



Centre for International
Governance Innovation



McGill

Faculté de
Droit

**JOINT NORTH AMERICAN CONFERENCE ON INTERNATIONAL ECONOMIC LAW
INCORPORATING THE 2018 ASIL IECLIG BIENNIAL**

***Managing International Economic (Dis)Integration:
Challenges and Opportunities***

DRAFT Program

September 21-22, 2018

Venue: McGill University, Faculty of Law, Chancellor Day Hall
3644 Peel Street, Montreal, QC, H3A 1W9, Canada

Friday, September 21st, 2018

12:30 **Registration opens**

1:15 – 1:30 **Welcoming Remarks & Introduction of Keynote Speaker**

Room 100 (Moot Court)

Robert Leckey, Dean of McGill University's Faculty of Law

Members of the NAIEL Organizing Committee

1:30 – 2:20 **Opening Keynote: Canada-U.S. Trade Relations: A View from Washington**

Room 100 (Moot Court)

Kirsten Hillman, Canada's Deputy Ambassador to the United States

2:20 – 2:30 **Break**

2:30 – 3:50 **Session 1**

Panel A

Room 16

Marie-Claude Rigaud (Université de Montréal, Faculty of Law), Chair

Elsa Sardinha (National University of Singapore, Centre for International Law), "Same Problems, Different Pile: Why Replacing Party-Appointed Arbitrators with Tenured Court Members in Investment Treaty Arbitration is Problematic"

Elizabeth Whitsitt (University of Calgary, Faculty of Law), "Judicial Discourse: An Opportunity for Legitimacy in International Economic Law"

Dominic Dagbanja (University of Western Australia, School of Law), "The Application of International Law in Investment Arbitration: Justification and Interest Served"

Panel B

Room 102

TBC, Chair

Wolfgang Alschner (University of Ottawa, Faculty of Law – Common Law Section), "The OECD Multilateral Tax Instrument: A Model for Reforming Investment Treaty Obligations?"

Gilda Almeida (Receita Federal do Brasil), "Taxpayers' Participation in the International Tax Arbitration is a Singular Opportunity for Corporations' Transfer Pricing Challenges: Should Taxpayer Have Access to MAP Arbitration Procedure?"

Alexandre Belle (University of Glasgow, School of Law), "Can an Integrated Trade and Investment System Improve the Economic Efficiency of Sovereign Debt Restructurations?"

Panel C

Room 101

Meredith Kolsky Lewis (University at Buffalo, School of Law), Chair

Pasha L. Hsieh (Singapore Management University, School of Law), "An Alternative to the CPTPP? The RCEP, Emerging Economies and New Challenges to Asia-Pacific Regionalism"

Thomas Streinz (NYU Law), "The Turn to Data in International Economic Law: TPP's Model for a Transnational Digital Economy"

Liu Xuehong (East China University of Political Science and Law) and Li Xiaofu (East China University of Political Science and Law), "The Future of Mega-FTAs Against Anti-globalization: Freer and Fairer Trade and the Role of China"

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Panel D

Room 202

Tomer Broude (Hebrew University of Jerusalem, Faculty of Law), Chair

Caroline Henckels (Monash University, Faculty of Law), "A Theory of Security Exceptions"

Tania Voon (University of Melbourne, Melbourne Law School) and Lizzie Knight (Corrs Chambers Westgarth), "Invoking and Avoiding Security Exceptions in Trade and Investment Instruments"

Ira Ryk-Lakhman (Tadmor & Co. Yuval Levy & Co.), "Security Exceptions in the Context of Armed Conflict"

3:50 – 4:15

Break

4:15 – 5:45

Session 2**Panel A**

Room 16

Charles-Emmanuel Côté (Université Laval, Faculty of Law), Chair

Henrique Lenon Farias Guedes (University of São Paulo, Faculty of Law), "Reconsidering Investment Arbitration in Brazil: 'A New Hope' or Will Resistance Strive Back?"

