

<p style="text-align: center;"><b>Tentative Syllabus as of December 7, 2017</b></p>
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*International Economic Law & Policy Colloquium (2 credits)*

**Professors Chris Brummer & Grant Aldonas**

**Georgetown University Law Center  
Spring 2018, Hotung Faculty Dining Room  
Monday 12:00 PM – 2:00 PM (Light lunch available at 12:15 PM)**

**Seminar Description:**

The International Economic Law & Policy Colloquium offers students a new and rigorous research platform for understanding the theory of international economic law and participating in policy analysis. Students will participate alongside graduate students, Fellows and visiting scholars at the Institute of International Economic Law in regular luncheons with outside speakers and author research and policy-oriented products for the Institute of International Economic Law.

Students will be expected to: 1) write brief response papers for occasional presenters hailing from the academy, government and the public policy community; 2) help curate and prepare a monthly “IIEI In the Know” Newsletter for lawyers, regulators and financial authorities; and 3) provide one 2-5 page brief on a specific policy issue concerning a relevant matter of international economic law. The best issue briefs will be included for publication by IIEI and distributed to policymakers in Washington, DC and abroad. Topics covered include international trade, financial regulation and enforcement, monetary affairs and tax.

**Seminar Requirements:**

**1. Weekly Memoranda**

For every week in which we have a guest speaker, each student is required to write a short memorandum prior to each workshop concerning the speaker’s paper, presentation outline or topic of discussion. The memo should respond to the paper or presentation outline being presented, where relevant. Examples of responses include critiques, possible implications, challenges to the methodology, and suggestions for extensions and improvements. The memo also should include at least one question that can be asked of the speaker during the workshop. Each speaker will receive a copy of the memos before the workshop.

The memos should be 1 page maximum, typed in 12-point, Times New Roman font, single spaced, and have one-inch margins all around. No footnotes are allowed. Memos must be uploaded to the Canvas site by 5:00 PM on the Friday prior to each workshop. Please upload the memos in PDF format.

**2. Top Ten List**

Each month the class will prepare an “IIEL In the Know” list of the Top-10 developments in international economic law, which we will then send to the DC policymaking community. Each student is required to prepare a monthly list which will be debated and discussed in the class alongside others for preparation of the IIEL publication.



## Top Ten Developments in International Economic Legal Affairs

### TRADE

#### TPP Negotiations Concluded

President Obama hailed the historic 12-nation Pacific Rim trade deal completed here Monday as an accord that “reflects America’s values,” but within hours the administration had turned from the negotiating table to selling the agreement on Capitol Hill, a reflection of the harsh political climate the controversial pact is expected to face in Congress.

[Learn more >](#)

### FINANCE

#### SEF Implementation for Dodd Frank Delayed till 2016

The CFTC today again delayed deadlines for when trades in certain swaps will have to be executed on exchanges and “swap execution facilities” (SEFs), prompting criticism from the agency’s Republican commissioner that the rule is too complicated to finish.

The CFTC last reset timelines for the rule in November, 2014. In a staff letter today, the CFTC said compliance won’t kick in until November 2016.

Businesses that need to comply “have faced various

### **3. Issue Brief**

Students are required to provide a (maximum) 2-5 page issue brief concerning a discrete aspect of international trade, tax, business, finance, or monetary affairs. Though some issue briefs may be assigned to the class or selected students by international organizations, most will be voluntary, depending on student interest. Papers should have the highest written and research quality, but be written for a broad generalist audience. Ideally, they would explain in greater detail a problem or challenge facing international policymakers, using the skills of a lawyer (e.g. looking at underlying statutes, regulatory/institutional designs and architecture, or cases) to speak to political or economic challenges. Graphs, diagrams or tables are welcome. Topics can be either student choices or act as responses to the Institute's nonprofit and private and public sector stakeholders seeking IIEL input on some of their real-world challenges.

The best issue briefs will be published by IIEL and disseminated to top regulators, law firms and diplomats operating in international affairs.

### **4. Workshop Attendance**

Attendance at each workshop is required. If you anticipate missing a class, please notify Professors Brummer and Aldonas in advance. Lack of consistent attendance will negatively impact grades.

### **5. Subscription to the Financial Times and SIFMA Smartbrief**

Each student is required to have a subscription (or regular access) to the Financial Times and a subscription to the Securities Industry & Financial Markets Association (SIFMA) Smartbrief (<http://www.sifma.org/newsletters/>). Students are expected to have read at least three full newspapers per week.

### **Grading:**

Grades will be based on the quality of weekly memoranda and issue briefs, along with attendance and participation. Late memos will be penalized with a reduction of your grade.

**Class Dates and Illustrative Speakers/Topics (subject to change/invitations in process):**

**1. Tuesday, January 16 – Special Kick-Off Event at Wilmer Hale, 4:00-6:00 p.m.**

Topic: World Bank's Anti-corruption Compliance and Investigation Priorities

Speakers:

Pascale Dubois, Vice President of Integrity, World Bank  
Frank Heemskerk, Executive Director, World Bank, Netherlands  
Ron Machen, Former U.S. Attorney for DC; Partner WilmerHale

Moderators:

Naboth van de Broek, Partner, WilmerHale  
Grant Aldonas, Executive Director, IIEL

**2. Monday, January 22 – Introductory Class**

Topic: NAFTA 2.0

Possible speakers:

Karen Antebi, Economic Counselor, Trade & NAFTA Office, Embassy of Mexico

Roxanne Brown, Assistant Legislative Director, United Steelworkers (USW)

Tim Keeler, Partner, Mayer Brown & Former Chief of Staff, Office of the U.S. Trade Representative

