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Newsletter editors

[Susan Isiko Štrba](#)

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[Victor Saco](#)

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

President's Corner

Will 2021 be better?

I was very happy to close the door on 2020. For many, last year was a year of suffering, sorrow and hardship. But will 2021 be any better? It is probably wise to answer with a cautious 'perhaps'. While the COVID-19 pandemic still rages and countries go into a second or third lockdown, large-scale vaccination is now starting, albeit in too many countries slowly or not at all, due to the scarce supply of vaccines. COVID restrictions of all kinds are likely to remain part of our daily life for most of 2021.

Marked by unprecedented political upheaval, on 20 January 2021 President Joseph R. Biden Jr. was sworn in as the 46th president of the United States. Most of us breathed a sigh of relief. During his first days in office, the United States halted its withdrawal from the World Health Organization and rejoined the Paris Agreement on Climate Change. In sharp contrast with his predecessor, President Biden sees virtue in multilateralism and cooperation with other countries to address global problems.

While it is still (very) early to judge, on international trade matters the Biden administration has thus far been very quiet, except on 'Buy American!'. One welcome development,

however, was that on 5 February 2021 the Biden administration agreed to the appointment of Dr. Ngozi Okonjo-Iweala as the new Director-General of the WTO. This urgent appointment had been blocked by the prior US administration in spite of near-consensus support among WTO Members for Dr. Okonjo. By allowing for this appointment, the United States sends a clear signal that it is again willing to act constructively in and with the WTO.

It will be more difficult to deblock the process of appointing new Appellate Body members and address the current crisis of WTO dispute settlement. On 30 November 2020, Ms. Zhao Hong, the last remaining Appellate Body member, came to the end of her term of office. In spite of repeated requests in the DSB by 100-plus WTO Members to initiate the Appellate Body appointment process, the United States has given no indication of relenting in its opposition to such process. The current paralysis of the Appellate Body has severely undermined the whole WTO dispute settlement system. Since December 2019, only one panel report has been adopted by the DSB and six were appealed to the defunct Appellate Body, i.e., they were appealed into the void. It should not come as a surprise that in 2020, Members filed only 5 requests for consultations (compared to 19 in 2019 and 39 in 2018).

**SIEL 2021 Biennial
Conference Submissions
Due: 01 Mar 2021.**

The submission procedure ends this 01 Mar. 2021. You can submit your proposals [here](#).

SIEL GOVERNANCE

Officers

Peter Van den Bossche (President); Isabelle Van Damme, & Markus Wagner (Executive Vice-Presidents); Maria Laura Marceddu & Franziska Sucker (Treasurers); Weihuan Zhou & Amelia Porges (SIEL Corporate Secretaries).

Executive Council

Olabisi D. Akinkugbe, Padideh Ala'i, Freya Baetens, Gracia Marín Durán, Ilaria Espa, Yuka Fukunaga, Pasha L. Hsieh, Johanna Jacobson, Susan Isiko Štrba, Johanna Jacobsson, David Kleimann, Jaemin Lee, Anna-Alexandra Marhold, Fabio Morosini, Suresh Nanwani, Maria J. Pereyra, Susan Isiko Strba, Andreas R. Ziegler.

Resolving this dispute settlement crisis is essential to restore trust in the WTO and the rules-based multilateral trading system. Note, however, that concerns regarding the functioning of the Appellate Body and its case law, in particular on trade remedies, are shared across party lines in the United States. One can only hope that the Biden administration, unlike the prior administration, will be clear on what kind of dispute settlement system they would like to see and be constructive and amendable in subsequent negotiations. Whether agreement can be reached on a WTO dispute settlement system that is sufficiently strong to address the challenges of 21st century trade relations remains to be seen, but I would not expect a new system to be agreed on and functioning in 2021.

What can one – realistically or otherwise – hope for in 2021? For its credibility and existence as a relevant international organization, it will be important that the WTO acts decisively on issues relating to: the COVID-19 pandemic; the UN Sustainable Development Goals; the real or perceived threat to the multilateral trading system posed by State capitalist Members; and, finally, 21st century forms of trade and in particular e-commerce.

With regard to the WTO's response to the COVID-19 pandemic, it will be interesting to see what happens to the *Trade and*

Health Initiative of the Ottawa Group, which includes both developed- and developing-country Members, such as the European Union, Japan, Brazil and Kenya (see WT/GC/223, dated 24 November 2020). This initiative aims at minimizing supply chain disruptions to essential goods during a pandemic. Equally interesting is the proposal tabled by India and South Africa for a waiver from TRIPS obligations to ensure access to COVID-19 related medical technologies (see IP/C/W/669, dated 2 October 2020).

With regard to the WTO's contribution to the achievement of the UN Sustainable Development Goals, the successful conclusion of the Fisheries Subsidies negotiations is a must. This will, however, require more political courage and willingness to compromise on the part of some Members.

