



American Society  
of International Law

2223 Massachusetts Avenue, NW  
Washington DC 20008

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American Society  
of International Law

INTERNATIONAL ECONOMIC LAW  
INTEREST GROUP (IEcLIG)

2010 Biennial Interest Group Conference

**International Economic Law  
in a Time of Change:  
*Reassessing Legal Theory,  
Doctrine, Methodology  
and Policy Prescriptions***

in partnership with the Minnesota Journal of  
International Law and ASIL-Midwest

University of Minnesota Law School  
Minneapolis, MN.

NOVEMBER 18–20, 2010

**International Economic Law in a Time of Change:  
Reassessing Legal Theory, Doctrine, Methodology  
and Policy Prescriptions**

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International Economic Law Interest Group**

**2010 Biennial Conference**

**in partnership with the *Minnesota Journal of International Law* and ASIL--Midwest  
November 18-20, 2010**

**University of Minnesota Law School**

The start of the second decade of the twenty-first century is witnessing a confluence of events affecting international economic law that calls for re-evaluation. The international context has radically changed. Most analysts contend that we are shifting toward a multi-polar world in light of economic transformations in China, India, Brazil, and other developing and transitional countries. This is coupled with economic stagnation in the United States and Europe, which are beset by a financial crisis while being simultaneously embroiled in foreign wars and other issues of national security.

These developments have arguably complicated international economic governance, yet other factors – such as the current financial crisis – press consideration of new forms of international economic governance, such as the G-20. Global economic interdependence, exemplified by global production and supply chains, calls for sustained attention to international economic law and institutions.

These factors lead to a set of critical questions including: what is the role of international economic law institutions; is reform needed for the Bretton Woods institutions and what is the role of the international monetary system given the fall-out of the financial crisis; how can and should international economic reforms affect domestic policy space and development objectives; how can and should we address issues at the intersection of trade, science and the environment; what is the future of international investment law?

These are only some of the questions to be tackled by the conference speakers, who include scholars, practitioners, government officials, and representatives from international organizations at the leading edge of law, politics, economics, and public policy from around the world, offering diverse perspectives on a broad range of contemporary issues and problems in the politics of international economic law.

International Economic Law Interest Group Co-Chairs (2009-2011):

Susan Franck, Washington & Lee University Law School / Vanderbilt Law School

Gregory Shaffer, University of Minnesota Law School

Co-Vice-Chairs (2009-2011):

Sungjoon Cho, Chicago-Kent College of Law

Claire Kelly, Brooklyn School of Law

2010 Conference Committee:

Robert Ahdieh (Emory Law School); Nathalie Bernasconi-Osterwalder (International Institute for Sustainable Development); Chris Brummer (Georgetown University Law Center); Hannah Buxbaum (Indiana University, Maurer School of Law); Sungjoon Cho (Chicago-Kent College of Law); Carolyn Deere (Oxford Centre for International Studies); Jeffrey Dunoff (Temple University Beardsley School of Law); Susan Karamanian (George Washington University School of Law); Claire Kelly (Brooklyn Law School); Petros Mavroidis (Columbia University Law School); Ruth Okediji (University of Minnesota Law School); Margrete Stevens (King & Spalding LLP); Joel Trachtman (Fletcher School of Law and Diplomacy); Markus Wagner (University of Miami Law School); Jarrod Wong (University of the Pacific, McGeorge School of Law); and Jason Yackee (University of Wisconsin Law School).

IEcLIG Advisory Board:

Colin Picker (University of Missouri-Kansas City) (Co-Chair); Willajeanne McLean (University of Connecticut) (Co-Chair); Padideh Ala'i (American University); Jeffrey Atik (Loyola University Los Angeles); Ronald Brand (University of Pittsburgh); Isabella Bunn (Oxford University); Jeffrey Dunoff (Temple University); David Gantz (University of Arizona); Frank J. Garcia (Boston College); Craig Jackson (Texas Southern University); J. Patrick Kelly (Widener Law School); Philip Nichols (Wharton Business School); Joel Paul (University of California-Hastings); Gregory Shaffer (University of Minnesota); Paul B. Stephan (University of Virginia); Cherie Taylor (South Texas); Joel P. Trachtman (Fletcher School, Tufts University); Spencer Waller (Loyola University Chicago); and Stephen Zamora (University of Houston).

About the IEcLIG

The mission of the IELIG is to promote high-quality academic interest, discussion, research and publication on subjects broadly related to the transnational movement and regulation of goods, services, persons and capital. International law topics include trade law, investment law, economic integration law, international business transactions law, international commercial arbitration, business regulation, financial law, tax law, intellectual property law, and the role of law in development. The group is interested in diverse interdisciplinary explorations of public and private international and municipal law and is particularly interested in promoting the work and interests of new practitioners and scholars in the field.

