

# The Calculation and Design of Trade Sanctions in WTO Dispute Settlement

*An Interdisciplinary Workshop*

## **Programme**

Organised by  
Centre for Trade and Economic Integration  
The Graduate Institute, Geneva

18-19 July 2008

**Friday July 18, 2008**

**9.00-9.30h**     **Registration** (Graduate Institute, Villa Barton, Rue de Lausanne 132)

**INTRODUCTION**

**9.30-10.30h**     **Panel 1: Damage calculation in context: What is the goal of WTO remedies?**

Chair:            **Luzius Wasescha** (State Secretariat for Economic Affairs, seco)  
Speaker:        **Joost Pauwelyn** (Graduate Institute): *What is the Goal of WTO Suspensions?*  
Comments:      **John Jackson** (Georgetown University)  
                      **Alan Sykes** (Stanford University)

**10.30-11.00h**   *Coffee break*

**STATE-OF-PLAY AFTER TEN ARBITRATION DISPUTES**

**11.00-12.30h**   **Panel 2: Lessons and questions from a legal perspective**

Chair:            **Thomas Cottier** (World Trade Institute, Berne)  
Speaker:        **Thomas Sebastian** (Advisory Centre on WTO Law): *Lessons and Questions from a Legal Perspective*  
Comments:      **Nicolas Lockhart** (Sidley Austin LLP)  
                      **Yves Renouf** (WTO Secretariat)

**12.30-14.00h**   *Lunch break*

**14.00-15.30h**   **Panel 3: Lessons and questions from an economic perspective**

Chair:            **Lars Anell** (former Ambassador of Sweden)  
Speakers:       **Michele Ruta** (WTO Secretariat), **Chad Bown** (Brandeis University):  
*The Use of Economics in WTO Arbitrations*  
Comments:      **Alan Winters** (University of Sussex)

**15.30-16.00h**   *Coffee break*

**16.00-18.00h**   **Panel 4: The politics of selecting and implementing trade sanctions**

Chair             **Cédric Dupont** (Graduate Institute)  
Speakers:       **Scott Andersen** (Sidley Austin LLP): *The U.S. experience*  
                      **Lothar Ehring** (EC Commission): *The E.C. experience*  
                      **Vasken Khabayan** (Canadian Mission): *The Canadian experience*  
                      **Hunter Nottage** (Advisory Centre on WTO Law), **Jorge Huerta-Goldman**  
(Mexican Mission), **Mark Mendel** (Blumenfeld LLP), **José Akcell Zavala**  
(Brazilian Mission): *Developing Country Perspectives*  
Comments:      **Håkan Nordström** (Swedish Board of Trade)  
                      **Gregory Shaffer** (University of Minnesota)

**18.15-19.45h**   *Reception sponsored by Sidley Austin LLP at the Graduate Institute*

Saturday, 19 July 2008

**HOW TO IMPROVE THE CURRENT SYSTEM?**

**9.30-11.15h Panel 5: Improvements and new approaches from a legal perspective**

Chair: **John Jackson** (Georgetown University)

Speaker: **Alan Sykes** (Stanford University): *Reformist Folly – The WTO Dispute Resolution System in Context*

Comments: **William Davey** (University of Illinois): *How to Improve the Current System? Improvements and New Approaches from a Legal Perspective*  
**Petros Mavroidis** (Columbia University/Université de Neuchâtel): *Developing countries and cases where impact on trade flows is not obvious*  
**Werner Zdouc** (Director, WTO Appellate Body Secretariat): *Cross-retaliation and TRIPS and GATS suspensions*

**11.15-11.45h Coffee break**

**11.45-12.30h Panel 6: Improvements and new approaches from an institutional perspective**

Chair: **Giorgio Sacerdoti** (Bocconi University, Appellate Body Member)

Speaker: **Chad Bown** (Brandeis University): *The WTO Secretariat and DSU Arbitrations – Lawyers, Economics, and Economists*

Comments: **Reto Malacrida** (WTO Secretariat): *Regulating the Domestic Process of Designing WTO Retaliatory Measures*

**12.30-14h Lunch break**

**14-16h Panel 7: Improvements and new approaches from an economic perspective**

Chair: **Richard Baldwin** (Graduate Institute)

Speaker: **Simon Evenett** (Universität St. Gallen): *A Welfare-Economic Perspective and Lessons Learned from Antitrust*  
**Simon Schropp** (Sidley Austin LLP): *The “Equivalence Standard” under Art. 22.4 DSU: A “Tariffic” Misunderstanding?*

Comments: **Fritz Breuss** (WU Wien)  
**Damien Neven** (EU Commission, DG Competition/Graduate Institute): *Lessons from antitrust/competition law*  
**Gabrielle Kaufmann-Kohler** (Lévy Kaufmann-Kohler/Université de Genève): *Lessons from investor-state arbitration*

## CENTRE FOR TRADE AND ECONOMIC INTEGRATION

<http://graduateinstitute.ch/ctei>

*Director:* Prof. Joost Pauwelyn

*Executive Director:* Dr. Theresa Carpenter

The Centre for Trade and Economic Integration (CTEI) is the Graduate Institute's Centre of Excellence for research on international trade.

Established in February 2008, the interdisciplinary Centre brings together the research activities of eminent professors of economics, law and political science in the area of trade, economic integration and globalisation. The Centre serves as a vehicle for disseminating research results within the “real world” and enables discussion and dialogue between the global research community, including the Institute student body and research centres in the developing world.

A core goal for the future is to foster genuine, interdisciplinary research and to work across disciplines on solutions-orientated studies that address the big societal questions of our day.

The Centre organises events, publishes working papers and hosts visiting scholars.

### *Events organised in 2008 include:*

#### **Annual Update on WTO Dispute Settlement**

At the beginning of each year, on the occasion of the release of the Appellate Body's Annual Report, CTEI gathers the chairs of the WTO Appellate Body, the Dispute Settlement Body, and the Negotiating Group on DSU Review in an Annual Update on WTO Dispute Settlement. Presentations by the chairs are followed by a roundtable discussion of the most important cases and developments of the past year. The Roundtable is composed of representatives of academia, the trade law bar, press and NGOs. The first annual update was held on 27 February 2008.

#### **Summer Programme on the WTO, International Trade and Development**

Following last year's launch of a WTO-related summer program at the Graduate Institute, in July 2008, and future summers to come, the CTEI will host three weeks of lectures, seminars and workshops taught by eminent scholars and practitioners including core CTEI faculty in economics, law and political science.

#### **Inaugural Conference of the Society of International Economic Law (SIEL)**

CTEI is proud to host this ambitious inaugural conference that will gather over 200 scholars and academically-minded diplomats and practitioners on International Economic Law. During three days, from 15 to 17 July 2008, 21 different panels will be at work on topics ranging from trade and investment to corruption and migration.

#### **WTO Public Forum 2008**

On 24-25 September 2008, the Centre will contribute to the WTO Public Forum, the Organization's annual rendez-vous with civil society. The Centre will organize a Panel on “The Fourth Freedom: Reaping the Gains of Economic Migration”. The Panel will examine the economic evidence and discuss how to balance the gains and pains of economic migration, with a view to offering developed and developing country experiences, as well as academic, government and NGO opinions.