

International Conference

**Managing the Globalization of Sanitation and Water Services:
'Blue Gold' Regulatory and Economic Challenges**

Hong Kong
23-24 March, 2015

Conference location
The Chinese University of Hong Kong (CUHK) - Shatin Main Campus
[Yasumoto International Academic Park \(YIA\)](#)
Lecture Theater No. 2 (LT2)

PROGRAM

The Chinese University of Hong Kong, Faculty of Law
In cooperation with
Maastricht University, Faculty of Law
University of Sydney, School of Economics
University of Leeds, Business School
British Institute of International and Comparative Law

Supported by the



Conference Organizers

Faculty of Law, The Chinese University of Hong Kong

Enriched by the intellectual and cultural heritage of its University and at the heart of the legal system, the Faculty of Law brings together common law and Chinese law with other great legal traditions and values to promote justice and safeguard the rule of law. An international family of research-led scholars creates a dynamic, flexible learning environment. Supported by world class research, the Faculty of Law provides a flexible, learner-centred environment in which students are actively engaged and prepared for distinction in the legal profession and for leadership roles in Hong Kong, China, and internationally.

For more information, see: <http://www.law.cuhk.edu.hk>

Centre for Financial Regulation and Economic Development

The Centre for Financial Regulation and Economic Development (CFRED) was established to support and facilitate research in all areas of law affecting commerce and business dealings, including the fields of banking law, capital markets, commercial law, contract law, corporate law, investment law, intellectual property, securities regulation, international trade law, tax law, and any other economically focused area of law in which a member of the CUHK Law Faculty addresses his or her research.

For more information, see: <http://www.law.cuhk.edu.hk/research/cfred>

The Worldwide Universities Network (WUN)

WUN comprises 16 research-intensive institutions spanning nine countries. It is one of the leading international higher education networks, collaborating to accelerate the creation of knowledge and to develop the people required to address the challenges and opportunities of our rapidly changing world. The Network helps new research groups get established by providing resources, contacts and advice. By helping to share talent across the different WUN members, we are able to encourage new research growth that will help address the challenges of tomorrow.

For more information, see: <http://www.wun.ac.uk/about>

Background note

On behalf of the Organizing Committee, I am delighted to welcome all the delegates and their guests to Hong Kong for the International Conference that will take place on March 23-24, 2015. This is an important scientific event devoted to the globalization of sanitation and water services and it will give participants a platform to exchange ideas, discover novel legal issues, reacquaint with colleagues, meet new friends, and broaden their knowledge.

The world of water services changed significantly in the late 1990s due to an extraordinary boom in global population growth. The sustained population increase sparked a need for water services expansion. Opportunities for investment in water services and sanitation infrastructure attracted tremendous support from a myriad of international financial institutions. These institutions unlocked a host of new business opportunities for the water services and sanitation industry to address traditional problems ranging from fresh water scarcity to inadequate investment in sanitation infrastructure to the inability of many public authorities to meet coverage needs.

The inability of public authorities to provide coverage to their citizens prompted a rise in water-services privatization contracts between foreign investors and states, such that 10 percent of global consumers now receive their water from private companies. New technologies and the need for additional infrastructure investment will certainly increase demand in the market, potentially spawning billion dollar valuations. Such economic promise and opportunity largely explains why water has earned the moniker of Earth's "blue gold."

However, there is no specific international regime or regulation for sanitation and water services. The international economic governance of cross-border sanitation and water services is emerging that is essentially based on international trade and investment treaties. It is precisely this growing role of international economic law that inspires this conference to provide an exhaustive economic and legal analysis of a phenomenon that combines potential high profit, development of new technologies and basic needs for all to access water.

Against this background, the conference objectives are:

- to improve our understanding of the current international legal framework in relation to internationalization of water services, to identify gaps in that framework, especially under the threat of possible climate change, and to propose changes to fill those gaps;
- to assess whether host States need greater certainty in managing private investment contracts governing the supply of their water by foreign consortiums;
- to investigate the nature of water as a resource, especially the nascent human right to water and its interaction with economic issues such as water pricing;
- to inform policymakers and stakeholders about the implications of 'globalization' of water services for the capacity to adapt to climate change in relation to response options for water resources;
- and, finally, to suggest legal developments which might enable states to better manage vital water services, even after privatization to foreign companies.

