



TRICI-Law



Interpreting the Unwritten Word:

Custom and its interpretation in
International Investment Law

September 20-21 2023

American University
Washington College of Law,
Washington D.C.



European Research Council
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Location: American University, Washington College of Law

20-21 September 2023

Draft Conference Programme

CONFERENCE DAY 1 (20 September 2023):

09:30-10:00 Arrival & Registration

10:00-10:15 Welcome by Host & Organisers

10:15-10:45 Remarks on the Book *Custom and its Interpretation in International Investment Law* (CUP 2023)
Horacio Grigera

10:45-11:00 Introduction / Presentation of the TRICI-Law Project
Panos Merkouris (Professor & Principal Investigator of the [TRICI-Law project](#), University of Groningen)

11:00-11:30 Coffee Break

11:30-13:00 Panel 1: Identifying Custom in International Investment Law
Chair: Michelle Grando (*Counsel, White & Case*)

- Patrick Dumberry [ONLINE] (*Full Professor, University of Ottawa*)
The 'Minimum Standard of Treatment' in International Investment Law: The Fascinating Story of the Emergence, the Decline and the Recent Resurrection of a Concept
- Diego Mejía-Lemos [ONLINE] (*Distinguished Research Associate Professor, Xi'an Jiaotong University*)
The Identification of Customary International Law and International Investment Law and Arbitration: State Practice in Connection with Investor-State Proceedings
- José Manuel Álvarez Zárte (*Professor, Universidad Externado de Colombia*)
Damages in International Investment Law: The Chorzow's Tale
- Nigel Blackaby [ONLINE] (*Partner, Freshfields Bruckhaus Deringer*)
The Alabama Case and Customary Assessment of Damages

13:00-14:30 Lunch Break

14:30-16:00 Panel 2: Interpretation of Treaties and Custom in International Investment Law

Chair: Bjorn Arp (*Professor, AUWCL*)

- Eric de Brabandere (*Professor, Leiden University*)
Claims Commissions and the Full Protection and Security Standard (FPS)
- Yannick Radi (*Professor, Université Catholique de Louvain*)
Comparative Reasoning in Investor-State arbitration
- Nina Mileva (*Assistant Professor, University of Groningen*)
A TWAIL Engagement with Customary International Investment Law: Some Strategies for Interpretation
- Anastasios Gourgourinis (*Associate Professor, National and Kapodistrian University of Athens*)
Subsequent Agreements and Subsequent Practice in the Interpretation of International Investment Law

16:00-16:30 Coffee/Tea Break

16:30-18:00 Roundtable Discussion on Custom & its Interpretation in International Investment Law

Chair: Maciej Żenkiewicz (*Assistant Professor, Nicolaus Copernicus University*)

- Andreas Kulick (*Senior Research Fellow, University of Tübingen*)
- Michelle Grando (*Counsel, White & Case*)
- Margarita R. Sánchez (*Partner, Miller & Chevalier*)
- Diego Gosis (*Partner, GST LLP*)
- José Manuel Álvarez Zárte (*Professor, Universidad Externado de Colombia*)

CONFERENCE DAY 2 (21 September 2023):

9:00-10:30 Panel 3: The Interpretation of Secondary Rules in International Investment Law

Chair: Margarita R. Sánchez (*Partner, Miller & Chevalier*)

- Marina Fortuna [ONLINE] (*Assistant Professor, University of Groningen*)
Interpretation of Secondary Rules in International Investment Law
- Sotirios-Ioannis Lekkas (*Assistant Professor, University of Sheffield*)
The Uses of the Work of the International Law Commission on State Responsibility in International Investment Arbitration
- Anna Ventouratou (*Assistant Professor, University of Sheffield*)
Revisiting the Availability of Countermeasures in Investment Arbitration
- Emmanuel Giakoumakis [ONLINE] (*Associate, Steptoe & Johnson LLP*)
A Riddle Wrapped in a Mystery Inside an Enigma: Equitable Considerations in the Assessment of Damages by Investment Tribunal

10:30-11:00 Coffee Break

11:00-12:30 Panel 4: Custom and its Interpretation in International Investment Law – Current Challenges

Chair: Michelle Grando (*Counsel, White & Case*)

- Filip Balcerzak (*Assistant Professor, Adam Mickiewicz University*)
The Role of Custom in International Investment Law Remedies: the Curious Case of Natural Resources
- Enrique Prieto-Ríos (*Professor, Universidad de Rosario*)
A Third World Perspective on the Hull Formula as the Accepted Standard of Compensation
- Oliver Hailes [ONLINE] (*Assistant Professor, London School of Economics and Political Science*)
Rebutting the Presumption of Reasonable Regulation: A Comment on Certain Iranian Assets and Recent Investment Awards
- Madhav Mallya [ONLINE] (*Associate Professor; Jindal Global Law School*)
The Precautionary Principle and the International Investment Regime: The Gradual Inclusion of Emerging Customary International Environmental Law in International Investment Agreements

12:30-12:45 Concluding Remarks & Closing of Conference