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SIEL Newsletter

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SIEL Biennial Global Conference 2023

International Economic Law in Times of Geo-Political Confrontation and Geo-Economic Fragmentation

Bogotá/Colombia, 12-14 July 2023

The Eighth Biennial Global Conference of the Society of International Economic Law (SIEL) will take place on 12-14 July 2023 in Bogotá (Colombia), in collaboration with Universidad Externado de Colombia and Universidad del Rosario Colombia.

The twin forces of geo-political confrontation between today's economic superpowers and looming geo-economic fragmentation of the world economy are undermining the global economic system. At the same time the global political and economic outlook is clouded by persistent inflation and the risk of economic recession. The 2023 Biennial Global SIEL Conference

will address the impact of these developments on international economic law (IEL) and its underlying principles, rules and procedures. The 2023 Global SIEL Conference seeks to establish how, if at all, IEL can mitigate the geo-political confrontation and the geo-economic fragmentation affecting the global economic system and can contribute to the latter's preservation.

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Should you wish to include an item in the next SIEL newsletter, please *contact us*.



We invite proposals for panels/papers/posters by 15 January 2023 (midnight GMT) via a dedicated web-form, available at <https://forms.gle/kZq61BcxmHPhTUY5A>. Proposals are welcome for all areas of international economic law (trade, investment, finance, intellectual property, tax, development, etc.) if related to the conference theme. Preference will be given to proposals for panels/papers/posters on the topics listed in the Annex to the call for papers.

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Call for Papers, Posters and Panels

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The 2023 Global SIEL Conference aims to rebuild our community links after three years of not being able to come together. We encourage participation in person (a remote option will be available).

Conference Theme

The twin forces of geo-political confrontation between today's economic superpowers and looming geo-economic fragmentation of the world economy are undermining the global economic system. At the same time the global political and economic outlook is clouded by persistent inflation and the risk of economic recession. The 2023 Global SIEL Conference will address the impact of these developments on international economic law (IEL) and its underlying principles, rules and procedures. The 2023 Global SIEL Conference seeks to establish how, if at all, IEL can mitigate the geo-political confrontation and the geo-economic fragmentation affecting the global economic system and can contribute to the latter's preservation.

Please access the Call for Papers by clicking on the CfP image found on your left or via the following link: <https://www.sielnet.org/siel-2023-bogota-global-conference-call-for-papers-posters-and-panels/>.

The 2023 Global SIEL Conference aims to rebuild the SIEL community links after three years of not being able to come together. We encourage participation in person but a remote option will be available too. See you in Bogotá!

President's Corner

Will Trade Help to Save the World in Times of Geo-Political Confrontation and Geo-Economic Fragmentation?

Peter Van den Bossche

Most appropriately coinciding with the start of the 27th United Nations Climate Change Conference (COP27) in Sharm el-Sheikh, the WTO published earlier this month its 2022 World Trade Report on *Climate Change and International Trade* (see footnote 1). This Report examines in great depth the multifaceted relationship between the climate crisis and international trade, and how trade rules, and in particular multilateral trade rules, can assist in addressing this crisis. The climate crisis is this generation's principal global governance challenge. Life on earth as we know it (and this is, sadly, not emotional hyperbole) depends on addressing this crisis adequately. According to the most recent data from the World Meteorological Organization (WMO), the past eight years have been the warmest on record because of ever-rising greenhouse gas concentrations (see footnote 2). According to the United Nations Environmental Programme (UNEP), on the current trajectory, the rise in global temperatures can reach 2.8°C by the end of the century (see footnote 3). GHG emissions must be reduced drastically to avoid disaster.

The potential for trade-related measures to contribute to the reduction of GHG emissions is clear. Lowering tariffs and easing regulatory barriers ensure affordable access to the environmental goods, services, and technologies, without which the transition to a carbon-neutral global economy will not be possible. As the WTO convincingly argues in its 2022 World Trade Report, trade in open and predictable global markets is indispensable in any effort to address the climate crisis. While the Report recognizes that unilateral measures to reduce GHG emissions are important and helpful, it emphasizes that such measures would be more effective if they were mutually supportive and internationally coordinated. However, this is not happening (yet).



On the contrary, both the United States and the European Union have recently adopted, or are in the process of adopting, unilateral and uncoordinated trade-related climate measures, which are, or may be, of doubtful consistency with WTO law, and are certainly disrupting international trade.

The United States adopted in August 2022 the Inflation Reduction Act (IRA), which provides for the largest US Government effort ever to address the climate crisis. An important part of that effort are the tax credits available to producers of electrical vehicles (EVs). However, to benefit from the EV tax credits, EV battery components must be manufactured or assembled in North America and/or battery minerals must be extracted, processed, or recycled in the United States or a country with which the United States has an FTA. One may query whether such 'domestic' content requirements are aimed at revitalizing manufacturing in the United States rather than reducing GHG emissions. In the WTO Committee on Subsidies and Countervailing Duties, China strongly criticized the IRA as a huge subsidization programme, which massively distorts the international market for EVs. The European Union, equally dismayed, has put the IRA high on the agenda of its negotiations with the United States in the US/EU Trade and Technology Council. However, by paralyzing the Appellate Body, the United States has ensured that the IRA cannot usefully be referred to WTO dispute settlement and that any dispute on its WTO consistency will remain unresolved.