With regard to the real or perceived threat to the multilateral trading system posed by State capitalist Members, it is clear that new rules on industrial subsidies need to be negotiated, but it is unclear to me whether the January 2020 Joint Statement by Japan, the United States and the European Union is a viable basis for such negotiations. More important, however, is that such negotiations on new subsidy rules take account of the need for subsidies to address climate change and to ensure economic survival in times of a pandemic or similar crisis.

With regard to adaptation of the WTO rulebook to 21st century forms of trade, the e-commerce negotiations will be essential. While the positions of Members are still far apart, the need for rules is ever more evident and accepted.

These and other issues will be the focus of the next SIEL Global Conference which will take place as a virtual conference in collaboration with Bocconi University, Milan, on 8-10 July 2021. The call for proposals for papers, panels and posters is [available on the SIEL website](#) and we count on your enthusiastic response to this call. By reflecting and debating on the problems in international economic relations today, we can, each of us, make a modest contribution to addressing these problems and make 2021 a better year.

Peter Van den Bossche

6 February 2021

**SIEL 2021 Biennial
Conference**

8 - 10 July 2021

Interviews with our new Office bearers



Isabelle Van Damme
Co-Executive Vice President

What are some of the reasons why you were interested in serving as Executive Vice-President?

I have benefitted a lot from the work of the Society. Quite some time had passed since I served on the SIEL Executive Council and I was keen to get involved again. I've found that the Society serves as a unique forum where lawyers, policy-makers, academics, economists, etc. active in the field of international economic law can come together to exchange ideas and collaborate. The COVID-19 pandemic has caused us to rethink and become more creative in how to bring together our members and attract new members. The SIEL Conversations are a result of those efforts. I hope to contribute to that work. Together with Peter, Markus, the SIEL Executive Council and many SIEL members who reach out, I would like to develop new initiatives aimed at promoting educational outreach and intensifying collaboration between scholars and practitioners active in various disciplines in the field of international economic law. The scope of international economic law is rapidly expanding. We want to make sure that the membership and initiatives of the Society develop in the same direction.

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

On the short term, the SIEL 2021 Milan Global Conference will be the main project. The organisation of that conference will also offer an opportunity to further expand and diversify the SIEL membership.

Can you already tell us more about the SIEL 2021 Milan Global Conference?

We published the call for papers and we are putting in place different committees to support the organisation of the conference, in collaboration with Bocconi University. We are especially keen to ensure that, despite the virtual format, the debates will be lively and engaging and that there will be plenty opportunities to interact. This involves quite a bit of work, especially from an IT perspective. In any event, there appears to be no shortage of topics to discuss at the Conference.

How did you become involved in SIEL?

I remember joining Professor Jackson to a meeting at one of the London universities, where an enthusiastic group of academics and practitioners explored ideas for creating an organisation that eventually became the Society of International Economic Law. Andrew Lang and Colin Picker were the key drivers of that project. A few years later, I joined the SIEL Executive Council. I have also served on the jury for the SIEL/JIEL/OUP Essay Prize and supported several editions of the conference of the SIEL Postgraduate and Early Professionals/ Academics Network (PEPA).

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

I combine a career in private practice with academia. I am a Partner at Van Bael & Bellis, where I practice EU law, international trade law and public international law.

I often appear before WTO panels and the CJEU and advise on matters before other courts and tribunals. This year, I have enjoyed teaching at class on WTO Jurisprudence and Advocacy at the EPLO Academy of International Economic Law and Policy and I am working on a few publications, including a Commentary on the WTO Anti-Dumping Agreement and the second edition of The Oxford Handbook of International Trade Law.

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Olabisi D. Akinkugbe
Executive Council

How did you become involved in SIEL?

My engagement with SIEL started during my doctoral program. I presented at the African International Economic Law Network (AfIELN) Conference hosted by the Mandela Institute at the Witwatersrand University in 2013. It was an eye-opening event. Some of the academic relationships I cherish today were forged because of my participation at the AfIELN conference in 2013 and subsequent SIEL Conferences.

Interviews (cont.)

What are some of the reasons why you were interested in serving as a Member of the Executive Council?

I am passionate about service to my community. The opportunity to contribute to the diversity of voices in international economic law and to support the critical work SIEL does is a huge motivation. It is also a way for me to give back. Previously, I served as the President of the AfIELN between 2018 & 2020, I am therefore glad to have been voted by my colleagues to the SIEL Ex Con.

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

In my view, service is about where I am needed, as opposed to what I like to do alone. With this, I am open to contributing to different aspects of the governance and the academic work (Bi-annual conferences, Conversation among others) that SIEL undertakes.

