

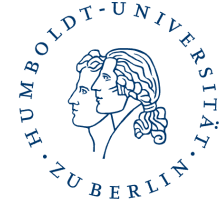


Deutsche
Industrie- und Handelskammer

DIS

German Arbitration Institute

HUMBOLDT-
UNIVERSITÄT
ZU BERLIN



Conference: The Rule of Law and the Future of Investment Protection

Programme

Date: 31 October 2024

Venue: DIHK/Haus der Wirtschaft, Mendelssohn Saal (EG), Breite Strasse 29, 11052 Berlin



Unlock insights into the future of global investment protection!

Foreign Direct Investment (FDI) plays a crucial role in addressing many of today's pressing global issues. For instance, the transition to green energy hinges on private investments; without them, the shift would take significantly longer. Even the most economically promising investments require at least a minimum level of protection against undue interference from the host state or private actors to attract investors. The extent and nature of this protection have been the subject of intense debate in recent years, often linked to high-profile claims by investors. Both sides of these debates frequently invoke the rule of law to support their positions, driven by the specific interests at stake, often without considering the broader context.

On the eve of the Foreign Direct Investment Moot Court, which brings many of the leading experts on investment protection to Berlin, the German Arbitration Institute, Humboldt University, and the DIHK have joined forces to take a fresh look at some of the most controversial issues in FDI. Join us for a pivotal conference on the morning before the moot court begins, where leading scholars and practitioners will explore the latest developments and hot topics in investment protection. Engage with experts from around the globe as we delve into the evolving landscape of investment protection and its implications for global economic stability.

This is a unique opportunity to deepen your understanding and contribute to the discourse on one of today's most pressing topics in international investment. We look forward to your participation in this essential dialogue.

Programme

10.00 am	Welcome Stephan F. Wernicke DIHK, Berlin Stefan Kröll German Arbitration Institute (DIS), Berlin/Bonn
10.15 am	Keynote Speech: <i>Investment Protection – Trends and Developments</i> Andrea Bjorklund , McGill University, Montreal
11.00 am	Panel 1: Do we need Investment Protection – Stakeholders Views Moderator Helene Bubrowski , Table.Media, Berlin EU-States Moritz Lumma , Germany-BMWK, Berlin Veronica Korom , ESSEC Business School, Paris/Budapest Asian States Manjiao Chi , University of International Business and Economics, China Investors Stephan F. Wernicke , DIHK, Berlin UNCTAD Hamed El Kady , UNCTAD, Geneva Academia Stephan Schill , University of Amsterdam, Amsterdam
12.30 pm	Lunchbreak
1.30 pm	Panel 2: Investment Arbitration and the Rule of Law – reports by ILA and ITA Moderator Barbara M. Maucher , Noerr, Dusseldorf Short presentations of their works by August Reinisch , ILA, Chair of Working Group James Castello , ITA, Rule of Law Task Force
2.30 pm	Coffee Break

3.00 pm	Panel 3: Investment Dispute Settlement in the 21st century Moderator Sebastian Wuschka , DIS40 Co-Chair, Hamburg UNCITRAL Judith Knieper , UNCITRAL, Vienna ICSID Elisa Mendez Bräutigam , ICSID, Washington EU-Commission Blanca Salas Ferrer , European Commission, Brussels Academia Steffen Hindelang , Uppsala University and CELIS Institut, Uppsala/Berlin American View George Bermann , Columbia University, New York Asian View Shimpei Ishido , Nishimura & Asahi, Tokyo DIS40 Nadja Harraschain , A&OShearman, Frankfurt
4.30 pm	Closing Remarks Gerhard Wagner , Humboldt University, Berlin

Registration

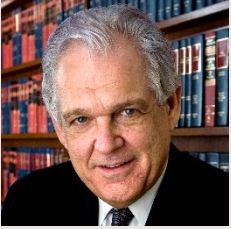
Please register **by 22 October 2024** via the link below. Participation in the event is free of charge. By registering you accept the [DIS General Terms and Conditions](#) for Conferences and Workshops.

[Registration →](#)

Please address any questions to: events@disarb.org.

