



INSTITUTE OF INTERNATIONAL
ECONOMIC LAW
GEORGETOWN UNIVERSITY LAW CENTER



Society of
International
Economic
Law

Georgetown Law, the Graduate Institute, Geneva, and the Society of International Economic Law

Annual Conference on WTO Law

9 & 10 June 2017

Call for Papers

The Graduate Institute's Centre for Trade and Economic Integration and Georgetown University's Institute of International Economic Law are proud to present a call for papers for our 2017 Conference on WTO Law.

The Annual Conference on WTO Law, which has its origins in the partnership created in the year 2000 between University Professor John H. Jackson of Georgetown, and Professor Sir Francis Jacobs, KCMG,

This conference is generously sponsored by:

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QC, a Trustee of BIICL, has a longstanding affiliation with the Journal of International Economic Law (JIEL), published by the Oxford University Press.

Widely considered one of the most important and prestigious conferences addressing developments in international trade law, the Annual Conference on WTO Law pursues cutting-edge issues of interest to academics and practitioners alike.

The 2017 Conference will be held in Geneva, with sessions taking place at the Graduate Institute (on Friday 9 June) and at the Headquarters of the WTO (on Saturday 10 June).

The Organizing Committee has decided to conduct a call for papers aimed at:

- (i) opening opportunities to **younger scholars** -- current graduate students, and academics and practitioners who completed their most recent academic qualification after June 2009 - - to present their research and analysis at the Conference that falls within any of the six roundtable/panel topics identified below, and
- (ii) attracting cutting-edge papers and ideas by any scholars or practitioners -- **junior, mid-career or senior** -- on the specific topic: *Free Trade Under Attack: Is a Radical Rethink of Trade and Investment Agreements Needed?* (topic 4 below).

The Organizing Committee will consider proposals, in the form of an abstract or a completed short paper, submitted **on or before 1 March 2017**.

Conference topics:

- **Session 1. ROUNDTABLE: Globalization Backlash & the Return of Economic Nationalism: Where Have Trade Agreements Failed And What Will Or Should Next-Generation Trade Policy Look Like?**

This interactive roundtable will address a series of related and interdependent topics that international economic law may need to address in the wake of recent referenda (on e.g. Brexit), national parliamentary votes (on e.g. CETA) and nation-wide elections (in the US and elsewhere) that seem to reflect a broader globalization “backlash” and may herald the return of economic nationalism. Starting from basic economic facts: What have been the gains and losses related to trade and the process of globalization? What about trade and inequality, trade and jobs? Where, and for whom, may trade policies and trade agreements have failed: Do they sufficiently address questions of inequality, the middle class, SMEs? Have trade agreements failed by not sufficiently addressing topics such as exchange rates, state capitalism and privatization or, depending on

whom you ask, agriculture and domestic support? In this context, roundtable participants will address recent developments concerning domestic trade policy, the TPP, NAFTA and the TTIP, the potential turn towards less ambitious trade arrangements and its implications for the WTO. Does the "backlash" against trade liberalization mean that the era of (certain types of) trade deals has come to an end? Is the future characterized by increased protectionism? Do avenues exist to address past failures and the – concomitant – rise of economic nationalism? What exact provisions could trade deals include to address past failures and to respond to today's "backlash"?

- **Session 2. PANEL: Developments in Trade Remedies Legislation & Jurisprudence: (China) Market Economy Status, Alternative Flexibilities & The Bigger Question Of How To Marry Trade Liberalization With Varying Degrees Of "State Capitalism"**

At the end of 2016, the question arises how WTO members, including the EU and the US, will treat Chinese imports under trade remedy legislation: Will they grant China market economy status? In what other ways can certain types of government influence in the economy be accommodated under WTO agreements? How much flexibility is there, for example, to use surrogate values to determine dumping or subsidy rates? How to react to SOEs or state trading? If economy status is granted, what does that mean for existing trade remedies (legacy measures)? What light does recent WTO jurisprudence on trade remedies (*EU – Biodiesel*, *US – AD Methodologies*, etc.) shed on this broader debate? Are more advanced or detailed responses included in FTAs, for example, by addressing questions such as SOEs or competition policy? What to make of recently proposed reforms to EU trade defence instruments?

- **Session 3. ROUNDTABLE: Brexit and The Legal Consequences for Global Trade Relations: Considerations under UK & EU Law and WTO & FTA Agreements**

Brexit has thrown into sharp relief questions that have so far been neglected: How can a country extract itself from the EU given domestic/constitutional law and EU treaty rules? What does that mean for the UK's membership to the WTO and party status to existing and future FTAs? How should not only the UK but also other countries including non-EU members and especially developing countries engage in this difficult exercise? What does it mean for UK-related existing and future trade remedies and FTAs? This panel will focus on legal questions and aims to go beyond WTO-related questions of schedules and UK apportionment of EU global commitments (TRQs, AMS, etc.) to address also issues under domestic/constitutional and EU law and, especially, challenges under other international law commitments, in particular FTAs and EPAs.

