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Should you wish to include an item in the next SIEL newsletter, please contact us.

### SIEL Global Conference 2020 Message from the VPs

Dear SIEL Members,

Following successful conferences in Geneva (2008), Barcelona (2010), Singapore (2012), Bern (2014), Johannesburg (2016) and Washington D.C. (2018), the 7th SIEL Global Conference will take place at Bocconi University in Milan, Italy on 9-11 July 2020.

The 2020 SIEL conference will feature the theme “Reshaping Global Economic Governance for the 21st Century.” The Conference Organizing Committee invites participants not only to take stock of the developments that have led to where international economic law (IEL) and governance stand today, but also what changes must be made to create the rules and institutions that adequately respond to the challenges of the 21st century.

We welcome interdisciplinary approaches such as law and economics, political economy, development theory, risk management, global health and environmental studies, comparative economic law, focusing on how IEL interacts with laws, institutions and actors at the

domestic level; and other disciplines relating to IEL.

The Call for Papers is available on our [website](#) and we hope to see you all at the next SIEL Global Conference in Milan!

Shin-yi Peng & Markus Wagner

#### Save the date:

#### SIEL Global Conference 9-11 July 2020 Bocconi University, Italy



### SIEL GOVERNANCE

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### Nothing but Bad News!

Since my last message in May 2019, the crisis of the multilateral trading system has worsened. The trade war between the United States and China further escalated with the imposition by the United States of 15% duties on an additional USD 112 bn of Chinese imports and China's response to the latter. At the time of writing this message, a further escalation is most likely to occur on 15 October 2019, when the United States will increase the 25% duties currently imposed on USD 250 bn of Chinese imports to 30%. On 15 December 2019, all Chinese imports into the United States which were not affected to date, will be hit by 15% duties. If also these latter increases in customs duties materialize, the average duties imposed by the United States on Chinese imports will - according to a recent study by Chad Bown of the Peterson Institute for International Economics - have increased between January 2018 and December 2019 from 3.1% to 26.6%. In the same period average Chinese duties imposed on US goods will have increased from 8% to 25.1%. Such increases, but even more so the insecurity and unpredictability that the trade war brings with it, obviously have a negative impact on economic growth in both China and the United States as well as worldwide. While in recent weeks, there has been some talk about a possible 'interim' agreement which would stop the expected further escalation of the trade war, one has grown wary of such good news stories.

To date the trade war between the United States and the European Union has been kept in check, but this may soon no longer be the case. Last May, President Trump decided to delay for six months the imposition, on national security grounds, of up to 25% duties on European cars and car parts. This delay was to allow time for further talks with the European Union. These 'talks' have led to nothing and time is up now. Should the United States go ahead with the imposition of these duties,

the European Union is expected to retaliate in kind. Also, the United States will apply in October to imports from the European Union the countermeasures it will be authorized to take because the European Union's failure to comply in full with the DSB recommendations and rulings in *European Communities and certain member States - Large Civil Aircraft (DS316)*, in short *EC - Airbus*. On 2 October 2019, the Article 22.6 DSU arbitrator determined that the United States can request the DSB to authorize countermeasures at a level of maximum USD 7.5 bn annually. The United States previously announced that it would adopt the controversial 'carousel approach' to the countermeasures in order to inflict maximum pain to the European Union. Last week, an invitation of EU Trade Commissioner Cecilia Malmström addressed to the United States to start - after 15 years of litigation - negotiations on rules on aircraft subsidies remained unanswered.

During the past months, the crisis of the Appellate Body, and with it the crisis of the whole WTO dispute settlement system, also further deepened, and this in spite of persistent efforts by the DSB Chair, Amb. David Walker of New Zealand, to achieve some kind of agreement on the reform of WTO appellate review. Save a most unlikely miracle, the Appellate Body will on 11 December 2019 only have one member left and will no longer be able to hear and decide new appeals. While it was previously assumed that the two outgoing members would continue to serve under Rule 15 of the *Working Procedures for Appellate Review* on pending appeals, Thomas Graham, one of the outgoing members, recently made it known that he had not yet decided whether he would agree to serve under Rule 15. If Thomas Graham would choose not to serve under Rule 15, up to a dozen appeals currently under consideration would remain undecided. While the WTO dispute settlement system is currently busier than ever, with 36 disputes at the panel stage and 12 disputes before the Appellate Body, it is also closer than ever to its untimely demise.

