



SIEL Second Global Conference

8-10 July 2010 – Barcelona

Full Programme

THURSDAY, JULY 8th

13:00 Registration Open

SIEL Network/Other IEL Organizations' Meetings/Panels

13:00-14:00 SIEL's Women in International Economic Law (WIEL) Meeting

Co-Convenors:

Dr. Freya Baetens, Assistant Professor of Public International Law, Grotius Centre for International Legal Studies, University of Leiden

Dr. Tracey Epps, Senior Trade Law Adviser, New Zealand Ministry of Foreign Affairs & Trade

14:00-15:00 Africa Region Roundtable

Convenor: Tomer Broude, Hebrew University of Jerusalem

14:00-15:00 Australia & New Zealand IELG

Convenor: Tania Voon, Associate Professor, Melbourne Law School, University of Melbourne

14:00-15:00 RED Latin America

Co-Convenors:

José Manuel Álvarez Zárate, Universidad Externado de Colombia, Bogotá, Colombia

Dr. Holger Hestermeyer, Head of Research Group, Max Planck Institute for Comparative Public Law and International Law

Estado de la Integración Latinoamericana (José Manuel Álvarez)

Avances, estado actual, organización administrativa y proyectos de la RED DEI-IEL, discusión abierta (Michelle Grando, Holger Hestermeyer y José Manuel Alvarez) (languages: Portuguese & Spanish)

15:00-15:15 Coffee

15:15-16:15 Asia IEL Network

Co-Convenors:

Junji Nakagawa, University of Tokyo

Douglas Arner, University of Hong Kong (by telephone, if possible)

15:15-16:15 Joint meeting of the European Society of International Law - Interest Group on Int'l Economic Law & the American Society of International Law - IELG Meeting

Convenors: Mary Footer, Carlos Esposito, Tobias Stoll, & Gregory Shaffer

16:15-17:45 International Investment Law Network

'Contemporary Issues' in International Investment

Dr Federico Ortino, King's College, London, United Kingdom: *Treaty interpretation: 'object and purpose'*

Dr Christina Knahr, University of Vienna, Austria: *Disqualification of arbitrators in investor-state disputes*

Dr Alex Mills, University of Cambridge, United Kingdom: *Conceptions of public and private in international investment law*

Dr Markus W Gehring, University of Ottawa, Canada: *Investment, trade and climate change*

Chair: Kate Miles, University of Sydney, Australia

16:15-17:45 International Financial and Monetary Law Network

Co-Convenors:

Douglas Arner, Director, Asian Institute of International Financial Law (AIIFL) & Professor, Faculty of Law, University of Hong Kong (by telephone, if possible)

Rolf H. Weber, University of Zurich Law School

Takis Tridimas, School of Law, Queen Mary, University of London

Mads Andenas, Professor, Faculty of Law, University of Oslo, and
Institute of Advanced Legal Studies, School of Advanced Study, University
of London

18:00 FORMAL WELCOME BY THE SIEL (Venue: Salo de Cent)

Donald M. McRae - President SIEL, Hyman Soloway Chair in Business and Trade Law, Law
Faculty (Common Law Section), Univ. of Ottawa & Member, UN International Law
Commission

Meredith Kolsky Lewis, Co-Executive Vice-President, SIEL Victoria University of Wellington, NZ
Colin B. Picker, Co-Executive Vice-President, SIEL Univ. of Missouri Kansas City School of Law
(until July 2010) & Law Faculty, University of New South Wales, Sydney, Australia (2010
onwards)

FORMAL WELCOME BY THE IELPO

Ramon Torrent, Director of the International Chair WTO/Regional Integration
and its IELPO Programme

18:30 THE ROBERT HUDEC LECTURE (Venue: Salo de Cent):

Joseph H. H. Weiler, *Joseph Straus Professor of Law and European Union Jean
Monnet Chair at NYU School of Law.*

"Constituting a Global Economic Public Space"

19:45 Robert Hudec Lecture Reception ((Venue: Salo de Cent)

Reception Sponsored by Morrison & Foerster LLP

FRIDAY, 9TH JULY

09:00-10:30

Panel I: Multilateralism Revisited: Promoting Coherence in International Investment Law
through a Secondary Law
Approach

WTI/ICTSD Roundtable Format

Marie Wilke, ICTSD (Chair)

