law and Disputed Territories: A Generalist Perspective”

## Parallel Session 2

## "Alkis Argiriadis" Amphitheater

Chair: *Photini Pasartzis*, Professor, Faculty of Law, National and Kapodistrian University of Athens; Director, Athens Public International Law Center

Speakers:

- *Tobias Ackermann*, Research Associate and Doctoral Student, Institute for International Law of Peace and Armed Conflict (IFHV), Ruhr University Bochum (Germany), “Investments Under Occupation: Belligerent Occupation and the Application of Investment Treaties”
- *Belén Olmos Giupponi*, Senior Lecturer in EU and International Law, Liverpool Hope University, “Exploring the links between nationality changes and investment claims arising out of armed conflicts”
- *George Kyriakopoulos*, Lecturer, Faculty of Law, National and Kapodistrian University of Athens; Athens Public International Law Center, TBC
- *Teerawat Wongkaen*, Legal Officer, Department of Treaties and Legal Affairs, Ministry of Foreign Affairs, Thailand, “Judicial Dialogue between International Investment Law and International Humanitarian Laws”

**13:30 – 14:30**      **Break**

**14:30 – 16:00**      **Parallel Sessions**

## Parallel Session 3

## "Ioannis Drakopoulos" Amphitheater

Chair: *Julien Chaisse*, Professor, Chinese University of Hong Kong (CUHK), Faculty of Law

Speakers:

- *Robert Howse*, Lloyd C. Nelson Professor of International Law, New York University, “Host state responsibility for taking measures against terrorism”

- *Sébastien Manciaux*, Lecturer, University of Burgundy and CREDIMI, “The Full Protection and Security Standard in Investment Law: An Obligation of Result or an Obligation of Conduct?”
- *Eric De Brabandere*, Professor of International Dispute Settlement, Grotius Centre for International Legal Studies, Leiden University, “The Subjectivity of Full Protection and Security and the Due Diligence Standard”
- *Ira Ryk-Lakhman*, MPhil/PhD Student, University College London, “‘Reasonable’ protection and security of foreign investments in armed conflicts”

#### **Parallel Session 4**

#### **"Alkis Argiriadis" Amphitheater**

Chair: *Katia Fach Gómez*, Professor, Faculty of Law, University of Zaragoza

Speakers:

- *Maria Gavouneli*, Associate Professor of Public International Law, Faculty of Law of the National and Kapodistrian University of Athens; Athens Public International Law Research Center, “Armed conflict and the protection of investments in the energy sector”
- *Antal Berkes*, Postdoctoral Research Fellow, Manchester International Law Centre, School of Law, University of Manchester, “The responsibility of the host State for the violations of investors’ rights in a part of its territory under occupation”
- *Merryl Lawry-White*, Associate, Debevoise & Plimpton LLP, “International investment arbitration and standards applicable in conflict: parallel or merging worlds?”
- *Ofilio J. Mayorga*, Associate Attorney, Foley Hoag LLP, “Arbitration of Disputes Under State Contracts in Times of Military Occupation”

**16:00 – 16:30**    **Break**

**16:30 – 18:00**    **Parallel Sessions**

#### **Parallel Session 5**

#### **"Ioannis Drakopoulos" Amphitheater**

Chair: *Friedl Weiss*, Professor Emeritus at the Department of European, International Law and Comparative Law, University of Vienna

Speakers:

- *Daniel Joyner*, Elton B. Stephens Professor of Law, Director of International Program, University of Alabama, “Termination and suspension of investment treaties as a consequence of armed conflict”
- *Catharine Titi*, French National Centre for Scientific Research (CNRS) and CREDIMI, University of Burgundy, “The Life Cycle of Investment Protections in Times of Armed Conflict: Survival and Revival in *Ius in Bello* and *Ius Post Bellum*”
- *Danae Azaria*, Lecturer, Faculty of Laws, University College London, “Foreign investment treaties and the ILC Draft Articles on the Effect of Armed Conflicts on Treaties”
- *Gabriele Gagliani*, Contract Professor of International Law, Bocconi University, “Supervening Impossibility of Performance and the Effect of Armed Conflict on Investment Treaties: What Room for Manoeuvre?”

