

# TENTH ANNUAL WTO CONFERENCE

Organized in association with the Institute of International Economic Law at Georgetown University Law Center, the Journal of International Economic Law and the Society of International Economic Law.



Society of  
International  
Economic  
Law



British Institute of  
International and  
Comparative Law

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WHITE & CASE

## Location:

Brunei Gallery, School of Oriental and African Studies, 10 Thornhaugh St,  
London, WC1H 0XG

**19<sup>TH</sup> MAY 2010**

## **DAY ONE: WTO DISPUTE SETTLEMENT**

8.15 – 8.50	Registration with tea & coffee
8.50 – 9.00	<p>Welcome</p> <p><b>Professor Robert McCorquodale</b>, British Institute of International and Comparative Law</p>
9.00 – 10.00	<p><b>A Conversation With The Rt Honourable Sir Francis G Jacobs KCMG QC</b>, King's College London, and <b>Professor John H Jackson</b>, Institute of International Economic Law, Georgetown Law</p> <p><i>On the tenth anniversary of the annual BIICL WTO Conference, Professors Jacobs and Jackson -- who have co-chaired the annual conference since its inception in 2001 -- will highlight some of the most significant developments in WTO jurisprudence and governance over the past decade, in the context of broader implications for the WTO as an institution, for the future of international law, and for global economic regulation.</i></p> <p><b>Chair:</b> <b>Professor Donald McRae</b>, University of Ottawa</p> <p><b>Discussant:</b> <b>H.E. Alexis P. Lautenberg</b>, Ambassador of Switzerland to the UK</p>
10.00 – 10.30	Tea & coffee break

10.30 – 12.15	<p><b>PANEL 1: Perennial WTO Disputes - What Can We Learn From Them?</b></p> <p><i>Several WTO disputes that were on the agenda of the Dispute Settlement Body in 2001, when the BIICL annual WTO Conferences began, remain on the agenda after more than a decade. For such cases, should parties resort more often to the good offices of the Director-General, as Colombia did in the EC-Bananas dispute? Do “hard cases make bad law”? After 15 years, has the WTO dispute settlement system matured enough for separate opinions among panelists, arbitrators and Appellate Body members to become commonplace? Separate opinions have been included in more than a dozen WTO reports to date -- have they contributed positively to the discourse? When should panelists depart from the “precedent” of prior Appellate Body rulings?</i></p> <p><b>Chair:</b>  <b>Professor William Davey</b>, University of Illinois</p> <p><b>Speakers:</b>  <b>Hunter Nottage</b>, Advisory Centre for WTO Law  <b>James Flett</b>, European Commission [dissent]  <b>Professor Andrew Mitchell</b>, University of Melbourne  <b>Meredith Kolsky Lewis</b>, Victoria University of Wellington Law School</p> <p><b>Discussant:</b>  <b>Professor Tomer Broude</b>, Hebrew University of Jerusalem</p>
12.15 – 13.30	<p><b>Lunch</b></p> <p><b>LUNCHEON SPEAKER:</b></p> <p><b>Peter Sutherland</b>, KCMG (Hon), SC</p>
13.30 – 15.30	<p><b>PANEL 2: Rethinking Subsidies Policy and Disputes</b></p> <p><i>In his 2009 working paper, “The Questionable Case for Subsidies Regulation: A Comparative Perspective”, Professor Alan Sykes questioned US, EU and WTO approaches to subsidies regulation. What are the implications of financial stimulus programs for subsidies policy? With significant disputes pending on aircraft subsidies, and with subsidies issues also arising in the context of climate change mitigation, this panel will address this timely topic.</i></p> <p><b>Chair:</b>  <b>Jurgen Kurtz</b>, University of Melbourne</p> <p><b>Speakers:</b>  <b>Lode van den Hende</b>, Herbert Smith, Brussels  <b>Gary Horlick</b>, Law Offices of Gary N. Horlick, Washington, DC  <b>Dr Luca Rubini</b>, Birmingham Law School  <b>Jean-François Bellis</b>, Van Bael &amp; Bellis</p>
15.30 – 16.00	<p><b>Tea &amp; coffee break</b></p>
16.00 – 18.00	<p><b>PANEL 3: WTO Disputes: A Year in Review and a Look Ahead</b></p> <p><i>Practitioners discuss 2009-2010 WTO panel and Appellate Body Reports, highlighting significant developments and implications for future WTO disputes, as well as implications for disputes under other bilateral and regional trade agreements. What, if anything, does the China-Audiovisual case portend for critical issues facing the trading system like climate change mitigation and global financial regulation?</i></p>

