

SOCIAL LICENSE AND DISPUTE RESOLUTION IN THE EXTRACTIVE INDUSTRIES

MARCH 27, 2020



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8:30am-9:00am

REGISTRATION

9:00am-9:30am

WELCOME – Prof. Andrea Bonomi (UNIL)
GENERAL INTRODUCTION – Prof. Thomas Cottier (UNIBE)

9:30am-10:15am

LEGAL DISPUTES AND FINANCING

CHAIR: P.D. Dr. Krista Nadakavukaren Schefer (SICL)
PANEL: Dr. Georgios Petrochilos (Three Crowns LLP),
Mr. Joachim Knoll (LALIVE) & Dr. Xavier Favre-Bulle (Lenz & Staehelin)
INTRODUCTION: Mr. Joachim Knoll
PAPER PRESENTATIONS:

1. **Cash-strapped: How Can Mining Companies Finance Legal Disputes?** (Mr. Stefano Paolo Catelani, Calimala.legal & Medici Legal Finance Advisory)
2. **Heigh-Ho! Guide to the Initial Rules for the Newly Formed Global Natural Resources Dispute Centre** (Mr. Darrell Podowski, Cassels Brock & Blackwell LLP & Mr. Zaid Jivani, Royal Bank of Canada)

10:15am

COFFEE BREAK

10:45am

GRIEVANCE AND REDRESS

CHAIR: Prof. Francesco Maiani (UNIL)
PAPER PRESENTATIONS:

1. **Misconduct by Mining Companies – Avenues of Redress in Investment Arbitration** (Dr. Johannes Hendrik Fahner, University of Amsterdam and AKD Benelux Lawyers)
2. **A License to Mine: Ensuring the Approval of Affected Communities through Operational-Level Grievance Mechanisms** (Dr. Başak Bağlayan, University of Luxembourg)

11:15am

DISCUSSION

11:45am-1:30pm

LUNCH

1:30pm-2:30pm

CONSULTATION AND SOCIAL LICENSE

CHAIR: Prof. Eva Lein (UNIL)
PANEL: Dr. Alberto Aronovitz (SICL, retired), Dr. Isabelle Fellrath (SwissLegal Rouiller & Associés), Mr. Stéphane Brabant (Herbert Smith Freehills) & Mr. Paolo Marzolini (Patocchi & Marzolini)
INTRODUCTION: Dr. Isabelle Fellrath

PAPER PRESENTATIONS:

1. **Mining and the Right to Free Prior and Informed Consultation: Challenges to Peruvian Regulation in the light of International Human Rights Law and Investment Arbitration** (Ms. Clara M. López Rodríguez, King's College London)
2. **Social License to Operate: Gold Mining in Kyrgyzstan** (Dr. Kerem Toktomushev, University of Central Asia)
3. **Local project authorizations in Kenya; Does the end justify the means?** (Mr. David Wayumba, Advocate of the High Court of Kenya)

2:30pm-2:45pm

WELLNESS BREAK

2:45pm-3:30pm

DEEP SEABED MINING

CHAIR: Prof. Andreas Ziegler (UNIL)
INTRODUCTION: Mr. Paolo Marzolini
PAPER PRESENTATIONS:

1. **Deep Seabed Mining: The Next Frontier in International Investment Law** (Ms. Patricia Cruz Trabanino, Jenner & Block)
2. **Protecting Investments in Deep Sea Mining in High Seas – Risks, Regulations, & the Path Ahead** (Mr. Rana Rajat, Alston and Bird)

3:30pm-4:00pm

AFTERNOON TEA

4:00pm-4:30pm

DISCUSSION

4:30pm-5:00pm

GENERAL CONCLUSION – Mr. Stéphane Brabant

7:00pm

SPEAKER'S DINNER AND FIRESIDE TALK WITH PAN AMERICAN SILVER
FACILITATOR: Mr. Cory Kent (McMillan LLP)

LOCATION: SWISS INSTITUTE OF COMPARATIVE LAW (SICL)

Registration details online at
<https://www.unil.ch/llm/home/menuinstit/cooperations-1.html>
Conference Organization:
UNIL LL.M. Program Manager, Dr. Shaheza Lalani