



**American Society of International Law
International Economic Law Interest Group**

2012 Biennial Meeting

***Re-Conceptualizing International Economic Law:
Bridging the Public/Private Divide***

November 29-December 1, 2012

***in partnership with the George Washington University School of Law &
the Federal Trade Commission***

29 NOVEMBER 2012 (THURSDAY)

16:00-17:00: Registration

http://www.asil.org/activities_calendar.cfm?action=detail&rec=260

17:00-17:15: Welcome and Opening

Claire Kelly (Brooklyn)

Sungjoon Cho (IIT Chicago-Kent)

Dean Susan Karamanian (George Washington)

17:15-18:15: Keynote Lecture

Ralph Steinhardt (George Washington)

18:30-19:30: Reception

30 NOVEMBER 2012 (FRIDAY)

8:00-8:45: Registration (continued) and Continental Breakfast

Session I: Multilateralism and Its Discontents

8:45-10:15: Panel A: Multilateralism v. Regionalism

Moderator: **Steve Charnovitz** (George Washington School of Law)

Speakers:

David Gantz (Univ. of Arizona), “World Trade Law after Doha”

Meredith Kolsky Lewis (Victoria Uni. Of Wellington), “Plurilateralism in International Trade Law: New Paradigm or Same Old Story?”

Pasha Hsieh (Singapore Management Univ.), “Reassessing APEC’s Role in Trans-Pacific Economic Integration: Legal and Policy Dimensions”

Valeria Silva (NYU), “Intellectual Property Enforcement and Regime Complexity at the Multilateral Level”

8:45-10:15: Panel B: Domesticating International Economic Law

Moderator: **Andrew Lang** (London School of Economics)

Speakers:

Galit Sarfaty (Univ. of British Columbia), “Human Rights Meets the Market: The Effectiveness of Domestic Legislation on Global Supply Chains and Human Rights”

Greg Shill (Hofstra), “Domesticating Domestication?: Jurisdictional Competition in the Enforcement of Foreign Judgments in the United States”

Anastasios Gourgaourinis (Univ. of Athens), “Third Parties and the *Monetary Gold* Principle in Investment Treaty Arbitration”

Jarrod Wong (McGeorge School of Law), “The Misapprehension of Moral Damages in Investor-State Arbitration”

8:45-10:15: Roundtable I: Recent Developments in International Financial Law

Moderator: **Yesha Yadav** (Vanderbilt Univ. School of Law)

Speakers:

Heidi Schooner (Columbus School of Law)

Anna Gelpern (Washington College of Law)

David Zaring (Wharton, Univ. of Pennsylvania)

Commentators:

Robert Petersen (SEC)

Nicolas Veron (Bruegel Institute)

10:15-10:45: Coffee Break

Session II: Re-Configuring the Public/Private Relationships

10:45-12:15: Panel A: International Economic Law: Public, Private, Both or Neither?

Moderator: **David Gerber** (Chicago-Kent College of Law)

Speakers:

Jason Cross (Michigan/Duke Law School), “Contesting Expertise & Legitimacy in International Investment Law: The Shifting Crossroads of Public & Private Law in Investor-State Arbitration”

Harata Hisashi (Univ. of Tokyo), “The History of the Private/Public Divide of International Law”

Julie Maupin (Duke Law School), “The Mutual Constitution of Public and Private in International Investment Law”

Jaemin Lee (Hanyang Univ. School of Law), “A Clash between IT Giants and the Changing Face of International Law”

10:45-12:15: Panel B: New Themes in New Trends

Moderator: **Simon Lester** (The Cato Institute/WorldTradeLaw.net)

Speakers:

Maria Corvaglia (WTI) & **Laura Marschner** (Univ. of Zurich), “The Complementarity of Soft and Hard Law in Public Procurement: Between Harmonization and Resilience”

Nikoleta Chalanouli (Euro Pass) & **Andres Munoz** (NATO), “Is Soft Law an End on Itself? (Can Soft Law Be the Preferred Method of Operationalizing International Standards?”

