

INTERNATIONAL ECONOMIC LAW AND SECURITY INTERESTS CONFERENCE

Amsterdam Center for International Law
University of Amsterdam
14-15 November 2019

Co-chairs

Amsterdam Center for International Law | Stephan Schill and Geraldo Vidigal
ESIL Interest Group International Economic Law | Peter-Tobias Stoll and Elisa Baroncini

14 November

9:00	<p>WELCOME AND OPENING REMARKS</p> <p>Stephan Schill (University of Amsterdam)</p> <p>Peter-Tobias Stoll (Chair of the ESIL Interest Group in International Economic Law, Georg-August-Universität Göttingen)</p>
9:15	<p>SETTING THE SCENE</p> <p>Geraldo Vidigal (University of Amsterdam)</p>
9:30	<p>ROUNDTABLE, International Adjudication and the Security Exception</p> <p>Garth Schofield (Permanent Court of Arbitration)</p> <p>Ndanga Kamau (Ndanga Kamau Law, International Court of Arbitration of the International Chamber of Commerce)</p> <p>James Flett (European Commission Legal Service)</p> <p>Natasha Spisbah (Australian Permanent Mission to the WTO)</p>
10:30	<p>Coffee Break</p>

<p>10:45</p>	<p>PLENARY PANEL 1</p> <p>DEFINING THE SECURITY EXCEPTION IN INTERNATIONAL ECONOMIC LAW</p> <p>Chair: Stephan Schill (University of Amsterdam)</p> <p>Caroline Henckels (Monash University), 'A Theory of Security Exceptions'</p> <p>Wolfgang Weiss (German University of Administrative Sciences), 'Applying/Interpreting (Essential) Security Exceptions in WTO Law: Methodical Preliminaries and Systemic Issues'</p> <p>Kathleen Claussen (University of Miami), 'Trade's Security Exceptionalism'</p>
<p>12:15</p>	<p>Lunch</p>
<p>13:00</p>	<p>SPLIT PANELS 1</p> <p>A. Addressing the Security Exception under General International Law</p> <p>Chair: Gijs Verhagen (Ministry of Finance of the Netherlands)</p> <p>Momchil Milanov (University of Geneva), 'A Lauterpachtian Affair: Security Exceptions as 'Self-Judging Obligations' in the Case Law of the ICJ'</p> <p>Anna Ventouratou (University of Oxford), 'The WTO Security Exceptions and Defences under the Law of State Responsibility'</p> <p>Iryna Bogdanova (University of Bern), 'Economic Sanctions before International Tribunals: National Security Exceptions on the Rise?'</p> <p>B. Security-driven Relations and International Economic Law</p> <p>Chair: Kathleen Claussen (University of Miami)</p> <p>Caroline Glöckle (University of Passau), 'The Era of National Security Diplomacy and Its Transformative Effect on International Economic Law'</p> <p>Nathaniel Gilkey (University of Helsinki), 'Corporate Galleons on Digital Waves: Mahan and Security Interests in International Economic Law'</p> <p>Stefan Kaschube (University of Bonn), 'Corporations as Instruments in International Relations – the Role of US Extraterritorial Sanctions'</p>

14:15	<p>SPLIT PANELS 2</p> <p>A. The WTO Security Exceptions: Reflections on <i>Russia - Traffic in Transit</i></p> <p>Chair: Elisa Baroncini (Alma Mater Studiorum – Università di Bologna)</p> <p>Kholofelo Kugler (Advisory Centre on WTO Law), ‘Security Concerns and the Multilateral Trading System: A Pragmatic Approach’</p> <p>Daria Boklan (Higher School of Economics, Russia), ‘WTO’s First Ruling on National Security Exception: Balancing Interests or Opening Pandora’s Box?’</p> <p>Gabriele Gagliani and Viktoriia Lapa (Bocconi University), ‘“Three of a Kind”? The Unique Nature of the TRIPS Agreement Security Exception Provision’</p> <p>B. The Security Exception and the International Investment Regime</p> <p>Chair: Vid Prislán (University of Amsterdam)</p> <p>Maria Rosaria Mauro (University of Molise), ‘Security, Transnational Investment, and the International Investment Regime: Screening Procedures and Essential Security Clauses’</p> <p>Gustavo Prieto (University of Turin), ‘State-Owned Enterprises in International Investment Arbitration: Setting Limits to ‘Gas wars’ in Eastern Europe’</p> <p>Theodora Valkanou (University of Copenhagen), ‘International Investment Law Beyond Conventional Security Interests: the Case of Food Security’</p>
15:30	Coffee Break
15:45	<p>PLENARY PANEL 2</p> <p>THE WTO SECURITY EXCEPTIONS BEYOND <i>RUSSIA - TRAFFIC IN TRANSIT</i></p> <p>Chair: James Flett (European Commission Legal Service)</p>