Sponsors and Partners:

Cambridge University Press and Oxford University Press

The ASIL IEcLIG is particularly appreciative of the generosity of the conference host, University of Minnesota Law School and the *Minnesota Journal of International Law*.

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International Economic Law Interest Group**

**2010 Biennial Meeting**

**in partnership with the *Minnesota Journal of International Law* and ASIL Midwest  
November 18-20, 2010**

**University of Minnesota Law School**

**International Economic Law in a Time of Change:  
Reassessing Legal Theory, Doctrine, Methodology and Policy Prescriptions**

18 November 2010:

**16:00-17:00: Registration (Outside Room 25 Law School)**

**17:00-17:15: Welcome and Opening (Room 25)**

- **Gregory Shaffer** – Melvin C. Steen Professor of Law, University of Minnesota Law School
- **Susan Franck** – Associate Professor, Washington & Lee University and Visiting Associate Professor, Vanderbilt University Law School
- **Chris Luehr and Jonathan Moler**, Co-Editors-in-Chief, *Minnesota Journal of International Law*
- **Dean David Wippman** – Dean and William S. Pattee Professor of Law, University of Minnesota Law School

**17:15-18:15: Keynote Lecture – “The Empirical Trend in International Economic Law” (Room 25)**

- **Beth Simmons** – Clarence Dillon Professor of International Affairs and Director of the Weatherhead Center for International Affairs, Harvard University, Department of Government

**18:30-20:30: Reception and dinner** at the University of Minnesota Campus Club (East Bank)

19 November 2010:

**8:00-8:45: Registration (continued) and Continental Breakfast (Outside Room 25)**

**8:45-10:15: Panel A (Room 15)**

Transnational Law and Domestic Regulation

1. **Mariana Mota Prado** – University of Toronto – *Transnational Influences on National Regulatory Reform in Large Developing Countries: Brazil's Contrasting Experiences in Electricity and Telecommunications Governance*
2. **Joseph Yockey** – University of Iowa – *Passive Corruption and Transnational Firms: A Regulatory Analysis*
3. **Alexia Brunet Marks** – University of Colorado – *Check Please: Evaluating the Means of Deterrence in the Food Import Industry*
4. **Jarrold Wong** – McGeorge School of Law, University of the Pacific – *The International Phenomenon of Clawbacks*

- *Moderator: David A. Gantz* – Samuel M. Fegtly Professor of Law and Director of the International Trade Law Program, University of Arizona James E. Rogers College of Law

**8:45-10:15: Panel B (Room 25)**

International Economic Law Governance and International Policy Space

1. **Claire Kelly** and **Sungjoon Cho** – Brooklyn Law School and Chicago-Kent Law School – *Promises and Perils of New Global Governance*
2. **Nicole Foster** – University of West Indies – *The WTO, Developing Countries and the Problem of Development;*
3. **Michelle Rattton Sanchez Badin** – São Paulo School of Law – *Public and Private Actors Redefining the WTO Adjudicatory System Role in the Global Arena: Examples from the Civil Aircraft Business*
4. **Alvaro Santos** – Georgetown University – *Carving out Policy Autonomy for Developing Countries in the WTO*

- *Moderator: Jeffrey L. Dunoff* – Temple University, Beasley School of Law

**10:15-10:30: Coffee break**

**10:30-12:00: Panel A (Room 15)**

International Monetary Law

1. **Joseph Perkovich** – Dorsey & Whitney LLP – *The Structural Problem of International Monetary Law*
2. **Aldo Caliari** – Rethinking Bretton Woods – *Updating the International Monetary System to Respond to Current Global Challenges: Can it Happen Within the Existing Legal Framework?*
3. **Adam Feibelman** – Tulane University – *The IMF and the Future of Multilateral Surveillance*
4. **Ioana Ciobanasu** – VU University Amsterdam – *Expanded Mandate for the IMF: Global Financial Stability and Legal Implications for the Articles of Agreement*

- *Moderator: Anna Gelpern* – Associate Professor of Law, American University, Washington College of Law

**10:30-12:00: Panel B (Room 25)**

Roundtable: Robert Hudec's Developing Countries in the GATT—Where are we now and why?

