

IBL Symposium

## Nationalism, Regionalism & Globalism: The Future of Economic Integration

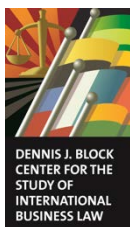
Friday, November 10, 2017

*Sponsored by the Dennis J. Block Center for the Study of International Business Law*

Not long ago, globalization seemed to have a veneer of inexorable progress. Despite long-simmering controversies and moments of backlash, economic integration and its institutionalization was on the rise – in trade in goods, services, data, finance, and investment alike. By the early 2000s, multilateral organizations, ever-proliferating regional institutions, bilateral arrangements, and informal networks were struggling to keep the pace and mark their space in a globalized economy. But the picture looks very different today. After the financial crisis of 2008, and, more recently, the nationalist waves cresting in Europe and the U.S. since 2016, the future of economic integration is subject to considerable doubt. This conference will consider the shape of integration to come, focusing on the varying strategies and instruments by which States might pursue (or resist) global economic integration – at the multilateral, regional, bilateral, and even national levels – and what political and distributional effects these choices may entail.

The moment provides a rare opportunity to reconsider our path. Most abstractly, the time is ripe to revisit the normative case for ever-deepening globalization. Who have been the winners and losers of integration processes to date, and what do we know about how novel solutions might lead to different distributional results? Is there new reason to question whether aspects of integration have gone too far – e.g. in finance, regulatory standards, or foreign investment? Or has integration not gone far enough? Can supplementing deep economic integration with mechanisms for deeper political integration and social solidarity alleviate concerns? And what ought be the locus (or loci) of new integration projects? What are the implications, trade-offs, and political realities of multilateral, regional, or even bilateral strategies? On the one hand, the Trump administration has withdrawn the United States from its signature mega-regional arrangement (the Trans-Pacific Partnership (TPP)), and placed negotiations on another on hold (the Trans-Atlantic Trade and Investment Partnership (TTIP)) – all supposedly in favor of a nationalistic bilateral approach. On the other hand, the European Union, Canada, China, Japan, and others have signaled a willingness to pursue regional and mega-regional integration strategies with or without the United States. What are the prospects for such national, bilateral, and regional strategies? And whither multilateralism?

This Conference will bring together several panels of scholars and policy experts to discuss these questions and more.



**Brooklyn Law School**  
ESTABLISHED 1901

## Agenda

**8:30 – 9:00 am: Continental Breakfast and Registration**

**9:00 – 9:45 am: Keynote Address: The Difficult Trade Offs of Regional and Global Trade**

**Joseph H.H. Weiler**, NYU School of Law

**9:45 – 11:15 am: Panel I: Globalism**

*What is the continued role for our global institutions in economic integration? To what extent is the global/multilateral model preferable to regional solutions? To what extent does it, or should it preempt them? And are the answers necessarily the same for classical negative integration and more innovative forms of positive (or deep) integration? What do recent experiences tell us about the continued vitality of the global system?*

**Julian Arato**, Brooklyn Law School

"Informal vs. Formal Multilateralism: The Case of International Investment Law"

**Robert Howse**, NYU School of Law and **Joanna Langille**, University of Toronto, Faculty of Law

"Forms of Legality and Paradigms of International Cooperation"

**Thomas Streinz**, Institute for International Law and Justice, NYU School of Law

"Recalibrating World Trade Law to Check Global Corporate Power"

Moderator: **Winnie Taylor**, Brooklyn Law School

**11:15-11:30 am: Break**

**11:30 am – 12:15 pm: Keynote Address: The Case for the Global Regulation of Access to Information**

**Eyal Benvenisti**, University of Cambridge, Faculty of Law

**12:15-1:00 pm: Lunch Break**

**1:00 – 2:30 pm: Panel II: Regionalism**

*Is there a future for regional and / or mega-regional blocks? With the TPP and T-TIP on life-support, and the EU facing its starkest challenge to date, ought we wonder about the continued relevance of regionalism? Or might we find signs of hope in the CETA and EU—Japan FTA's? What, by contrast, my we glean from the ongoing NAFTA renegotiation? And what about regionalism beyond the West? How promising are regional forms more generally? What are the perils?*

**Sungjoon Cho**, Chicago-Kent School of Law

"Self, Other and Borders: Regional and/or Global"

**Kathleen Claussen**, University of Miami School of Law

"Path Dependence in Regional Trade Agreements"

**James Thuo Gathii**, Loyola University Chicago School of Law

"Regionalism in the De-Industrializing Periphery: Innovating at the Margins in the Era of Mega-Regionals"

Moderator: **Julian Arato**, Brooklyn Law School

**2:30 – 2:45 pm: Break**

## Agenda (continued)

### 2:45 – 4:15 pm: Panel III: Nationalism

*How can international law in general - and IEL in particular - confront the rise of nationalism and isolationism in the west? How fragile is our international economic legal order? To what extent has it failed to take problems of sovereignty and democracy sufficiently seriously? And what is to be done? The Trump administration, and to an extent the May administration, seem to gravitate toward a policy of bilateral integration. What, if anything, may be gained (or salvaged) through a turn to bilateralism? What lessons can be learned from the bilateral integration experience in international investment and tax law?*

**Simon Lester**, Herbert A. Stiefel Center for Trade Policy Studies, Cato Institute

“Walking the International Economic Law Tightrope: Crafting a Politically Viable Balance of National and International Sovereignty”

**Paul Mertenskötter**, Institute for International Law and Justice, NYU School of Law

“The Globalization of the Firm and In-Country Inequality: What Role for the Regulatory State?”

**Joel P. Trachtman**, The Fletcher School of Law and Diplomacy, Tufts University

“U.S. Economic Nationalism, Trade Law and the Deep State”

Moderator: **Steven A. Dean**, Brooklyn Law School