



As of 26.01.2016

2nd Kobe Seminar on International Investment Law 2016

Asian challenges to international investment law: Viewing from internal and comparative perspectives

Kobe, 29 January 2016

Programme

8:30 – 9:00 Registration

9:00 – 9:10 Opening Remarks: Dai Tamada (Kobe University)

9:10 – 11:00 Session 1 *Forefronts of Investor-State Dispute Settlement*

Moderator: Sungjin Kang (Troy University)

09:10 – 09:30 Martin Andrew Jarrett (University of Mannheim)

Intellectual Property Investments and the Locality Condition for Jurisdiction

09:30 – 09:50 Tomoko Yamashita (Kyoto University)

Moral Injury in Investor-State Arbitration: A Theoretical Shift for Reparative Modalities of International Responsibility

09:50 – 10:10 Jernej Letnar Čerňič (Graduate School of Government and European Studies, Slovenia)

Critical Analysis of the Proposal for the Creation of an International Arbitration Tribunal on Business and Human Rights

10:10 – 10:30 Hong Xu (Kobe University)

China's Next Investment Treaty-making Practice: Learning from Ping An Insurance Company Case

10:30 – 11:00 Discussion

11:00 – 11:20 Coffee Break

11:20 – 12:50 Session 2 *Critical Discourses on Asian Investment Law Development*

Moderator: Kei Nakajima (Kobe University & Graduate Institute Geneva)

11:20 – 11:40 Miho Sakai (Kobe University)

Japanese Domestic Criticisms over ISDS Clause of TPP

11:40 – 12:00 Dilini Pathirana (University of Colombo)

China-Japan-Korea Trilateral Investment Treaty and the Notion of Balanced Investment Treaties: A Critique

12:00 – 12:20 Matthew Levine (University of Toronto)

*Canadian IIA Practice in the Pacific-Rim 'Noodle Bowl': Canada-China FIPA,
Canada-Korea FTA, & the Trans-Pacific Partnership*

12:20 – 12:50 Discussion

12:50 – 14:10 Lunch

14:10 – 16:00 Session 3 *Towards the Implementation of Investment Law Network in Asia*

Moderator: James Claxton (Kobe University)

14:10 – 14:30 **Sungjin Kang (Troy University)**

*Conflict of Rules to Protect Investment under Regional Trade Agreements
between Korea and China – Navigating the “Noodle Bowl”*

14:30 – 14:50 **Kei Nakajima (Kobe University & Graduate Institute Geneva)**

*An Elusive Safeguard with Loopholes: Sovereign Debt and its ‘Negotiated
Restructuring’ in the TPP Agreement and Beyond*

14:50 – 15:10 **Le Thi Anh Nguyet (Ho Chi Minh City University of Law)**

ISDS in TPP: Where is the Benefit for Vietnam as a Developing Country?

15:10 – 15:30 **Dai Tamada (Kobe University)**

Investment Chapter of TPP from a Japanese Viewpoint

15:30 – 16:00 Discussion

16:00 – 16:20 Coffee Break

16:20 – 17:50 Session 4 *Transparency in and out of Asia: Zoom in*

Moderator: Dai Tamada (Kobe University)

16:20 – 16:40 **Fernando Dias Simões (University of Macau)**

Transparency in ICSID Arbitration: Lessons from the Last Decade

16:40 – 17:00 **Joongi Kim (Yonsei Law School)**

The State of ISDS Transparency in Asia

17:00 – 17:20 **James Claxton (Kobe University)**

Transparency in ISDS

17:20 – 17:50 Discussion

17:50 – 18:00 Concluding Remarks: James Claxton (Kobe University)

18:15 – 20:30 Dinner at Restaurant ‘Sakura’

Should you have any question, please contact: kei.nakajima@port.kobe-u.ac.jp