#### Parallel Session 6

#### "Alkis Argiriadis" Amphitheater

Chair: *Marina Trunk-Fedorova*, Senior Research Fellow - Kiel University, KEEL - Kiel Center for Eurasian Economic Law

Speakers:

- *Kevin Crow*, Lecturer and Senior Researcher at the University of Halle-Wittenberg Law School (Germany), Research Associate, Asia School of Business (Malaysia), “International Investor Obligations and Crimes Against Humanity: The Urbaser Spectrum”
- *Athina Fouchard Papaefstratiou*, Counsel, Lazareff Le Bars, “Armed conflicts clause in investment treaties: minimum protection threshold or *lex specialis*?”
- *Kong Soon Lim*, University of Northumbria, “Armed Conflicts and Customary Law on Investment Protection”
- *Michail Risvas*, Associate, Three Crowns LLP, “Non-discrimination and the protection of investments during and after armed conflict”

20:00 – 23:00

**Dinner Reception  
(by invitation)**

**"Kostis Palamas" Building**  
48, Akadimias St, 106 79 Athens

## ■ Friday 6 October 2017

### 09:00 – 10:30 Parallel Sessions

#### Parallel Session 7 "Ioannis Drakopoulos" Amphitheater

Chair: TBC

Speakers:

- *Anna Aseeva*, Centre d'Etudes Juridiques et Politiques (CEJEP), University La Rochelle, and HEC Paris, "Developments in investment law and arbitration at the interface of human rights and the environment and civil unrest and armed rebellion"
- *Martin Hemmi*, Research and Teaching Assistant, Institute of Public Law, University of Bern, "Using International Investment Arbitration for Compensating Victims of Torture"
- *Eleni Micha*, Teaching Fellow, Faculty of Law, National and Kapodistrian University of Athens; Athens Public International Law Center, "Responsible investment in occupied territories: Beyond the UN & OECD Principles"
- *Tara Van Ho*, Assistant Professor, Aarhus University; Project Associate, Essex Business and Human Rights Project, "(How) Does the Fair and Equitable Treatment Protect Investors Complicit in War Crimes? Examining the Relationship between Transitional Justice and Investment Law"

#### Parallel Session 8 "Alkis Argiriadis" Amphitheater

Chair: *Maria Telalian*, Hellenic Ministry of Foreign Affairs

Speakers:

- *Antonis Bredimas*, Emeritus Professor, Faculty of Law, National and Kapodistrian University of Athens; Athens Public International Law Center, "Kosovo and Foreign Investment Protection"
- *Fabio Bassan*, Professor of International Law, University of Rome 3, "Multilateral, primary and secondary sanctions and Investments: the case of Iran"
- *Stamatios Tsetos*, Founding Partner, Tsetos & Leboulanger Law Firm (Athens); Partner, Leboulanger & Associés (Paris), "Investment protection in Libya"

### 10:30 – 11:30 Break

**11:30 – 13:00      Parallel Sessions**

**Parallel Session 9                      "Ioannis Drakopoulos" Amphitheater**

Chair: *Robert Howse*, Lloyd C. Nelson Professor of International Law, New York University

Speakers:

- *Vladimir Gladyshev*, Job title? “Gladyshev and Partners” AB, “*Russian domestic law in Crimea-related investment arbitrations: issues and pitfalls*”
- *Yarik Kryvoi*, Senior Research Fellow in International Economic Law and Director of the Investment Treaty Forum at the British Institute of International and Comparative Law; Professor of Law, University of West London, “*Annexation of Crimea and International Investment Law*”
- *Laura Rees-Evans*, Senior Associate, Fietta LLP, “*Litigating the use of force: reflections on the interaction between investor-State dispute settlement and other forms of international dispute settlement in the context of the conflict in Ukraine*”

**Parallel Session 10                      "Alkis Argiriadis" Amphitheater**

Chair: *Maria Gavouneli*, Associate Professor of Public International Law, Faculty of Law of the National and Kapodistrian University of Athens; Athens Public International Law Research Center

Speakers:

- *Stratis Georgilas*, G – H Chambers, Head of Chambers, “*Protecting an Investment while safeguarding Cultural Property in the Event of Armed Conflict: An essential Dialogue between Fora*”
- *Rafael Tamayo Álvarez*, PhD Candidate from the Doctoral Program in Law, Universidad de los Andes, Bogotá, “*The Restitution of Land Owned by Foreign Investors in the Context of Transitional Justice: The Colombian Case*”
- *Lukas Vanhonnaecker*, Doctoral Candidate, McGill University, Faculty of Law., “*The Recourse to Private Military and Security Companies by Foreign Investors in Conflict-Affected Countries: Dangers, Opportunities and the Need to Regulate*”
- *Michail Dekastros*, Associate, Three Crowns LLP, “*Armed conflict and the protection afforded to sovereign wealth funds under international investment law*”

**13:00 – 14:00      Break**

14:00 – 15:30      **Parallel Sessions**

**Parallel Session 11**                      **"Ioannis Drakopoulos" Amphitheater**

Chair: *Stelios Stavridis*, Senior Research Fellow, Fundación Agencia Aragonesa para la Investigación y el Desarrollo, University of Zaragoza

Speakers:

