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THE NEW ZEALAND CENTRE OF
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The New Zealand Centre of International Economic Law

presents

Trade Agreements: Where Do We Go from Here?

Keynote Speaker

PROFESSOR PETER VAN DEN BOSSCHE

University of Maastricht; incoming member of the WTO Appellate Body

22-23 OCTOBER 2009

RUTHERFORD HOUSE + GOVERNMENT BUILDINGS
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THE NEW ZEALAND CENTRE OF
 INTERNATIONAL ECONOMIC LAW



CONFERENCE PROGRAMME

THURSDAY 22 OCTOBER 2009

8:30am Registration

9:00am **CONFERENCE WELCOME AND OPENING REMARKS**
THE HONORABLE TIM GROSER, NZ Minister of Trade, Minister of Conservation
Session Chair: Meredith Kolsky Lewis, Senior Lecturer, Victoria University of Wellington, NZCIEL Co-Director

9:30am **KEYNOTE ADDRESS**
PROFESSOR PETER VAN DEN BOSSCHE
University of Maastricht; incoming member of the WTO Appellate Body

10:30am Morning tea

11:00am **CONTEXTUALISING TRADE AGREEMENT ARCHITECTURE (Concurrent Session A)**
Deborah Kay Elms, Head, Temasek Foundation Centre for Trade & Negotiations, S. Rajaratnam School of International Studies, Nanyang Technological University (Singapore): *Trade Expansion in a Time of Economic Crisis? Following the Trans-Pacific Partnership Talks*
Iain Sandford (Special Counsel) and **Maree TanKiang**, Minter Ellison Rudd Watts Lawyers: *The Potential for More Creative Use of Dispute Resolution Clauses in Trade Agreements*
David Brightling and **Jo Feldman**, Office of International Law, Attorney General's Department (Australia): *Environment Chapters and Trade Agreements: A Passing Fad or Here to Stay?*
Luke Nottage, Associate Professor, University of Sydney Law School: *Asia-Pacific Product Safety Regulation in an FTA Era*

11:00am **WTO DISPUTE SETTLEMENT (Concurrent Session B)**

Mark Jennings, Senior Counsel, Office of International Law, Attorney General's Department (Australia): *The Use of Article 31(3)(c) of the Vienna Convention on the Law of Treaties in the Interpretation of the WTO Covered Agreements*
Pasha Hsieh, Assistant Professor, Singapore Management University School of Law: *China – United States Trade Disputes: Protectionism and International Law Implications*
Matthew Windsor, Law Clerk, Court of Appeal of New Zealand: *Stooping to Conquer: Reforming the Standard of Review in WTO Dispute Settlement*
Ross Becroft, Gross & Becroft (Melbourne): *The WTO Standard of Review: A Means to Strengthen the Trading System*

12:45pm Lunch

1:45 pm **STRATEGIES FOR DEVELOPING COUNTRIES (Concurrent Session A)**

Gillian Moon, Director, Trade and Human Rights Project, University of New South Wales Faculty of Law: *Trade and Equality: A Relationship to Discover*
S. Jalal Alavi, University of Neuchatel Faculty of Law (PhD candidate): *Regional Trade Agreements Among Developing Countries: Reclaiming the Enabling Clause*
Le Thi Anh Nguyet, Nagoya University Graduate School of Law (PhD candidate): *Special and Differential Treatment for Non-Market Economies under GATT/WTO Subsidies Rules: A Theoretical and Practical Analysis*

1:45pm **WTO ACCESSION: CHALLENGES AND CONSEQUENCES (Concurrent Session B)**

Xianchu Zhang, Professor, University of Hong Kong Faculty of Law: *Market Access as an Institutional Challenge for China*

Kevin Gray, Counsel, Trade Law Bureau, Government of Canada: *The International Law Commission's Review of the MFN Principle*
Lisa Toohey, Lecturer, University of Queensland, TC Beirne School of Law: *Accession to the WTO: Trends and Systematic Consequences*

3:15pm Afternoon tea

3:45pm **INTERPRETING AGREEMENTS: A MOVING TARGET**
Chair & Commentator: Professor Susy Frankel, Victoria University of Wellington, NZCIEL Co-Director
Daniel Kalderimis, Principal, Chapman Tripp: *Exploring the Differences Between WTO and BIT Dispute Resolution*

Heng Wang, Associate Professor, Southwest University of Political Science and Law, Chongqing, China: *The WTO, the GATS, and the Vienna Convention on the Law of Treaties: A Perspective on Rules of Origin for Services*

Laurence Boule, Director, Mandela Institute and Professor of Law, University of the Witwatersrand: *Developing Countries, BITS, and ICSID Arbitration: the View from Africa*

Lukasz Gruszczynski, Assistant Professor, Polish Academy of Science, Department of International & European Law: *Science and the SPS Agreement: A Changing Standard in WTO Dispute Settlement?*

5:30pm DRINKS

7:00pm **CONFERENCE DINNER** (venue tba)

FRIDAY 23 OCTOBER 2009

9:00am **ALTERNATIVE VISIONS OF TRADE AGREEMENTS**

Professor Jane Kelsey, University of Auckland School of Law: *Embedding a Failed Model of Financial Services Regulation Through the Trans-Pacific Partnership Agreement*

Jim Redden, Institute of International Trade, University of Adelaide: *The Potential of a PACER-Plus Trade Agreement for Pacific Island Countries with Respect to Labour Mobility*

Alberto Costi, Senior Lecturer, Victoria University of Wellington Law School: *Assessing the 'Post-Cotonou Process' in the Pacific: Does an Economic Partnership Agreement Really Benefit Pacific Island Countries?*

Rafael Leal-Arcas, Senior Lecturer, Queen Mary, University of London School of Law: *China – Working Towards an East Asia Free Trade Area?*

10:30am Morning tea

11:00am **PERSPECTIVES ON TRADE AND CLIMATE CHANGE**

Chair & Commentator: Adrian Macey, Climate Change Ambassador, Ministry of Foreign Affairs and Trade

The Honourable Jim Sutton CNZM: *Trade and Climate Negotiations: Two Lost Causes or One Big Opportunity?*

Tracey Epps, Lecturer, University of Otago Faculty of Law: *Reconciling International Trade Rules and Climate Change: Can the WTO Play a Positive Role in the Fight Against Global Warming?*

Markus Wagner, Associate Professor, University of Miami School of Law: *The Need for a Reassessment of the Precautionary Principle in International Trade Law*

12:30pm **CLOSING CONFERENCE REMARKS**

REGISTRATION

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