



**International Economic
Law Interest Group**

2020 BIENNIAL CONFERENCE

***Designing International Economic Law:
Challenges and Opportunities***

February 14-15, 2020

University of Miami School of Law
1311 Miller Drive, Coral Gables, Florida 33146, USA

Friday, February 14, 2020

12:15 **Registration opens**

12:45 – 12:50 **Welcoming Remarks**

Room E352

Anthony Varona, Dean, University of Miami School of Law

Julian Arato & Kathleen Claussen, Co-chairs, ASIL International Economic Law Interest Group

12:50 – 1:50 **Opening Keynote Speaker**

Room E352

Chair: Richard Steinberg (UCLA School of Law)

Keynote Speaker: The Honorable James Bacchus

1:50 – 2:00 **Break**

2:00 – 3:30 **Session 1**

Panel A

Room F108

Chair: Chiara Giorgetti (University of Richmond School of Law)

Julian Arato (Brooklyn Law School) & J. Benton Heath (NYU School of Law), “The Stewardship Function of International Courts”

Viktoriia Lapa (Bocconi University), “The Politicization of the WTO Dispute Settlement System: Russian Roulette or a Silver Lining?”

Geraldo Vidigal (University of Amsterdam), “The Structure of Judicial Authority in International Economic Law: Dependence, Fragmentation, Hegemony”

Michelle Zang (Victoria University of Wellington, Faculty of Law), “Judicial Engagement of International Economic Courts and Tribunals”

Panel B

Room F109

Chair: Simon Batifort (Curtis, Mallet-Prevost, Colt & Mosle LLP)

Andrés Felipe Esteban-Tovar (University of Los Andes, Colombia), “ISDS Reform from a New Player Perspective”

Caroline Henckels (Monash University), “Legitimate Expectations and the Rule of Law in International Investment Law”

Ben Love (Reed Smith LLP), “Amending the ICSID Arbitration Rules: Window-Dressing for Investor-State Reform?”

Gunes Ünüvar (University of Copenhagen, iCourts Center of Excellence) & Aysel Küçüküsu (Gem Stones), “From Promotion and Protection to Governance: The Vulnerability Thesis and International Investment Law”

Panel C

Room F209

Chair: Pierre-Hugues Verdier (University of Virginia School of Law)

Robert D. Anderson (University of Nottingham), William E. Kovacic (George Washington University School of Law), Anna Caroline Mueller (World Trade Organization) and Nadezhda Sporysheva (World Trade Organization), “Competition Policy, Trade and the Global Economy: The Way Ahead”
Elle Gilley (Ropes & Gray LLP), “Adjudicating the Principal Purpose Test: A Framework for Parties to the MLI”

Will Moon (University of Maryland School of Law), “China’s Delaware”

Thomas Streinz (NYU School of Law), “Designing International Trade Law to Regulate Multinational

Corporations”

Panel D

Room A110

Chair: Padideh Ala’i (American University Washington College of Law)

Joris Larik (Leiden University), “Brexit and the Power Dynamics of Global Trade (Re-)Negotiations”

Jean-Michel Marcoux (McGill University) & Andrea Bjorklund (McGill University), “Tackling ‘Duty Evasion’ through FTAs: Different Rationales and the Implications of the USMCA”

Anthony VanDuzer (University of Ottawa Faculty of Law), “Reconciling Indigenous Rights and Trade Obligations – Exploring the New Exception for Measures to Fulfill Obligations to Indigenous Peoples in USMCA”

Pedro Villareal (Max Planck Institute for Comparative Public Law and International Law), “Coupling International Economic Law with Transformative Constitutionalism: The USMCA and Mexican Labor Law”

Organization for Economic Cooperation and Development Roundtable: Standards for Corruption

Room E265

Participants to be announced

3:30 – 3:45

Break

3:45 – 5:15

Session 2

Panel A

Room F108

Chair: Chantal Thomas (Cornell Law School)

Sarah Dadush (Rutgers Law School), “Contorting for Human Rights”

Panos Delimatsis (Tilburg University), “The Resilience of Voluntary Economic Activism – Lessons from the Great Recession”

Desiree Leclercq (American University Washington College of Law), “Risky Business: Restricted Immunity for International Organizations and Implications for Global Worker Rights”

Tatiana Sainati (Wiley Rein LLP), “Human Rights and Investor-State Disputes: Are Tribunals the Appropriate Forum?”

