



British Institute of
International and
Comparative Law

Events



Sixth Annual WTO Conference

23-24 May 2006

co-sponsored by

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In 2001 the British Institute of International and Comparative Law organised, in conjunction with Georgetown University Law Center, the first of its Annual WTO Conferences, chaired by then Advocate General Francis Jacobs and Professor John Jackson, the nestor of international trade law. By now these annual conferences are firmly established as the most important annual event for international scholarship and policy discussion in the field. Judges, officials, policy-makers of different sorts meet with the established scholars and recent recruits to the discipline. Participation in the Institute's Annual WTO Conference provides them a venue where to confront experiences and reflections about the functioning of the WTO and its dispute settlement system.

The **Sixth Annual WTO Conference** (23-24 May 2006) will again focus on the evolving jurisprudence of the WTO dispute settlement system addressing in particular issues such as "Treaty interpretation of Schedules of Concessions", "General exceptions" and the "Principle of judicial economy" (first day) as well as around a few major themes that the world trading system is facing such as "Regulatory convergence", the "Trade and investment link" and the "Challenges of the Doha Development Round" (second day). The Sixth Annual WTO Conference Programme Directors are: Prof Jane Bradley, Georgetown University Law Center, Prof Piet Eeckhout, King's College, University of London, Dr Federico Ortino and Prof Gillian Triggs, British Institute of International and Comparative Law.

A **WTO Conference Dinner** will also be held at Gray's Inn on the evening of Tuesday 23 May 2006. The cost to attend is £65.00. Attendance should be booked separately.

As in the past, a **GATS and Financial Services Seminar** will take place the day before the WTO Conference at the British Institute (22 May). It will address issues such as "Cross-border trade in banking and financial services", "Trade in Financial Services and Developing Countries", "Domestic Regulation and Article VI GATS" and "Implications of the *Gambling* dispute for financial services".

For any further information, contact Dr Federico Ortino, Fellow in International Economic Law at the British Institute (f.ortino@biicl.org). For registration, visit our website (www.biicl.org) or contact our events department at eventsregistration@biicl.org.

Programme

DAY 1

Tuesday, May 23, 2006

WTO DISPUTE SETTLEMENT: CURRENT AND FUTURE CHALLENGES

8.45 – 9.15 Registration and Coffee

9.15 – 9.30 Welcoming Remarks

Sir Francis G. Jacobs, Professor, King's College, University of London

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

9.30 – 11.00 Panel 1: What conduct is a Member responsible for?

This panel will look at WTO jurisprudence on Members' discretionary measures, omissions, and attribution to governments of private parties' conduct.

Chair: **Bill Davey**, University of Illinois College of Law

Speakers: **Sharif Bhuiyan**, Dr Kamal Hossain & Associates, Dhaka

Moritz Wagner, Riga Graduate School of Law

Discussants: **Werner Zdouc**, Appellate Body Secretariat, WTO, Geneva

Nicolas Lockhart, Sidley Austin LLP, Geneva

11.00 – 11.30 Coffee Break

11.30 – 13.00 Panel 2: Exceptions to the rules: evolving jurisprudence

This panel will trace the evolution of the application of "General Exceptions" to WTO obligations (Article XX GATT, Article XIV GATS) in recent cases such as *Soft Drinks*, *Internet Gambling*, and *Dominican Republic Cigarettes* in light of earlier jurisprudence from *Shrimp-Turtle*, *Korea-Beef* and *Asbestos* cases. Has the GATS context sharpened the inquiry? Has there been a shift in the burden of proof?

Chair: **Werner Zdouc**, Appellate Body Secretariat, WTO, Geneva

Speakers: **Don Regan**, Michigan Law School

Debra Steger, University of Ottawa

Peter Van den Bossche, Maastricht University

Discussants: **Lorand Bartels**, Edinburgh University

Intan Murnira Ramli, Kent University

13.00 – 14.30 Lunch

14.30 – 16.00 Panel 3: Jurisdictional issues in WTO disputes: 'judicial economy' and 'completing the analysis'

This panel will look at the role that WTO panels and the Appellate Body have played in framing the scope of review, including the exercise of judicial economy and its implications for implementing the Dispute Settlement Body's recommendations and rulings. While some complain about over-reaching, is there also concern about under-reaching?

