



2011 Conference on

Private Norms and Public Interests in Transnational Economic Law

Friday 17 June 2011, 9:00 am – 18:00 pm

Transnational law evolves in a field of tension between local and globalised concerns and on the fault line of public and private law, thus blurring traditional distinctions between horizontal and vertical relationships and defying acquired understandings of regulation. As a result, there is a need for reflection on the calibration of public interests in these predominantly private processes and on the reconciliation of the needs both of a globalised economy and local societies. This conference aims to address these issues by way of a series of case studies, both from the view of theory and practice.

Panel 1. Local Public Policies as Limits to Transnational Contracting?

The first panel inquires to what degree private international commercial contracts can create some kind of transnational law and how this idea of an emerging *lex mercatoria* clashes or can be squared with local public policies, in particular where they take the form of mandatory laws.

Moderator: John Beechey (Chairman of the ICC International Court of Arbitration)

Panellists: Hugh Collins (LSE Law Department)
Jan Kleinheisterkamp (LSE Law Department)
Jan Paulsson (LSE Centennial Professor; Freshfields)
Ralf Michaels (Duke University School of Law)

Panel 2. Private law and the public sector's strategies for financial stability

This panel will consider the private law implications of recent public sector strategies designed to promote financial stability in the wake of the crisis. The interaction between public interest and private law is of profound importance in the context of reforms to promote financial stability, but the consequences of that interaction can vary dramatically across different areas of the markets. One central theme is whether this public/ private interaction has been considered in sufficient detail by the architects of public sector reform and how the challenges which it presents might be addressed.

Moderator: Niamh Moloney (LSE Law Department)

Panellists: Jo Braithwaite (LSE Law Department)
Philipp Paech (LSE Law Department)
Joanna Perkins (Director of the Financial Markets Law Committee)
Gilles Stuer (Head of the Financial Law Unit, Belgian Central Bank)

Panel 3. Institutional Structures for Transnational Law?

The third panel focuses on institutions and asks which institutional features or challenges are specific to individual regulatory domains and which at first sight transcend these domains and could therefore be more generic aspects of transnationalisation. These questions will be addressed through case studies on proposals for world courts for environmental and financial law and with an eye on investment law.

Moderator: Mary Footer (University of Nottingham School of Law)

Panellists: Jeffrey Golden (LSE visiting professor)
 Stephen Hockman, QC (Chairman of the ICE Coalition)
 Julia Black (LSE Law Department)
 Veerle Heyvaert (LSE Law Department)

Panel 4. Private Norms and Public Interests in Transnational Law

In light of discussions in the previous session, the last panel offers broader thoughts on the anatomy of transnational commercial law as a creature on the fault line between private ordering and public interest, both from a theoretic and from a practical perspective.

Panellists: Michael Bridge (LSE Law Department)
 Gunther Teubner (University of Frankfurt)
 Jacco Bomhoff (LSE Law Department)

Programme

8:30 am	Coffee
9:15 am	Welcome / Introduction
9:30 am	First Panel
10:45 am	Coffee
11:15 am	Second Panel
12:30 pm	Lunch
2:00 pm	Third Panel
3:15 pm	Coffee
3:45 pm	Fourth Panel
17:00 pm	Drinks reception

Venue

The Wolfson Theatre (NAB.LG01)
 LSE New Academic Building
 54 Lincoln's Inn Fields
 London WC2A 3LJ (for maps see [here](#))

Registration

This event is free but space is limited.
 Please register by email to
Law.TL.Project@lse.ac.uk
 (subject line: "Register 17 June")



A limited number of travel bursaries, of 300 GBP each, are available for PhD-students working in the broad area of transnational law. Applicants should send a 500 word abstract of their research project to J.A.Bomhoff@lse.ac.uk by 30 May 2011. We aim to notify awards by 4 June.

Featured publications

Panel 1

Hugh Collins, 'Flipping Wreck: *Lex Mercatoria* on the Shoals of *Ius Cogens*' (forthcoming) (see [here](#))

Jan Kleinheisterkamp, 'The Impact of Internationally Mandatory Laws on the Enforceability of Arbitration Agreements' (2009) 3 *World Arbitration and Mediation Review* 91-120 (see [here](#))

Jan Kleinheisterkamp, 'Art. 1.4 (Mandatory Rules)' and 'Art. 1.5 (Exclusion or modification by the Parties)', in: Vogenauer / Kleinheisterkamp, *Commentary on the UNIDROIT Principles of International Commercial Contracts* (OUP 2009) (see [here](#))

Panel 2

Jo Braithwaite, 'The inherent limits of "legal devices": Lessons for the public sector's central counterparty prescription for the OTC derivatives markets', (2011) 12:1 *European Business Organization Law Review* 87-119 (see [here](#))

Philipp Paech, 'The need for an international instrument on the enforceability of close-out netting in general and in the context of bank resolution', UNIDROIT 2011 Study 78C – Doc. 2 (see [here](#))

Panel 3

Jeffrey Golden, 'The Courts, the Financial Crisis and Systemic Risk', (2009) 4:Suppl 1 *Capital Markets Law Journal* S141-S149 (see [here](#))

Julia Black, 'Restructuring Global and EU Financial Regulation: Capacities, Coordination and Learning', LSE Law, Society and Economy Working Paper Series, WPS 18-2010 (see [here](#))

Stephen Hockman, 'An International Court for the Environment', (2009) 11 *Environmental Law Review* 1-4 (see [here](#))

Veerle Heyvaert, 'Globalizing Regulation: Reaching Beyond the Borders of Chemical Safety', (2009) 36:1 *Journal of Law and Society* 110-128 (see [here](#))

Veerle Heyvaert, 'Levelling Down, Levelling Up, and Governing Across: Three Responses to Hybridization in International Law' (2009) 20:3 *European Journal of International Law* 647-674 (see [here](#))

Panel 4

Gunther Teubner, 'A Constitutional Moment - The Logics of "Hit the Bottom"', in: P. Kjaer & G. Teubner, *The Financial Crisis in Constitutional Perspective: The Dark Side of Functional Differentiation* (Hart 2011) (click [here](#))

Jacco Bomhoff (with Anne Meuwese), 'The Meta-Regulation of Transnational Private Regulation', (2010) 38:1 *Journal of Law and Society* 138 (see [here](#))

If you do not have access to the databases linked to, please email to Law.TL.Project@lse.ac.uk.

For more information on the events of the Transnational Law Project see:

<http://www.lse.ac.uk/collections/law/projects/tlp/events.htm>

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