The proceedings of the Conference will be published.

In addition to numerous researchers at CUHK, the project team includes the University of Leeds (UK), Maastricht University (Netherlands) and the University of Sydney (Australia). It also includes two WUN+ partners, the University of Valencia and the British Institute of International and Comparative Law. In 2013, the group was awarded a WUN Research Development Fund (RDF) grant to help propel the project forward.

There is no participation fee for the Conference. If you are interested, please register on the conference website as soon as possible.

All of the members of the local Organizing Committee from the CUHK Law Faculty wish you a superb conference experience and a memorable stay in Hong Kong. Welcome to Hong Kong!

Prof. Julien Chaisse

Hong Kong, February 12, 2014

Monday, March 23, 2015:

8:00 – 9:00 **Coffee and registration (YIA Foyer)**

9:00 – 9:15 **Welcome and opening remarks**

Mr. Christopher Gane, Dean, Faculty of Law, CUHK
Mr. Tihomir Ancev, School of Economics, University of Sydney
Ms. Leïla Choukroune, Faculty of Law, University of Maastricht
Mr. Julien Chaisse, Faculty of Law, CUHK

9:15 – 10:00 **Keynote Speech followed by Q&As**

Ms. Laurence Boisson de Chazournes, Faculty of Law, University of Geneva

10:00 – 11:15 **Session I: International Trade Governance of Sanitation and Water Services**
Chair: Mr. Jesus Seade, Department of Economics, Lingnan University

- **International Trade Rules for Promoting Global Water-use Efficiency**
Mr. Manzoor Ahmad, International Centre for Trade and Sustainable Development, Geneva
- **The Trade in Water Services -- How Does GATS Apply to the Water and Sanitation Services Sector?**
Ms. Rebecca Bates, School of Law, Queen Mary University of London
- **Intellectual Property Rights and Access to Clean Water: Friends, Foes or Something in Between?**
Mr. Bryan Mercurio, Faculty of Law, CUHK
- **Lead discussants followed by Q&As**
- Mr. David Yongqin Cheng, Department of Geography, CUHK
Mr. William Marshall, Baker & McKenzie, HK
Mr. Danny Friedmann, Faculty of Law, CUHK

11:15 – 11:45 **Coffee Break (YIA Foyer)**

11:45 – 13:00 **Session II: Foreign Investment Governance of Sanitation and Water Services**
Chair: Ms. Leïla Choukroune, Faculty of Law, University of Maastricht

- **Foreign Governmental Suppliers' Investment: Profit or Aid?**
Mr. Shintaro Hamanaka, Asian Development Bank, Manila
- **The Erosion of the Concept of Public Service in Water Concessions**
Mr. Fernando Dias Simões, Faculty of Law, University of Macau
- **Are Investments in Water Different? A Legal and Economic Exploration of Specialized Regimes for Utilities in International Investment Treaty Arrangements**
Mr. Jansen Calamita, British Institute of International and Comparative Law, London
- **Lead discussants followed by Q&As**
Mr. Timothy Franklyn, DLA Piper HK
Mr. Bryan Mercurio, Faculty of Law, CUHK

13:00 – 14:00 **Lunch in YIA Foyer (for speakers, chairs and discussants only)**

14:00 – 15:30 **Session III: Regional Developments in the Regulation of Water Services**
Mr. Gonzalo Villalta Puig, Faculty of Law, CUHK

- **Comparative Water Law, Policies and Administration in Asia**
Mr. Eduardo Araral, National University of Singapore
Mr. David Yu, Arizona State University
- **Fragmentation of Water Policies as a Source of Disputes in Asia-Pacific**
Mr. Sufian Jusoh, Faculty of Law, University of Malaysia
- **Integrating Water Services Markets -- The regulation of water services in the EU internal market**
Mr. Panagiotis Delimatsis, Faculty of Law, University of Tilburg
- **External Competences of the EU in the Field of Water Services Trade and Regulation**
Mr. Christoph Hermann, Faculty of Law, University of Passau
- **Lead discussants followed by Q&As**
Mr. Francesc Hernandez-Sancho, School of Economics, University of Valencia
Mr. Markus Krajewski, Faculty of Law, University of Erlangen-Nuremberg

