



American Society
of International Law



UNIVERSITY of
DENVER
STURM COLLEGE OF LAW

American Society of International Law
International Economic Law Interest Group

2014 Biennial Meeting

in partnership with the *University of Denver Stur姆 College of Law Leonard v.B. Sutton Colloquium*

November 13-15, 2014
University of Denver Stur姆 College of Law
Denver, Colorado

REASSESSING INTERNATIONAL ECONOMIC LAW AND DEVELOPMENT: NEW CHALLENGES FOR LAW AND POLICY

Conference Schedule (Rev. 11/10/14)

Thursday 13 November 2014
(Hyatt Place-Cherry Creek):

16:00 -17:00	Registration , First Floor of Hyatt Place-Cherry Creek
17:00 -19:00	<p>Reception, Welcome & Opening Remarks, First Floor of Hyatt Place-Cherry Creek (appetizers, drinks provided; dinner on your own)</p> <p>Annecoos Wiersema & Phoenix Cai (U. Denver Stur姆 College of Law)—Welcome & Introduction of Dean Katz Dean Martin J. Katz (U. Denver-Stur姆 College of Law)—Welcome Elizabeth Trujillo (Suffolk U.)—Opening remarks Jason Yackee (U. Wisconsin)—Opening remarks</p> <p>**Sponsored by The Ved Nanda Center for International and Comparative Law at the University of Denver Stur姆 College of Law** **Sponsored by International Legal Studies Program at the University of Denver Stur姆 College of Law**</p>

Friday 14 November 2014
(University of Denver Sturm College of Law):

7:45 – 8:30	Registration & Continental Breakfast, First Floor Forum of Ricketson Law Building			
8:30 – 9:30	Keynote Lecture, Room 165 of Ricketson Law Building Professor Petros Mavroidis (Columbia Law School and European University Institute)			
9:30 – 9:45	Coffee Break, Lobby 140 of Ricketson Law Building			
9:45 – 11:15	<p>Panel 1, Room 155</p> <p>Trade I</p> <p>Moderator: Elizabeth Trujillo (Suffolk U.)</p> <ol style="list-style-type: none"> 1. Chi Carmody (U. Western Ontario), <i>What is Fairness in WTO Law?</i> 2. Anupam Chander (UC-Davis), <i>The Internet of Things and the Future of Trade</i> 3. Colette van der Ven (Harvard Law School), <i>Looking Beyond Trade Preferences: The Role of Industrial Policy in Turning Developing Country Participation in Apparel and Textile</i> 	<p>Panel 2, Room 255</p> <p>Investment I</p> <p>Moderator: Ermal Frasheri (Harvard U. Kennedy School of Government)</p> <ol style="list-style-type: none"> 1. Erlend Leonhardsen (U. Oslo, Norway), <i>In the Shadow of Default Rules: Exiting BITs and Ex-post Bounded Rationality Bargaining Between Normativity and Pragmatism</i> 2. Alisher Umirdinov (Nagoya U., Japan), <i>The End of the Hibernation of the Stabilization Clause: Reassessing its Contribution to Development</i> 3. Sergey Usoskin (Moscow 	<p>Panel 3, Room 290</p> <p>Climate Change: Adaptation and Mitigation Strategies & IEL</p> <p>Moderator: Anna Spain (U. Colorado-Boulder)</p> <ol style="list-style-type: none"> 1. Shalanda Baker (U. Hawaii), <i>Climate Change and Treaty Exit: A New Gap at the Intersection of International Economic Law and International Environmental Law</i> 2. Juscelino Colares (Case Western U.), <i>Climate Change Mitigation or Protectionism? Modeling Industry Rent Seeking When Setting Border Carbon</i> 3. Colin Crawford (Tulane U.), <i>Popular Participation and Climate Change Adaptation</i> 	<p>Panel 4, Room 370</p> <p>The China Model of International Economic Law</p> <p>Moderator: John Ohnesorge (U. Wisconsin)</p> <ol style="list-style-type: none"> 1. Timothy Webster (Case Western U.), <i>China's International Economic Policy: BITs, BRICs and FTAs</i> 2. Wentong Zheng (U. Florida), <i>Beyond Ownership: State Capitalism and the Chinese Firm</i> 3. Uche Ewelukwa (U. Arkansas), <i>A Critique of Sino-African Bilateral Investment Treaties</i>