Otitodiri Onyema (Imo State University, Faculty of Law), "Legal Framework on Expropriation and Promotion of Foreign Investment in Africa: Nigeria and Ghana in Focus"

Ana Soares Peres (King's College London, Dickson Poon School of Law), "From Opposition to Leadership: the Brazilian Engagement in Negotiating an Investment Facilitation Agreement in the WTO"

Panel B

Room 102

Kun Fan (McGill University, Faculty of Law), Chair

Yao-Ming Hsu (National Chengchi University), "China's One Belt One Road Initiative: An Observation from WTO Perspective"

Paolo Davide Farah (West Virginia University, Department of Public Administration), "China's 'One-Belt One-Road' and Geopolitics in Eurasia: Cooperation in Energy, Infrastructures and Sustainable Development and the Role of the Chinese SOEs and the WTO"

Henry Gao (Singapore Management University, School of Law), "The BRI and China's Visions for a New World Economic Order: From Bridges, Roads and Infrastructure to BITs, RTAs and Institutions"

Jarrod Wong (University of the Pacific, McGeorge School of Law), "China in a New World of Investor-State Arbitration"

Panel C

Room 101

Jason Yackee (University of Wisconsin Law School), Chair

Alberto Alvarez Jimenez (University of Waikato, Faculty of Law), "International Investment Law, Time and Economics: Fixing the Length of Economic Crises as a Costs-Allocation Tool between Host States and Foreign Investors"

Sean Stephenson (Appleton & Associates), "Are Numbers Reasons? Damages Law, Reasons and Review in Investment Treaty Arbitration"

Ksenia Polonskaia (Queen's University, Faculty of Law), "The Preliminary Control Mechanisms in International Investment Agreements: Paper Tigers?"

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Panel D

Room 202

Roundtable: International Financial Standards

Karen Woody (Indiana University, Kelley School of Business), Chair

Pierre-Hugues Verdier (University of Virginia, School of Law)

Matthew Turk (Indiana University, Kelley School of Business)

Caroline Bradley (University of Miami School of Law)

David Zaring (The Wharton School, University of Pennsylvania)

6:00 – 8:00

Reception

Faculty Club's Ballroom

3450, McTavish Street

Saturday, September 22nd, 2018

8:30 – 9:15

Continental Breakfast

Chancellor Day Hall Atrium

9:15 – 10:35

Session 3

Panel A

Room 16

Martin Doe (Permanent Court of Arbitration), Chair

Bryan Druzin (Chinese University of Hong Kong, Faculty of Law), "Using Network Effects to Manage International Economic Integration in a Period of Global Disruption"

Janelle Diller (University of Windsor, Faculty of Law), "Curbing Dysfunctionality: Adapting the Duty of International Cooperation to a Pluralistic World"

Mohammad Hamdy (Harvard Law School), "Redesign as Reform: A Critique of the Extra-legal Theories of the Design of BITs"

Panel B

Room 102

Geneviève Dufour (Université de Sherbrooke, Faculty of Law), Chair

Juscelino F. Colares (Case Western Reserve University, School of Law), "TURKXIT: The Tariff-Leverage Case for Turkey's Shift from Customs Union to FTA"

Richard Ouellet (Université Laval, Faculty of Law), "'Contract-treaties' vs 'Law-making treaties': A Key to Understanding this New Phase of Globalization"

Csongor Nagy (University of Szeged, Department of Private International Law), "Territorial Trade Interests and Extraterritorial Value Considerations"

Panel C

Room 101

Shane Spelliscy (Government of Canada, Trade Law Bureau), Chair

Julian Arato (Brooklyn Law School), "The Private Law Critique of International Investment Law"

David Attanasio (Dechert LLP), "Investment Arbitration, Human Rights Defenses, and the Transformation of International Law"

Kristen Boon (Seton Hall University School of Law), "Do Investors Have Responsibilities Too?"

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Panel D

Room 202

Roundtable: Essential Security or Bare Bones Protection?

Padideh Ala'i (American University Washington College of Law), Chair
Hugo Perezcano Diaz (Centre for International Governance Innovation)
Jennifer Hillman (Georgetown Law School)
David Gantz (University of Arizona, James E. Rogers College of Law)

10:35 – 11:00 **Break**

11:00 – 12:20 **Session 4**

Panel A

Room 16

Darren Rosenblum (Pace Law School), Chair
Niti Sinha (IMS Law College), "Challenges in Changing Trends of International Economic Laws of Food Products"
Chien-Huei Wu (Academia Sinica, Institute of European and American Studies), "Vertical Integration and Disintegration in the Wake of ZTE: Risk Management of Global Supply Chain"
Maria Anna Corvaglia (University of Birmingham, Birmingham Law School), "Connectivity and Cross-Border Infrastructures in a Fragmented Economic Framework: The Case of the XL Keystone Pipeline"