1. **J. Michael Finger** – Arlington, VA
2. **Bernard M. Hoekman** – World Bank Group – Research Manager and Former Lead Economist, Development Research Group
3. **Chiedu Osakwe** – WTO Secretariat, Director of the Accessions Division

- *Moderator: Gregory Shaffer* – Melvin C. Steen Professor of Law, University of Minnesota Law School

**12:00-13:00: Lunch (Spannaus Commons, Ground Floor)**

**13:00-14:00 Keynote Lecture – “Professor Hudec and the Appellate Body” (Room 25)**

- **Ricardo Ramírez Hernández** – WTO Appellate Body Member, 2009-2013

**14:00-15:30: Panel A (Room 15)**

International Financial Law

1. **Galit Sarfaty** – Wharton School of Business – *Indicators as International Law: The Globalization of Corporate Sustainability Reporting*
2. **David Zaring** – Wharton School of Business – *Can International Finance Be Understood Through the Lens of International Trade?*
3. **Odette Lienau** – Cornell University – *Emerging Norms of Sovereignty in International Debt*
4. **Sarah Woo** – New York University – *Regulatory Reforms: Flawed Ratings and Regulatory Arbitrage*

- *Moderator: Chris Brummer* – Professor of Law, Georgetown Law

**14:00-15:30: Panel B (Room 25)**

International Economic Law and Domestic Intersections

1. **Jide Nzelibe** – Northwestern University – *Strategic Globalization: The Logic of Partisan Support and Opposition to International Law*
2. **Rachel Brewster** – Harvard University – *Supplying Compliance: Domestic Sources Trade Law and Policy in the United States*
3. **Kevin Gray** – Trade Law Bureau, Government of Canada – *Navigating the Maze of MFN Obligations in Government Procurement*
4. **Julian Ku** – Hofstra University – *The Rights of Corporations Under International Law*

- *Moderator: Padideh Ala'i* – Professor of Law, American University, Washington College of Law

**15:30-16:00: Coffee break**



**16:00-17:30: Panel A (Room 15)**

International Trade, Economic Regulation and Interactions

1. **Tania Voon** and **Andrew Mitchell** – University of Melbourne – *International Trade Law Implications of the National Broadband Network*
2. **Juscelino Colares** – University of Syracuse – *The Limits of WTO Adjudication: Is Compliance the Problem?*
3. **Efraim Chalamish** – New York University Law School – *International Law and State Capitalism*
4. **Markus Wagner** – University of Miami – *Law Talk v. Science Talk: The Languages of Law and Science in WTO Proceedings*

- **Moderator: Mark Wu** – Assistant Professor, Harvard Law School

**16:00-17:30: Panel B (Room 25)**

Roundtable: Fostering Collaboration in International Economic Law Through Web 2.0

1. **Stephen Zamora** (University of Houston), **Tony Van Duzer** (University of Ottawa), and **Ricardo Ramirez** (WTO / Universidad Nacional Autónoma de México (UNAM)) – *Law Students Without Borders: Collaborative International Exercises for Law Students Via the Internet*
2. **Susan Franck** – Washington & Lee University / Vanderbilt University – *Lessons from Collaboration*
3. **Mary Rumsey** – University of Minnesota – *Giving Students Tools to Research International Economic Law*
4. **Thomas McDonnell** – Pace University School of Law – *Commentator*

- **Moderator: Chiedu Osakwe** –WTO Secretariat, Director of the Accessions Division

**Cocktail Reception (Auerbach Commons, Ground Floor)**

20 November 2010:

**9:00-10:30: Panel A (Room 65)**

International Economic Law and Development

1. **Uche Ewelukwa** – University of Arkansas – *South-South Trade and Investment: The Good, The Bad and The Ugly – African Perspectives*
2. **John Baloro** – University of the Free State, South Africa – *The BIT Gold Rush: Emerging Voices of Dissent from the South with Specific Reference to the Experience of South Africa*
3. **Pasha Hsieh** – Singapore Management University – *The Roadmap for an ASEAN-US FTA: Legal and Geopolitical Considerations*
4. **Chunbao Liu** – McGill – *Liberalizing Labor Mobility Through Regional Trade Agreements: the Experience of China*

- *Moderator: Chinwe Esimai* – Assistant Professor, University of St. Thomas (Minneapolis) School of Law

**9:00-10:30: Panel B (Room 55)**

International Standard Setting

1. **Errol Meidinger** – SUNY Buffalo – *Competition and Coordination Among Transnational Non-Governmental Regulatory Programs*
2. **Caroline Bradley** – University of Miami – *Consultation and Legitimacy in Transnational Standard-Setting*
3. **Janelle Diller** – International Labour Organization – *The Interaction of Private International Standards Regimes with Public Law*
4. **William E. Kovacic** and **Hugh M. Hollman** – Federal Trade Commission – *The ICN at 10: What's Next?*