Dr. Lluís Paradell, Freshfields Bruckhaus Deringer LLP

Elisabeth Tuerk, United Nations Conference on Trade and Development

Roberto Echandi, Ambassador of Costa Rica to the European Union, Belgium and
Luxembourg

Dr. Sabine Konrad, K&L Gates LLP

Discussant: Dr. Katja Gehne, WTI

Concurrent with

Panel II: *Perspectives on IEL & the Environment*

Nathalie Bernasconi-Osterwalder, Senior International Lawyer and head of program, Investment and Sustainable Development, IISD (Chair)

Sungjin Kang, Cleary Gottlieb, NY (“Carbon Border Tax Adjustment From WTO point of view”)

James Harrison, Associate Professor, School of Law, University of Warwick (“Reflections on Linkage Debates: A Case Study of Trade and Climate Change”)

Dr. Adriana Dantas Counsel, King & Spalding LLP (“The intersect between Climate Change and Agriculture Policy: managing potential risks to agriculture trade liberalization”)

Dr. Margaret Young, Senior Lecturer, Melbourne Law School, University of Melbourne (“Regime Interaction: Climate Change & Trade Law”)

Concurrent with

Panel III: *Perspectives on IEL and IP*

Tony Taubman, Director, Intellectual Property Division, WTO (Chair) (invited)

Michelle Ratton Sanchez Badin (Direito GV, Brazil) (“The international trade regime and policy space safeguards in Brazil: an analysis of the intellectual property’s and the trade finance domestic regulation”)

Branislav Hazucha Assistant Professor, Hokkaido University’s School of Law. (“International Technical Standards and Essential Patents Between Barriers to Trade and Obstacles to the Transfer of Technologies”)

Concurrent with

Panel IV: *Perspectives on IEL & Africa*

Chair: Dr. Gerhard Erasmus, Professor, Senior Research Fellow, Trade Law Centre for Southern Africa (TRALAC), Stellenbosch, South Africa

Laurence Boulle, Director, Mandela Institute & Issy Wolfson Professor of Law, & Nokuhle Madolo, Senior Researcher, Mandela Institute (at the School of Law, University of the Witwatersrand, Johannesburg), (“The 2009 South Africa/Zimbabwe Investment Bilateral – Competing Pressures”)

Teresa Thorp, Managing Director, Insight International, a Trade & Development NGO (“Challenges of Incorporating the Economic Acquis Communautaire of the EAC in a new Common Market”)

Jill Juma, Kenya (private practice) (“The legal and economic implications of EPA’S in Kenya’s trade arena”)

10:30-11:00 Tea/Coffee

11:00-13:00

Panel V: *Contemporary jurisdictional problems in Investor-State arbitration*

Galina Zucova (Counsel at the Secretariat of the ICC, Associate Professor at the Riga Graduate School of Law (Latvia). (“ICC Practice in Matters of States’ Jurisdictional Objections”).)

Dirk Pulkowski, Legal Counsel, Permanent Court of Arbitration (PCA), The Hague. (“Risks of Competing Jurisdiction: Investor-State Arbitration and State-to-State Proceedings”).)

Aloysius Llamzon, Legal Counsel, Permanent Court of Arbitration (PCA), The Hague & Professorial Lecturer (on leave), Ateneo de Manila University Law School (the Philippines). (“Treating Corruption as a Jurisdictional Issue in Investor-State Arbitration: Promise and Limits”).)

Julie A. Maupin, Independent consultant in international economic law & PhD Candidate, Graduate Institute of International and Development Studies, Geneva. (“Jurisdiction based on MFN clauses: is there any hope for a consistent approach?”)

Karim Youssef, Associate Professor of Private & International Law at Cairo University. (“The unreasonable complexity of jurisdiction in investor-state arbitration”).)

Concurrent with

Panel VI: *Patent Infringements, Legitimate Trade And Access To Essential Medicines: A Case study On Conflicting Regimes And Ways For Reconciliation In International Law*

Jayashree Watal, Counsellor, Intellectual Property Division, WTO (invited)

Laurence Helfer, Duke Law School (“The Human Right to Health and Seizures of Generic Medicines in Transit”)

Henning Grosse Ruse – Khan, Max Planck Institute for Intellectual Property, Competition and Tax Law, Munich (“The Territorial Reach of Border Measures under EU Law, TRIPS and ACTA”)

Dr. Holger Hestermeyer, Head of Research Group, Max Planck Institute for Comparative Public Law and International Law (Discussant)

Concurrent with

Panel VII: *Towards a WTO Framework Agreement on Trade in Energy*

Dr. Thomas Cottier, Professor of European and International Economic Law and director of the NCCR Trade Regulation and leader of Work Package Climate Change Research, Bern (Chair).