	<p><i>Value Chains into Sustainable Economic Development</i></p> <p>4. Andy Chen (Chung Yuan Christian U., Taiwan), <i>Competing for Prosperity: Formulating Competition Policy and Law in Emerging Economies</i></p>	<p>State U., Russia), <i>Contribution to Development as a Characteristic of a Protected Investment: A Realistic Approach?</i></p>		
11:15 – 11:30	Coffee Break, Lobby 140 of Ricketson Law Building			
11:30 – 13:00	<p>Panel 5, Room 125</p> <p>Preferential Trade Agreements</p> <p>Moderator: Phoenix Cai (U. Denver Sturm College of Law)</p> <p>1. Ilaria Espa & Kateryna Holzer (World Trade Institute), <i>Tackling Energy Issues Under TTIP: Toward Multi-Speed Energy regulation?</i></p> <p>2. Wendy Ho (Soochow Law School, Taiwan), <i>A David-and-Goliath Contest? The Implications of the Cross-Strait Trade Agreement</i></p>	<p>Panel 6, Room 255</p> <p>Finance I</p> <p>Moderator: Ashley K. Wald (Holland & Hart LLP)</p> <p>1. Anna DeLuca (Bocconi U., Italy), <i>Bank Rescue Measures Under International Investment Law--Between the 'Old' International Rule of Causation and 'New' Emerging International Standards</i></p> <p>2. Alexandra Esmel [Affiliation], <i>Currency Wars: The Need For International Solutions</i></p> <p>3. Farshad Ghodoosi (Yale</p>	<p>Panel 7, Room 155</p> <p>Africa</p> <p>Moderator: Alan Blakley (Blakley Justice)</p> <p>1. Olabisi Akinkugbe (University of Ottawa), <i>The Shifting Role of Law as a Tool of Economic Development in the Economic Community of West African States</i></p> <p>2. Clarence Siziba (World Trade Institute), <i>The Case for Firm-Level Considerations in SADC Trade Facilitation</i></p> <p>3. Fabio Morosini (University of Rio Grande do Sul, Brazil) & Michelle Ratton Sanchez Badin (FGV Sao Paulo School of Law, Brazil),</p>	<p>Panel 8, Room 180</p> <p>Globalization & Policy Space</p> <p>Moderator: Myanna Dellinger (Western State College of Law)</p> <p>1. Elizabeth Sheargold (Melbourne Law School), <i>Are Legitimate Regulatory Distinctions Realistic? Reconsidering US-Clove Cigarettes</i></p> <p>2. Caroline Henckels (U. New South Wales), <i>Balancing Investment Protection and Regulatory Autonomy in New Investment Treaties: Lessons from Existing Treaties and Arbitral Decisions</i></p> <p>3. Julia Qin (Wayne State U.),</p>

	<p>3. Meredith Kolsky Lewis (SUNY Buffalo) <i>Plurilateral Trade Agreements and Mega-FTAs: Implications for Developing Countries</i></p>	<p>U.), <i>The Limits of Free Movement of Capital: The Status of Customary International Law of Money</i></p> <p>4. Birgit Lode (Institute for Advanced Sustainability Studies, Potsdam), <i>Soft Law at the Nexus of Economic Institutions and Sustainable Development</i></p>	<p><i>Contesting the Model-based Model: Empirical Insights from Brazil-Angola Trade and Investment Relations</i></p>	<p><i>State Ownership and Market Benchmarks: WTO Subsidy Jurisprudence and its Implications for Developmental Policy Space</i></p> <p>4. Barbara Cooreman (Leiden U.), <i>Green and Extraterritorial: PPMs Revisited</i></p>
13:00 – 14:15	<p>Lunch and Keynote Speaker, First Floor Forum of Ricketson Law Building</p> <p>Sustainable Development: Genesis 1:28, Louis XIV, Gro Brundtland and a World of Challenges</p> <p>Mark Safty (Wirth Chair in Sustainable Development, U. Colorado-Denver; Partner, Holland & Hart LLP)</p>			
14:30 – 16:00	<p>Plenary Discussion, Room 165 of Ricketson Law Building</p> <p>Community Challenges for Sustainable Natural Resources Development</p> <p>Moderator: Annecoos Wiersema (U. Denver Sturm College of Law)</p> <ol style="list-style-type: none"> 1. David Atkins, Royal Dutch Shell 2. Ambika Chawla, Consultant 3. Cecilia Dalupan, Consultant 4. Cullen Hendrix, U. Denver Josef Korbel School of Int’l Studies 5. Matt Lepore, Colorado Oil and Gas Conservation Commission 			
16:00 – 16:15	<p>Coffee Break, Lobby 140, Ricketson Law Building</p>			
16:15 – 17:45	<p>Panel 9, Room 125</p> <p>Investment II</p>	<p>Panel 10, Room 155</p> <p>Voluntary Standards and Regulating Business for Development</p>	<p>Panel 11, Room 170</p> <p>Intellectual Property</p>	<p>Panel 12, Room 190</p> <p>Development and Governance</p>