	<p>Bjørn Kunoy (University of the Faroe Islands), 'One for You, Two for Me: National Security Exceptions'</p> <p>Kevin Fandl (Temple University), 'The Slippery Slope of the National Security Exception to Trade Commitments'</p> <p>Marina Trunk-Fedorova (St Petersburg State University), 'Security Exceptions and the Eurasian Economic Union'</p>
17:00	Break
17:30	Speakers' dinner at Mama Makan Indonesian Kitchen

15 November

9:00	<p>PLENARY PANEL 3</p> <p>THE PUBLIC AND THE PRIVATE: SECURITY CONCERNS AND THE FUTURE OF INTERNATIONAL ECONOMIC GOVERNANCE</p> <p>Chair: Ingo Venzke (University of Amsterdam)</p> <p>Harlan Grant Cohen (University of Georgia), 'Nations and Markets'</p> <p>Geoff Gordon (Asser Institute), 'Economic Subjects and Security under International Law'</p> <p>Chieh Huang (Oxford Brookes University), 'China's Take on National Security and Its Implications in the Evolution of International Economic Law'</p>
10:15	COFFEE BREAK
10:30	<p>SPLIT PANELS 3</p> <p>A. Emerging Concerns: the Outer Boundaries of the Security Exception</p> <p>Chair: Geraldo Vidigal (University of Amsterdam)</p> <p>Anna Marhold (Leiden University), 'The Emerging Concept of 'Energy Security' in WTO Law: Lessons Learned from India-Solar Cells and EU-Energy Package'</p>

	<p>Juan Nascimbene (Cooley LLP UK), 'National Security as an Excuse to Intervene in the Sphere of Digital Communications' Investments'</p> <p>Facundo Calvo (IELPO LL.M., University of Barcelona), 'Food Security and the Perils of an Unfettered Interpretation of Article XXI(b)(iii) GATT 1994'</p> <p style="text-align: center;">B. Security Concerns Between Legitimate Objective and Protectionism</p> <p>Chair: Ilaria Espa (University of Lugano and World Trade Institute)</p> <p>Mandy Meng Fang (Chinese University of Hong Kong), 'Old Wine in New Bottles? A New Wave of Green Protectionism and the Use of Safeguard Measures in the Solar Sector'</p> <p>Maria Anna Corvaglia (University of Birmingham), 'The Strategic Use of Public Procurement for Industrial Purpose in Emerging Economies: Regulatory Challenges and Geo-Political Implications'</p> <p>Gong Xiaohan (Chinese University of Hong Kong), 'China's Overseas Energy Investment Protection: Adopting the Diplomatic or Legal Approach?'</p>
11:45	<p>SPLIT PANELS 4</p> <p style="text-align: center;">A. Investment Screening Mechanisms and the Multi-Layer Regulation of the Economy</p> <p>Chair: Hege Elisabeth Kjos (University of Amsterdam)</p> <p>Antonino Ali (University of Trento), 'The Intersection Between EU Law, the Security of the EU and the Security of its Member States in the Context of the Framework for the Screening of FDI into the Union'</p> <p>Chijioke Chijioke-Oforji (Liverpool John Moores University), 'The Proposed UK Foreign Direct Investment and National Security Screening Regime: A New Wall Around Britain or the Protection of Legitimate Security Interests?'</p> <p>Teoman M. Hagemeyer (Social Welfare Court, Germany) and Jens Hillebrand Pohl (Maastricht University), 'Managing the Risk of Self-Judging</p>

	<p>Security Exceptions through Insurance: How Recent M&A Practice Copes with Investment Screening'</p> <p>B. Cybersecurity & WTO Law</p> <p>Chair: Svetlana Yakovleva (University of Amsterdam and De Brauw)</p> <p>Neha Mishra (National University of Singapore), 'Unravelling the Trade – Cybersecurity Dilemma: Justifying Cybersecurity Measures in International Trade Law'</p> <p>Sandeep Thomas Chandy (Georgetown University Law Center) and Rishab Raturi (Ernst & Young LLP, India), 'Cybersecurity and the WTO: Have we Forgotten the Consumers?'</p> <p>Zhou Xiaohong (Jilin University), 'The Cross-border Free Flow of Data and Security: Seeking a Balance in Digital Trade Rules'</p>
13:00	Lunch
14:00	<p>PLENARY PANEL 4</p> <p>A NEW GEOPOLITICAL ERA? GREAT POWER POLITICS AT THE FOREFRONT OF INTERNATIONAL ECONOMIC RELATIONS</p> <p>Chair: Yuwen Li (Erasmus University Rotterdam)</p> <p>Chien-Huei Wu (Academia Sinica, Taiwan), 'The Securitization of US-China Economic Relations: Contagion and Resilience'</p> <p>Henrique Choer Moraes (Ministry of Foreign Affairs, Brazil), 'The Geoeconomic Challenge to International Economic Law: Lessons from the Regulation of Data in China'</p> <p>Ralph Janik (University of Vienna), 'It's All Politics, Stupid! The WTO in Times of State Capitalism'</p>
15:30	Closing REMARKS