Panel B

Room F109

Chair: Matthew Schaefer (University of Nebraska College of Law)

Juscelino F. Colares (Case Western Reserve University School of Law), “Turkey as a WTO Litigant: A Case of Lost Leverage and Mismatched Policy Means and Ends”

Leonila Guglya (IDEAS Centre), “The WTO Reform Through the Lens of the Fisheries Subsidies Agreement-to-be”

Csongor Nagy (University of Szeged), “Clash of Trade and National Public Interest in WTO Law: The Illusion of ‘Weighing and Balancing’ and the Theory of Reservation”

Shin-yi Peng (National Tsing Hua University), “One Measure, Two Regimes: Autonomous Vehicle Regulations as a Case Study on the Goods-Services Dichotomy under the WTO Law”

Panel C

Room A110

Chair: Erin Rogers (Office of the U.S. Trade Representative)

Juan Carlos Herrera (Flor & Hurtado), “Constitutional Limitations for International Economic Integration in the Andean Community”

Eugene Kontorovich (George Mason Scalia School of Law), “State Practice with Regard to Trade

With Occupied Territories”
Dunia Prince Zongwe (Walter Sisulu University), “The Investment Chapter of the African Free Trade Agreement: How to Attract Distracted Investors”
Alvaro Santos (Georgetown University Law Center), “Is the Calvo Doctrine Making a Come-Back in International Investment in Latin America?”

Panel D

Room E265

Chair: Jason Yackee (University of Wisconsin School of Law)
Saïda El Boudouhi (Polytechnic University of France), “A Fettered Trust or a Blank Cheque? The Ambiguous Position of the EU Judge towards ISDS”
Chiara Giorgetti (University of Richmond School of Law), “A Code of Conduct for Arbitrators”
George Papaconstantinou (European University Institute), “FTA Disputes on the Rise: Towards a ‘Spaghetti Bowl’ in International Trade Law Jurisprudence?”

Helms-Burton Act Roundtable

Room F209

Chair: Perry Bechky (Berliner Corcoran & Rowe LLP)
David Baron (Crowell & Moring LLP)
Pedro Freyre (Akerman LLP)
Amy Porges (Porges Trade Law)
Cari Stinebower (Winston & Strawn LLP)

5:15 – 6:30 **Reception sponsored by the Customs and International Trade Bar Association**
Law School Courtyard & Alma Jennings Student Lounge

Saturday, February 15, 2020

8:15 – 9:00 **Continental Breakfast**
Law School Courtyard & Alma Jennings Student Lounge

9:00 – 10:30 **Session 3**

Panel A

Room F108

Chair: James Gathii (Loyola University Chicago School of Law)
Georgios Dimitropoulos (HBKU College of Law), “Unilateral Economic Law and the Reform of the WTO”
Caroline Glöckle (Georgetown University Law Center), “Multifaceted Protectionism – The U.S. Use of GSP Withdrawal as an Economic Weapon in the Ongoing Trade War”
David Kleimann (SAIS Johns Hopkins), “From Avoidance to Assertiveness: European Union Responses to Transatlantic Trade Conflict”
Shilpa Samplonius (NHL Stenden), “The Dispute Initiators of the GATT and the WTO: Lessons for the Future to Improve Accessibility, Sustainability, and Relevancy of the WTO”

Panel B

Room F109

Chair: Kristen Boon (Seton Hall University Law School)
Myriam Gicquello (King’s College London), “Investment Court and Arbitral Tribunals: Two Sides of the Same Coin?”
Talat Kaya (Social Sciences University of Ankara, Faculty of Law), “Multilateral Investment Court: Is

It a New Breath for the Settlement of International Investment Disputes or a Still-Born Project?"
José Manuel Alvarez Zarate (Externado University Colombia), "A Political Multilateral Investment Court?"