German Arbitration Institute (DIS),
Deutsche Institution für Schiedsgerichtsbarkeit e.V.
Lennéstr. 9, 10785 Berlin,
www.disarb.org

Speaker



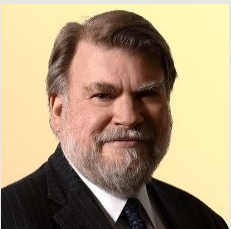
George A. Bermann is professor of law and director of the Center for International Commercial and Investment Arbitration at Columbia Law School. He has been arbitrator in scores of international commercial and investment cases since 1985 under the aegis of most leading international arbitral institutions. He is head of the global advisory board of the New York International Arbitration Center (NYIAC), fellow of Chartered Institute of Arbitrators, founding member of the Governing Board of the ICC International Court of Arbitration (Paris), head of the advisory board of the Thai Arbitration Center (Bangkok) and Center for International Investment and Commercial Arbitration (Lahore, Pakistan), and board member of the Tehran Regional Arbitration Center. He was Chief Reporter of the ALI Restatement of the US Law of International Commercial Arbitration, co-editor-in-chief American Review of International Arbitration and member of board of editors of Revue de l'Arbitrage. He co-authored (with E. Gaillard) the UNCITRAL Guide to the New York Convention and authored many books, book chapters and articles on international dispute resolution, notably international arbitration.



Andrea K. Bjorklund is a Full Professor and the L. Yves Fortier Chair in International Arbitration and International Commercial Law at McGill University Faculty of Law. She acts as arbitrator and expert in both investment and commercial arbitrations. She has been appointed to the ICSID roster of arbitrators by the Government of Canada, and is on the panel of arbitrators of several leading institutions, including the Beijing Arbitration Commission/Beijing International Arbitration Center and the Shenzhen Court of International Arbitration. Before entering the academy she was an attorney-adviser on the NAFTA arbitration team in the Office of the Legal Adviser of the U.S. Department of State. She is the General Editor of Arbitration International and is the Editor for Investment for the Journal of International Dispute Settlement. She publishes widely on international economic law matters and on dispute settlement.



Helene Bubrowski, is deputy editor-in-chief of Table.Briefings. She studied law in Cologne and Paris and wrote a doctorate in international law. After her second state examination, she worked for the Frankfurter Allgemeine Zeitung from 2013 and reported as a correspondent from Berlin from 2018 to 2023. The mother of two sons is a regular guest on talk shows, and in 2023 her book 'Die Fehlbaren' about the inadequate culture of error in politics was published by dtv.



James Castello recently joined Arbitration Chambers to become a full-time arbitrator after 37 years of practice. For the past 15 years, James was a founding partner of King & Spalding's Paris office, specializing in international commercial and investor-State arbitration. Based in Europe for 25 years altogether, James' counsel work has focused on energy disputes and large infrastructure cases. James has also served as a U.S. delegate to UNCITRAL's Arbitration Working Group II since 2001 and to Working Group III since it began its project on ISDS Reform. He has participated in drafting or revising every arbitration instrument adopted by UNCITRAL. James is the Deputy Chair of the LCIA's Board of Directors and sits on the International Advisory Board of Vienna's International Arbitral Centre. A Vice-Chair of the Institute for Transnational Arbitration, James has been a founding member of its Rule of Law Task Force. After obtaining degrees from Yale and Berkeley, James began his legal career with clerkships at the U.S. Supreme Court and the Iran-U.S. Claims Tribunal.

Speaker



Manjiao Chi, Professor and Founding Director, Center for International Economic Law and Policy, School of Law, University of International Business and Economics (UIBE), Beijing, and a visiting professor in several leading law schools in the world. He is or was Deputy Chair, Academic Forum on ISDS; Deputy Chair, China International Investment Arbitration Forum; Executive Council Member, American Society of International Law; Standing Committee Member, Chinese Society of International Law. He is experienced in international commercial, investment and trade dispute settlement and investment treaty negotiation, a Chairperson Candidate for Trade and Sustainable Development (TSD) expert panel proceedings under EU trade treaties, and appears on the ICSID Panel of Conciliators. He holds BA, LL.M., and Ph.D. in law degrees.



Shimpei Ishido is partner at Nishimura & Asahi, Tokyo office. He has been active in the field of international trade matters and international investment disputes for many years. He advises and represents governments and major corporations with regard to investment arbitration under ICSID, ICC, and UNCITRAL arbitration rules. He currently serves as a member of the Japanese delegation to UNCITRAL Working Group III (Investor–State Dispute Settlement Reform). He also advises the government and corporations regarding anti-dumping and countervailing measures and WTO dispute settlements proceedings concerning such trade remedy measures. Before joining Nishimura & Asahi, he led, as legal counsel to the Ministry of Foreign Affairs of Japan, the negotiation of Japan’s international investment agreements, including the investment chapters of Trans-Pacific Partnership, Japan-EU Economic Partnership Agreement and Japan-ASEAN Comprehensive Economic Partnership. He received an LL.M. in international law from University College London.



