

## Investment Arbitration-a rising issue in Asia

-Grace Chen

26 November 2011



Group photo of the officiating guests and speakers

CityU Law School together with United Nations Conference on Trade and Development (UNCTAD) hosted an international conference with the theme of *Contemporary Issues in Investment Arbitration: Challenges and Opportunities for Asia's Growth & Development* from 21-22 November 2011 at City University of Hong Kong.

The conference focused on how Asia could be better prepared for the prevention and the management of investment disputes in its role as the largest recipient of foreign direct investment. The conference addressed the issues relating to forums and rule shopping, selection of arbitrators and counsels in investment disputes, appeal system, legal aid, interpretations of basic concepts such as investment, necessity, national security from business, legal and cultural perspective, proliferation of FTAs and impact on investment arbitration, institutional and ad hoc arbitration of investment disputes.

The conference was attended by scholars from Switzerland, Japan, Korea, Netherland, Kuwait, Malaysia, Philippine, Hong Kong and Singapore.

UNCTAD and City University of Hong Kong concluded a Memorandum of Understanding on capacity building in international dispute settlement on 10 March 2008 with the shared aim to enhance expertise on dispute settlement in international trade, investment and intellectual property, and international commercial arbitration. Since then, CityU and UNCTAD have undertaken joint activities. In November 2009, UNCTAD and CityU organized a Workshop on Arbitration and Mediation of Intellectual Property Disputes in Guangzhou, China. CityU took a group of Judges from China to Geneva and to UNCTAD, as part of a special international training course in December 2010.



Professor Gregory B Raupp

**Professor Gregory B Raupp**, Vice-President (Research and Technology), City University of Hong Kong delivered the welcoming remarks on behalf of CityU. He said that the discourse between economics and law reinforces the new initiative of CityU which emphasizes on interdisciplinary

teaching and research. “In this regard, School of Law under the leadership of Dean Professor Wang has taken a very good step in cooperating with UNCTAD. I am very convinced that at the end of the conference my colleagues will get spark for conducting interdisciplinary research in the area relating to investment, law, economics and international politics and international relations.”

**Professor WANG Guiguo** said: “It’s a great honor for the Law School to be the first and only institution in Asia to have such extensive collaboration with UNCTAD. As a Law School aiming at global leadership, it is important to attract attendees from all over the world to exchange views with each other. Our Law School takes interest in and welcome future cooperation with other institutions in this field.”



Professor WANG Guiguo

Speaking on this occasion, **Dr. Supachai Panitchpakdi**, Secretary-General, UNCTAD, emphasized UNCTAD’s great appreciation of City University of Hong Kong in co-organizing and hosting this Conference.



Dr. Supachai Panitchpakdi

He then delivered a keynote speech titled *Latest trends in FDI and international investment policies*. He analyzed “outward foreign investment flows from developing countries have increased due to their growing economic strength, the dynamism of their TNCs and their growing aspirations to compete in new markets”. He suggested “one of the cornerstones of moving from a sustained recovery to a more inclusive growth model is regulation of the financial sector. In addition, investment policies need to play a key role in attracting foreign investment to productive sectors. Moreover, at the international level, international investment agreements (IIAs) can complement investment promotion and facilitation policies, by ensuring an open, transparent and predictable investment climate.”



From left to right: Professor WANG Guiguo, Dr Supachai Panitchpakdi and Commissioner Lü Xinhua

During his stay in Hong Kong, Dr. Supachai Panitchpakdi and Professor WANG Guiguo paid a special visit to The Commissioner’s Office of China’s Foreign Ministry in the Hong Kong SAR and met with Commissioner Lü Xinhua. Dr Supachai Panitchpakdi expressed his willingness to strengthen the exchange with China in international trade and economic development. Commissioner Lü introduced the current economic situation of Hong Kong and exchanged views on global economic prospects and China’s development.