- *Moderator: Brad Karkkainen* – Professor, University of Minnesota Law School

**10:30-10:45: Coffee break**

**10:45-12:15: Panel A (Room 65)**

International Investment Law: Investment Treaties and Dispute Resolution

1. **Jason Yackee** – University of Wisconsin – *Do Bilateral Investment Treaties Promote Foreign Direct Investment? Some Hints from Alternative Evidence*
2. **Andrea Schneider** (Marquette University) and **Nancy Welsh** (Penn State University) – *Dispute Systems and Procedural Justice*
3. **Mariana Hernandez Crespo** – University of St. Thomas (Minneapolis) School of Law – *Building Conflict Resolution Capacity and Frameworks for Sustainable Implementation of IIAs in Latin America*
4. **R. Doak Bishop** (King & Spaulding LLP) and **Ben Love** (Freshfields LLP) – *The Increasing Influence of Soft Law in International Disputes*
  - *Moderator: Michael Tracton* – Senior Negotiator for Bilateral Investment Treaties, Office of Investment Affairs, U.S. Department of State

**10:45-12:15: Panel B (Room 55)**

International Economic Law, Climate Change and Responsibility to Protect

1. **Anu Bradford** and **Travis Bradford** – University of Chicago – *The Perils of Incrementalism in Solving Climate Change*
2. **Sadeq Bigdeli** – Waikato University School of Law – *Resurrecting the Dead? The Expired Non-Actionable Subsidies and the Lingering Question of “Green Space”*
3. **Krista Nadakavukaren Schefer** – Universität Basel – *Reassessing International Economic Law in Light of the Responsibility to Protect*
4. **Jessica Lawrence, Gareth Davies, and Laurens Ankersmit** – VU University Amsterdam – *Extraterritorial Social and Environmental Concerns and Trade: Pathways to Conflict Between the WTO and EU*
  - *Moderator: Oren Gross* – Irving Younger Professor of Law and Director, Institute for International Legal and Security Studies, University of Minnesota Law School

**12:15-13:15: Lunch (Spannaus Commons, Ground Floor)**

**13:15-14:15: Keynote Lecture – “The Return of the State” (Room 25)**

- **José E. Alvarez** – Herbert and Rose Rubin Professor of International Law, NYU School of Law

**14:15-16:00: Panel A (Room 65)**

International Economic Law and Climate Change

1. **Deepa Badrinarayana** – Chapman University School of Law – *The Unbreakable Heaviness of Economic Interests in Shaping Climate Law: The Case of India’s Civilian Nuclear Program*
2. **Hari Osofsky** – University of Minnesota Law School – *The BP Oil Spill and Transnational Governance: Addressing Fragmentation and Overlap at the Intersection of Economic and Environmental Law*
3. **Varun Rai** – University of Texas LBJ School of Public Affairs and Center for International Energy and Environment Policy (CIEEP) – *Technology and Policy Approaches for Low-Carbon Growth in Developing Countries*
4. **Elizabeth Trujillo** – Suffolk University Law School – *Tuna-Dolphin Revisited: Transnational Governance Implications for Trade Regulation in the Context of Climate Change Policy*
5. **Jonathan Zasloff** – UCLA School of Law – *Priability Rules: Using the WTO Framework to enhance US-India Cooperation on Clean Energy Technology*

- *Moderator: Petros C. Mavroidis* – Edwin B. Parker Professor of Foreign and Comparative Law, Columbia Law School

**14:15-16:00: Panel B (Room 55)**

Trade, Human Rights, Technology and Jurisdiction

1. **Valentina Vadi** – University of Maastricht – *Unity in Diversity? Cultural Diversity Disputes and the Judicial Function in International Economic Law*
2. **Henry Gao** – Singapore Management University – *Searching for the Missing Link: Trade, Censorship and Human Rights in the Digital Era*
3. **Julia Qin** – Wayne State University – *Pushing the Limit of Global Governance: Trading Rights and Political Censorship – A Commentary on the China-Publications Case*
4. **Shashank P. Kumar** (Yale University) and **Meghana Sharafudeen** (National Law University Jodhpur) – *Extraterritoriality of Intellectual Property Law in an Era of Globalization: The Doctrine of Manufacturing Fiction” and Goods in Transit*
5. **Anupam Chander** – University of California, Davis – *Law in the Cloud*

- *Moderator: Ruth Okediji* – William L. Prosser Professor of Law, University of Minnesota Law School

**16:00-16:30: Business meeting (Room 25):** Co-Chairs Susan Franck and Gregory Shaffer  
Leadership elections and brainstorming for the future