Hamed El Kady Hamed El Kady is leading UNCTAD’s work on international investment agreements (IIAs) and investor-State disputes (ISDS). He also assumes the role of Officer-in-Charge, Director’s Office. He oversees the inter-governmental work of the Division and provides policy advice to Governments on issues related to investment policies for sustainable development. He is a core member of UNCTAD’s team on the World Investment Report (WIR) and the World Investment Forum (WIF). He has over 20 years of experience working with international organizations and has an extensive publication record on investment and related economic and legal issues. He is a frequent panelist in international conferences on investment policies.



Nadja Harraschain, is a Frankfurt based Associate at A&O Shearman’s international arbitration practice group and a Co-Chair of the DIS40, an initiative of young arbitration practitioners under the auspices of the German Arbitration Institute (DIS). She advises domestic and international clients on resolving complex cross-border disputes in the field of arbitration and litigation. In her PhD thesis, for which she was a visiting scholar at Columbia Law School in New York, she focussed on “Multiple Proceedings in Investor-State Dispute Settlement”.

Speaker



Steffen Hindelang is Professor of International Investment and Trade Law at Uppsala University in Sweden. He is also the Executive Director of the CELIS Institute, an independent, non-profit, non-partisan research enterprise dedicated to promoting better regulation of foreign investment in the context of security, public order and competitiveness. Steffen has advised the EU, European governments as well as companies on investment review regimes, international investment disputes, and international organisations on the reform of the current international investment law regime. He has been repeatedly invited by the European Parliament's INTA Committee to prepare studies on the development of the EU's Common Commercial Policy. He frequently acts as an expert advisor before international tribunals and national courts and has served as an ICSID arbitrator.



Judith Knieper is a legal officer at the Secretariat of the United Nations Commission on International Trade Law (UNCITRAL) in Vienna. She is the Secretary of Working Group II on Dispute Settlement, also services Working Group III on Investor-State Dispute Settlement Reform and is responsible for Mediation. Until her appointment to the Secretariat, she had been working in South East Europe from 1998 -2013 for numerous donors/organizations, e.g. OSCE, CoE, Worldbank and GIZ, the Deutsche Gesellschaft für Internationale Zusammenarbeit, the German international cooperation. She obtained both Legal State Exams in Frankfurt, Germany as well as her PhD and is also qualified and certified as a Mediator.



Veronika Korom is a professor of international business law and arbitration at ESSEC Business School in Paris and an affiliated partner at the dispute resolution boutique PARAGON Advocacy in Vienna. She specializes in commercial and investment arbitration, with a focus on cases involving EU law and matters related to the CEE region, and serves as an arbitrator in commercial disputes. Veronika is admitted to practice law in England & Wales, France, and Hungary. She is a member of the ICC International Court of Arbitration for Hungary, sits on the Board of the Vienna International Arbitral Centre (VIAC), and serves as the President of the Hungarian Arbitration Association (HAA).



Stefan Kröll is Professor for International Dispute Resolution at Bucerius Law School and the Chairman of DIS' Board of Directors. He is one of the directors of the Vis Moot Court and one of the leading German Arbitrators. Stefan has published extensively on International Commercial Arbitration and is in the Advisory/Editorial Boards of several international journals and institutions.

Speaker



Moritz Lumma is a trained lawyer. Before assuming his current position as Head of the Foreign Investment division at the Federal Ministry for Economic Affairs and Climate Action (BMWK), Moritz Lumma held various positions at the BMWK, the Federal Ministry of Finance and the Foreign Office, with three separate postings in Brussels, New Delhi and Beijing lasting more than ten years in total. Among other things, he has been responsible for litigation for the Federal Government at the European Court of Justice, and for a wide variety of portfolios regarding competitiveness, SME, trade and foreign trade and investment policy.



Elisa Méndez Bräutigam is a Legal Counsel at ICSID. Prior to joining ICSID, Ms. Méndez Bräutigam worked as an attorney in the international public law and international arbitration department of the law firm Foley Hoag in Washington D.C. and in the international arbitration department of the law firm Uría Menéndez in Madrid. Ms. Méndez Bräutigam holds degrees from Georgetown University (LL.M.), Universidad Complutense of Madrid and Universidad of La Rioja. She is admitted to practice law in Spain.