The European Union is also, and perhaps even more so than the United States, resorting to unilateral and uncoordinated trade-related measures to address the climate crisis. The EU is currently engaged in a dialogue between its institutions on the proposed Carbon Border Adjustment Mechanism (CBAM), which will subject imports of carbon intensive goods, such as electricity, iron and steel, cement, aluminium, and fertilizer, to a carbon tax. The stated purpose for such carbon tax is to address the problem of carbon leakage and to 'encourage' other countries to adopt more ambitious climate policies. While the European Commission's proposal may be an honest effort to adopt a WTO-consistent CBAM, the amendments to that proposal tabled by the European Parliament and the EU Council of Ministers would make it much less so. 'CBAM' may well become the mother of all trade disputes and since some of the complainants will be MPIA parties, this dispute will have a legally binding resolution. Such resolution may test the limits of the EU's commitment to binding WTO dispute settlement. Also, the EU's proposed Deforestation Regulation, another unilateral and uncoordinated effort to address the climate crisis, is likely to be challenged as WTO inconsistent by one or more MPIA parties.

To address the climate crisis, a well-functioning, rules-based multilateral trading system is indispensable. However, this system and its principal institution, the WTO, are severely challenged, if not undermined, by two closely related 21st century realities, namely geo-political confrontation and geo-economic fragmentation. In the years to come, we will need to find ways to manage these realities and mitigate their destructive impact on the multilateral trading system. SIEL is eager to contribute to the reflection and discussions on how to do this. Its 8th Biennial Global Conference from 12 to 14 July 2023 in Bogota, Colombia, will therefore be dedicated to the challenges posed to the global economic governance and international economic law by geo-political confrontation and geo-economic fragmentation. In this Newsletter, you will find more information on the Conference as well as a Call for Papers, Posters and Panels. Needless to say, I strongly encourage you to join us in our reflection and discussions in July 2023 in Bogotá. It is only to the extent that the world stands and acts together that it will be able to survive the climate crisis.

Peter Van den Bossche

18 November 2022

1. See https://www.wto.org/english/res_e/publications_e/wtr22_e.htm.

2. See WMO Report, WMO Provisional State of the Global Climate 2022, <https://public.wmo.int/en/our-mandate/climate/wmo-statement-state-of-global-climate>.

3. See UNEP Report, Emissions Gap Report 2022: The Closing Window – Climate crisis calls for rapid transformation of societies, <https://www.unep.org/resources/emissions-gap-report-2022>.

Victor Saco

How did you become involved in SIEL?

I have been following SIEL since 2012, at the time I was a research fellow and a PhD student at the World Trade Institute (University of Bern); but my first SIEL Conference was the 4th Biennial Global Conference, which was hosted by the World Trade Institute; where I had the chance to present a poster on my thesis research. Then I had an anecdote at the 5th Biennial Global Conference: I got stuck in Sao Paulo, Brazil because a "trade in services barrier" of South Africa (ha, ha, ha), now I can laugh at the event, but at the moment it was sad as it was supposed to be my first paper presentation. Then Washington, Milan, and now I am really expecting to go to Bogota, as South Americans we will be hosts for the first time!



Why did you become interested in serving on the Executive Council?

I was very close to the work of the Executive Council, as I am part of the SIEL Newsletter Team, and 2-3 times a year we coordinate the emission of the SIEL NL. During these coordination I discovered and respected the consciousness by the ExCon members to take care of SIEL and support the other members. But also, as I am part of the ExCon of the LatinAmerican Network of IEL (The Latinamerican SIEL Chapter), I wanted to help to strengthen the links between SIEL and our Regional Chapter.

What are the main projects on which you would like to work in your new role?

Help the other initiatives of the colleagues and try to strengthen the collaborations between the regional chapters: it would be nice to have a series of online seminars/interviews combining experiences from the different regional chapters. Also, as I work in Academia, I am interested in enhancing academic projects involving public and private practice. Finally, to enhance our communication to the SIEL and non-SIEL community.

Apart from your service for SIEL, what kind of work do you do?

I am a full time Professor for IEL topics at the Pontificia Universidad Católica del Perú, where I am also the Director of our Master on IEL Program, and I am also the Chair holder of the WTO Chairs Program- Peru. And also a parent of two kids.

Call for Papers & Venues

Call for Abstracts: for EYIEL 2023: “European and International (Public) Procurement and Competition Law”

The editors of the European Yearbook for International Economic Law (EYIEL) welcome abstracts from scholars and practitioners at all stages of their career for the focus section of the EYIEL 2023. This year’s focus will be on “European and International (Public) Procurement and Competition Law”. Abstracts may cover any topic relating to (public) procurement and competition law in the field of European and international economic law, though preference is given to topics focusing on the international perspective.