Jarrold Wong (University of the Pacific, McGeorge School of Law), "The Chimera of a World Investment Court"

Panel C

Room A110

Chair: Harout Samra (DLA Piper LLP)

Harlan Grant Cohen (University of Georgia School of Law), "Nations and Markets"

Yuka Fukunaga (Waseda University), "Judicial Review of National Security Exceptions: Does a Common Standard of Review Exist?"

Kevin Gray (Trade Law Bureau, Canada), "The Aftermath of the *Russia – Traffic in Transit Dispute*"

Murilo Lubambo (Northeastern University, London), "When Does Investment Screening Breach International Economic Law Rules? Between Commitment and Sovereignty"

Institutional Change Roundtable

Room F209

Chair: David Zaring (University of Pennsylvania, Wharton School of Business)

Rachel Brewster (Duke University School of Law)

Adam Chilton (University of Chicago Law School)

Anton Strezhnev (NYU Center for Data Science)

10:30 – 10:45 **Break**

10:45 – 12:15 **Session 4**

Panel A

Room F108

Chair: Caroline Bradley (University of Miami School of Law)

Andrew Giddings (International Monetary Fund) and Clifford Blair (International Monetary Fund), "Confronting New Realities: The Work of the IMF on New Challenges and Opportunities"

Sebastian Grund (Harvard Law School), "The Provision of Liquidity to Banks after Resolution"

Stratos Pahi (NYU School of Law), "BITs and Bonds: The International Law and Economics of Sovereign Defaults"

Paolo Saguato (George Mason Scalia School of Law), "The Quest for Accountability in International Financial Regulation"

Panel B

Room F109

Chair: Kevin O’Gorman (Norton Rose Fulbright LLP)

Vera Korzun (University of Akron School of Law), "The Paradox in Action: Enforcing ‘Soft Law’ Instruments Through Investor-State Arbitration"

Erlend Leonhardsen (EFTA Surveillance Authority), "Designing Deference: Towards a Weak Margin of Appreciation Doctrine in International Investment Law?"

Hui (Helen) Pang (University of New South Wales), "Adjudicating Energy Security and Climate Change: The Public Interest Challenge in Investor-State Dispute Settlement"

Emily Webster (King’s College London, Transnational Law Institute), "In Their Death Throes: Investment Arbitration in the Face of Radical Decarbonisation"

Panel C

Room E265

Chair: Jan Yves Remy (University of the West Indies)

Nicole Foster (University of the West Indies), “Unhealthy Diets and Front of Pack Labelling Schemes: The New Battleground on Regulatory Autonomy under the TBT Agreement”
Laura Jakobs (European Parliament), “Regulatory Perspectives on CRISPR/Cas9-edited Products from the USA to the EU”
Juan Nascimbene (Cooley LLP), “Regulatory Coherence Chapters in Trade Agreements: The Shift from Exporting Substantive Rules to Exporting Regulatory Processes”

Customs and Issues in U.S. Trade Practitioners’ Roundtable

Room A110

Chair: Peter Quinter (GrayRobinson, P.A.)
Stephen Tosini (U.S. Department of Justice)
Other participants to be announced

Critical Perspectives on International Economic Law Roundtable

Room F209

Chair: Harlan Cohen (University of Georgia School of Law)
Gregory Shaffer (U.C. Irvine School of Law)
Chantal Thomas (Cornell Law School)
Sonia Rolland (Northeastern University School of Law)

12:15 – 12:45 **Lunch**

Law School Courtyard

12:45 – 1:45 **Lunch Plenary Panel**

Investor-State Dispute Settlement – What Should Be Preserved?

