

Seventh Annual WTO Conference

22-23 May 2007

Large Pension Room, Gray's Inn, South Square, London WC1R 5ET

co-organized with



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Programme

DAY 1

Tuesday, May 22, 2007

WTO DISPUTE SETTLEMENT: CURRENT ISSUES

8.45 – 9.15 Registration and Coffee

9.15 – 9.30 Welcoming Remarks

The Rt Hon Sir Francis Jacobs KCMG QC, Professor, King's College, University of London

Prof John H. Jackson, Director, Institute of International Economic Law, Georgetown University Law Center, Washington DC

9.30 – 11.00 Panel 1: The GMOs Dispute

This panel will explore the rationale for the science-based framework of the SPS Agreement and its application in 'difficult' cases, examining the WTO Panel's interpretation of risk assessment in the GMOs case and its future implications for 'risk regulation' at local and global levels. Panelists will also discuss the rule-exception-right distinction followed by the GMOs report, the rejection of the Art III:4 claim as well as the role of civil society and of other rules of international law in interpreting the SPS provisions.

Chair: **Prof Gillian Triggs**, British Institute of International and Comparative Law

Speakers: **Dr Tracey Epps**, University of Otago, New Zealand.

Dr Alessandra Arcuri, University of Rotterdam

Dr Tomer Broude, Hebrew University of Jerusalem

Nathalie Bernasconi, CIEL, Geneva

11.00 – 11.30 Coffee Break

11.30 – 13.00 Panel 2: Revisiting the Role of Precedent in WTO Rulings

This panel will revisit the question of the precedential effect of WTO dispute settlement rulings in light of the *US – Zeroing* case, as well as other recent WTO disputes such as *US – Softwood Lumber V*, and *US – Oil Country Tubular Goods Sunset Reviews*, and consider the concept of “subsequent practice” under Article 31.3(c) of the Vienna Convention on the Law of Treaties in light of the *EC – Chicken Cuts* dispute.

Chair: **Dr Federico Ortino**, Director of the Investment Treaty Forum, British Institute of International and Comparative Law
Speakers: **Dr Joanna Gomula**, Lauterpacht Centre for International Law, Cambridge
Meredith Kolsky Lewis, Victoria University of Wellington Law School
Niall Meagher, Advisory Centre on WTO Law, Geneva
Discussant: **Prof Donald Regan**, University of Michigan Law School

13.00 – 14.30 Lunch

14.30 – 16.00 Panel 3: Compliance and Remedies: Articles 21.5 and 22 DSU

This panel will examine the jurisprudence of Article 21.5 compliance reviews (including issues such as “measures taken to comply” and scope of review) and discuss compliance with DSB rulings generally. It will also discuss issues related to suspension of concessions by developing countries, including cross-retaliation and some of the developing countries’ proposals regarding remedies under consideration in the DSU Review.

Chair: **Dr Werner Zdouc**, Appellate Body Secretariat, WTO, Geneva
Speakers: **Dr Jan Bohanes**, Sidley Austin LLP, Geneva
Dr Henning Grosse Ruse – Khan, University of Leicester
Thomas Sebastian, Advisory Center on WTO Law, Geneva
Discussant: **Prof Bill Davey**, University of Illinois College of Law

16.00 – 16.30 Coffee Break

16.30 – 18.00 Panel 4: Dispute Settlement under FTAs and the WTO: Conflict or Convergence?

This panel will consider several choice of forum questions: To what extent may FTA tribunals interpret WTO concepts given the WTO’s exclusivity rule expressed in Art. 23 DSU? Must bilateral tribunals defer, or at least refer, to interpretations of the WTO Appellate Body (or other FTA tribunals) when the latter has already ruled on similar disputes? What lessons for DSU reform may be learned from dispute settlement provisions in FTAs? What is the relevance of rules on positive regulation of social standards (especially labour/environment) in FTA disputes on traditional trade matters?