Finally, there has been disappointing news from the negotiating front. The negotiations on fisheries subsidies, which many of us hoped would allow to achieve an important sustainable development goal through WTO action, could well collapse as WTO Members are currently unable to decide on whom should chair the Negotiating Committee on Rules, i.e. the relevant WTO committee. As reported by Reuters, one diplomat involved in the negotiations said: "how on earth can we agree on disciplinary measures for subsidies if we can't even agree on a chair?".

There is nothing but bad news to report, and yet there may be reason for some optimism. It is now generally accepted that the rules and institutions of the multilateral trading system are in need of reform and many of us are thinking about and debating how to adapt these rules and institutions to the reality of the 21<sup>st</sup> century. Please note in this respect the central theme of our Global Conference in July 2020 at Bocconi University, Milan. The Call of Papers and Panels for this conference has just been published. Decide now to join us in Milan and let (your) light shine in the darkness.

Peter Van den Bossche

3 October 2019

## Publications by SIEL members

### Conferences and other events

- A. World Trade Forum
- B. AIELN 6<sup>th</sup> Biennial Conference
- C. WTI & CIER workshop
- D. ASIL IECLIG Biennial Conference
- E. Conferencia Bienal de la Red LADEI

### Calls for Papers

- A. The 9<sup>th</sup> PEPA/SIEL Conference
- B. Research workshop at EUI

### Prizes and Awards

- A. SIEL/JIEL/OUP Prize
- B. SIEL/Hart Prize
- C. UNCTAD/SIEL Award

### Vacancies

### Report of the 4<sup>th</sup> African IEL Biennial Conference

## Publications by SIEL members

**Zhou, Weihuan.** [China's Implementation of the Rulings of the World Trade Organization](#), Hart Publishing 2019.

**Noel, Stephanie and Zhou, Weihuan.** "EU's New Anti-Dumping Methodology and the End of the Non-Market Economy Dispute?", (2019)14(9) *Global Trade and Customs Journal* 417.

**Isiko Štrba, Susan.** *Intellectual Property Pluralism in African Development Agendas: Food Security, Plant Variety Protection and the role of the WIPO*. In Susy Frankel (ed.), [Is Intellectual Property Pluralism Functional?](#) ATRIP Intellectual Property series. Edward Elgar Publishing 2019.

**Baetens, Freya (ed.).** [Legitimacy of Unseen Actors in International Adjudication](#), Cambridge University Press 2019.

## Conferences and other events

### A. World Trade Forum 2019

The World Trade Institute (WTI) of the University of Bern hosts the World Trade Forum 2019 jointly with the European University Institute and the Swiss Network of International Studies on 25-26 October 2019 in Bern. This year's theme is "Multilateralism at Risk". The event aims to create a platform for dialogue surrounding the factors putting the multilateral trading system at risk. High-level round tables will address issues such as the crisis of international economic dispute settlement, the role of China's economic model and the continuing challenge of addressing the needs of low-income developing countries. In addition, two panels will consider what lessons can be learned across the climate and investment regimes policy fields. A final round table will be devoted to the International Labour Organization (ILO) which this year celebrates 100 years of existence and will discuss how the fourth industrial revolution affects trade and jobs and consequently global labour governance. For further information and registration, please use [the registration tool](#). Registration deadline: 14 October 2019. Program is available [here](#).

### B. The 6<sup>th</sup> Biennial Conference of the Asian International Economic Law Network (AIELN)

The 6<sup>th</sup> Biennial Conference of the Asian International Economic Law Network (AIELN) will be held by the Institute of Law for Science and Technology, National Tsing Hua University (NTHU) in Taipei on 26-27 October 2019. The theme of the Conference is "International Trade Regime for the Data-Driven Economy: How will Artificial Intelligence Transform International Economic Law?" The program is available [here](#).

