

International Investment Law and Constitutional Law

– Frankfurt Investment Law Workshop 2018 –

Goethe University Frankfurt am Main, Germany
Campus Westend, Theodor-W.-Adorno-Platz 4, Frankfurt, Lecture Hall HZ 14

9 and 10 March 2018

International investment law and constitutional law have, for a long time, kept maximum distance to each other. Unlike with respect to other areas of international law, constitutional courts and constitutional law scholars, in most jurisdictions, largely ignored international investment law and its constitutional law implications. Similarly, international investment law and investor-state dispute settlement as a whole did not pay much heed to constitutional law and constitutional legal analysis. This mutual disciplinary ignorance is coming under increased pressure though as constitutional courts around the world, including the German Federal Constitutional Court, the French Conseil Constitutionnel and the Court of Justice of the European Union, are being called to address the constitutional limits of international investment law and investment dispute settlement. Similarly, investment tribunals increasingly face constitutional law arguments, and investment law scholarship promotes the use of constitutional legal analysis to step up to the challenges the field is facing as an instrument of global governance. The 2018 Frankfurt Investment Law Workshop will explore the different facets of the increasing interaction between international investment law and constitutional law and critically analyze the opportunities and challenges this interaction creates.

Friday, 9 March 2018

14:00 **Opening Remarks and General Introduction**

Rainer Hofmann, Goethe University Frankfurt am Main
Stephan Schill, University of Amsterdam

14.30 **Panel 1: (Domestic) Constitutional Law Limits of International Investment Law: A Comparative Perspective**

Till Patrik Holterhus, Georg-August-University Göttingen

International Investment Law and the (Domestic) Rule of Law

Rhea Hoffmann, Friedrich-Alexander-University Erlangen-Nürnberg

International Investment Law, Democratic Legitimacy, and the Protection of Human Rights

Discussant: Matthias Kumm, Wissenschaftszentrum Berlin

– Coffee break –

16:30 **Panel 2: The European Union's Constitutional Limits of International Investment Law**

Angelos Dimopoulos, Queen Mary University of London

The Constitutional Framework of the EU's International Investment Policy

Hannes Lenk, University of Gothenburg

The Constitutionality of Intra-EU Investment Agreements

Discussant: Sabrina Robert-Cuendet, Université du Maine – Le Mans

18.30 **Buffet**

20.00 **Keynote Address**

Markus Krajewski, Friedrich Alexander University Erlangen-Nürnberg

Re-embedding International Investment Law Through Human Rights Obligations for Business Entities: A Nightmare or a Noble Dream?

Saturday, 10 March 2018

09:00 **Panel 3: The Role of Constitutional Law in Investor-State Dispute Settlement**

Daniel Behn, University of Liverpool

The Role of Constitutional Law in Investor-State Arbitration

Philipp Donath, Goethe University Frankfurt

The Role of Constitutional Law in Investment Treaty-Making and Investment Law Reform

Discussant: Ilze Dubava, State Chancellery, Republic of Latvia

– Coffee break –

11:15 **Panel 4: International Investment Law as Constitutional Law**

Valentina Vadi, Lancaster University

Investor-State Dispute Settlement as Global Constitutional Adjudication

Joshua Paine, Max Planck Institute Luxembourg

Investment Protection Standards as Global Constitutional Law

Discussant: Makane Mbengue, University of Geneva

13:00 **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 20 February 2018.