Dr. Luca Rubini, Lecturer in Law, Deputy-Director of the Institute of European Law Birmingham Law School, Birmingham.

Sadeq Z Bigdeli, LL.M. (Harv.) Fellow, WTI (Bern); Lecturer in Law, Waikato School of Law (NZ)

Dr. Joelle de Sépibus, Senior Research Fellow, WTI, Brussels.

Sofya Matteotti-Berkutova, Research Fellow and doctoral student, WTI, Bern.

Dr. Yulia Selivanova, Legal Officer, European Energy Charter Secretariat, Brussels.

13.00-14:30 Lunch

14:30 -15:30 PLENARY: Dispute Resolution in IEL

Key Note: Giorgio Sacerdoti, Professor of International Law, Bocconi University, Milan & Former Chairman, Appellate Body of the WTO,
"From Law Professor to WTO Appellate Judge and ICSID Arbitrator: Similarities and Differences viewed from the Bench"

Distinguished Discussant: Loretta Malintoppi, Of Counsel, Eversheds LLP (Paris); Vice-President of the International Court of Arbitration of the International Chamber of Commerce

Panel VIII: *Perspectives on International Investment Law*

Ko-Yung Tung, Senior Counsellor, Morrison & Foerster, LLP and Visiting Scholar, Yale Law School (Chair & Perspectives from Current Practice)

Dr. Martins Paparinskis Hauser Research Scholar, New York University ("Investment Protection Law And Systemic Integration Of Treaty And Custom")

Celine Levesque, Associate Professor, Faculty of Law, University of Ottawa (“How sweet is it? NAFTA’s sugar cases and the challenges facing international investment law”)

Concurrent with

Panel IX: *Perspectives on IEL Governance*

Amelia Porges, Law Offices of Amelia Porges PLLC (Chair)

Maria Cristina d'Ornellas (Centro Universitário Franciscano and Centro Universitário Ritter dos Reis - Brazil) & Natália Siqueira (Centro Universitário Ritter dos Reis - Brazil) (“The role of public sector in the disputes submitted to the WTO: a comparative perspective between the Brazilian and the European model.”)

Juanita Olaya, Director Basel Institute on Governance (from May, 2010) (“Good Governance and International Investment Law: The challenges of transparency and corruption”)

Fiammetta Borgia, Lecturer in International law, University of Rome “Tor Vergata” (“New Governance Mechanisms in International Economic Law: the Role of Soft Law”)

Concurrent with

Panel X: *Perspectives on RTAs*

Ramon Torrent, Director of the International Chair WTO/Regional Integration and its IELPO LLM Programme, University of Barcelona, Spain (Chair)

Marion Panizzon, Assistant Professor in International Law, World Trade Institute/University of Bern, (“Free movement in economic partnership agreements: Reconciling Trade and Non-Trade Migration Agreements?”)

Ling Ling He, PhD Candidate, School of Law, University of Western Sydney (“In the Shadow of Australia - China Free Trade Agreement Negotiation: Obstacles and Policy Suggestions”)

Kamala Dawar, Formerly - University of Amsterdam Faculty of Law (“Disconnection clauses: another symptom of regionalism?”)

Nicole D. Foster, Lecturer, Faculty of Law, University of the West Indies, Barbados (“CARICOM and the Challenge of Governance in International Trade”)

17:15-17:45 Coffee

18:00-19:00 SIEL GENERAL MEETING

Convenors:

Meredith Kolsky Lewis, Co-Executive Vice-President, SIEL Victoria University of Wellington, NZ

Colin B. Picker, Co-Executive Vice-President, SIEL, Univ. of Missouri Kansas City School of Law (until July 2010) & Law Faculty, University of New South Wales, Sydney, Australia (2010 onwards)

19:30 Informal Social Event - Details to be Provided in Barcelona

SATURDAY, JULY 10th
9:00-11:00

Panel XI: *African perspectives on trade and agriculture*

Chisomo Kapulula, Bremen International Graduate School of Social Sciences, Germany ("The Politics of Export Subsidies under the WTO Framework: Impact on African Agricultural Trade?")