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

I watch lots of soccer. More seriously, I am an [Assistant Professor](#) at the Schulich School of Law, Dalhousie University, and an [Adjunct Visiting Assistant Professor](#), at the Fletcher School of Law and Diplomacy, Tufts University. I am a co-founding editor of [Afronomicslaw.org](#) - the leading blog on international economic law and justice issues as they relate to Africa and the Global South, and the [African Journal of International Economic Law](#) (AfJIEL).

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Andreas R. Ziegler and Silvio Da Silva, L'importance de l'Accord de l'OMC sur les marchés publics pour le droit des marchés publics en Suisse [The Importance of the GPA in Swiss Public Procurement Law], in : Boillet, Véronique / Favre, Anne-Christine / Martenet, Vincent (édit.) *Le droit public en mouvement - Mélanges en l'honneur du Professeur Etienne Poltier* (Schulthess Verlag, Zurich, (2020).

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Andreas R. Ziegler, Alexander Laute, Vereinbarkeit des Merkmals der hinreichenden Binnenbeziehung mit dem New Yorker Übereinkommen zur Anerkennung und Vollstreckung von ausländischen Schiedssprüchen – Zugleich Besprechung des Urteils des Bundesgerichts v. 7. Sept. 2018 – Az.: 5A_942/2017, BGE 144 III 411 [Compatibility of the requirement of a 'sufficient domestic link' with the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards], in: *SchiedsVZ - German Arbitration Journal* 6/2020, 286-293.

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Henry Gao and Weihuan Zhou, "Book Review: Governing Science and Technology under the International Economic Order: Regulatory Divergence and Convergence in the Age of Megaregionals", *World Trade Review*, 1-4 (Advance, 15 Jan 2021).

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Peter Van den Bossche and SHAN Wenhua, *The Law and Policy of the World Trade Organization*, Chinese edition (Law Press – China, 2020).

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Peter Van den Bossche, 'Appellate Body: Dispute Settlement of the World Trade Organization (WTO)', *Max Planck Encyclopedia of International Procedural Law (MPEiPro)* (Oxford University Press, 2020).

Rafael Leal-Arcas (ed.) [*The Future of International Economic Law and the Rule of Law*](#), Eliva Press, (2020).

Rafael Leal-Arcas, EU TRADE LAW, Elgar European Law Series, Edward Elgar Publishing Ltd, (2020).

Weihuan Zhou and Delei Peng, 'Australia – Anti-Dumping Measures on A4 Copy Paper', (2021)115(1) American Journal of International Law 94-101, (2021).

Conferences and other events

A. (Virtual) Global Trade Academy 2021

At its core, the pandemic brought about by COVID19 has uncovered weaknesses, presented new challenges, yet also pointed to new opportunities for the global trading system. Urgent calls for reform have been coupled with questions about how to govern the future of trade.

The Georgetown Law [Institute of International Economic Law's \(IIEL\)](#) virtual, five-day Global Trade Academy (GTA) will tackle these tough questions by providing participants with a custom designed program exploring the legal foundations of the global trading system, along with key FTAs, regional trade agreements, and aspects of U.S. trade law. More information [here](#).

B. Global Economic Governance Seminar Series: Special and Differential Treatment for Developing Country Members in WTO Negotiations: Searching for a Sustainable Solution

A Webinar co-hosted by the World Trade Institute (WTI) and the Asian Center for WTO & International Health Law and Policy of NTU College of Law (ACWH), that will take place on Friday, 26 February, 12:30-14:00 CET. More information [here](#).

D. SIEL PEPA Conference

The 10th conference of the SIEL Post-graduate and Early Professionals and Academics (PEPA) network will take place from 19 to 21 May in a virtual format, co-hosted by the Universities of Edinburgh, Dundee and Glasgow. Subject to capacity, registration is open to those who are not presenting a paper. For more information, please contact: pepa2021conference@gmail.com

Call for Papers

A. Brazilian Journal of International Law The BRAZILIAN JOURNAL OF INTERNATIONAL LAW is inviting submissions of unpublished papers for a special issue titled "International law and Deglobalization" (Vol. 18 no. 3). Deadline for submissions: 31 May 2021. Publication date: December 2021. More information is available [here](#).

Other Activities

A. Call for case authors in the ELSA John Jackson Moot Court Competition on WTO Law

ELSA International is opening a call for the Case Authors of the 20th edition of the John H. Jackson Moot Court Competition, academic or practitioner of WTO Law are welcome to send a Case proposal for the next edition of the Competition. The proposal will be evaluated by the Academic Board of the John H. Jackson Moot Court Competition and will be if accepted, developed to become the Case of the Competition. More information [here](#).

Next Newsletter

Please note that the next SIEL newsletter is scheduled for May 2021. Should you wish to include an item in the next issue, please contact us by the beginning of May.

Thanks for your support and interest.

Susan Isiko Strba, Johanna Jacobsson & Victor Saco.