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# Centre for International Governance Innovation

*CIGI's International Law Research Program presents*

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## Saving the Crown Jewel: Strengthening the WTO Dispute Settlement System in Turbulent Times

Tuesday December 12, 2017

16:00 – 18:45

Cocktail Reception

18:45 – 19:30

Alvear Palace Hotel, Avenida Alvear 1891

Alvear Room

CIGI's International Law Research Program (ILRP) is delighted to host the following Public Half Day Conference on the WTO Dispute Settlement System.

The WTO Dispute Settlement Mechanism (DSM) has served the multilateral trading system well since the founding of the WTO. Its system of compulsory jurisdiction, transparent and predictable procedures, appellate review and negative consensus establishment of panels and adoption of reports have allowed it to become one of the most prolific and effective systems of international adjudication in history.

The past success of the DSM does not, however, guarantee its future success. A number of practical, institutional and political challenges have converged to pose the greatest threat to the DSM since its creation. The increasing complexity of disputes compound growing workload problems, which in turn heighten concerns about access and inclusiveness. Simmering disagreements about the function of the system have been exacerbated by the recent populist skepticism of the institutions of globalization. These pressures have culminated in an impasse in the appointment of new Appellate Body members that threatens to grind the system to a halt at a time when it may be needed most.

What needs to be done to preserve the effectiveness of the DSM? How can governance be improved to strengthened the system? How can existing adjudicative practices be improved to respond to the new environment? This two-part panel brings together former members of the Appellate Body and the WTO secretariat, government practitioners and other experts in dispute resolution. They will engage in a wide-ranging debate of the challenges facing the DSM and consider options for strengthening it so that it may survive the turbulent times facing the multilateral trading system.

**PANEL 1:**  
**Proposed Solutions to Strengthen the Dispute Settlement Process**  
16:00 – 17:15

**Oonagh Fitzgerald (Moderator)**



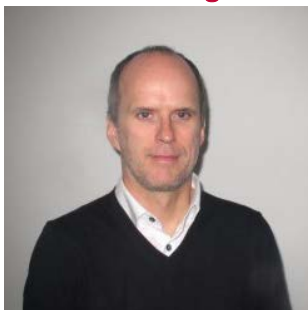
As director of CIGI's International Law Research Program, Oonagh Fitzgerald established and oversees CIGI's international law research agenda, which includes policy relevant research on issues of international economic law, environmental law, intellectual property law and innovation, and Indigenous law. She has extensive experience as a senior executive in the federal government, providing legal policy, advisory and litigation services, and strategic leadership in international law, national security, public law, human rights and governance. As national security coordinator for the Department of Justice Canada from 2011 to 2014, Oonagh ensured strategic leadership and integration of the department's policy, advisory and litigation work related to national security. From 2007 to 2011, she served as the Department of National Defence and Canadian Forces legal adviser, leading a large, full-service corporate counsel team for this globally engaged, combined military and civilian institution. Before this, Oonagh served as acting chief legal counsel for the Public Law Sector of the Department of Justice and special adviser for International Law.

**Valerie Hughes**



Valerie Hughes is a CIGI senior fellow and an adjunct assistant professor of law at Queen's University. An expert in international trade law and international dispute settlement, she served as director of the Legal Affairs Division of the World Trade Organization (WTO) from 2010 to 2016 and as director of the WTO Appellate Body Secretariat from 2001 to 2005. Valerie also spent 22 years with the Government of Canada, during which time she held various positions, including assistant deputy minister at the Department of Finance, general counsel of the Trade Law Division at Foreign Affairs and International Trade, and senior counsel in the International Law Division of the Department of Justice. She has served as counsel for Canada and litigated before international courts and tribunals on trade law, investment law, and law of the sea matters.

**Robert McDougall**



Robert McDougall is a senior fellow with CIGI's International Law Research Program (ILRP). His focus is on the legal aspects of inclusive trade, the digital economy, private standards, trade facilitation, Brexit, and the formal and informal mechanisms for dispute resolution. He is also a senior fellow at the International Centre for Trade and Sustainable Development. Robert spent 15 years as an international trade lawyer at Global Affairs Canada (formerly Foreign Affairs and International Trade Canada), during which time he provided trade law advice and litigated disputes before the World Trade Organization (WTO). As permanent delegate to the WTO for five years, he was Canada's representative to the Dispute Settlement Body, to negotiations to improve the dispute settlement system, and in many disputes involving Canada.

## Maria Panezi



Maria Panezi is a post-doctoral fellow with CIGI's International Law Research Program. She holds a Ph.D. in Law from Osgoode Hall Law School, where she was a Nathanson Fellow and a Comparative Law and Political Economy Fellow. Her doctoral dissertation is titled *Through the Looking Glass: Transparency in the WTO*. She was a W. C. Langley Scholar of International Legal Studies at New York University School of Law, where she received her LL.M. She has been an adjunct professor at Osgoode Hall Law School, and a visiting scholar at Harvard Law School and the Fletcher School of Law and Diplomacy.