Tilahun Esmael, Haramaya University & Gashahun Lemessa, Jimma University, Ethiopia ("Market access for agricultural products from Africa: Assessing the AoA, SPS and TBT")
Fikremarkos Merso, Addis Ababa University, Ethiopia ("Biotechnology and Africa's Agriculture")

Commentators

Melaku Geboye Desta, University of Dundee, United Kingdom
Christian Tietje, Martin-Luther-University Halle-Wittenberg, Germany

Panel convenor

Prof. Dr. Markus Krajewski, University of Potsdam/University of Bremen, Germany

Concurrent with

Panel XII: *Financial & Monetary Law Perspectives*

Rolf H. Weber, University of Zurich Law School (Chair)

Mads Andenas, Professor, Faculty of Law, University of Oslo, and Institute of Advanced Legal Studies, School of Advanced Study, University of London & Dr. Pietro Poretti, Officer, Trade Relations Division, European Free Trade Association (EFTA) ("Bailout Policies For The Financial Services Sector And WTO And EU Rules: Assessment And Analysis")

Annamaria Viterbo, Assistant Professor in International Law, Faculty of Law, University of Torino, Italy ("The Return of Capital Controls as Emergency Tools to Counter Financial Crises. Iceland's Crisis and the Constraints Imposed by the EEA Agreement")

Guo Huachun, Law School of Xiamen University, China. ("Systemic Risks and the Legalization of Accountable Financial Regulation")

Jane Kelsey, School of Law, University of Auckland, New Zealand (“Are trade in financial services instruments an impediment to restoring financial stability?”)

Concurrent with

Panel XIII: *The International Climate Change Regime and Multilateral Trading Rules: A Latin American Perspective*

Ricardo Meléndez-Ortiz, Chief Executive, ICTSD (Moderator)

Fabio Morosini, Professor in Law, Federal University of Rio Grande do Sul, Brazil (“Regime Relations – Common but Differentiated Responsibilities in the WTO”)

Ingrid Jegou, Senior Programme Officer, International Centre for Trade and Sustainable Development (“Economic and Development Implications in Latin America”)

Valentina Durán, Environmental Law Centre, Faculty of Law, University of Chile (“A Legal View on Border Tax Adjustments”)

Rodrigo Polanco Lazo (“A Legal View on Border Tax Adjustment”)

Concurrent with

Panel XIV: *Perspectives on IEL & Development*

Prof. Moshe Hirsch, Director of the International Law Forum, Faculty of Law & Department of International Relations, Hebrew University of Jerusalem (Chair)

Lorand Bartels, Cambridge University & Christian Häberli, World Trade Institute (Bern University) (“Bound preferences under the WTO Enabling Clause”)

Henry Gao, Singapore Management University (“The WTO Technical Assistance and Capacity Building Program: A Report from the Field”)

11:00-11:30 Coffee/tea

11:30-13:00

Panel XV: *Negotiating and Complying with WTO Commitments*

Don Regan, William W. Bishop, Jr. Collegiate Professor of Law, University of Michigan (Discussant/Chair)

Sonia Elise Rolland, Assistant Professor, Northeastern University School of Law, Boston
("Redesigning The Negotiation Process At The WTO")

Shin-yi Peng Professor & Director, Institute of Law for Science and Technology, National Tsing Hua University, Taiwan ("Renegotiate the WTO 'Schedules of Commitments'?:-Technological Change and Treaty Interpretation")

Dr Derk Bienen, Managing Partner, BKP Development Research & Consulting and Adjunct Associate Professor, Addis Ababa University & Mamo E. Mihretu, Associate BKP Development Research & Consulting ("The Principle of Fairness and WTO Accession – An Appraisal and Assessment of Consequences")

Dr. Krzysztof J. Pelc, Postdoctoral Fellow, Niehaus Center, Princeton University, ("Eluding Efficiency: Why Do We Not See More Efficient Breach at the WTO?") [Winner 2009 SIEL/CUP Essay Prize]

Concurrent with

Panel XVI: *Trade and Investment in Comparative Perspectives*

Jürgen Kurtz, University of Melbourne; Fernand Braudel Senior Fellow, European University Institute (Chair)

Dr. Nicolas F. Diebold, Associate, Frierip Renggli, Zurich ("Non-discrimination and the pillars of international economic law: comparative analysis and building coherency")

Anastasios Gourgourinis Ph.D., Faculty of Laws, University College London (UCL); LL.B., LL.M. (University of Athens)("Lex Specialis in WTO And Investment Protection Law")

Nicolás Marcelo Perrone, PhD Student, London School of Economics; Assistant researcher, Centre of Interdisciplinary Studies of Industrial and Economic Law (University of Buenos Aires). ("Scrutinising States' power in a liberalised world: A comparative analysis of the international investment and international trade systems.")