Room F209

Chair: Daniel Magraw (SAIS Johns Hopkins)
Daniel Gonzalez (Hogan Lovells LLP)
Mélida Hodgson (Jenner & Block LLP)
Lucinda Low (Steptoe & Johnson LLP)
Jennifer Thornton (Arent Fox LLP)

1:45 – 2:00 **Break**

2:00 – 3:30 **Session 5**

Panel A

Room F108

Chair: TBC

Paolo Farah (West Virginia University), “The Mutual Supportiveness of the Belt and Road Initiative and the Multilateral Trading System”

Fabio C. Morosini (Federal University of Rio Grande do Sul School of Law) and Michelle Ratton Sanchez-Badin (FGV São Paulo School of Law), “The Role of Law in Chinese Investments in Brazil: The Case of the Energy Sector”

Gregory Shaffer (U.C. Irvine School of Law), “China Hub and Spoke”

Panel B

Room F109

Chair: Maria Panezi (University of New Brunswick)

David Attanasio (Dechert LLP), “Investor-State Arbitration, Findings of Corruption, and Tribunal Responses: Reassessing the Options”

Mohammad Hamdy (Tulane Law School), “Redesign as Reform: A Critique of the Extra-Legal Justifications of the Design of BITs”

Relja Radovic (Max Planck Institute for Procedural Law, Luxembourg), “Discovering Arbitral Jurisdictional Regulation in Investment Treaty Arbitration”
Chen Yu (McGill University), “On the Judicialization of Investor-State Dispute Settlement: A Caution Against Political Intervention in Treaty Interpretation”

Panel C

Room A110

Chair: Alvaro Santos (Georgetown University Law Center)
Martin Bjorklund (University of Helsinki), “Proportionality, Deference and Possible Pre-requisites of Value Judgments – To Adjudicate Necessity Without Common Values?”
Tomer Broude (Hebrew University), “The Global Investment Regime: Back to Embedded Liberalism – or a New Regulatory Liberalism?”
Melissa J. Durkee (University of Georgia School of Law), “Interpretive Entrepreneurs and the Re-Design of International Economic Law”
Jide Nzelibe (Northwestern University Pritzker School of Law), “Impure Polarization: Identity Politics and International Economic Law”

Panel D

Room F209

Chair: Sonia Rolland (Northeastern University School of Law)
Berna Akcali Gur (Kadir Has University School of Law), “The Legitimacy of the Restrictions on Trade in Telecommunications Hardware and Software: An Analysis of the Implications of Invoking the National Security Exception”
Ana Soares Peres (King’s College London) & Leticia Daibert (Facultad Latinoamericana de Ciencias Sociales – FLACSO Argentina) “WTO E-Commerce Negotiations: Public-Private Dialogue as an Opportunity for Reaching Development Goals”
Ronald Tundang (Embassy of Indonesia to the United States), “U.S.-China Trade War: An Impetus for New Norm on Technology Transfer”
Wentong Zheng (University of Florida Levin College of Law), “A WTO Law Analysis of the Digital Services Tax”

Multilateral Instrument Tax Roundtable

Room E265

Chair: Kathleen Saunders Gregor (Ropes & Gray LLP)
Patricia Brown (University of Miami School of Law)
Alexia Gamero de Vingerhoets (Millicom (Tigo), Inc.)
Karabeth Ovenden (Quinn Emanuel Urquhart & Sullivan, LLP)
Stephen E. Shay (Harvard Law School)

3:30 – 3:45 **Break**

3:45 – 5:00 **Closing Plenary: Government Officials’ Roundtable on Designing International Economic Law**

Room F209

Chair: TBC

Ambassador Martha Bárcena Coqui (Embassy of Mexico to the United States) (*invited*)
Lauren Mandell (WilmerHale LLP; former Deputy Assistant U.S. Trade Representative for Investment, Office of the U.S. Trade Representative, Executive Office of the President)
Robert McDougall (Trade Law Bureau, Global Affairs Canada)
Kelly Ann Shaw (former Deputy Assistant to the President for International Economic Affairs and Deputy Director of the National Economic Council)
Others to be confirmed