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PRESENT

LISTENING TO WHAT DEVELOPING COUNTRIES SAY IN DISBELIEF: ROBERT HUDEC'S COMPLEX LEGACY

by

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With a special introduction by Prof. Joel P. Trachtman

Lunch shall be provided

Date/Time: 5th March 2009/12.45 pm to 2.30 pm Venue: The Crowe Room

Kindly RSVP to Jeremy Leong at <u>ieremy.leong@tufts.edu</u>. (Seats are limited)

ABOUT THE EVENT

Developing countries have made fairness-based claims about rule reform since the earliest days of the GATT. Little has changed since. But the claims which developing countries have actually made, and how these claims have contributed to their institutional behavior in the GATT and to the making and application of trade rules have failed to attract the kind of scholarly respectability which debate about ideal theories of global justice and the economics of trade preferences enjoy. These claims which developing trading nations make about justice and rules are an important part of understanding what theories of justice can ultimately bring to improvements in institutional and trade rule design. We cannot treat these claims - about what I call the "conventional morality" of the trading order - as irrelevant or mistaken from the outset. Yet I believe we tend to do so, and not because an ideal theory about global justice must necessarily disregard the notion of sovereignty. The reason we do is instead best captured by the early, ground-breaking work of an iconic member of the Fletcher faculty, the late Robert Hudec, who the New York Times described as having "developed an approach that neither reduced international trade law to economic policy nor made the law into a kind of formal structure impermeable to politics and diplomacy". Hudec was one of

the first scholars, perhaps the best-known scholar to take the sorts of claims developing countries made seriously, without reducing them to a species of economic or legal argument from the outset. But in the end, he too rejected these arguments. Why did he, and has he influenced us deeply in this respect? What was he trying to hear from what developing countries said, and why did he consider in the end that every moral argument about fair trade comes to a screeching halt? We need to revisit Hudec's legacy in order to understand both our receptiveness and our bias today against arguments about right and wrong in trade law and policy.

ABOUT THE SPEAKER

C.L. Lim is Associate Dean (Academic Affairs) & Professor of Law at the University of Hong Kong where he is also a member of the East Asia International Economic Law (EAIEL) Program. Following an academic career in England, he left Queen Mary, London in 1998 to join the United Nations Secretariat in Geneva, and subsequently the Singapore Attorney-General's Chambers as an international lawyer and counsel to Singapore in its FTA negotiations. He was concurrently a member of the faculty at the National University of Singapore.

Professor Lim has acted in an advisory and consultative capacity to governmental agencies, non-governmental organizations and international organizations and conducts regular training for Asian trade policy officials for the WTO and other bodies. He is a member of the Asia WTO Network and a Governing Board member of the Netherlands-based Foundation for the Development of International Law in Asia (DILA). His latest writings appear in the 2008 issues of the *Journal of International Economic Law*, the *Leiden Journal of International Law* and the 2007 issue of the *Chinese Journal of International Law* of which he is also an editor.

He attended Joel Trachtman's and Alan Henrikson's classes at Fletcher as a student at the Harvard Law School.