Locknie Hsu, Associate Professor and Associate Dean School of Law, Singapore Management University ("2000-2009: A Decade of Security-Related Developments in Trade and Investment")

Concurrent with

Panel XVII: *Perspectives on IEL Dispute Resolution*

Xavier Fernández Pons, Professor Titular de Dret Internacional Públic, Departament de Dret i, Economia Internacionals Universitat de Barcelona (Chair)

Meredith Kolsky Lewis, Victoria University of Wellington, NZ ("Lessons from the Zeroing Cases")

Tomer Broude, Hebrew University, Israel (“Settling International Development Disputes through Conciliation”)

Bradly J. Condon, Professor of International Trade Law and a Founding Director of the Centre for International Economic Law at the Instituto Tecnológico Autónomo de México (ITAM) (“Lost in Translation: Plurilingual Interpretation of WTO Law”)

Concurrent with

Panel XVIII: *Approaches to International Econ. Law: History, Ideology & Method*

Chair: Professor Debra P. Steger, Faculty of Law, University of Ottawa

Gregory Shaffer (University of Minnesota and ASIL-IELIG co-Chair) (“Transnational Legal Process and State Change: Opportunities and Constraints”)

Luis M Hinojosa-Martínez (University of Granada and ESIL-IELIG Member) (“Economic Reasoning in International Economic Law Adjudication”)

Anne van Aaken (University of St. Gallen and ESIL-IELIG Member) (“Opportunities and Limits to an Economic Analysis of International Economic Law”)

13:00-14:30 Lunch

14:30-16:00 PLENARY Session: Development & IEL

Key Note: Gabrielle Marceau

Counsellor, Legal Affairs Division of the WTO

"The Evolution of the Development Challenge"

Distinguished Discussant: Atul Kaushik
Director, CUTS Geneva Resource Centre

16:00-16:30 Coffee

16:30-18:00

Panel XIX: *Perspectives on IEL and China*

Julia Ya Qin, Associate Professor of Law, Wayne State University Law School
(Chair/Discussant)

Jun XIAO, Associate Professor, Whuan University Institute of International Law, Wuhan, China
("The ASEAN-China Investment Agreement: A Regionalization of Chinese New BITs")

Marcia Harpaz, PhD Student (former government trade negotiator) Hebrew University, Israel
("Sense and Sensibilities of China and WTO Dispute Settlement")

Tania Voon & Andrew Mitchell, Associate Professors, Melbourne Law School, University of Melbourne (“Open for business? China’s telecommunications service market and the WTO”)

ZHANG Weiwei (Ms.), Master of Laws in International Economic Law and Policy (LL.M. IELPO), University of Barcelona (“Driving the GATS Forward: A Chinese Perspective”)

Concurrent with

Panel XX: *Perspectives on Investment*

Todd Weiler, Investment Treaty Expert, Counsel & Arbitrator, www.investmentclaims.com (Chair)

Prabhash Ranjan, Assistant Professor, NUJS, Kolkata, India, Presently on leave to pursue PhD at King's College London, (“Capital Transfer Provisions in Indian Investment Treaties and India’s Regulatory Discretion”)

Barnali Choudhury, Assist. Prof, McGill (“Exceptions Provisions As A Gateway To Incorporating Human Rights Issues Into International Investment Agreements”) (paper accepted)

Karen Halverson Cross, Professor of Law, The John Marshall Law School, Chicago (“Converging trends in BIT Practice”)

Claus D. Zimmermann, Doctoral Candidate, University of Oxford ("The promotion of transfer-of-funds liberalization across international economic law")

Concurrent with

Panel XXI: *Perspectives on IEL and Health and Safety*

Krista Nadakavukaren, Professor of International and International Economic Law, University of Basel, Basel, Switzerland (Chair)

Dr. Won-Mog Choi, Professor of Law, Ehwa Womans University, Korea (“Mad-Cow Disease and Politics in International Economic Law - A Korean Experience for the World”)

Dr Tracey Epps, Senior Trade Law Adviser, New Zealand Ministry of Foreign Affairs & Trade ("Weaving an international regulatory mosaic: what role do free trade agreements play in the governance of health and safety?")

1800: Closing Remarks, Group Photos & a Toast