- **Session 4. PANEL: Free Trade Under Attack: Is a Radical Rethink of Trade and Investment Agreements Needed? (Presentation & Discussion of Academic Papers Selected from Call for Papers Open to All Scholars)**

This panel, building on the broader globalization backlash roundtable of the first session, will discuss what the current political trend against openness and free trade means for trade and investment agreements: Do they need a radical rethink, or are domestic adjustment policies to blame? The organizers are inviting, in particular, papers that present cutting edge, new ideas on how trade/investment agreements could be adjusted to address current critiques. If, for example, NAFTA is to be re-negotiated, what should a NAFTA 2.0 look like? With the UK regaining the freedom to set its own trade policy, what innovations should, for example, a UK-US trade agreement include? In the wake of European criticism against CETA, what changes to the current CETA texts are needed, if any, to alleviate concerns in, for example, national or regional parliaments in Germany and Belgium? Must trade/investment agreements be more “evidence based” and adjust where they fail to reach their objective of, for example, increasing trade or growth, creating jobs or attracting FDI? Or should we stop calling second generation FTAs “free trade” agreements as they are about regulation and broader economic disciplines as much as they are about (liberalizing) trade? Are trade agreements solely about economic growth or can they increasingly be seen as imposing a form of regulatory discipline, nudging states to adopt “good policies”, to be implemented in an “even-handed” manner which, at times, may require more (rather than less) restrictions or flanking policies?

- **Session 5. PANEL: Making Trade Dispute Settlement More Effective And Inclusive: Informal Reforms At The WTO And Alternative Hard And Soft Law Systems In And Outside Of The WTO**

With formal DSU reform in gridlock, this panel will focus on renewed informal efforts to update the WTO dispute settlement process. It will discuss DDG Brauner's Informal “DS Efficiency Process” and Canada’s DSB Proposal for an Informal Framework for Procedural DSU Innovation. Discussions on possibly reviewing Appellate Body appointment proceedings and conditions are also topical. There has also been renewed interest in concluding soft law instruments at the WTO as well as using softer mechanisms to address trade concerns (e.g. the special trade concern discussions in SPS/TBT committees and the new good offices procedure under the SPS agreement). In addition, dispute settlement mechanisms under certain FTAs have been recently tested (e.g. Costa Rica v. El Salvador dispute under CAFTA; US-Guatemala labour dispute also under CAFTA). Does dispute settlement under FTAs have a future? Why has it until now not often been resorted to (see NAFTA Chapter 20; ASEAN dispute settlement), and could this change in the future? Is there a broader trend in WTO/international trade law toward softer or informal international lawmaking and

dispute settlement mechanisms, in some ways more akin to the old GATT or what is happening in other fields of international economic law, such as finance?

- **Session 6. PANEL: Deliverables for MC11: State-of-Play & Discussion on Possible New Disciplines and Alternative Approaches to Address E-Commerce, Digital Economy and Other Trade Issues in a Post-Nairobi WTO**

One of the topics on the WTO agenda today is: e-commerce. Should the WTO start negotiations on this issue? What aspects of the broader e-commerce debate can credibly be addressed at a WTO-wide level? Is there something in it for all WTO members, including developing countries? What disciplines could be agreed on, and in what form? Should the WTO start small and pragmatic with questions such as customs duties on electronic transactions and practical matters related to trade facilitation or is an ambitious new WTO instrument needed/feasible that sets out disciplines on e.g. data localization, privacy, cyber-security and bridging the digital divide? This panel is also open to discuss other trade issues that may be decided at MC11.

Guidelines for submissions

It is expected that each panelist will be allotted approximately 15 minutes to present his or her paper, and that a question and answer period will follow.

Proposers must be available to attend the WTO Law Conference in Geneva on 9 & 10 June 2017.

Proposals should be prepared for anonymous review, should identify whether they are a “younger scholar” proposal or a proposal under topic 4. For younger scholar proposals, applicants should indicate which of the six panel themes they fall under. All proposals should be submitted in PDF or Word format to Mr. Manuel Sanchez, at his email: manuel.sanchez@graduateinstitute.ch.

Emails should have “ANNUAL CONFERENCE ON WTO LAW PROPOSAL” in the subject line and should include the proposal title in the body of the email. No identifying information should be included in the attached proposal. Proposers should certify their availability to attend the Conference in Geneva on June 9 and 10, 2017, in the body of the email, and should attach a brief CV of the proposer that includes the dates of award of relevant academic qualifications. The organizers will make every effort to respond to all proposals by the end of March.

If the author so wishes, selected papers will be considered for subsequent publication in the JIEL. Proposers should be aware that if their paper is selected for publication it may be necessary to expand the paper to publishable length in a relatively short time frame.

Successful proposers will have Conference fees waived, and will be invited to attend the annual dinner for speakers on Friday night (9 June). The organizers regret that they do not normally have funding available for travel or lodging expenses. In exceptional cases, however, requests for (partial) funding of travel and/or lodging expenses will be considered, in particular from proposers based in developing countries.

The 2017 Organizing Committee:

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