



Southwestern Institute for
**INTERNATIONAL AND
COMPARATIVE LAW**



2018

6/18 - 6/19

Symposium on Global Markets

Regulatory Nationalism and a New World Economic Order: The End of Globalization?

THE CENTER FOR AMERICAN AND INTERNATIONAL LAW
PLANO, TEXAS, USA



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**THE CENTER FOR AMERICAN
AND INTERNATIONAL LAW**

Highlights

- Former FTC Chair William Kovacic and Texas A&M President Michael Young
- Network with Lawyers from more than 20 Countries
- Fighting Global Corruption: International and National Initiatives
- Understanding Trade in 2018
- National Security as a Barrier to International Trade and Foreign Investment
- Cyber Security and Trade Secrets
- Reclaiming the Right to Regulate Foreign Investment

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6/18 - 6/19

Symposium on Global Markets

Regulatory Nationalism and a New World Economic Order: The End of Globalization?

Conference Co-Chairs

Susan L. Karamanian,
Chair of the Advisory
Board of the
Southwestern Institute
for International and
Comparative Law,
Dallas, TX

Andreas Lohbeck
CMS Hasche Sigle,
Stuttgart, Germany

Richard Thurston
Duane Morris LLP,
New York, NY

Introduction to the Symposium

Recent events have challenged what had become business as usual in the international arena, namely the relatively free flow of goods, services, and people across borders - subject to regulation by international institutions or at least cooperation among affected States. The two obvious developments signaling that all was not well on the globalization front occurred in 2016: (1) the referendum by the United Kingdom to withdraw from the European Union (BREXIT); and (2) the election in the United States of President Donald Trump, who campaigned on an America-first agenda.

These two watershed moments, however, are perhaps a larger manifestation of activity percolating in States throughout the world. More is happening than an anti-globalization sentiment as evidenced by efforts to either re-claim or assert new regulatory space for international trade and commerce. Further, it is easy to generalize about the rise of nationalism and the possible end of international cooperation, yet the playing field is in constant flux.

This Symposium looks at these and other challenges to globalization in the context of international business. The goal is to shed light on an increasingly complex legal landscape. We'll look at likely trends so that practicing lawyers will be equipped to advise clients through the uncertain, and perhaps, rough, waters ahead.

MONDAY, JUNE 18

9:00 Keynote: Professor William E. Kovacic

- Current globalization/anti-globalization trends.
 - Are we at a truly anti-globalization moment? If we aren't, then what is happening? If we are, what is the significance in a general sense? What can history teach us?
- Examples of regulatory nationalism
- Significance of regulatory nationalism
- Problems due to regulatory nationalism from a legal perspective
- **Professor William E. Kovacic**, George Washington University Law School; Non-Executive Director, United Kingdom Competition and Markets Authority; and former chair, U.S. Federal Trade Commission

10:15 Panel I: Fighting Global Corruption: International and National Initiatives

The international anti-corruption regime is relatively well-established with two major treaties in effect: United Nations Convention against Corruption (UNCAC) (183 State parties) and OECD Anti-Bribery Convention (43 State signatories). Also, the anti-corruption effort is front and center of major international institutions, such as the World Bank. Although there is an expansive global network fighting corruption, a great deal of the effort is State-focused. The session will examine the extent to which States through their own initiatives are effective in undermining and stopping corruption.

Moderator:

- **Dana Nahlen**, Assistant General Counsel, Fidelity National Information Services Inc., Dallas, Texas

10:00 Break >

SCHEDULE

Panelists:

- **Alejandra Almonte**, Miller & Chevalier, Washington, D.C.
- **Moira Huggard Caine**, Tozzini Friere, Sao Paulo, Brazil
- **Wes Loegering**, Jones Day, Dallas, Texas
- **Morris Cheng**, Deputy Director, Corporate & Compliance Legal Division, Taiwan Semiconductor Manufacturing Company, Ltd., Hsinchu, Taiwan
- **Darrell Johnson**, SSEK, Jakarta, Indonesia

11:45 Luncheon Conversation

Interview of **Michael K. Young**, President of Texas A&M University and former Senior State Dept. Official

Interviewed by **Susan Karamanian**, Chair of SWIICL

1:15 Panel II: Understanding Trade in 2018: New Leaders; New Opportunities

The recent pullback by the United States from the TPP and the United Kingdom from the EU has opened the doors for other countries to take the lead in negotiating trade agreements. They have also prompted speculation about new alignments. Are we witnessing the demise of the post World War II international trading regime or just a realignment? What is happening in the Middle East? In North America? Also, are we experiencing the rise of a new leader in international trade law, namely, China? If so, what are the ramifications?

