

## Conference on Regional Trade Agreements: The Fragmentation of International Trade Law

Santo Domingo, Dominican Republic  
Friday 28<sup>th</sup> to Saturday 29<sup>th</sup> May, 2010

(The Academic Conference of the ELSA Moot Court Competition on WTO law (the EMC<sup>2</sup>))

EMC<sup>2</sup> FOR 2010 Santo Domingo Conference Sponsor

EMC<sup>2</sup> FOR 2010 Santo Domingo Technical Supporter



**Fees:** (All fees are preliminary; they will be confirmed in the nearest future.)

Attendance Package 1 – USD 400

Attendance Package 2 – USD 450

Students – USD 130 with further discounts are available for ELSA & COLADIC members

Free entrance for EMC<sup>2</sup> participants

**Length of Panels:** 90 minutes (4 speakers @ 20 minutes + 10 minutes for questions)

**Publication:** The proceedings will be published on CD and on the websites of the Centro de Derecho Económico Internacional (<http://cdei.itam.mx>) and IDB/INTAL

### Introduction to conference theme

Regional Trade Agreements (RTAs) are an exception to most-favoured-nation (MFN) treatment for trade in goods (under GATT Article XXIV) and services (under GATS Article V). The “Enabling Clause”, which permits special and differential treatment in favour of and among developing countries, also permits RTAs. The term RTA includes free trade agreements, customs unions and partial trade agreements. Countries do not need to be in the same region to sign a RTA, but can be on opposite ends of the planet. It is expected that close to 400 RTAs will be implemented by 2010. The goal of this conference is to analyze several legal questions raised by a new generation of RTAs.

RTAs raise many concerns for the multilateral trading system. They create a complex web of overlapping trade rules that are difficult and costly for companies to navigate. They can divert trade from more efficient to less efficient producers, which can then stimulate investment based on the temporary advantages created by RTAs. They can create resistance to global trade liberalization, since less efficient producers are likely to be displaced in important markets if they lose the preferential treatment they enjoy under RTAs, reducing or even eliminating the viability of the RTA-induced investments. RTA dispute settlement systems can overlap with that of the WTO, increasing the cost of disputes and raising complex issues regarding the choice of dispute settlement forum.

RTAs can also lead countries with relatively little bargaining power to make concessions that they might not have made in WTO negotiations. For example, some RTAs have introduced stricter intellectual property rules than those set out in the WTO TRIPS Agreement, which may increase the cost of medical care in their member countries. Many RTAs between developed and developing countries contain provisions regarding environmental protection, labour rights and other social issues, but the legal implication of these provisions is not clear. Finally, it is not even clear which RTAs, or which aspects of specific RTAs, conform to WTO rules. To what extent do RTAs undermine the global trading system?

<b>Event Programme</b>		<b>Comments</b>
<b>Friday, 28th May 2010</b>		
8:00	Registration	All Conference Participants (Attendance Packages 1 and 2)
8:30	Please see the Conference Programme below	All Conference Participants (Attendance Packages 1 and 2)
<b>Saturday, 29th May 2010</b>		
11:00	The Grand Final of the ELSA Moot Court Competition on WTO law 2009-2010 (the EMC <sup>2</sup> ) (Panel Chair – Prof. Yasuhei Taniguchi; Panellists: Prof. Peter Van Den Bossche, Prof. Ricardo Ramirez, Prof. Bryan Mercurio, Ms Victoria Donaldson, Mrs Pamela Coke-Hamilton (TBC), and Mr Tony Taubman (TBC))	Attendance Package 2 Conference Participants
17:00	EMC <sup>2</sup> FOR 2009-2010 Awards Ceremony	Attendance Package 2 Conference Participants
19:00	EMC <sup>2</sup> FOR 2009-2010 Gala Dinner / Conference Closing Reception	Attendance Package 2 Conference Participants

### **Conference Programme\***

<b>8:00 am</b>	<b>Registration</b>
<b>8:30 am</b>	<b>Opening of the Morning Session</b> Keynote Address by Ricardo Ramírez Hernández (WTO AB Member, Mexico, LAC)
<b>9:00-10:30</b>	<b>Panel 1: RTAs in Context</b> Chair: TBA
Speaker 1	RTAs and Fragmentation of International Law
Speaker 2	RTA Exceptions: GATT Art. XXIV, GATS Art. V
Edna Ramírez (IDB)	Flexibilities in WTO Law
Pamela Coke-Hamilton (IDB)	RTAs and Developing Countries: Enabling Clause
Speaker 5	EU RTA model versus US RTA model
10:30-10:45	Coffee Break
<b>10:45-12:15</b>	<b>Panel 2: WTO+ in RTAs</b> Chair: TBA
Antony Taubman (IPD, WTO) (TBC)	TRIPS+ in RTAs
Bradly Condon	Investment Provisions in RTAs
Stefan Amarasinha	Environmental Provisions in RTAs
James Mathis (TBC)	Competition Law in RTAs
12:30-2:00	Lunch

	<b>Opening of the Afternoon Session</b> Keynote Address by Peter Van den Bossche (WTO AB Member, the Netherlands, EU)
<b>2:00-3:30</b>	<b>Panel 4: RTAs and Dispute Settlement</b> Chair: TBA
Speaker 1	Choice of Forum between the WTO and RTAs
Speaker 2	The NAFTA Experience
Speaker 3	Dispute Settlement in EU RTAs
Bryan Mercurio	Can RTAs require WTO panels to decline jurisdiction?
3:30-3:45	Coffee Break
<b>3:45-5:15</b>	<b>Panel 5: RTAs and Developing Countries</b> Chair: TBA.
Speaker 1	RTAs between Developed and Developing Countries (NAFTA was the first; other possible candidates include US-Korea, Japan's FTA with Mexico, EU-Mexico FTA, RTAs under the umbrella of the EU EPAs); and RTAs between Developing Countries (possible topics include the ones that have worked versus those that have not, MERCOSUR, Mexico's FTAs with other Latin American countries)
Pablo Ciotti, Argentina	The election of forum: MERCOSUR and WTO relationship
Hannes Schloemann	Services in the CARIFORUM EPA: Some Lessons for Developing Countries (TBC)
Chantal Onanaiwu (CARICOM)	RTAs in Latin America and the Caribbean (possible topics include CAFTA-DR, MERCOSUR, Chile's FTAs, Mexico's FTAs, recent FTAs between USA and Latin American countries)
Chin Leng Lim	RTAs in Asia (possible topics include China's recent trade agreements/negotiations, ASEAN, Singapore's FTAs)
<b>5:15-5:30</b>	<b>Closing Remarks</b>

\* Preliminary draft subject to revision, changes and updates.

**Call for Papers “Regional Trade Agreements: The Fragmentation of International Trade Law”**  
Attached as a Separate Document

**Conference Speaker Sponsors:**



Centro de Derecho Económico  
Internacional of ITAM



University of Copenhagen  
Faculty of Law