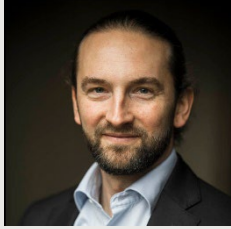


August Reinisch is professor of international and European law at the University of Vienna and a Member of the International Law Commission as well as of the Institut de droit international. He is president of the Austrian branch of the International Law Association (ILA) and served as chair of the ILA Committee on Rule of Law and International Investment Law (2016-2024). He has frequently served as arbitrator in investment cases mostly under ICSID and UNCITRAL Rules. He has published widely in international law with a focus on international investment law and on the law of international organizations and he is currently serving as the ILC's Special Rapporteur on the topic "The settlement of disputes to which international organizations are parties".



Blanca Salas Ferrer is an International Trade and Investment Lawyer serving as a Legal Officer at the Directorate-General for Trade of the European Commission, where she advises on a range of International Trade and Investment issues. Her work focusses on developing the European Union's approach to international investment dispute resolution, in particular the Investment Court System and the work on the Multilateral Investment Court project, and represents the European Union in several related international negotiations. Prior to her current position, Blanca worked as an associate lawyer in a Brussels-based boutique Law firm advising both governments and private entities on market access and WTO compatibility matters. Blanca Salas Ferrer holds an LL.M. on International and European Economic Law from the University of Maastricht (The Netherlands) and a Law Degree from the University of Barcelona (Spain).

Speaker



Stephan W. Schill is General Editor of ICCA Publications, the Yearbook Commercial Arbitration, and the ICCA Awards Series. He is Professor of International and Economic Law and Governance at the University of Amsterdam, specializing in international investment law and investor-State dispute settlement and its connections to general public international law, specialized international legal regimes, such as human rights or international environmental law, regional economic integration, as well as domestic administrative and constitutional law and international commercial arbitration. He is admitted as a Rechtsanwalt to the bar in Germany and as an Attorney-at-Law in the State of New York, is a Member of the ICSID Panel of Arbitrators, and regularly sits as arbitrator in investor-State proceedings under all major institutional and ad hoc rules. He is the General Editor of Schreuer's Commentary on the ICSID Convention (3rd edn, CUP 2022), has served as Editor-in-Chief of The Journal of World Investment and Trade (2014-2023), and has published widely on international investment law and investment arbitration.



Gerhard Wagner has held the position of Professor of Private Law, Business Law, and Economic Analysis of Law at Humboldt-Universität zu Berlin since 2013. At Humboldt-Universität, he is the founder and academic director of the English-language LL.M.-program „International Dispute Resolution“. Before joining the Humboldt faculty, Wagner served as executive director of the Institute of Civil Procedure and Dispute Resolution at the University of Bonn. He was a Visiting Fellow at University College in London (2003), Visiting Professor of Law at the University of Chicago Law School (2010–2011), Visiting Scholar at New York University School of Law (2018), and Professeur Invité at Université Paris Panthéon-Assas (2024). From 2009 through 2014 he also held the position of Professor of Fundamentals of Private Law at Erasmus University, Rotterdam, Netherlands. Since 2015, he has served as an External Academic Member of the Max Planck Institute for Comparative and International Private Law in Hamburg. From 2012–2021 he was Board Member of the German Institution of Arbitration (DIS). He is still a member of the European Law Institute, of the Berlin-Brandenburg Academy of Sciences and Humanities, as well as a corresponding member of North Rhine-Westphalian Academy of Sciences, Humanities and the Arts. Wagner has published widely in the fields of contracts, torts, litigation and arbitration.



Stephan F. Wernicke is Chief Legal Officer of the German Chamber of Commerce and Industry (DIHK, representing approx. 3,6 million commercial enterprises in Germany and 150 German Chambers of Commerce abroad) and Professor for European Law, European Economic Law and Competition Law at Humboldt-University Berlin. He is Vice-President of the German Foundation for International Legal Cooperation (IRZ) and Co-editor of the European Journal of Business Law (EuZW). Prior assignments include: Member of Cabinet of the Vice President of the European Commission, Chambers of the German Judge at the European Court of Justice, Luxembourg. He has published widely in the field of European Law with a focus on alternative dispute resolution. He advises on all EU matters, connects businesses to EU-institutions and is a renowned speaker on German and European Legal Policy.