Chair: **Donald McRae**, University of Ottawa

Speakers: **Jan Bohanes**, Appellate Body Secretariat, WTO, Geneva

Valerie Hughes, Gowlings, Ottawa

Tim Brightbill, Georgetown University Law Center, Washington DC

Discussants: **Todd Friedbacher**, Sidley Austin LLP, Geneva

16.00 – 16.30 Coffee Break

16.30 – 18.00 Panel 4: Treaty Interpretation Revisited: Interpreting Schedules of Concessions

This panel will consider the challenges that a panel faces in interpreting WTO Members' schedules of concessions, as demonstrated by the recent *Chicken Cuts* and *Internet Gambling* cases and the earlier dispute on *LAN equipment*. Do customary international law rules of interpretation really help in this context? Can negotiators in the Doha Agenda talks avoid the pitfalls of drafting their commitments?

Chair: **Marco Bronckers**, WilmerHale, Brussels

Speakers: **Claudio Dordi**, University of Milan

Cherise Valles, Advisory Centre on WTO Law, Geneva

Isabelle Van Damme, University of Cambridge

Discussants: **Thomas Cottier**, University of Bern, WTl

Petros Mavroidis, Columbia University Law School, New York

8.45 – 9.00 Registration and Coffee

9.00 – 10.45 Panel 1: Regulatory Convergence – A Role for the WTO?

Some WTO Members have been working on a bilateral or regional basis to reconcile regulatory approaches that affect global competitiveness (eg. EU Integration; Transatlantic Economic Cooperation, etc). What can we learn from their experience? Can or should regulatory convergence be sought on a multilateral basis? What have been so far the attempts within the WTO to encourage such convergence (in the field of services, or health standards)? Is there a need for international "administrative law"?

Chair: **John Jackson**, Georgetown University Law Center, Washington DC
Speakers: **Andrew Lang & Joanne Scott**, University of Cambridge & UCL, London
Gabrielle Marceau, Office of the DG, WTO, Geneva
Christian Pitschas, WTI Advisors, Geneva
Discussants: **Piet Eeckhout**, King's College, London
Gary Horlick, WilmerHale, Washington DC

10.45 – 11.15 Coffee Break

11.15 – 13.00 Panel 2: Trade and Investment Disputes: complement or conflict?

This panel will examine the potential for conflicts in jurisprudence where similar provisions exist in both WTO agreements and International Investment Agreements (i.e., national treatment obligations, general exceptions) and will look at procedural advancements under some FTAs (transparency; remedies) that could influence eventual changes to WTO procedures.

Chair: **Federico Ortino**, BIICL, London
Speakers: **Lothar Ehring**, DG Trade, EC Commission, Brussels
Joost Pauwelyn, Duke University Law School
Gaetan Verhoosel, Debevoise & Plimpton LLP, Paris
Discussants: **Milos Barutciski**, Davies Ward, Toronto
Ibironke Odumosu, University of British Columbia

13.00 – 14.30 Lunch

14.30 – 16.30 Panel 3: Doha Development Round: Current and Future Challenges

This panel will examine a few key issues of the Doha Round including how to achieve the development objective of the round (in particular with regard to least-developed countries) and how to ensure proper implementation of a future agreement (looking at WTO Members' constitutional and legislative provisions and considering what institutional arrangements and capacity-building programs will be necessary to ensure full implementation of new commitments).

Chair: **Jane Bradley**, Georgetown University Law Center, Washington DC
Speakers: **Meredith Kolsky Lewis**, Victoria University of Wellington Law School
Seema Sapra, King's College, London
Bruce Wilson, Legal Affairs Division, WTO, Geneva
Discussants: **Stefan Amarasinha**, DG Trade, EC Commission, Brussels
Sungjoon Cho, Chicago-Kent College of Law
Liz Stuart, Oxfam, Oxford

16.30 – 16.45 Closing Remarks

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