	<p>Moderator: Susan Franck (Washington & Lee U.)</p> <ol style="list-style-type: none"> 1. Thomas Innes (Stepoe & Johnson LLP), <i>The Adoption of Terms of Art in Bilateral Investment Treaties and its Consequences</i> 2. Amokura Kawharu (U. Auckland), <i>The Admission of Foreign Investment in Investment Treaty Policy and Practice</i> 3. Jarrod Wong (U. Pacific), <i>The Subversion of State-to-State Investment Arbitration</i> 4. Gabriele Gaglianl (U. Palermo), <i>The Interpretation of General Exceptions in International Trade and Investment Law: Is a Sustainable Development Interpretive Approach Possible?</i> 	<p>Moderator: Sarah Dadush (Rutgers U.)</p> <ol style="list-style-type: none"> 1. Sarah Dadush (Rutgers U.), <i>The Social Stock Exchange as Regulator?</i> 2. Andrew Woods (U. Kentucky), <i>The Global Market for Corporate Norms</i> 3. Ofer Eldar (Yale U.), <i>The Role of Social Enterprise and Hybrid Organizations</i> 4. Kish Parella (Washington & Lee U.), <i>Building Legitimacy Within the Architecture of the Transnational Corporation</i> 	<p>Moderator: Anupam Chander (U. California-Davis)</p> <ol style="list-style-type: none"> 1. Kevin Fandl (Temple U.), <i>Intellectual Property Right Enforcement in Developing Countries: Stopping Theft or Stopping Development?</i> 2. Sam Halabi (U. Tulsa), <i>International IP-Free Zones</i> 3. Ana Santos Rutschman (Duke U.), <i>Towards a Regionalization of International Intellectual Property Norms? Development Strategies in the BRIC Countries</i> 	<p>Moderator: Sergio Puig (U. Arizona)</p> <ol style="list-style-type: none"> 1. Alexia Brunet Marks (U. Colorado-Boulder), <i>A New Governance Recipe for Food Safety Regulation</i> 2. Markus Wagner (U. Miami), <i>Investment Law's Uruguay Moment</i> 3. Antonio Cardesa-Salzman, Endrius Cocciolo & Jordi Jaria (Universitat Rovira i Virgili, Spain), <i>Beyond Development: Facing Governance Gaps in International Economic Law Through Constitutionalism</i> 4. Carolina Palma (World Trade Institute), <i>International Investment in Agriculture as a Contribution to Food Security</i>
17:45 – 19:00	<p align="center">Cocktail Reception, First Floor Forum (appetizers and drinks provided; dinner on your own)</p> <p align="center">**Sponsored by the Roche LLM in International Business Transactions at the University of Denver Sturm College of Law**</p> <p align="center">**Sponsored by International Legal Studies Program**</p>			

**Saturday 15 November 2014
(University of Denver Sturm College of Law):**

8:15 – 9:00	Continental Breakfast, First Floor Forum of Ricketson Law Building			
9:00 – 10:30	<p>Panel 13, Room 125</p> <p>Empirical & Social Scientific Approaches to IEL</p> <p>Moderator: Todd Wells (Gleason Wells)</p> <ol style="list-style-type: none"> 1. Susan Franck (Washington & Lee U.), <i>Conflating Politics & Development? Examining Investment Treaty Arbitration Outcomes</i> 2. Jason Yackee (U. Wisconsin), <i>Do Investment Promotion Agencies Promote Bilateral Investment Treaties?</i> 3. Jide Nzelibe (Northwestern U.), <i>The Myth of the Free Trade Constitution</i> 	<p>Panel 14, Room 155</p> <p>South-South Aid To Development</p> <p>Moderator: Sonia Rolland (Northeastern U.)</p> <ol style="list-style-type: none"> 1. Sophie Smyth (Temple U.), <i>Reimagining the Institutional Framework for Development Assistance</i> 2. Fahimul Quadir (York U., Canada), <i>South-South Cooperation, Realpolitik, and the Changing Global Aid Architecture: Exploring the role of Southern Aid Providers in Development Cooperation</i> 	<p>Panel 15, Room 170</p> <p>Issues in Development</p> <p>Moderator: Ved P. Nanda (U. Denver Sturm College of Law)</p> <ol style="list-style-type: none"> 1. Americo B. Zampetti (European Union), <i>Entrenching human development in the design of post 2015 development agenda and the SDGs</i> 2. Jedediah Kroncke (FGV Sao Paulo School of Law, Brazil), <i>Development as Freedom and the Value of Employment Security</i> 3. Nicolas Lamp (Queen’s University), <i>The “Development” Discourse in Multilateral Trade Lawmaking</i> 4. Govind Persad (Stanford U.), <i>Financial Risk and Protection and the Global Push Toward Universal Health Coverage</i> 	
10:30 – 10:45	Coffee Break, First Floor Forum of Ricketson Law Building			
10:45 – 12:15	Panel 16, Room 125	Panel 17, Room 155	Panel 18, Room 180	Panel 19, Room 190

