

Ius Commune Conference 2021

Workshop: Constitutional Processes in the International Legal Order

Thursday, 25 November (14.00 - 18.00)

Theme: Market-based Instruments to Promote Sustainable Development

Organizing Committee

Cedric Ryngaert (UU), Jan Wouters (KU Leuven), Axel Marx (KU Leuven), Iveta Alexovičová (UM), Denise Prévost (UM)

Sustainable development is one of the most pressing issues of our time. The need to ensure that economic growth through trade and investment is sustainable has further gained in importance in the context of economic recovery from the devastating effects of the Covid-19 pandemic, and the push towards creating resilient and sustainable value chains. This workshop engages with the issue of the growing use of market-based instruments (MBIs) – legal tools that use market power to provide incentives for policy changes abroad - to pursue sustainable development objectives.

This workshop aims to explore various MBIs from the perspective of their contribution to sustainable development objectives, by examining their design, effectiveness and interaction with the international commitments of States.

14.00 - 14.05 **Cedric Ryngaert** (Professor of Public International Law, Utrecht University / RENFORCE)
Welcome

Part I: Market-based instruments and foreign investments

Chair: **Iveta Alexovičová** (Assistant Professor, Dept. of International and European Law, Maastricht University)

14.05 - 14.25 **Krishnamani Jayaraman** (PhD candidate, Maastricht University)
Intellectual property rights as market-based instruments for sustainable development: guidance from international investment law

14.25 - 14.45 **Thijs De Cuyper** (PhD candidate, KU Leuven)
Foreign direct investment in energy infrastructure and technology: a contextual analysis in light of the developing EU-China geo-economic relationship

14.45 - 15.05 **Discussion**

Part II: Interaction of public and private actors and market-based instruments

Chair: **Axel Marx** (Deputy Director Leuven Centre for Global Governance Studies, KU Leuven)

- 15.05 – 15.25 **Nikolaos Giannopoulos** (Assistant Professor at the Department of International and EU law at Utrecht University/Postdoctoral Researcher on EU Energy and Environmental Law within the Utrecht Centre for Water, Oceans and Sustainability Law (UCWOSL))
Recalibrating the EU regulation of offshore renewables to safeguard sustainable oceans: the case for market-based instruments and hybrid co-regulation?
- 15.25 – 15.45 **Jaap Baaij** (Associate Professor, Molengraaff Institute for Private Law, Utrecht Law School)
The judicialization of OECD dispute resolution: a forceful means to combat corporate environmental abuses?
- 15.45 – 16.05 **Tongle Si** (PhD candidate, Maastricht University)
The role of PPPs to achieve sustainable development in China
- 16.05 – 16.25 **Discussion**
- 16.25 – 16.45 Break

Part III: Market-based instruments and international trade: taxes and standards

Chair: **Jan Wouters** (Professor of International Law & International Organizations / Director of the Leuven Centre for Global Governance Studies, KU Leuven)

- 16.45 – 17.05 **Luna Aristei** (PhD candidate at LUISS University in Rome, currently a visiting PhD researcher at Maastricht University)
The EU carbon border tax: a sustainable market-based instrument or an obstacle to the free trade of goods?
- 17.05 – 17.25 **Unyime Morgan** (PhD candidate, Maastricht University)
Halting agricultural pollution through “polluter pays” taxation
- 17.25 – 17.45 **Discussion**
- 17.45 – 18.00 **Cedric Ryngaert** (Professor of Public International Law, Utrecht University / RENFORCE)
Concluding Remarks