	<p><b>Chair:</b>  <b>Professor Giorgio Sacerdoti</b>, Former chairman of the Appellate Body of the WTO; Bocconi University, Milan</p> <p><b>Speakers:</b>  <b>Scott Andersen</b>, Sidley Austin, Geneva  <b>Jasper Wauters</b>, White &amp; Case, Geneva  <b>Professor Thomas Cottier</b>, World Trade Institute</p>
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**20<sup>th</sup> MAY 2010**  
**DAY TWO: BROADER WTO ISSUES**

<b>8.45 – 9.00</b>	<b>Tea &amp; coffee</b>
<b>9.00 – 10.30</b>	<p><b>PANEL 1: Is “WTO Plus” a Plus or Minus?</b></p> <p><i>Accession protocols for Members that have joined the WTO during the past decade contain so-called “WTO Plus” provisions -- commitments beyond what original WTO Members have undertaken. Similarly, many free-trade agreements contain “WTO Plus” provisions -- higher obligations for FTA partners than those contained in the WTO agreements (e.g., TRIPS-plus provisions). Could WTO dispute settlement procedures be extended to bilateral and regional agreements? This panel will examine these efforts to reach a higher common denominator, and their implications for the multilateral system.</i></p> <p><b>Chair:</b>  <b>Rodney Neufeld</b>, Canadian Mission Geneva</p> <p><b>Speakers:</b>  <b>Dr Lorand Bartels</b>, University of Cambridge  <b>Professor Sungjoon Cho</b>, Chicago-Kent College of Law  <b>Dr Rafael Leal-Arcas</b>, Queen Mary University of London</p> <p><b>Discussant:</b>  <b>Nicole Foster</b> University of the West Indies, Barbados</p>
<b>10.30 – 11.00</b>	<b>Tea &amp; coffee break</b>
<b>11.00 – 12.30</b>	<p><b>PANEL 2: An International Economic Law of Migration?</b></p> <p><i>Our best estimates of the economic gains from liberalising trans-national labour flows suggest that they are vastly higher than potential gains from goods and services liberalisation, and concentrated disproportionately on developing countries. Nevertheless, there are significant political, institutional and cultural obstacles to realising these gains – as well as to adequately understanding their potential broader implications. This Panel will examine recent research in the area of international economic migration, and assess the importance of liberalising transnational labour flows for the medium-term development of the trading system and the global economic order.</i></p> <p><b>Chair:</b>  <b>Dr Andrew Lang</b>, London School of Economics</p> <p><b>Speakers:</b>  <b>Professor Dr Markus Krajewski</b>, University of Bremen  <b>Professor Marion Panizzon</b>, University of Bern, World Trade Institute</p>

	<p><b>Antonia Carzaniga</b>, World Trade Organization</p> <p><b>Discussant:</b>  <b>Professor Gabrielle Marceau</b>, University of Geneva</p>
<b>12.30 – 14.00</b>	<b>Lunch</b>
<b>14.00 – 16.00</b>	<p><b>PANEL 3: Contemporary Issues in Services Trade</b></p> <p><i>The December 2009 release of the Appellate Body decision in China-Audio Visual, as well as the recent dispute played out in the media between Google and the Chinese government, has given rise to renewed interest in the potential impact of the GATS on the future development and structure of Chinese markets. Ongoing discussion about financial services regulation in the aftermath of the global financial crisis has also given new life to debates around financial services liberalisation and its relationship with prudential and other forms of regulation. This panel will examine recent developments in the law around trade in services, and assess their relevance in the current global economic context.</i></p> <p><b>Chair:</b>  <b>Professor Dr Jan Wouters</b>, University of Leuven</p> <p><b>Speakers:</b>  <b>Professor Mads Andenas</b>, University of Oslo  <b>Professor Jane Kelsey</b>, University of Auckland  <b>Professor Rosa Lastra</b>, Queen Mary University of London  <b>Quan Zhao</b>, Chinese Permanent Mission to the WTO</p> <p><b>Discussant:</b>  <b>Dr Federico Ortino</b>, King's College London</p>
<b>16.00 – 17.00</b>	<b>Closing remarks</b>