	<p>Latin America</p> <p>Moderator: Beto Juarez (U. Denver Sturm College of Law)</p> <ol style="list-style-type: none"> 1. Jose M. Alvarez (Externado U. Colombia), <i>The Rule of Law and Interpretation of IEL: Is Any Space Left to Development?</i> 2. Nicolás Perrone (Externado U., Colombia), <i>The Governance of Foreign Investment at a Crossroad: Is an Overlapping Consensus the Road Forward?</i> 3. Jose Toro, (EAFIT U., Colombia), <i>The Role of Latin American Free Trade Agreements in Promoting and Guaranteeing a Right of Development</i> 	<p>Finance II</p> <p>Moderator: David Zaring (U. Pennsylvania-Wharton School)</p> <ol style="list-style-type: none"> 1. David Zaring (U. Pennsylvania-Wharton School), <i>Dodd-Frank & International Law</i> 2. Erik Gerding (U. Colorado-Boulder), <i>Cross-Border Payment Systems: Three Ways of Fighting at the Frontier</i> 3. Greg Shill (New York U.), <i>Boilerplate Shock: Sovereign Debt Contracts as Incubators of Systemic Risk</i> 4. Karen Woody (Cadwater, Wickersham & Taft LLP) <i>Macroprudential Regulation and Corruption</i> 5. Douglas Arner (U. Hong Kong) <i>Developments In China Banking Law</i> 	<p>Natural Resources, Raw Materials & Commodities</p> <p>Moderator: Kristi Disney (Sustainable Development Strategies Group)</p> <ol style="list-style-type: none"> 1. Cecily Rose (U. Leiden), <i>The Extractive Industries Transparency Initiative and the Creation of Revenue Transparency Norms</i> 2. Lars Schoenwald (U. Passau, Germany), <i>The External Dimension of the European Union’s Raw Materials Initiative and International Economic Law</i> 3. Michael Fakhri (U. Oregon), <i>Reintroducing International Commodity Agreements and Reimagining International Trade Law</i> 	<p>Corruption , IEL, & Development</p> <p>Moderator: Phil Nichols (U. Pennsylvania-Wharton School)</p> <ol style="list-style-type: none"> 1. Andy Spalding (U. Richmond) <i>Linking Anti-Corruption Enforcement to Trade</i> 2. Djordjija Petkoski (World Bank) <i>Effects of Corruption on Emerging and Developing Countries</i> 3. Pat Dowden (Center for Business Ethics Russia) <i>Creating and Implementing the Russian Compliance Alliance</i> 4. Elizabeth Spahn (New England Law School) <i>The Global Corruption Regime and Emerging and Developing Countries</i>
12:15 -13:15	Lunch (“Build your own” boxed lunches in First Floor Forum of Ricketson Law Building)			
13:30 – 15:00	<p>Panel 20, Room 125</p> <p>Trade & Food Security</p> <p>Moderator: Fiona Smith (University of Warwick)</p>		<p>Panel 21, Room 155</p> <p>International Economic Law & Health (Roundtable)</p> <p>Moderator: Sungjoon Cho (Chicago-Kent Law School)</p>	

	<ol style="list-style-type: none"> 1. Gashahun Fura (Melbourne Law School), <i>Food Security Induced Transnational Agricultural Investments at the Intersection between WTO Law and International Investment Law</i> 2. Ching Wen Hsueh (National Chiao Tung U., Taiwan), <i>In the Name of Food Security: the Achievements and Failures of Developing Countries in the Bali Ministerial Conference</i> 3. Paolo Farah (West Virginia U.), <i>How to Rebalance International Economic Law and Development in Non-Trade Concern Conflicting Areas: Biofuels vs. Food Security in the Light of the Subsidy Regulations and the Global Food Crisis</i> 	<ol style="list-style-type: none"> 1. Rahim Mooloo (Gibson, Dunn & Crutcher), <i>[Title]</i> 2. Jeremy Sharpe (U.S. Department of State), <i>[Title]</i> 3. Markus Wagner (U. Miami),
15:15 – 16:15	Business Meeting, Room 145 of Ricketson Law Building	

Close of conference