



Symposium - WTO Litigation: Issues and Reforms

Program Outline

Date: Friday 14 August 2009

Venue: University of Sydney, New Law Building, Sydney Law School, Faculty Common Room, Room 432.

9.00am: Registration desk opens

9.30am: Welcome: Brett Williams, Sydney Centre for International Law

9.40am: Keynote Address:

Professor Yasuhei Taniguchi, Former Chair of the WTO Appellate Body. Emeritus Professor, Kyoto University, Of Counsel Matsuo & Kosugi, Tokyo.

“The WTO Dispute Settlement as seen by a Proceduralist”

Questions and Discussion

10.45-11am: Morning tea

11–12.45pm: Session 2 - Issues in WTO Litigation

Chair: Professor Gillian Triggs, Dean, University of Sydney Law School

Mark Jennings, Office of International Law, Attorney General’s Department.

“Parties to the Dispute? Parties to the Treaty? Parties to?: The Interpretation in WTO dispute settlement of “any relevant rules of international law applicable to relations between the parties” under Vienna Convention article 31(3)”

Patricia Holmes, WTO Disputes Section, Department of Foreign Affairs and Trade.

“After Purported Compliance, when must retaliation be withdrawn?: Consideration of the *US/Canada – Continued Suspension of Obligations in the EC – Hormones dispute*”

Andrew Stoler, Institute for International Trade.

“Litigation under the WTO Rules on Subsidies: Problems and Lessons”

Questions and Discussion

12.45–1.45pm: Lunch

1.45-3pm: **Session 3 - Issues in WTO Litigation**

Chair: Dr Brett Williams, Faculty of Law, University of Sydney

Jo Feldman and Jessica Giovanelli, Office of International law, Attorney General's Department.

"Proving Insufficiency of Scientific Evidence under SPS Agreement Article 5.7: how does the Respondent discharge the Burden of Proof & What is the Standard of Review for the Panel?"

Clare Fearnley, International Trade Law Advisor, New Zealand Ministry of Foreign Affairs and Trade.

"*Canada – Continued Suspension* and the appropriate standard of review under the SPS Agreement"

Questions and Discussion

3-3.30pm: Afternoon Tea

3.30pm: **Session 4 - The Review of the Understanding on Dispute Settlement**

Chair: Professor Jeff Waincymer, Monash University Law School

Brett Williams, Senior Lecturer, University of Sydney Law School.

"Proposals for 3rd Party and Collective Retaliation in the Light of The Trading Nation's Dilemma model and Article 22.6 Arbitrations"

Keynote Address:

Bruce Gosper, Deputy Secretary, Department of Foreign Affairs and Trade.

Presented by **James Baxter**, Assistant Secretary, WTO Trade Law Branch, Department of Foreign Affairs and Trade

"The WTO Negotiation on the Review of the Understanding on Dispute Settlement"

Questions and Discussion

5.15pm: Thanks and Close

5.30 Refreshments sponsored by Moulis Legal