Abstracts should not exceed 500 words. They should be concise and clearly outline the significance of the proposed contribution. Abstracts may be submitted until 31 December 2022 via e-mail to eyiel@leuphana.de. Successful applicants will be notified at the latest by 1 March 2023, that their proposal has been accepted. They are expected to send in their final contribution by 31 May 2023. Final submissions will undergo peer review prior to publication. Given that submissions are to be developed on the basis of the proposal, that review will focus on the development of the paper’s central argument.

The editors of the EYIEL welcome informal enquiries about any other relevant topic in the field of international and European economic law. In case you have an idea or proposal, please submit your enquiry via e-mail to eyiel@leuphana.de.

Call for Venue Proposals: The 12th Annual Conference of PEPA/SIEL

The SIEL Postgraduate and Early Professionals/Academics (PEPA) network is now inviting venue proposals for its 12th annual conference in 2023. If you are interested in hosting the next SIEL/PEPA conference, please don't hesitate to send an email to PEPASIELconference@gmail.com by 10 January. More information is available at: <https://www.sielnet.org/siel-networks/postgraduate-and-early-professional-academics/>.

News and Events

• The third biennial conference of the South Asia International Economic Law Network (SAIELN)

SAIELN is hosting its third biennial conference on '**Food Security and International Law: Critical and Interdisciplinary Perspectives**' in association with National University of Advanced Legal Studies on 16th – 17th December 2022 in Kochi, Kerala, India.

SAIELN is committed to providing a platform for articulating views, brainstorming ideas, and importantly, nurturing and developing the field of international economic law especially in the South Asia region. The network's focus is to create an environment conducive to the exchange of ideas and the promotion of scholarship in this field. Following the successful conclusion of the inaugural conference in 2017 and the second biennial conference on the 'Law of the Blue Economy: International and South Asian Perspectives' in 2019, the third biennial conference focuses on 'Food Security and International Law: Critical and Interdisciplinary Perspectives'. The conference will host several panel discussions to bring distinguished scholars, practitioners and policy makers in the field of international economic law.

More information is available at <https://www.saieln.com/SAIELNS%20Third%20Biannual%20Conference.html>.

• Winner of the 2022 SIEL-Hart Prize



Karina Patrício Ferreira Lima

The winner of the 2022 SIEL-Hart Prize is Karina Patrício Ferreira Lima. The title of her manuscript is *Political Economy Foundations of International Sovereign Bankruptcy Law*. Karina is currently at Leeds, and the thesis was defended at Durham. The statement of the Prize Committee is available at:

<https://www.bloomsbury.com/uk/discover/superpages/hart/siel-hart-prize-in-international-economic-law/>

Rizwanul Islam (Md.), ‘Bangladesh Bhutan PTA: Less is More?’, (2021) 18(1) South Carolina Journal of International Law and Business Article 7 <<https://scholarcommons.sc.edu/scjilb/vol18/iss1/7>>

Rizwanul Islam (Md), ‘Overhaul of the SDT Provisions in the WTO: Separating the Eligible from the Ineligible’, (2021) 34(1) Pace International Law Review 1-24 <<https://digitalcommons.pace.edu/pilr/vol34/iss1/1>>

Rizwanul Islam (Md), and Farhaan Uddin Ahmed, ‘Where Are the LDC and Small Developing State Complainants in the WTO DSB?’, (2020) 52(2) George Washington International Law Review 219-251

Bryan Mercurio and Ronald Yu, “Regulating Cross-Border Data Flows: Issues, Challenges and Impact”. An information sheet for this book can be found here. For more information on this book please check the bottom of this email or visit the book’s webpage here

Ilaria Espa, J Francois and H van Asselt, ‘The EU Proposal for a Carbon Border Adjustment Mechanism (CBAM): An Analysis under WTO and Climate Change Law’, Oil, Gas and Energy Law 1 (2022), 1-27

Ilaria Espa ‘Reconciling the Climate/Industrial Interplay of CBAMs: What Role for the WTO?’, 116 American Journal of International Law Unbound (2022), pp. 208-212

Pasha L. HSIEH. "The Roadmap to the ASEAN-EU FTA in the Post-Pandemic Era" Legal Issues of Economic Integration Vol. 49 Iss. 2 (2022)

Suresh Nanwani. Human Connections: Teaching Experiences in Chongqing, China and Beyond at https://www.amazon.com/dp/B09ZJ5RY36/ref=docs-os-doi_0 (Amazon Kindle, 2022)

Suresh Nanwani. “Human flourishing: Friends, strangers, and me” in Grief & Fatigue: Families & the Pandemic: Stories of Struggle and Hope by Michael Lang and Peter Nicholson at <https://www.amazon.com/Grief-Fatigue-Families-Pandemic-Struggle-ebook/dp/B0B6T8YYQ8> (Amazon Kindle, 2022)

Suresh Nanwani. “Accountability mechanisms in international organizations: fixing problem projects”, chapter 7, Governance: International Organizations adapting to changing environments (International Institute of Administrative Sciences, Brussels, 2022) by Chris de Cooker at <https://www.amazon.com/dp/B0BCSL567C> (Amazon Kindle, 2022)

Timothy Masiko (2022), “Flexible Regional Economic Integration in Africa. Lessons and Implications for the Multilateral Trading System”, Hart Publishing