Chair: **Prof Jane Bradley**, Georgetown University Law Center, Washington DC
Speakers: **Rambod Behboodi**, Canadian Mission to the WTO
Simon Farbenbloom, Australian Department of Foreign Affairs and Trade
Prof David Gantz, University of Arizona College of Law
Jaime Granados, InterAmerican Development Bank, Washington DC
Discussant: **Marco Bronckers**, WilmerHale, Brussels

DAY 2
Wednesday, May 23, 2007
PERCEPTIONS, PREDICTIONS AND POSSIBILITIES
FOR THE WORLD PUBLIC ORDER

8.45 – 9.15 Registration and Coffee

9.15 – 11.00 Panel 1: WTO Institutional Reform in a Broader Context

Several recommendations in the Sutherland Report, including those regarding public outreach and transparency, have implications beyond the WTO for institutions concerned about the so-called “democratic deficit.” This panel will further develop the issues of WTO institutional reform, discussing them in the broader context of global administrative law and good governance, and consider what implications the debate about “constitutionalism” at the WTO may have for international law generally.

Chair: **Prof Debra Steger**, University of Ottawa Faculty of Law

Speakers: **Dr Andrew Lang**, London School of Economics

Prof Gabrielle Marceau, WTO Office of the DG, Geneva

Prof Dan Sarooshi, Oxford University & Essex Court Chambers, London

John Weekes, Sidley Austin LLP, Geneva

Discussant: **Prof Peter van den Bossche**, Maastricht University

11.00 – 11.30 Coffee Break

11.30 – 13.00 Panel 2: Continuing the “Global Regulatory Legitimacy” Discussion

This panel will examine recent scholarship on the allocation of power to regulate economic activity. Do international regimes such as the WTO impinge on domestic regulatory activities? Are there certain areas of economic regulation that require supranational rule-making? What factors dictate the choice of “soft law” over “hard law” for international economic regulation? What lessons can be learned from other initiatives like global corporate social responsibility, or the Basel Committee on Banking Supervision?

Chair: **Prof John Jackson**, Georgetown University Law Center, Washington DC

Speakers: **Prof Thomas Cottier**, World Trade Institute, Bern

Dr Rosa Lastra, Queen Mary London

Prof Joanne Scott, University College London

Discussant: **Prof Surya Subedi OBE**, University of Leeds

13.00 – 14.30 Lunch

14.30 – 16.30 Panel 3: The Growing Importance of International Juridical Institutions

The growing importance of “rule orientation” in international affairs has underscored the need for the development of international juridical institutions. How have significant juridical institutions like the WTO dispute settlement system, the International Court of Justice and the European Court of Justice (and the role of its Advocate General) influenced the development of other international juridical institutions, such as the WIPO, the IMF, and institutions established under regional and sub-regional trade agreements and economic communities (e.g., African international courts and tribunals; the Caribbean Court of Justice)? What do recent developments in case law on the “direct effect” question, in the EU and elsewhere, signify for the status of international economic law in domestic legal regimes?

Chair: **Prof Sir Francis Jacobs QC**, King’s College London

Speakers: **Antonis Antoniadis**, Durham University

Kevin Gray, Trade Law Bureau Canada, Ottawa

Prof Claudio Dordi, Bocconi University, Milan

Dr Ukpabi Ugochukwu, Osgoode Hall Law School, Toronto

Discussant: **Dr Barbara Oliveira**, WTO Technical Cooperation, Geneva

Registration

BIICL Members: £125; Non-members: £210;
Full-time Academic Members: £100; Full-time Academic: 165;
Full-time Student Members: £30; Full-time Students: £50

For registration visit our website at www.biicl.org/events or contact eventsregistration@biicl.org

WTO Conference Dinner will also be held at Gray's Inn on the evening of Tuesday 22 May 2007
The cost to attend is £68.00. Attendance should be booked separately

Public Transport Directions

The main entrance for pedestrians and vehicles is through a narrow archway in High Holborn between the Cittie of Yorke (large clock over the pavement) and a Post Office/Rymans. There is pedestrian access at various points round the Inn, but these gates are closed at night and at weekends.

The nearest underground station is Chancery Lane (Central Line) but is not open on Sundays. The next nearest stations are Holborn (Central and Piccadilly) and Farringdon (Metropolitan, Circle, Hammersmith and City, Thameslink).

Bus routes include numbers 8, 17, 25, 45, 46, 171A, 242, 243, and 521.

Map of Gray's Inn