Panel B

Room 102

Madhavi Sunder (Georgetown Law School), Chair
Rumbidzai Maweni (World Bank Group), "TRIPS Compliant Compulsory Licenses for the Promotion of Public Health as a Breach of Investment Treaty Protections"
Abu Saleh (Daffodil International University, Department of Law), "BITs Threatening TRIPS Public Health Flexibilities for LDCs: The Case of South Asia"
Julia Ya Qin (Wayne State University Law School), "US-China Trade Conflict: 'Forced' Technology Transfer and WTO Law"

Panel C

Room 101

Anupam Chander (Georgetown Law School), Chair
Timothy Meyer (Vanderbilt Law School) and Ganesh Sitaraman (Vanderbilt Law School), "Trade and the Separation of Powers"
Kathleen Claussen (University of Miami School of Law) and Mark Wu (Harvard Law School), "Discerning Norms of Evidence in International Trade Law"
Chi Carmody (Western Law School), "WTO Dispute Settlement Procedures - Where From Here?"

Panel D

Room 202

Andrea Bjorklund (McGill University, Faculty of Law), Chair
Maxim Berdichevski (Global Affairs Canada, Investment Trade Policy Branch), "Delimiting the Frontiers of Investment Protection"
Jean-Michel Marcoux (McGill University, Faculty of Law), "An Opportunity to (Further) Include Responsibilities for Investors"

12:30 – 1:00 **Lunch**
Chancellor Day Hall Atrium

1:00 – 1:50 **Lunch Keynote**
Chancellor Day Hall Atrium
Colin Brown, Deputy Head of Unit, Dispute Settlement and Legal Aspects of Trade Policy,
Directorate General for Trade, European Commission

1:50 – 2:00 **Break**

2:00 – 3:20 **Session 5**

Panel A

Room 16

Chantal Thomas (Cornell Law School), Chair

Adelle Blackett (McGill University, Faculty of Law), “Social Regionalism in an Era of
Discontent: Embedded Liberalism, Trade-Labour Treaty Interpretation and Transnational
Distributive Justice”

Rhonda Ferguson (Lakehead University), “Reflections on the Law of Preferential Trade: The GSP as
an Instrument of Neo-Colonialism”

Maria Panezi (Centre for International Governance Innovation), “SDGs and the WTO: Building
Blocks or Stumbling Blocks?”

Panel B

Room 102

Céline Lévesque (University of Ottawa, Faculty of Law – Civil Law Section), Chair

Armand de Mestral (McGill University, Faculty of Law), “The Creation of an Atlantic Free Trade
Area”

David Kleimann (European Centre for International Political Economy), “The Transformation of EU
External Economic Governance – Implications for International Economic Law”

Gabriele Gagliani (Bocconi University), “Unexpected Consequences for International Trade in the
Transatlantic Area: When the U.S. puts on the Brakes, the E.U. Steps on the Accelerator”

Panel C

Room 101

Diane Desierto (University of Notre Dame, Keough School of Global Affairs), Chair

J. Benton Heath (NYU School of Law), “The New National Security and the Global Economic Order”

Angelo Torrente (European Commission), “Rebalancing Against US Section 232 Measures: A Choice
which Undermines or Preserves the International Rules-Based Trading System?”

Richard Kilpatrick, Jr. (Northeastern Illinois University, Department of Accounting, Business Law,
and Finance), “Can Europe's ‘Blocking Statutes’ Keep Iran's Ports Open for Business?”

Panel D

Room 202

TBC, Chair

Taylor St. John (University of Oslo, PluriCourts), “Glass Ceilings and Arbitral Dealings: Explaining
the Gender Gap in Investment Arbitration”

Daniel Behn (University of Oslo, PluriCourts), “Does Nationality Matter? Geographic Diversity of
Arbitrators and The Future of the International Investment Regime”

Malcolm Langford (University of Oslo, Centre on Law and Social Transformation), “Who Writes
Arbitral Awards? A Computational Analysis of Investment Treaty Arbitration”

3:20 – 3:45 **Break**

3:45 – 5:00 **Closing Plenary: Secretariats in International Economic Law**
Room 100 (Moot Court)

Mélida Hodgson (Foley Hoag LLP), Chair

Robert Brookfield (Government of Canada, Trade Law Bureau)

Evgeniya Goriatcheva (Permanent Court of Arbitration)

Gabrielle Marceau (World Trade Organization)

Donald M. McRae (University of Ottawa, Faculty of Law – Common Law Section)