Draft Program for the
Workshop on the “WTO Appellate Body and Its Reform”
Location: NTU College of Law
Room 1710
Date: January 12-13, 2019

1/12/2019 (Saturday)

Luncheon welcome (12:30pm-1:30pm)

Lunch box will be provided. There will be informal exchange of views during the lunch session.

Session 1 (1:30pm-3:30pm) The Appellate Body in the Governance of WTO and Appellate Body’s Reform from a Broader Perspective

1. Colin Picker: The Unchecked Power of the WTO’s Appellate Body: A Symptom of Broken WTO Governance
2. Junji Nakagawa: Rethinking the Role of the WTO DSM: A Critical Analysis of Its Case Records
3. Chang-fa Lo: Should the Appellate Body Be an Adjudicator or Merely an Assisting Mechanism

(Book contributors not attending the workshop)

4. Ulrich Petersmann: Between “Member-Driven WTO Governance” and “Constitutional Justice”: Judicial Dilemma in GATT/WTO Dispute Settlement Practice
   (Note: Prof. Petersmann will not come, but he has already submitted his chapter for the book. His chapter will be made available for our participants.)
5. Mitsuo Matsushita: Reforming the Appellate Body of the WTO
   (Note: Prof. Matsushita will not come, but he has already submitted his chapter for the book. His chapter will be made available for our participants.)
6. Rajesh Sharma: WTO Appellate Body at Crossroads: Options and Alternatives
8. Niall Meagher: The Judicial Style of the Appellate Body
Session 2 (3:50pm-5:10pm) Reforms concerning Appellate Body Members and Its Secretariat

9. Fernando Dias Simões: Should Appellate Body Members Work Full Time
10. (Skype presentation) Poching Lee: Judiciary and Politics: Appointment and Reappointment Processes of Appellate Body Members

(Book contributor not attending the workshop)

11. Lisa Toohey, Communicating the Value of WTO Dispute Settlement & The Role of the Secretariat

Note: Our discussions can also include issues relating to: Possible extension of Appellate Body members’ terms to 6-8 years, possible automatic launch of selection process XX months prior to expiration, possible expansion to 9 Appellate Body members

6:30pm Dinner for Speakers

1/13/2019 (Sunday)

Session 3 (9:00am-11:00am) Appellate Body’s Interpretation and Its Procedure

12. Tomohiko Kobayashi: The Use of Panel Process to Improve the Function of the Appellate Body
14. Henry Gao, Issues of Precedents and Obiter Dicta, or Advisory Opinion
15. Tsai-fang Chen: Judicial Economy and Advisory Opinions of the Appellate Body – Potential Reform of Article 17.12 of the DSU
16. Chang-fa Lo, Appellate Body’s Activism vs. Its Members’ Activism – Some Reflections
17. Tsai-yu Lin, Mediation as a Supplemental Means to the WTO’s Appellate Proceeding

Note: Discussions can also include issues relating to: 90-day deadline, out-going Appellate Body member’s participation, standard of review

Session 4 (11:20am-12:10pm) Appellate Body’s Future and Broader Implications

18. Markus Wagner, The Impending Demise of the WTO Appellate Body: From
Centrepiece to Historical Relic?

19. Rajesh Babu: *The Appellate Body and Developing Countries*

20. (Skype presentation) Jaemin Lee: *The Appellate Body as a Trailblazer: Facilitation of Appellate Mechanism Discussion in Other International Courts*

*(Book contributors not attending the workshop)*

21. Raj Bhala: *Why the WTO Adjudication Crisis Will Not Be Easily Resolved*

22. Joanna Jemielniak: *The WTO Appellate Body as a Model for Other Adjudicatory Bodies – the Case of EU Investment Court System*

(Note: Ms. Joanna Jemielniak will not come, but she has already submitted her chapter for the book. Her chapter will be made available for our participants.)

Closing and Future Plan (12:10pm-1:00pm)