### C. WTI and CIER workshop on Global Trade and Small Economies

On Thursday, 21 November 2019, the World Trade Institute (WTI) of the University of Berne, in cooperation with

the Chung Hua Institution for Economic Research (CIER), organizes a one-day workshop at the WTI on Trade Wars and their Impact on Global Trade and Small Economies. The interdisciplinary workshop will have four sessions: (1) Trade Wars and their Economic Impact; (2) The Role and Rule of Law in Trade Wars; (3) The International Politics of Trade Wars and their Impact; and (4) Round Table Discussion on Trade Wars and their Impact on Global Trade and Small Economies. The program is available [here](#).

### D. ASIL International Economic Law Interest Group Biennial Conference

The American Society of International Law International Economic Law Interest Group (ASIL IECLIG) is pleased to announce the 2020 ASIL IECLIG Biennial Conference to be held on 14-15 February 2020 at the University of Miami School of Law. The theme of the conference is "Designing International Economic Law: Challenges and Opportunities". The program and registration will shortly be available [here](#).

### E. Conferencia Bienal de la Red Latinoamericana de Derecho Económico Internacional

La conferencia bienal de la Red Latinoamericana de Derecho Económico Internacional (Red LADEI) y el Instituto Tecnológico Autónomo de México (ITAM) tendrá lugar del 14 al 15 de octubre de 2019 en Ciudad de México. Para más información hacer click [aquí](#).

## Calls for Papers

### A. The 9<sup>th</sup> PEPA/SIEL Conference

The 9<sup>th</sup> Conference of SIEL's Postgraduate and Early Professionals/Academics Network (PEPA/SIEL) will be held at the Hebrew University of Jerusalem on 17-19 May 2020. The call for papers, with a deadline of 31 January, 2020, is now open and available [here](#). In addition to presentations by early career academics

and professionals and commentary from established scholars and practitioners, the conference will include several plenary sessions on current global and regional issues in IEL. Former WTO Appellate Body Member, Prof. Jennifer Hillman (Georgetown Law and US Council of Foreign Relations) will deliver a keynote address. PEPA/SIEL welcomes the support of senior scholars and professionals in the field.

## **B. Research Workshop: Sociological Perspectives on International Economic Law and Human Rights Law, European University Institute**

International law is rooted in communities, influencing and affected by social groups and their socio-cultural features. This fifth workshop on the sociology of international law focuses on various sociological aspects pertaining to international economic law and human rights law, as well as to interrelationships between these two major legal fields.

Contributors will explore diverse interactions between sociological concepts (such as identity, socialization, collective memory, social control or frames) and broad range of legal rules and institutions in these spheres. The deadline for submission of abstracts and scholarship applications is 15 October 2019. For full details about the workshop's theme and the application processes, see [here](#).

## **Prizes and Awards**

### **A. SIEL/JIEL/OUP Essay Prize**

The SIEL/JIEL/OUP Prize is an essay prize, jointly established by the Society of International Economic Law, the Journal of International Economic Law, and Oxford University Press, to award the best essay submitted on any topic in the field of international economic law.

The competition is open annually to all current undergraduate and graduate students of any university or other tertiary education institution, and those who have graduated from a university or other tertiary education institution no earlier than five years before the submission deadline. Co-authorship is permitted

provided all authors meet the stated conditions. The essay prize comprises three parts. The prize consists of £200, as well as £400 of Oxford University Press book vouchers and a three-year subscription to the Journal of International Economic Law. The winner will receive free entry to the Graduate Institute/IIEL Annual Conference on WTO Law, and where circumstances permit, he/she will be also given the opportunity to present on a Panel or poster presentation at the conference. The winning essay may be submitted to the Journal of International Economic Law for publication, subject to the standard review and decision procedures.

The deadline for submissions for the 2019-2020 SIEL/JIEL/OUP Prize is Friday 14 February 2020. More information is available [here](#).

### **B. SIEL/Hart Prize**

The SIEL-Hart Prize is awarded every two years to an outstanding unpublished manuscript by an early career scholar in the field of International Economic Law and is sponsored by Hart Publishing and the Society of International Economic Law. The manuscript can be a doctoral thesis or an original, book-length piece of scholarship and can focus on any field of, or perspective on, International Economic Law. The winner of the SIEL-Hart Prize will receive a contract for publication within the Hart series [Studies in International Trade and Investment Law](#); a £250 Hart book voucher; a SIEL bursary of up to £750 to cover travel and accommodation expenses to, and waiver of the registration fee for, the 2020 SIEL Global Conference (to be held in Milan, July 2020).

