



Society of
International
Economic
Law

London Trade Conference on Dispute Settlement in Free Trade Agreements 26-27 May 2017

Somerset House (SW1.17/1.18), King's College London

May 26

8:30-9:00 Registration & Coffee

9:00-9:15 Welcome

Dr. Holger Hestermeyer (Shell Reader in International Dispute Resolution, King's College London)
Prof. Dr. Gabrielle Marceau (Senior Counsellor, Legal Affairs Division, WTO; Université de Genève)

9:15-12:00 Panel 1: Taking Stock (Chair and Comments: Prof. Dr. Elisa Baroncini, Università di Bologna)

- Prof. Dr. Henri Culot (Université catholique de Louvain): Are EU Free Trade Agreements Compatible with Art. 23 DSU
- Prof. Dr. Takis Tridimas (King's College London, Matrix Chambers): Dispute Resolution in EU Free Trade Agreements
- Luis Gonzalez Garcia (Matrix Chambers): Dispute Resolution in American Free Trade Agreements

15 minute-break

- Alexandra Baumgart (PhD Candidate, LMU München): Dispute Settlement in Australia's Free Trade Agreements
- Prof. Dr. Marina Trunk-Fedorova (St. Petersburg State University): Dispute Settlement Mechanisms in the Free Trade Agreement of the Commonwealth of Independent States: A Model for the Future?
- Prof. Dr. Elisa Baroncini: Comment - The WTO Case-law on RTAs and the Compatibility, Interpretation and Choice-of-Forum Provisions in the New Mega-Regionals

12:00-13:00 Lunch Break

13:00-14:00 Expert Roundtable 1: The Foundations of Dispute Settlement in Free Trade Agreements 13:00-14:30 (Chair TBC)

- Prof. Dr. Andrew Lang (LSE): Types of Dispute Settlement in FTAs
- Prof. Dr. Peter-Tobias Stoll (Georg-August Universität Göttingen): Relationship to WTO / Regional Integration
- Amy Porges (Porges Law): Relationship to political bodies in the organizations

14:30-15:00 Coffee

15:00-16:00 KEYNOTE: H.E. Koji Tsuruoka, Ambassador Extraordinary and Plenipotentiary, Embassy of Japan in the U.K.

16:00-16:30 Break

16:30-18:30 Expert Roundtable 2: The Constitution of Tribunals (Chair: Prof. Dr. Gabrielle Marceau, WTO)

- Prof. Markus Wagner (Warwick) Procedure before Juridical Dispute Settlement
- Dr. Lorand Bartels (Reader in International Law, University of Cambridge & Senior Counsel, Linklaters): Jurisdiction
- Prof. Dr. Serena Forlati (UNIFE): Applicable Law
- Dr. Holger Hestermeyer (KCL): Election / Selection of Judges

18:30-20:00 Reception

May 27

8:30-9:00 Coffee:

Expert Roundtable 3: Procedure, Award, Appeal 9:00-10:30 (Chair: Dr. Sylvia Baule, Legal Officer & Trade Negotiator, DG Trade)

- Prof. Dr. Tomer Broude: (Sylvan M. Cohen Chair in Law, Hebrew University) Transparency / Confidentiality
- Dr. Andreas Sennekamp (WTO Appellate Body Secretariat): Appeal
- Dr. Federico Ortino (King's College London & Clifford Chance): Remedies / Enforcement / Implementation

10:30-12:30 Panel 2: The Elephant in the Room & The Way Forward (Chair and Comments: Amy Porges, Porges Law)

- Dr. Geraldo Vidigal (Visiting Fellow, Graduate Institute Geneva): Why is there so little litigation under Preferential Trade Agreements? Retaliation and Adjudication in International Dispute Settlement
- Robert McDougall (Senior Fellow, CIGI): Making Dispute Settlement More Inclusive
- Maryane Kamau (Barcelona): Broadening the Range of Litigants – An Analysis of the Participation of Private Parties' in the Dispute Settlement Mechanisms of Various FTAs
- Kathleen Claussen (USTR): Jurisprudential Divergence under FTAs: Why States Should be Concerned and a Path Forward
- Amy Porges: Comment - Why Aren't Governments Using FTA Dispute Settlement

12:30-13:00 Wrap-up and Goodbye

Dr. Holger Hestermeyer (KCL)

The **Expert Roundtables** consist of short overviews of the current state of the law by the presenters followed by an open discussion amongst all the experts present at the conference – whether as speakers or in the audience. The goals of the roundtables is to identify best practices and possible improvements to the state-to-state dispute settlement system. To allow and foster open dialogue among participants (including practitioners), the Expert Roundtables are held under the **Chatham House rule**, according to which participants are free to use the information received, but may not reveal the identity or affiliation of the speaker(s) or of any other participant.



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