Ariel Meyerstein (Debevoise & Plimpton), “The New Global Adversarial Legalism: Global Private Regulation of FDI as a Species of Global Administrative Law”

Andrew Lang (London School of Economic), “The New International Law and Economics”

10:45-12:15: Roundtable II: “Greening” the Economy: 21st Century Challenges for Trade and Investment

Moderator: **Elizabeth Trujillo** (Suffolk Univ. Law School)

Commentator: **Steve Charnovitz** (George Washington Law School)

Speakers:

Rachel Brewster (Duke Law School)

Rebecca Bratspies (CUNY School of Law)

David Cannon (White & Case)

Mark Wu (Harvard Law School)

Ronald Steenblik (OECD)

12:30-14:00: Lunch and Keynote Lecture

Hon. Donald C. Pogue, Chief Judge, United States Court of International Trade

Session III: International Economic Law in Contexts

14:00-15:45: Panel A: Country-Specific Challenges and Responses

Moderator: **David Gantz** (Univ. of Arizona)

Speakers:

Dominic N. Dagbanja (Univ. of Auckland), “Development and Development Policymaking and International Investment Treaties in Ghana”

Céline Lévesque (Univ. of Ottawa), “The Review of NAFTA Chapter 11 Awards by Canadian Courts: Achieving a Balance between Public and Private Justice”

Ana Manero-Salvador (Univ. of Carlos, III), “Argentina’s Nationalization of YPF: Bilateral, Regional or Multilateral Response?”

14:00-15:45: Panel B: China and International Economic Law

Moderator: **Julia Qin** (Wayne State Univ. School of Law)

Speakers:

Zhijie Chen (Univ. of Hong Kong) & **Shili Lai** (Fujian Univ.), “Trade and Culture” Debate Revisited in the Context of the China-Publications and Audiovisual Products: From Fragmentation to Coherence”

Chieh Huang (Nottingham, China), “Reimagining Universities in China: The GATS and Its Impacts on Higher Education”

Henry Gao (Singapore Management Univ. and Shanghai Institute of Foreign Trade), “Public-Private Partnership in Trade Law: The Chinese Experience”

Wu Suilong (Wuhan Univ.), “Private-Sector Standards Regulation in China: Can it Learn Anything from WTO?”

14:00-15:45: Roundtable III: Regulating Pharmaceutical Industries

Moderator: **Sonia E. Rolland** (Northeastern Law School)

Speakers:



Brook K. Baker (Northeastern Law School)

- **Sean Flynn** (Washington College of Law)

- **Peter Maybarduk** (Public Citizen)

Richard Kjeldgaard (Pharmaceutical Research and Manufacturers of America)

15:45-16:00: Coffee Break

Session IV: New Theories and Practices in International Economic Law

16:00-17:30: Panel A: New Theoretical Approaches to International Economic Law

Moderator: **Susan Franck** (Washington & Lee School of Law)

Speakers:

Perry S. Bechky (Seattle Univ. Law School), "A Fissian View of Investor-State Arbitration"

Cesar Coronel Ortega (Coronel & Pérez), "The International Investment Regime as a Federal System"

Barnali Choudhury (Queen Mary Univ.), "The System of International Investment Law as a Global Public Good"

Oisín Suttle (Univ. College London), "Cooperation and Coercion - Towards a Political Theory of International Economic Law"

16:00-17:30: Panel B: New Trends in Private Standards-Setting and Regulation

Moderator: **David Zaring** (Univ. of Pennsylvania, Wharton)

Speakers:

Marijke Smit (PWC), “The Applicability of the SPS Agreement to Private Food Safety Standards”

Christian Vidal Leon (Maastricht University), “Private Enforcement of Social Standards in International Trade: An Assessment under the Law of the WTO”

Yogesh Pai (Nat’l Law Univ., Jodhpur), “Private Proprietary Standard-Setting and Public Law: Invoking WTO’s Competition Dimension to Avoid Global Market Distortion”

Blake C.Y. Wang (Nat’l Taipei Univ.), “Reassessment of Labor Standards and Human Rights Clauses under IEL: Lessons from International Labor Organization”

16:00-17:30: Roundtable IV: The FTC in a Global Economy

Moderator: **Keith Fentonmiller** (FTC)

Speakers:

Randolph W. Tritell, Director, Office of International Affairs, FTC

Stacy Feuer, Assistant Director for International Consumer Protection, FTC

1 DECEMBER 2012 (SATURDAY)

8:00-8:45: Registration (continued) and Continental Breakfast

Session V: New Pathways of International Economic Law (I)

9:00-10:30: Panel A: Alternative Frameworks for International Economic Law

Moderator: **Jide Nzelibe** (Northwestern Law School)

Speakers:

Debra Steger (Univ. of Ottawa), “Coherence in International Investment Law: Why an Appellate Mechanism is Needed”

Kathleen E. Claussen (Maurer School of Law), “Claims Trading in International Investment Arbitration”

David Gartner (Arizona State Univ. Law School), “The World Bank, the International Monetary Fund, and Institutional Transparency”

Matthias Goldmann (Max Planck Institute for Comparative Public Law and International Law), “The Financial Crisis as a Crisis of Democracy: Towards Prudential Regulation through Public Reasoning”

