



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 Sturm College of Law Leonard v.B. Sutton Colloquium*

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

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

Conference Schedule (Rev. 10/27/14)

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

16:00 -17:00	Registration , First Floor of Hyatt Place-Cherry Creek
17:00 -17:15	Welcome and Opening , First Floor of Hyatt Place-Cherry Creek Elizabeth Trujillo (Suffolk U.) Jason Yackee (U. Wisconsin) Dean Martin J. Katz (U. Denver-Sturm College of Law) Annecoos Wiersema and Phoenix Cai (U. Denver-Sturm College of Law)
17:15 -19:00	Keynote Remarks [TBC] & Reception , First Floor of Hyatt Place-Cherry Creek (appetizers, drinks provided; dinner on your own) **Sponsored by The Ved Nanda Center for International and Comparative Law at the University of Denver Sturm College of Law**

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

7:45 – 8:30	Registration & 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: Petros Mavroidis (Columbia Law School & European University Institute)</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</i> 	<p>Panel 2, Room 255</p> <p>Investment I</p> <p>Moderator: Ermal Frasherri (Fellow, Harvard U. Kennedy School of Government)</p> <ol style="list-style-type: none"> 1. Erlend Leonhardsen (U. Oslo), <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> 	<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>in Apparel and Textile 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>3. Sergey Usoskin (Moscow 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			
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)</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>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 Grade do Sul, Brazil) & Michelle Ratton Sanchez Badin (FGV Sao</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. Meredith Kolsky Lewis (SUNY Buffalo) <i>Plurilateral Trade Agreements and Mega-FTAs: Implications for Developing Countries</i></p>	<p>3. Farshad Ghodoosi (Yale 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>Paulo School of Law, Brazil), <i>Contesting the Model-based Model: Empirical Insights from Brazil-Angola Trade and Investment Relations</i></p>	<p>3. Julia Qin (Wayne State U.), <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>Mark Safty (Wirth Chair in Sustainable Development, U. Colorado-Denver; Partner, Holland & Hart)</p>			
14:30 – 16:00	<p>Plenary Discussion, Room 165</p> <p>Moderator: Annecoos Wiersema (U. Denver Sturm College of Law)</p> <p>1. Cecilia Dalupan (Associate Director, Rocky Mountain Mineral Law Foundation; Co-Founder & Director. Sustainable Development Strategies Group)</p>			
16:00 – 16:15	<p>Coffee Break, First Floor Lobby (Lobby 140)</p>			
16:15 – 17:45	<p>Panel 9, Room 125</p> <p>Investment II</p> <p>Moderator: Susan Franck (Washington & Lee U.)</p> <p>1. Thomas Innes (Stepoe & Johnson LLP), <i>The Adoption of Terms of</i></p>	<p>Panel 10, Room 155</p> <p>Voluntary Standards and Regulating Business for Development</p> <p>Moderator: Sarah Dadush (Rutgers U.)</p> <p>1. Sarah Dadush (Rutgers U.), <i>The Social Stock Exchange as Regulator?</i></p>	<p>Panel 11, Room 170</p> <p>Intellectual Property</p> <p>Moderator: Anupam Chander (U. California-Davis)</p> <p>1. Kevin Fandl (Temple U.), <i>Intellectual Property Right Enforcement in Developing</i></p>	<p>Panel 12, Room 190</p> <p>Development and Governance</p> <p>Moderator: Sergio Puig (U. Arizona)</p> <p>1. Alexia Brunet Marks (U. Colorado-Boulder), <i>A New</i></p>

	<p><i>Art in Bilateral Investment Treaties and its Consequences</i></p> <p>2. Amokura Kawharu (U. Auckland), <i>The Admission of Foreign Investment in Investment Treaty Policy and Practice</i></p> <p>3. Jarrod Wong (U. Pacific), <i>The Subversion of State-to-State Investment Arbitration</i></p> <p>4. Gabriele Gagliana (U. Palermo), <i>The Interpretation of General Exceptions in International Trade and Investment Law: Is a Sustainable Development Interpretive Approach Possible?</i></p>	<p>2. Andrew Woods (U. Kentucky), <i>The Global Market for Corporate Norms</i></p> <p>3. Ofer Eldar (Yale U.), <i>The Role of Social Enterprise and Hybrid Organizations</i></p> <p>4. Kish Parella (Washington & Lee U.), <i>Building Legitimacy Within the Architecture of the Transnational Corporation</i></p>	<p><i>Countries: Stopping Theft or Stopping Development?</i></p> <p>2. Sam Halabi (U. Tulsa), <i>International IP-Free Zones</i></p> <p>3. Ana Santos Rutschman (Duke U.), <i>Towards a Regionalization of International Intellectual Property Norms? Development Strategies in the BRIC Countries</i></p>	<p><i>Governance Recipe for Food Safety Regulation</i></p> <p>2. Markus Wagner (U. Miami), <i>Investment Law's Uruguay Moment</i></p> <p>3. Antonio Cardesa-Salzmann, Endrius Cocciolo & Jordi Jaria (Universitat Rovira i Virgili, Spain), <i>Beyond Development: Facing Governance Gaps in International Economic Law Through Constitutionalism</i></p> <p>4. Carolina Palma (World Trade Institute), <i>International Investment in Agriculture as a Contribution to Food Security</i></p>
18:00 – 19:30	<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>			