Moderator:

- **Susan L. Karamanian**, Co-Chair of the Symposium, Dallas, Texas

Panelists:

- **Robert Jordan**, former U.S. Ambassador to Saudi Arabia, Diplomat in Residence, John G. Tower Center, SMU, Dallas, Texas
- **Thomas Schoenbaum**, University of Washington School of Law, Seattle, Washington
- **Kathleen Claussen**, University of Miami School of Law, Coral Gables, Florida
- **Carlos Velazquez de Leon**, Basham Ringe, Monterrey

2:30 Panel III: National Security as a Barrier to International Trade and Foreign Investment?

Under the auspices of the Committee on Foreign Investment in the United States (CFIUS) the United States reviews the entry of foreign investment into the US in light of national security standards. In recent years, other States, particularly in Europe, have established mechanisms for assessing the national security implications of foreign investments. The European Union, however, does not have a unified review procedure. Concerns have been expressed about the extent to which States, particularly the US, are using national security as a means to undermine free trade. Further, recent proposed trade agreements, now off the table as to the US, were once considered as promoting a harmonized approach to addressing national security issues. These developments and others signal that it is time to take stock and critically examine the extent to which national security threats arising out of international trade and investment are best addressed.

Moderator:

- **Andreas Lohbeck**, CMS Hasche Sigle, Stuttgart, Germany

Panelists:

- **Nate Bolin**, Drinker Biddle & Reath, Washington, D.C.
- **Joseph Vicario**, Texas Instruments, Dallas, Texas
- **Morris Cheng**, Deputy Director, Corporate & Compliance Legal Division, Taiwan Semiconductor Manufacturing Company, Ltd., Hsinchu, Taiwan

3:45 Break >

4:00 Panel IV: Cyber Security and Trade Secrets

It is difficult to imagine international commerce without the internet. The latter enables the relatively seamless flow of funds and information across national boundaries. Conducting transnational business via the internet, however, is not without complications. In particular, the cyber world is vulnerable to hacking and leaks. Regulating the medium poses numerous challenges. This panel examines the challenges in an effort to better understand existing tensions and the likely way forward.

Moderator:

- **Richard Thurston**, Duane Morris LLP, New York, New York

Panelists:

- **Mary N. Chaney**, The Law Offices of Mary N. Chaney, P.L.L.C., Mansfield, Texas
 - **Dirk Loycke**, CMS Hasche Sigle, Stuttgart, Germany
 - **Mark Michels**, San Jose, California
 - **Shawn Tuma**, Scheef & Stone, L.L.P., Frisco, Texas
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TUESDAY, JUNE 19

8:30 Ethics Roundtable (with a continental breakfast)

Moderator: **Richard Thurston**, Duane Morris, LLP, New York, NY

9:30 Panel V: Reclaiming the Right to Regulate Foreign Investment

The tide in favor of international investment agreements appears to have shifted as more States are either less likely to enter into them or are seeking to withdraw or revise existing ones. Driving States is the desire to exert independence and control over foreign investors without fear of legal consequences. Is this a correct assessment of the current landscape? If so, what does this mean for the future of international investment law, and investor-state settlement dispute, in particular? If other movements are afoot, what are they and how will they affect IIAs?

Moderator:

- **Professor Jack Coe**, Pepperdine Law School, Malibu, California

Panelists:

- **Anna Joubin Bret**, United Nations Commission on International Trade Law (UNCITRAL), Paris, France
 - **Michael Daly**, George Washington University Law School, Washington, D.C.
 - **David A. Gantz**, Rogers College of Law, University of Arizona, Tucson, AZ
 - **Mark Kantor**, Georgetown University Law Center, Washington, D.C.
-

10:45 Break >

11:00 Panel VI: World Perspectives on Globalization and Anti-Globalization

Moderator:

- **Berardino Tizzani**, Macchi di Cellere, Milan, Italy

Presenters: Participants in the 2018 Academy of American and International Law, and former Academy alumnus **Charbel Abi-Antoun**, Antelias, Beirut, Lebanon

12:00 Networking Reception >

12:30 Adjourn >

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June 18-19, 2018

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HOTEL INFORMATION: The cost of housing is not included in tuition. However, rooms (in limited number) have been reserved at the Dallas/Plano Marriott at Legacy Town Center, 7121 Bishop Road, Plano, TX 75204. A limited amount of rooms are available as long as rooms are still available in the block and booked by 5/27/18. Available nights of 6/17 and 6/18 only. Marriott hotel(s) offering your special group rate of 169.00 USD per night. Guests may contact Marriott Reservations directly at 1-800-228-9290 and mention "SWIICL Symposium" to receive the group rate.

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