

International Investment Law and History – Frankfurt Investment Law Workshop 2015 –

Goethe-Universität Frankfurt am Main, Germany
Campus Westend, Grüneburgplatz 1, Frankfurt
13 and 14 March 2015

The modern practice of international investment law and investor-State dispute settlement has been surprisingly ahistorical. Apart from the selective citation of a few pre-World War II cases, the rich history of investor-State relations and the international law that shaped them over time is largely ignored. Yet, notwithstanding the wide-spread perception that little can be learned from historical analysis for a system that is novel and unprecedented, there is an increasing sensitivity among scholars for the history of international investment law and its impact on the practice of the field. The 2015 Frankfurt Investment Law Workshop brings together some of these scholars for a discussion of the contribution historical approaches can make to a better understanding of international investment law.

Friday, 13 March 2015

(Room HZ 14 in the Lecture Auditoria Building)

20.00 **Welcome Reception and Buffet**

Keynote Address

Rudolf Dolzer

International Investment Law and the Minimum Standard: Past and Present

Saturday, 14 March 2015

(Room HZ 11 in the Lecture Auditoria Building)

09.00 **Opening Remarks and General Introduction**

Rainer Hofmann (Goethe-Universität Frankfurt am Main)

Stephan Schill (Max Planck Institute, Heidelberg)

09.30 **Panel 1: The Turn to History in International Investment Law**

Jörg Kammerhofer (Universität Freiburg)

The "Turn to History" and Its Limits

Andreas Kulick (Eberhard Karls Universität Tübingen)

Different Narratives in the History of International Investment Law and How the Past May Instruct (Our View on) the Present and Future of International Investment Law

Discussant: Lauge Poulsen (Oxford)

– Coffee break –

11.15 **Panel 2: Imperialism, Sovereignty and the Making of IIL?**

Kate Miles (Cambridge)

Contours of Empire: Geography, Sovereignty and International Investment Law in an Imperial Context

Muin Boase (SOAS)

A Historical Perspective on Investor Duties

Discussant: Jochen von Bernstorff (Eberhard Karls Universität Tübingen)

– Lunch break –

14.00 **Panel 3: History of International Investment Law: Case Studies I**

Jason Yackee (University of Wisconsin)

The First Investor-State Arbitration: Egypt v. La Compagnie universelle du canal maritime de Suez, 1864

Heather Bray (Max Planck Institute, Heidelberg)

Developing a Taxonomy for International Claims Commissions: Jay Treaty Onwards

Discussant: Norbert Wühler (WIPO Appeals Board, Geneva)

– Coffee break –

15.45 **Panel 4: History of International Investment Law: Case Studies II**

Taylor St. John (Oxford)

ICSID from Proposal to Reality, 1961-1966

Mona Pinchis (King's College)

The Forgotten Purpose of 'Fair and' 'Equitable Treatment' Clauses in Post-War United States' Commercial Treaties

Discussant: Todd Weiler (Western University, Canada)

17.15 **Concluding Observations**

Christian Tams (University of Glasgow)