Guillermo Malpica Soto, Head of Trade & NAFTA Office, Embassy of Mexico

Alvaro Santos, Professor of Law & Faculty Director, CAROLA, Georgetown Law

**3. No class on Monday, January 29; instead, students attend **Friday, February 2<sup>nd</sup>** Conference on Tax Reform, “Can an Internationally Competitive Tax System Protect Its Tax Base?” co-sponsored by IIEL & the International Tax Policy Forum (ITPF) (8:30 a.m. – 1:30 p.m.)**

**4. Monday, February 5**

Topic: Trade, Finance & Investment in Africa

Speakers:

Jude Kearney, Chair of the Africa Practice Group, Greenburg Traurig

Witney W. Schneidman, Senior Policy Advisor and Head of the Africa Practice, Covington & Burling LLP

**5. Monday, February 12**

In the Know Editorial Session

**6. Monday, February 19 – No class, President’s Day Holiday**

**7. Thursday, February 22 (Monday classes meet today)**

Topic: Intra-EU BITs and EU Law Compliance Issues  
Program co-sponsored with the Georgetown International Arbitration Society (GIAS), as part  
Georgetown Law’s 6<sup>th</sup> Annual International Arbitration Month

Possible speakers:

Marinn Carlson, Partner, Sidley Austin

Danielle Morris, Counsel, WilmerHale

Jennifer Danner Riccardi, EU Delegation to the United States

**8. Monday, February 26**

Topic: The Trump Administration & Fintech -- Treasury Initiatives

Possible speakers: Jessica Renier, Senior Advisor, Domestic Finance, U.S. Department of the  
Treasury

**9. No class on Monday, Monday, March 5<sup>th</sup>; instead students attend sessions during Georgetown  
Law’s 2018 International Trade Update, Thursday March 8<sup>th</sup> and Friday, March 9<sup>th</sup>**

**10. No class, Spring Break Week (March 11-18)**

**11. Monday, March 19**

Topic: “The Swiss Army Knife” – A Practitioner’s Focus on International Transactions,  
Arbitration & Disputes

Possible speakers:

Jean Marguerat, Partner, FRORIEP Legal SA

Dmitry A. Pentsov, Partner, FRORIEP Legal SA

Borzu Sabahi, Partner, Curtis, Mallet-Prevost, Colt & Mosle LLP

Franz X. Stirnimann, Partner, FRORIEP Legal SA

Don Wallace, Chairman, International Law Institute

Anne Marie Whitesell, Professor of Law, Georgetown Law

## **12. Monday, March 26**

In the Know Editorial Session

## **13. Monday, April 2**

Topic: Beyond Brexit

Possible speakers:

Chad Bown, Senior Fellow, Peterson Institute for International Economics

Jennifer Hillman, Former Member, WTO Appellate Body, Former General Counsel, Office of the U.S. Trade Representative and Professor from Practice, Georgetown Law

U.K. Embassy – check in with Julian Braithwaite (Ambassador and Permanent Representative, UK Mission to the UN and Other International Organisations, Geneva) or Patrick Davies, Deputy Head of Mission, UK Embassy, to see who they recommend?

European Commission – check in w/David O’Sullivan’s office, Ambassador and Head of the European Union Delegation to the United States, or Damien Levie, Head of Trade, EU Delegation, to see who they recommend? Not aiming to replicate Ambassador-level conversation, etc. Or, do we want to try something more high-level again, but perhaps this time just with the EU and Brits?

## **14. Monday, April 9**

Topic: Trade Integration in Latin America

Possible speakers:

Rodrigo Contreras, Former Head, Economics Department & Trade Commissioner, Embassy of Chile; Senior Consultant, Inter-American Development Bank

Toni Estevadeordal, Manager, Integration & Trade Sector, Inter-American Development Bank

## **15. Monday, April 16**

IELC Simulation:

Students will work together to solve a present day policy problem. Problem sets will involve multiple issues of international economic law such as dispute resolution or financial technology (fintech).

A dispute resolution simulation could involve ISDS, WTO and NAFTA dispute settlement constructs – all subject to a number of legitimate complaints. However, no complaint requires

the United States' withdrawal from the relevant agreements. A dispute settlement simulation could involve development of a number of potential alternatives for purposes of discussion. For example, simulation participants could discuss the possibility of a "political question" doctrine much like that of the U.S. federal courts, which would allow the dispute settlement panels to refuse to review a particular matter when they reach the conclusion that the issue presented is one on which the parties to the underlying agreement did not "create law" (i.e., reach a meeting of the minds on the particular issue and, therefore, did not agree to be bound or subject themselves to dispute settlement with that specific issue). A second potential simulation question could involve negotiation of a series of standards of review or decisional rules on particular issues, rather than leaving those issues to the arbitral panels to decide. In the case of ISDS, for instance, there are a number of issues regarding who may take advantage of BITs for purposes of claims against the state that should be the subject of negotiation among the affected parties, rather than involving arbitral panels in determining difficult jurisdictional issues like whether or not to pierce the corporate veil with respect to claims by subsidiaries or affiliates trying to make use of treaty protection when the parent company is headquartered in the defendant state's jurisdiction.

Second, with respect to fintech, there is a substantial question hanging over the development of an international architecture that would allow the technology to flourish and foster inclusion. While we normally think in terms of market access being negotiated in the context of the WTO (particularly the GATS) or bilateral or regional FTAs, the institutions and the means by which we bargain in a trade context may well be inapposite to the challenge of building a framework that fosters innovation, rather than shielding incumbents. Students would be encouraged to bring their own ideas of how to solve that challenge and what forum would be most appropriate for achieving that end.

## **16. Monday, April 23**

Last class – Issue Brief Discussion