The deadline for applications is 1 December 2019. More information can be found [here](#).

### **C. UNCTAD/SIEL Award**

The UNCTAD Division of Investment and Enterprise (DIAE) and the Society of International Economic Law (SIEL) jointly establish an award for the best

young academic research work on international investment law and development. The award is reserved to PhD students or young researchers with no more than five years of professional experience. UNCTAD and SIEL invite contributions that provide state-of-the-art knowledge and analysis of the national and international legal frameworks and practices related to cross-border investment, and their impact on development, including its economic, social, environmental or institutional aspects. Reflecting the core value propositions of UNCTAD's research mandate, the winning papers should meet the following criteria: 1) original and innovative research; 2) topical issues with a discussion of policy implication; and 3) focus on development (i.e. how to ensure that international investment and multinational enterprises contribute to sustainable development). The paper must not have been previously published. Co-authorship is permitted provided all authors meet the stated conditions.

The deadline for submissions is 1 December 2019. For more details, see [the full announcement](#).

## **Vacancies**

Three fellowships are open at the Berlin Potsdam Research Group "The International Rule of Law - Rise or Decline?". The fellowships start on 1 April 2020 or at a later mutually agreed date. The deadline for application is 15 November 2019. More information can be found in the [Call for Applications](#).

## **Next Newsletter**

Please note that the next SIEL newsletter is scheduled for January 2020. Should you wish to include an item in the next issue, please contact us by the beginning of January. Thank you for your support and interest.

## Report of the 4<sup>th</sup> African International Economic Law Biennial Conference

The [4<sup>th</sup> African International Economic Law Biennial Conference](#) held in Nairobi, Kenya on 18-20 July 2019. The 3-day academic event featured over 120 participants from all over the world, ranging from scholars in Asia, Europe, North America, and Africa-based scholars. With 20 panels spread across two days, and an opening plenary on the first day, the 4<sup>th</sup> AfIELN Biennial Conference offered exciting new scholarship and research on the continent's contributions to and involvement with International Economic Law. The quality of the presentations and richness of the discussions were a great highlight of the three-day event.

The event, which held in the beautiful campus of the Strathmore University, began with an opening remark by the President of the Network, Olabisi D. Akinkugbe. In his remarks, he noted that a similar event may not have been possible a decade ago and that the AfIELN

Community has grown from year to year with each successful conference. The Conference

Chairperson, Amaka Vanni spoke to the breadth and quality of the abstracts as well as the scheduling of the sessions. Swiftly following the remarks was the Opening Plenary session featured Prof. Makanne Moise Mbengue's keynote with reflections from Dr. Luwam Dirar, Professor Melaku Desta and Professor Daniel Bradlow.

The second day featured [four blocks with eight different panels](#) on wide ranging subjects such as public health intervention and systems to enhance Africa's participation in IEL; reflections on Sino-African relations; African perspectives on intellectual property; ACP-EU Trade Agreements and Special and Differential Treatment to mention a few. In addition to the engaging panel presentations, two highlights of Day 2 were: the lunch plenary which featured Dr. Sylvia Kang'ara, Dr. Emmanuel Ugirashebuja, President East African Court of Justice, and Robert Wheal, Partner White & Case; and; the formal launch of [Afronomicslaw Blog](#) and the [African Journal of International Economic Law](#).

The final day of the conference featured four blocks with twelve different panels on thematic areas such as developmental regionalism and regional and continental integration; investment, arbitration and sustainable development; environment and climate change; IEL and sustainable development in Africa; and resource extraction, business and human rights. The plenary session with the theme "Women and African Voices in IEL" had exciting discussions from Dr. Amake Vanni, Dr. Claire Gammage, Professor Franziska Sucker and Professor Sara Ghebremusse.

The 3-day academically engaged conference ended with a closing dinner. The Executive team and Planning Committee of the AfIELN thank all our sponsors for their support without which the conference would not have been possible. Conference photos of the conference can be viewed on [the Conference gallery](#).

Olabisi D. Akinkugbe  
For and on behalf of the AfIELN  
Executive Team

