

WTI Brown Bag Seminar



Title

Seminar on Epistemic Communities and the Ordolegal Culture of Privatizing International Law

Speaker

P. Sean Morris, researcher, Faculty of Law, University of Helsinki

When

Thursday
28 November 2019
12:30-13:30

Where

Anna Nussbaum Auditorium
World Trade Institute
Hallerstrasse 6, 3012 Bern

Abstract

This work concerns the rise of the culture of privatization in international law through intellectual property rulemaking and adjudication. The work explores two lines of questioning to demonstrate how privatization occurs: first, through the existence and participation of epistemic communities in the global law-making of intellectual property, and secondly, by examining the evidence of the investment function of intellectual property rights in investor-state dispute settlement (ISDS). In excavating the culture of privatization, I argue that intellectual property epistemic communities should be seen in light of their rulemaking abilities to shape international law through their function-specific technique and describes this process as ordolegality. To demonstrate the rise of privatization of international law as ordolegality, the work assesses the participation of intellectual property epistemic communities in international law-making and the adjudicatory process of investor-state dispute litigations, where intellectual property rights are considered as investments. The work further considers the role and impact of intellectual property epistemic communities during this process. As such, the point of emphasis is on how intellectual property epistemic communities permeate the international legislative and adjudicatory process through the deployment of use and techniques of public international law to create the ordolegal culture of privatization.

My point of contention is that the ordolegal culture of privatization, as envisaged in this work, is a necessary evolution of what entails 'public international law', hence, a new way of interpreting evolutionary rulemaking in public international law as ordolegality. Thus, ordolegality, as an argument, is to situate how global economic governance and intellectual property are intertwined. Moreover, due to the role and function of epistemic communities, the work demonstrates that these non-state actors are crucial to the emergence of the concept of ordolegality.

Biography of the speaker

P. Sean Morris (born, St. Elizabeth Jamaica) is a researcher at the Faculty of Law, University of Helsinki where he focuses on the intersection of international legal regimes and global economic governance. Sean is also an affiliated research fellow at the Erik Castren Institute of International Law and Human Rights. Sean studied law in Moscow and Helsinki and has written a monograph for the higher doctorate (LLD) which he is currently developing as a book. Sean has published widely on different aspects of international law, intellectual property, private law in global governance, and currently has research interests in the development of international institutions and tribunals; law of the sea; law and capitalism; and digital trade law. Sean is the editor of, *Russian Discourses on International Law: Sociological and Philosophical Phenomenon* (Routledge, 2018).