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

8:15 – 9:00	<p align="center">Breakfast, First Floor Lobby (Lobby 140)</p>
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<p>9:00 – 10:30</p>	<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. Adam Chilton (U. Chicago), <i>The Political Economy of Inward FDI Flows: An Examination of Opposition to Chinese Mergers & Acquisitions in the United States</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> 3. Nkunde Mwase, (International Monetary Fund), [Title] 	<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> 	
<p>10:30 – 10:45</p>	<p style="text-align: center;">Coffee Break, Lobby 140</p>			
<p>10:45 – 12:15</p>	<p>Panel 16, Room 125</p> <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. Nicholas Perrone (Externado U., Colombia), <i>The Governance of</i> 	<p>Panel 17, Room 155</p> <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 [Affiliation], <i>Cross-Border Payment Systems: Three Ways of Fighting at the Frontier</i> 	<p>Panel 18, Room 180</p> <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. Leide), <i>The Extractive Industries Transparency Initiative and the Creation of Revenue Transparency Norms</i> 2. Lars Schoenwald (University of Passau (Germany), <i>The External Dimension of the European Union’s Raw</i> 	<p>Panel 19, Room 190</p> <p>Corruption , IEL, & Development [TBC]</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)

	<p><i>Foreign Investment at a Crossroad: Is an Overlapping Consensus the Road Forward?</i></p> <p>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>	<p>3. Stephen Park [Affiliation], <i>Governments as Financial Innovators: Climate Bonds and the Globalization of Social Finance</i></p> <p>4. Greg Shill (New York U.), <i>White Shoe Rules: Wall Street as a Regulator of Global Systemic Risk</i></p> <p>5. Karen Woody (Affiliation), <i>Macroprudential Regulation and Corruption</i></p> <p>6. Douglas Arner [Affiliation], <i>Developments In China Banking Law</i></p>	<p><i>Materials Initiative and International Economic Law'</i></p> <p>3. Michael Fakhri (U. Oregon), <i>Reintroducing International Commodity Agreements and Reimagining International Trade Law</i></p>	<p><i>Creating and Implementing the Russian Compliance Alliance</i></p> <p>4. Elizabeth Spahn (New England Law School) <i>The Global Corruption Regime and Emerging and Developing Countries</i></p>	
12:15 -13:15	Lunch ("Build your own" boxed lunches in First Floor Forum)				
13:30 – 15:00	<p>Panel 20, Room 125</p> <p>Trade & Food Security</p> <p>Moderator: Fiona Smith (University of Warwick)</p> <p>1. Gashahun Fura (Melbourne Law School), <i>Food Security Induced Transnational Agricultural Investments at the Intersection between WTO Law and International Investment Law</i></p> <p>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></p> <p>3. Carolina Palma (World Trade Institute), <i>International Investment in Agriculture as a Contribution to Food Security</i></p> <p>4. 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></p>		<p>Panel 21, Room 155</p> <p>International Economic Law & Health</p> <p>Moderator: Sungjoon Cho (Chicago-Kent Law School)</p> <p>1. Julian Arato (Columbia U.), [Title]</p> <p>2. David Gartner (Arizona State U.), [Title]</p> <p>3. Govind Persad (Stanford U.), <i>Financial Risk and Protection and the Global Push Toward Universal Health Coverage</i></p> <p>4. Rahim Moloo (Gibson, Dunn & Crutcher), [Title]</p> <p>5. Benn McGrady (Georgetown U.), [Title]</p>		
15:15 – 16:15	Business Meeting, Room 145 of Ricketson Law Building				

Close of conference