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## World Trade Forum 2011

# New Directions and Emerging Challenges in International Investment Law and Policy

World Trade Institute, University of Bern  
*with the kind support of the Ecoscientia Foundation*

## Programme

### Day One: Friday, 9 September 2011

- 12:00–13:00 Registration (World Trade Institute)
- 13:00–13:10 **Plenary Welcome**  
**Room 201, Main Building, University of Bern**
- 13:10–15:00 **Session One: New Paradigms in the Economics and Political Economy of International Investment Activity**
- Chair: James Zhan, UNCTAD**  
**Introductory presentation**
- Paper 1: Foreign Direct Investment and Development: New Perspectives, Novel Challenges  
**Theodore Moran, Georgetown University**
- Paper 2: New Actors in the International Investment Scenario: Sovereign Wealth Funds and State Enterprises  
**Lauge Poulsen, London School of Economics and Sébastien Miroudot, OECD**
- Discussants:**  
**Gary Hufbauer, Peterson Institute for International Economics**  
**Pierre Sauvé, World Trade Institute**
- 15:00–15:30 Open Discussion
- 15:30–16:00 Coffee Break

16:00–18:00 **Parallel Sessions Two and Three**

**Parallel Session Two: The Interaction Between International Trade and Investment Regulation**

**Room 201, Main Building, University of Bern**

**Chair: Thomas Cottier, World Trade Institute**

Paper 1: Investment and Trade: The "Lottie and Lisa" of International Economic Law?  
**Tomer Brode, Hebrew University of Jerusalem**

Paper 2: International Investment Law and Trade  
**Mary E. Footer, University of Nottingham School of Law**

**Discussants:**

**Debra Steger, University of Ottawa**

**Christian Tietje, Martin-Luther University, Halle-Wittenberg**

**Parallel Session Three: The Challenge of Fostering Greater Coherence in International Investment Law**

**Room 101, Main Building, University of Bern**

**Chair: August Reinisch, University of Vienna**

Paper 1: Practical and Legal Avenues to Make Substantive Rules and Disciplines of IIAs Converge  
**Andrea Bjorklund, University of California**

Paper 2: The Procedural Dimension: How to Foster Greater Consistency in Panel Interpretation of Substantive Investment Rules and Disciplines?  
**Yas Banifatemi, Shearman & Sterling**

**Discussants:**

**Michael Ewing-Chow, National University of Singapore**

**Anne Van Aaken, University of St. Gallen**

18:00–18:30 **Open Discussion (in each parallel session)**

19:30 **Dinner (for speakers and discussants only)**  
**Keynote Speaker: Daniel Price, Former Assistant to the President and Deputy National Security Advisor for International Economic Affairs of the United States; Principal, Daniel M. Price PLLC.**

**Day Two: Saturday, 10 September 2011**

9:00–11:00 **Session Four: The Policy and Rule-making Challenges Arising from the Growth in Investment Litigation**  
**Room A103, Uni S Building, University of Bern**

**Chair: Anna Joubin-Bret, UNCTAD**

Paper 1: The Current Challenges of ISDS: How to Improve the System?  
**Margrete Stevens, King & Spalding**

Paper 2: A New Approach Towards Addressing Investor-State Conflicts: Development of Investor-State Dispute Prevention Mechanisms  
**Roberto Echandi, World Trade Institute**

**Discussants:**

**Andrea Bjorklund, University of California**

**Laurence Boisson de Chazournes, University of Geneva**

**Open discussion**

11:00–11:15 Coffee Break

11:15–13:00 **Session Five: The Quest for an Adequate Balance Between Investment Protection and Liberalization and Other Public Policy Objectives**  
**Room A103, Uni S Building, University of Bern**

**Chair: Michael Ewing-Chow, National University of Singapore**

Paper 1: Is There a Case to Develop a “General Exception” Such as GATT’s Art. XX in the Context of International Investment Law?  
**Bart Legum, SALANS**

Paper 2: Investment and Sustainable Development: Developing a New Conceptual Framework  
**Anne Van Aaken, University of St. Gallen**

**Discussants:**

**Céline Lévesque, University of Ottawa**

**Susan Franck, Washington and Lee University, Virginia**

**Open discussion**

13:00–14:00 Lunch Break

Afternoon **Session Six: Closing Roundtable: The Way Forward for the International Investment Regime**  
**Room A103, Uni S Building, University of Bern**  
**Chair: Pierre Sauvé, World Trade Institute**

14:00–15:30 **Presentation of papers**  
From an Uneven International Investment Regime Towards a Coherent International Investment System: Defining the Objectives, Architecture and Roadmap  
**Christopher Schreuer, Wolf Theiss Rechtsanwälte**  
**Peter Muchlinski, University of London**  
**Rudolph Dolzer, University of Bonn**

15:30–15:45 Coffee Break

15:45–16:30 **Discussants:**  
**Marino Baldi, Former Swiss Ambassador and Trade Delegate, Former Chairman of the OECD Investment Committee**  
**Rainer Geiger, Former Deputy Director Financial and Fiscal Affairs, OECD**

16:30–17:30 **General Discussion and Concluding Remarks**  
World Trade Institute & UNCTAD