

NYU-UCT GAL Conference, Cape Town, 18-20 March 2008

**Panel Sessions & Speakers**

**Tuesday 18 March:**

*10.15am:*

**Welcome**

*10.30am-11.30am:*

**Session I. Keynote Address: The Hon Trevor Manuel, Minister of Finance of the Republic of South Africa, followed by discussion**

*11.30am-1.15pm:*

**Session II. Globalization, National Democratic Institutions, and the Impact of Global Regulatory Governance on National Courts and National Administrative Law**

This Panel begins with an introduction to present and imminent future impacts of transnational governance power exercised beyond the state through global regulatory governance, and to the emergence of a Global Administrative Law through the development of administrative law procedures and other mechanisms designed to promote greater accountability, participation and transparency in the work of global regulatory bodies and in the work of national agencies engaging with external actors. It then turns to the challenges of finding “law” in this enterprise.

Overview of the Emerging Global Administrative Law and its National Implications in South Africa and Developing Countries:

- Benedict Kingsbury, NYU
- Dennis Davis, UCT, Judge of the High Court of South Africa

Paper:

- David Dyzenhaus, University of Toronto/NYU: *The Concept of (Global) Administrative Law*

Commentators:

- Cora Hoexter, Wits
- Hugh Corder, UCT

2.30pm-5.30pm:

**Session III. Regulatory and Governance Aspects of Trade, Investment and Development Financing and Policy**

This panel will address regulatory and governance-related issues raised by public (e.g., World Bank group) and private financing of development projects, and by the WTO, with a focus on the SADCC countries. It will include implications for social policy choices (such as black economic empowerment, and affirmative action) of international legal rules on government procurement and foreign investor protection.

Papers:

- Kevin E. Davis, NYU: *Global Governance of Development Finance?*
- Rob Howse, University of Michigan – exceptions in the WTO regimes: who decides?
- Christopher McCrudden, Oxford University/University of Michigan School of Law: *Social Policy Choices and the International and National Law of Government Procurement: South Africa as a Case Study*

Comments: Cathy Sweetser, NYU : *Ashwander at the Arbitral Tribunal: Interpreting Bilateral Investment Treaties to Avoid Domestic Constitutional Questions*

*Evening:*

**7:15pm Informal Conference Dinner at Wild Fig**

**Wednesday 19 March:**

9.30am-11.30am:

**Session IV. Globalization and the Reshaping of Labour and Competition Law: What Place for National Choices in Global Administrative Governance?**

The papers in this panel address the impact on national labor law of the “benchmarking” carried out by the World Bank, and the impact of the informal International Competition Network and formal intergovernmental institutions on South African competition authorities. Both papers consider the sources of ideas and influences on these external governance institutions, and the impact of these institutions on national social policies and freedom of national policy choice. The commentators will extend the discussion into other areas of global labour and competition regulation.

Papers:

- Paul Benjamin, UCT: *And the Winner Is: The World Bank and the Evaluation of Labour Laws*
- Dennis Davis, UCT: *Competition Law and Globalization: Uniformity or Convergence, Networking or State Sovereignty?*

Commentators:

- Evance Kalula, UCT
- Halton Cheadle, UCT
- Christopher McCrudden, Oxford

*2.00pm-5.00pm*

**Session V. GAL, Intellectual Property, Global Trade, and National Social and Innovation Policy Interests**

This panel discusses GAL issues in relation to domestic and global regulatory policies for innovation and intellectual property, including specific biotechnology and agricultural issues and genetically modified foods (GMOs), as well as the more general impact of TRIPS on development and social justice.

Papers:

- Kathy Strandburg, DePaul/NYU: *A Global Innovation Policy Agenda ?*
- Julian Kinderlerer, UCT: *Genetics and Genomics in Global Intellectual Property Regimes*
- Rochelle Cooper Dreyfuss, NYU: *Regulating Dynamic Innovation in a Complex Political Economy: Administering Intellectual Property on the International Stage*
- Richard B Stewart, NYU: *GMO Trade Regulation and Developing Countries*
- Jan Glazewski, UCT: *A Rose is a Rose but is an Acacia an Acacia; a Storm in a Buttercup? Global Administrative Law in Action*

Commentators:

- Kevin Davis, NYU
- Rob Howse, NYU

*Evening*

**7:15pm Conference Dinner – Upper Common Room, Smuts Hall**

Speaker: John Sexton, President of NYU.

**Thursday 20 March:**

*9.00am-11.00am*

**Session VI. Accountability of Global Governance Institutions.**

Papers:

- Cathy Powell, UCT: *The Role and Limits of Global Administrative Law in the Security Council's Anti-Terrorism Programme*
- Cathy Sweetser, NYU: *Providing Effective Remedies to Victims of Abuse by Peacekeeping Personnel*
- Sarah Christie, UCT: the World Bank Administrative Tribunal and the making of global administrative law
- Doreen Lustig, NYU: *Notes on a (Forgotten) Scandal; International Law and the Business Enterprise in Early 20<sup>th</sup> Century: The Case of Firestone in Liberia*

Commentator:

Richard Calland, UCT/ Open Democracy Advice Centre (ODAC)

*11.30am-3.00pm*

**Session VII. Privatization of Public Security**

Session VII, which runs from 11.30am-12.30-pm, breaks for lunch 12.30pm-1.30pm, then continues 1.30pm-3pm), focuses on the increasing privatization of external security function and responses by various African countries to demands for regulation of the private security sector. Issues for discussion could include models of regulatory framework for private security sector, the role of industry associations, labor conditions of private security contractors employed within and outside of African region, and participation of various stakeholders (e.g., providers, consumers, affected populations, regulators) in the creation of governance regime.

Chair: Hon. Kader Asmal, former Chair, Portfolio Committee on Defence, South African National Assembly, and former Chair, Financial Action Task Force (FATF)

Papers:

- Sabelo Gumedze, Institute for Security Studies
- Raenette Taljaard, Helen Suzman Foundation
- Michelle Small, Monash University Johannesburg campus: *Globalizing the Regulation of Private Military and Security Industry*

Commentators:

- Julie Berg, UCT
- Angelina Fisher, NYU

*3.15pm-4.00pm:*

**Session VIII. Conclusion: Global Administrative Law and Africa – Evaluation and Next Steps**

This session will draw together ideas and themes from the previous panels, and consider any further steps that should be taken in research, public policy dialogues, and curriculum development on the issues covered.

Hugh Corder, UCT

Richard B Stewart, NYU

*END OF CONFERENCE.*