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## PANEL 2:

### Current Challenges to the Dispute Settlement Mechanism

17:30 – 18:45

## Valentina Delich (Moderator)



Prof. Valentina Delich is the Academic Director at FLACSO-Argentina and Senior Advisor on Intellectual Property Rights' negotiations at the Ministry of Production, Argentina. She holds a PhD in International Law (University of Buenos Aires) and a MA in International Affairs (The American University). She teaches International Public Law, International Trade and Intellectual Property Rights. Her research focuses on international trade, particularly issues such as the WTO dispute settlement and intellectual property rights. Ms Delich has been visiting professor at the University of Massachusetts (USA), the Pontificia Universidad Catolica del Perú (Peru), the National University of Cordoba (Argentina) among others. She has published *Asimetrías, conflictos comerciales e instituciones internacionales* (EUDEBA, 2011) and *20 Years of the WTO: a Latin American Perspective* (coordinator).

## James Bacchus



James Bacchus is the Distinguished University Professor of Global Affairs and Director of the Center for Global Economic and Environmental Opportunity at the University of Central Florida, and a Global Fellow of the Centre for International Governance Innovation in Canada. He was a founder and was twice Chairman of the Appellate Body of the World Trade Organization. He is a former Member of the Congress of the United States and a former US trade negotiator. He served on the High-Level Advisory Panel to the Conference of Parties of the United Nations Framework Convention on Climate Change. He chairs the global Commission on Trade and Investment Policy of the International Chamber of Commerce, has chaired the global sustainability council of the World Economic Forum, and is on the board of directors of the International Center for Trade and Sustainable Development. He is the author of the book *Trade and Freedom*.

### Hugo Perezcano Diaz



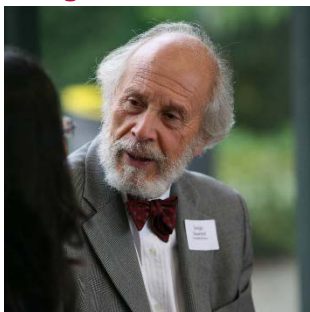
Hugo Perezcano Díaz is the deputy director of International Economic Law with the International Law Research Program (ILRP), and was previously a CIGI senior fellow with the ILRP. Prior to joining CIGI, he was an attorney and international trade consultant in private practice. Hugo worked for the Mexican government's Ministry of Economy for nearly 20 years, serving as head of the trade remedy authority, and formerly as general counsel for international trade negotiations. Hugo was lead counsel for Mexico in investor-state dispute settlement cases under the North American Free Trade Agreement (NAFTA) and other international investment agreements. He also worked on dispute settlement cases between states, conducted under trade agreements that include NAFTA and the World Trade Organization agreement. Hugo's expertise is in international law, economic law, international trade law and negotiations, and international investment law.

### Gustavo Lunazzi



Gustavo Lunazzi is (Acting) Director of International Economic Dispute Settlement at the Ministry of Foreign Affairs of Argentina, where he handles WTO disputes and the defense of Argentine interests in antidumping and CVD investigations conducted by other countries. As a career diplomat at the Argentine Foreign Service since 1996 he was involved in WTO legal issues and trade negotiations for many years, either as a delegate in Geneva (1998-2006) or as a capital-based official. He has been panelist and chair of the WTO Committee on Safeguards, and frequently dealt with WTO as well as MERCOSUR disputes where Argentina was a party. Other previous positions include: assistant to the G-20 Sherpa and head of the congressional and legal affairs section at the Argentine Embassy in Washington D.C. Gustavo holds a law degree from the University of Buenos Aires.

### Giorgio Sacerdoti



Giorgio Sacerdoti, is emeritus professor of international law at Bocconi University in Milan where he has taught as full professor from 1996 to 2013 (holding also the Jean Monnet chair of European Law since 2004). He was appointed to the seven-member WTO Appellate Body in 2011, serving two four-year terms until 2009, being elected chairman by his colleagues in 2006-2007. He had been previously vice-president of the OECD Working Group on bribery in international business transaction from 1995 to 2001, where he chaired the drafting committee of the OECD Anti-bribery Convention of 1997. A prolific author focusing on international trade and investment law on which he is a recognized expert, a guest professor in many universities around the globe, he is active as an international arbitrator, appointed on the ICSID (World Bank) Roster of investment arbitrators.

## About the Centre for International Governance Innovation

The Centre for International Governance Innovation (CIGI) is an independent, non-partisan think tank on international governance. Led by experienced practitioners and distinguished academics, CIGI supports research, forms networks, advances policy debate and generates ideas for multilateral governance improvements.

Conducting an active agenda of research, events and publications, CIGI's interdisciplinary work includes collaboration with policy, business and academic communities around the world. CIGI's current research programs focus on three themes: the global economy, global security & politics, and international law.

CIGI was founded in 2001 by Jim Balsillie, then co-CEO of Research In Motion (BlackBerry), and collaborates with and gratefully acknowledges support from a number of strategic partners, in particular the Government of Canada and the Government of Ontario. For more information, please visit [www.cigionline.org](http://www.cigionline.org).

## About the International Law Research Program

The International Law Research Program (ILRP) at CIGI is an integrated multidisciplinary research and teaching program that provides leading academics, government and private sector legal experts, as well as students from Canada and abroad, with the opportunity to contribute to advancements in international law.

The ILRP strives to be the world's leading international law research program, with recognized impact on how international law is brought to bear on significant global issues. The program's mission is to connect knowledge, policy and practice to build the international law framework - the globalized rule of law - to support international governance of the future.

The program focuses on the areas of international law that are most important to global innovation, prosperity and sustainability. It seeks to collaborate with faculty and postgraduate students from universities across Ontario and beyond.