- *Gabriel Bottini*, Partner, Uría Menéndez; Adjunct Professor of Public International Law, University of Buenos Aires, “**Reflections on the origins and evolution of war and civil disturbance clauses**”
- *Caroline Henckels*, Senior Lecturer, Faculty of Law, Monash University, “**Investment treaty exceptions and the circumstances precluding wrongfulness in the context of armed conflict**”
- *Suzanne Spears*, Partner, Volterra Fietta, London; *Maria Fogdestam-Agius*, Associate, Volterra Fietta, London, “**Protection of Investments in War-Torn States: A Practitioner Perspective on War Clauses in Bilateral Investment Treaties**”
- *Jure Zrilic*, Lecturer, University of Liverpool, “**Force majeure as a defence against conflict-related investment claims**”

**Parallel Session 12**                      **"Alkis Argiriadis" Amphitheater**

Chair: *Elisabeth Tuerk*, Chief, UNCTAD's Section on International Investment Agreements

Speakers:

- *Daniel Behn*, Postdoctoral Research Fellow in International Dispute Settlement, PluriCourts Centre of Excellence, Department of Public and International Law, University of Oslo; *Ana Maria Daza-Clark*, Teaching Fellow, University of Edinburgh, “**Between War and Peace: The application of international investment treaties in periods of intermittent armed conflict**”
- *Anastasios Gourgourinis*, Lecturer, Faculty of Law, National and Kapodistrian University of Athens; Athens Public International Law Center, “**Armed Conflict and ‘Denial-of-Benefits’ Clauses in Investment Treaties**”
- *Nicolas Pralica*, Associate, Dechert LLP & FDI Moot Alumni President; *Marilena Chrysanthakopoulou*, Faculty of Law, National and Kapodistrian University of Athens & FDI Moot Alumni Vice-President, “**Armed conflict, contributory fault and damages in investment disputes**”



- *José Gustavo Prieto* Muñoz, Post-Doctoral Researcher, University of Verona, “Awarding damages in times of armed conflict: An emerging standard of ‘economic capacity’ of the host state”

**15:30 – 16:00 Break**

**16:00 – 17:30 Parallel Sessions**

**Parallel Session 13 "Ioannis Drakopoulos" Amphitheater**

Chair: *Charalambos Pamboukis*, Professor, Faculty of Law, National and Kapodistrian University of Athens

Speakers:

- *Georgios Petrochilos*, Partner, Three Crowns (Paris), topic TBC
- *Philippe Leboulanger*, Founding Partner, Leboulanger & Associés (Paris), “Duty to Protect Foreign Investment in Armed Conflicts and International Arbitration”
- *N. Jansen Calamita*, Principal Research Fellow, Centre for International Law, Head for the Investment Law and Policy Programme, National University of Singapore, topic TBC
- *Sebastian Wuschka*, Associate, Luther Rechtsanwalts-gesellschaft (Hamburg); Visiting Lecturer & Doctoral Student, Ruhr-University Bochum, “The Obligation of Non-Recognition of Situations Created by an Illegal Use of Force before International Investment Tribunals”

**Parallel Session 14 "Alkis Argiriadis" Amphitheater**

Chair: *Catharine Titi*, French National Centre for Scientific Research (CNRS) and CREDIMI, University of Burgundy

Speakers:

- *Markus Wagner*, Associate Professor, University of Warwick School of Law, “The Parallel - Though Temporally Distinct - Development of the Principle of Proportionality in International Investment Law and International Humanitarian Law”
- *Vaios Koutroulis*, Assistant Professor, International Law Centre, Université Libre de Bruxelles, “Interpretation of military necessity in the context of international investment law”
- *Daniel Behn*, Postdoctoral Research Fellow in International Dispute Settlement, PluriCourts Centre of Excellence, Department of Public and International Law, University of Oslo; *Taylor St. John*, Postdoctoral Research Fellow, PluriCourts Centre of Excellence, Department of Public and International Law, University of Oslo;

and Günes Ünüvar, Postdoctoral Research Fellow, Centre of Excellence for International Courts (iCourts), “*Might Claims Commissions Work Better? A Comparative Analysis of Claims Commissions and Arbitral Tribunals to Settle Investment-Related Disputes in Conflict Zones*”

- *Alia O. Alqazzar*, Doctoral Student, Graduate Institute of International and Development Studies; Trainee at Freshfields Bruckhaus Deringer LLP, Dubai, “*Jus in Bello in Investment Treaty Disputes: A Rising Moon in the Twilight Zone of Investment Protections in Times of Armed Conflict*”

**17:30– 18:30**      **Keynote Lecture**                      **"Alkis Argiriadis" Amphitheater**  
*Alain Pellet*, Emeritus Professor, University Paris Nanterre

**18:30**                      **Closing Remarks**