9:00-10:30: Panel B: The Public/Private Divide in Development

Moderator: **Tomer Broude** (Univ. of Virginia/Hebrew Univ. School of Law)

Speakers:

Jumoke Oduwole (Univ. of Lagos), “Developing Countries and Non-State Actors in a Tri-Polar World”

Felipe Arias Ospina (Universidad de los Andes), “Civil Society and the National Court as Instruments to Establish a New Path of Foreign Investment in Colombia”

Daniel Ben-Oliel (Haifa Univ. Law School), “Poor Men’s Innovation: Intellectual Property and Other Development Incentives”

9:00-10:30: Roundtable V: Russia and the World Trade Organization

Moderator: **Sungjoon Cho** (Chicago-Kent College of Law)



Speakers:

Paul Stephan (Virginia Law School)

Yuliya Guseva (Fordham Law School)

Paul DeLaney, III (International Trade Counsel, U.S. Senate Committee on Finance)

10:30-10:45: Coffee Break

Session VI: New Pathways of International Economic Law (II)

10:45-12:15: Panel A: Social Science Approaches to International Economic Law

Moderator: **Padideh Ala'i** (Washington College of Law)

Speakers:

Paul Stephan (Virginia Law School), "Tribunal Design and the Production of International Law"

Odette Lienau (Cornell Law School), "Rethinking Sovereign Debt: Politics, Reputation, and Legitimacy in Modern Finance"

Susan Franck (Washington & Lee School of Law), "An Evidence Based Approach to International Investment Disputes"

Anu Bradford (Columbia Law School), "Law and Politics of Antitrust in Open Economies"

10:45-12:15: Panel B: The Public/Private Interface in Financial Regulation

Moderator: **Phoenix Cai** (Univ. of Denver)

Speakers:

Robert J. McKeehan (The U.S. Department of Treasury), “An Evolutionary Time for Multilateral Trust Funds”

Hanna Boeckmann (Van Bael & Bellis), “Cooperation between the International Monetary Fund and International Standard Setting Bodies in the Financial Stability Surveillance”

Andromachi Georgosouli (Centre for Commercial Law Studies, QMUL), “Financial Resilience: What It Is and Why It Matters”

Sydney J. Key (Sciences Po), “The Prudential Carve-Out: How Much Policy Space for GATS-Inconsistent Regulation of Financial Services?”

10:45-12:15: Roundtable VI: A New Path to Development in International Economic Law

Moderator: **Alvaro Santos** (Georgetown Law Center)

Speakers:

David Trubek (Univ. of Wisconsin School of Law)

Joel Trachtman (Tufts University)

Amelia Porges (Law Offices of Amelia Porges)

Tomer Broude (Univ. of Virginia/Hebrew Univ. School of Law)

David Schneiderman (Univ. of Toronto)

12:30-14:00: Lunch and Keynote Lecture

Amelia Porges (Law Offices of Amelia Porges)

Session VII: Legitimacy of International Economic Law

14:15-16:00: Panel A: Sustainability Issues in International Economic Law

Moderator: **Thomas Moritz** (The U.S. Department of Commerce)

Speakers:

Francesca Romanin Jacur (NYU/Milan), “Are Multilateral Environmental Agreements (MEAs) Promoting Private Investments for Sustainable Development?”

Maria Alejandra Calle (Univ. College Cork), “PPMs in Environmental Standards Developed By Non-State Actors: A Perspective From WTO Law And International Environmental Governance”

Natasha Affolder (Univ. of British Columbia), “Forest Carbon: Conservation by Contract”

Jorge H. Kamine (Skadden), “Latin America’s Economic Order 3.0: The Role and Relevance of International Economic Law for Private Investment in Latin America’s Energy and Infrastructure Sectors”

14:15-16:00: Panel B: The Public Interest in International Economic Law

Moderator: **Susan Karamanian** (George Washington School of Law)

Speakers:

Caroline Henckels (Univ. of Cambridge), “Balancing Investment Protection and the Public Interest: The Role of the Standard of Review and the Importance of Deference in Investor-State Arbitration”

Cecily Rose (Univ. of Cambridge), “The Role of Investor-State Arbitration Tribunals in International Anti-Corruption Efforts”

Jonathan Bonnitcha (London School of Economics), “State Liability for ‘Politically Motivated Conduct’ under Investment Treaties”

Markus Wagner (Univ. of Miami School of Law), “Beyond the State: Private Conduct and the Law of the World Trade Organization”

16:00-16:30: Business Meeting

Leadership Election and Brainstorming for the Future

[End]