

Christian-Albrechts-University at Kiel (Germany)
Institute of State and Law of the Russian Academy of Sciences
Academy of Public Administration under the President of the Republic of Azerbaijan
Al-Farabi Kazakh National University
German-Russian Law Institute



International conference

within the framework of the project supported by Volkswagen Foundation (Germany)
“Foreign Investment Law in Azerbaijan, Kazakhstan and Russia: Balance of Interests in Transition Countries”

www.uni-kiel.de/investmentlaw

SETTLEMENT OF INVESTMENT DISPUTES WITH COUNTRIES IN TRANSITION

Moscow, 13 – 15 November 2009



13 November 2009

8.30 – 9.30 *Registration of the participants*

Session I

*Chairman: Corr. Academician Professor Dr. Andrey Lisitsin-Svetlanov, ISL RAS (Moscow, Russia)
ISL RAS (Moscow, Russia)*

9.30 – 10.00 *Opening of the conference*

10.00 – 11.00 Resolution of investment disputes involving countries with transition economies (*Professor Dr. Kai Hobér, Mannheimer Swartling (Stockholm, Sweden)*)

Arbitration between foreign investors and countries in transition: some examples from practice (*Professor Dr. Ivan Zykin, ISL RAS (Moscow, Russia)*)

Discussion

11.00 – 11.30 *Coffee break*

Session II

Chairman: Professor Dr. Georgiy Veliaminov, ISL RAS (Moscow, Russia)

11.30– 13.00 ICSID – a specialized institution for settlement of investment disputes: pros and cons for the State and investors (*Alejandro Escobar, Baker Botts (London)*)

ICSID from a Russian point of view (*Professor Dr. Ninel Vosnezenzkaja, ISL RAS (Moscow, Russia)*)

European Court of Human Rights as a forum for investment disputes (*Prof. Dr. Mahulena Hofmann, University of Giessen (Germany)*)

Practice of ICSID in resolution of investment disputes, in particular through mediation (*Mr. Thomas Mahaffay, ICSID (Washington)*)

Investment disputes in the energy sector, in particular on the base of the Energy Charter Treaty (*Dr. Richard Happ, Luther (Hamburg, Germany)*)

13.00 – 14.30 Lunch

14.30 – 15.00 Discussion

Session III

Chairman: Professor Dr. Alexander Trunk, University of Kiel (Germany)

14.30 – 16.00 Transparency in investor-state procedures (*Dr. Carl-Sebastian Zoellner (University of Kiel)*)

Amici Curiae in arbitral procedures on investment disputes (*Dr. Boris Kasolowsky, Freshfield Bruckhaus Deringer LLP (Frankfurt a.M., Germany)*)

The independence of arbitrators in investment disputes (*Roman Khodykin, Clifford Chance (Moscow)*)

Discussion

16.00 – 16.30 *Coffee Break*

16.30 – 18.00 Tendencies of the development of Russian domestic legislation in the field of foreign investments (*Dr. Ilja Rachkov, Noerr Stiefenhofer Lutz (Moscow)*)

International investment treaties of Russia: new trends (*N.N.*)

Recognition and enforcement of foreign awards and judgments on investment disputes: practice of Azerbaijan, Kazakhstan and Russia (*N.N.*)

Discussion

14 November 2009

8.30 – 9.30 Registration of the participants

Session IV

Chairman: Professor Dr. Rainer Hofmann, Johann Wolfgang Goethe University of Frankfurt

- 9.30 – 11.00 Competence (jurisdiction) in international investment arbitration: treaty provisions and contractual arbitration clauses (*Dr. Svetlana Kroupko, ISL RAS (Moscow, Russia)*)
Parallel proceedings (state court litigation/arbitration) on the same subject (*Dr. Christoph Schewe, DAAD Lecturer University of Tartu*)
Jurisdictional aspects of pre-investment disputes (*Azar Aliyev LL.M (Heidelberg), University of Kiel (Germany)*)
Discussion
- 11.00 – 11.30 Coffee Break
- 11.30 – 13.00 Conflict of laws issues in investment disputes (*Professor Dr. Rainer Hausmann, University of Konstanz, Germany*)
Applicability of national legislation in investment disputes (*Mr. Jeffrey Sullivan, Allen & Overy, London*)
Applicability of international law in investment contract disputes. (*Professor Dr. Georgiy Veliaminov, ISL RAS (Moscow, Russia)*)
Discussion
- 13.00 – 14.30 Lunch

Session V

Chairman: Ivan Marisin (Clifford Chance (Moscow))

- 14.30 – 15.30 The most favoured nation regime and procedural rights of investors (*Dr. Federico Ortino, King's College London*)
Umbrella clauses as a way to widen guarantees under investment protection treaties (*Christina Cathey Schuetz, Clifford Chance (London)*)
Discussion
- 15.30- 17-00 Provisional measures in investment arbitration (*Mrs. Sophie Nappert, Arbitrator, Gray's Inn London*)
Evidence in investment arbitration (*Professor Dr. Christian Tietje, Martin Luther University (Halle-Wittenberg, Germany)*)
Damages and compensation in investment arbitration (*Dr. Guglielmo Verdirame, 20 Essex St Chambers, University of Cambridge (Great Britain)*)

15 November 2009

- 10.00 – 11.30 Granting of awards to the winners of the Third Young Scholars Competition on Investment Law.
Presentations by the winners of the Third Paper Competition.
- 11.30 – 12.00 General discussion and closing remarks