15:30 – 16:00 **Coffee Break (YIA Foyer)**

16:00 – 17:30 **Session IV: Funding of Sanitation and Water Services: Emergence of a Global Market**
Chair: Mr. Patrick Low, President of Research at the Fung Global Institute

- **The Role of Multinationals in Providing Water Services: Are they more efficient?**
Mr. Tihomir Ancev, School of Economics, University of Sydney
Mr. Samad Azad, Tasmanian School of Business & Economics
Mr. Francesc Hernandez-Sancho, School of Economics, University of Valencia
- **Demand for Infrastructure Investment for Water Services: Key Features and Assessment Methods**
Mr. Sacchidananda Mukherjee, National Institute of Public Finance and Policy (New Delhi)
Mr. Debashis Chakraborty, Indian Institute of Foreign Trade
- **Development of China's Water Markets to Hold the Three Red Lines**
Ms. Dawn McGregor, China Water Risk
- **Microfinance in Water and Sanitation Services: Identifying best practices**
Mr. Allen Lai, ESSEC Business School, Singapore
Mr. Jonatan Lassa, School of International Studies, Nanyang Technological University
- **Lead discussants followed by Q&As**
Mr. Zhaodong Jiang, Business School, CUHK
Mr. Chao Xi, Faculty of Law, CUHK

Tuesday, March 24, 2015:

9:00 – 9:30 **Coffee and registration (YIA Foyer)**

9:30 – 11:00 **Session V: The Rise of International Disputes**
Chair: Ms. Yuhong Zhao, Faculty of Law, CUHK

- **A Critical Approach to Investment Awards on Water related Issues**
Mr. Shotaro Hamamoto, School of Law, University of Kyoto
- **The Right of the Host State to Regulate Water Services**
Ms. Catharine Titi, Faculty of Law, University of Paris II
- **Mechanisms to Protect Public Interest in Water Disputes in International Investment Arbitration**
Mr. Rahul Donde, Associate, Levy Kaufmann-Kohler, Geneva
- **Lead discussants followed by Q&As**
Mr. James Fry, Faculty of Law, HKU
Mr. Dennis Cai, Hong Kong International Arbitration Center

11:00 - 11:30 **Coffee Break (YIA Foyer)**

11:30 – 12:45 **Session VI: Balancing economic and non-economic policy objectives: Potentials and Limits of international law I**
Chair: Mr. Jansen Calamita, British Institute of International and Comparative Law

- **Water Control and Climate Change: Promises and Pitfalls of Shale Gas**
Mr. Paolo Davide Farah, University of West Virginia
- **Right to Water in the Shadow of Trade Liberalization**
Mr. Chien-huei Wu, Academica Sinica
Ms. Helen Huang, National Taiwan University
- **General Exceptions Clause in Economic Treaties**
Mr. Julien Chaisse, Faculty of Law, CUHK
- **Lead discussants followed by Q&As**
Mr. Anatole Boute, Faculty of Law, CUHK
Ms. Kun Fan, Faculty of Law, CUHK

12:45 – 14:00 **Lunch in YIA Foyer (for speakers, chairs and discussants only)**

14:00 – 15:30 **Session VII: Balancing economic and non-economic policy objectives: Potentials and Limits of international law II**
Chair: Mr. Tihomir Ancev, School of Economics, University of Sydney

- **The Parched Earth of Cooperation: Solving the Tragedy of the Commons in Global Water Conservation**
Mr. Bryan Druzin, Faculty of Law, CUHK
- **Protecting the Human Right to Water through the Regulation of Multinational Enterprises**
Mr. Markus Krajewski, Faculty of Law, University of Erlangen-Nuremberg
- **The Liberalization of Water and Sanitation Services and International Law -- For a Holistic Rights Based Approach**
Ms. Leila Choukroune, Faculty of Law, University of Maastricht

- **Lead discussants followed by Q&As**

Mr. Samuli Seppänen, Faculty of Law, CUHK

Mr. Emmanuel Gillet, School of Accounting and Finance, Hong Kong Polytechnic University

15:30 – 16:00 **General Report of the *Conference Rapporteur***

Mr. Pierre Sauvé, World Trade Institute

16:00 – 16:30 **Closing remarks**

Mr. Tihomir Ancev

Ms. Leïla Choukroune

Mr. Julien Chaisse

END