

UNIVERSITY OF HONG KONG
EAST ASIAN INTERNATIONAL ECONOMIC LAW
& POLICY PROGRAMME
ASIAN INSTITUTE OF INTERNATIONAL FINANCIAL LAW
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LAW AND TECHNOLOGY CENTRE

Seminar

**Adapting the Full Protection and Security Standard of
International Investment Law to the Digital Age**

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Tuesday, 7 September 2010, 1:00 - 2:00 pm
Room LG102, LG1 Floor, KK Leung Building, University of Hong Kong

International investment treaties typically include a clause which guarantees “full protection and security” to foreign investments in party states. This term is taken to mean that the physical assets of the foreign investor will be kept safe from civil unrest or other violence that may occur in the host state. The host state is therefore said to have an obligation of due diligence with respect to maintaining adequate protection through its police and military forces.

However in the 21st century many assets of foreign investors are not physical but intangible, such as websites, databases and other information technology. Increasingly there are concerns that such assets are equally vulnerable to terrorism or “cyberattacks”. Consequently it is necessary to modify our understanding of the traditional “full protection and security” treaty standard to include an obligation on host states to maintain a secure digital environment, an extension that has already been hinted at in some international arbitration decisions. This may represent an unreasonable cost for some host states in the developing world.

David Collins teaches and researches in the field of international economic law and English contract law. Prior to his appointment to The City Law School, David practiced commercial litigation in Toronto, Canada and was a prosecutor for the Attorney General of Ontario. He has also been a consultant for several leading Canadian law firms and the World Bank. David is a Fellow of the Institute of Globalisation and International Regulation at Maastricht University and a Current Development Editor for the Manchester Journal of International Economic Law. He has also been a Visiting Fellow of the Institute of International Economic Law of Georgetown University, the World Trade Institute of the University of Bern, a Visiting Scholar the University of Sydney and a Visiting Professor at the ESADE Law School in Barcelona. At City, David teaches International Economic Law and Contract Law on the LLB and Graduate Entry LLB, and World Trade Law and International Investment Law on the LLM in International Commercial Law.

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email Flora Leung at fkleung@hku.hk to reserve a place.

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