

INTERNATIONAL CENTRE FOR TRADE AND SUSTAINABLE DEVELOPMENT

INTERNATIONAL TRADE LAW

Strengthening developing country capacity to understand and navigate dispute settlement systems

LIVESTREAM: Talking Disputes | *The Guatemala – US Labour Enforcement Dispute under CAFTA-DR*

AN ICTSD/WTI ADVISORS EVENT – 19 SEPTEMBER 2017



Dear colleague,

The International Centre for Trade and Sustainable Development (ICTSD) and WTI Advisors jointly invite you to watch live online a panel discussion in Geneva on 19 September 2017.

The event

This special edition of Talking Disputes series discusses the recent arbitral panel report in the dispute *In the Matter of Guatemala – Issues Relating to the Obligations Under Article 16.2.1(a) of the CAFTA-DR*, which was initiated by the United States in 2010. The Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR) also includes Costa Rica, El Salvador, Honduras, and Nicaragua as its parties.

The dispute centres on the alleged failure of Guatemala to enforce its domestic laws dealing with the protection of the right of association, protection of the right to organize and bargain collectively, and acceptable conditions of work. The United States argued that those failures constituted “a sustained or recurring course of action or inaction” by Guatemala and that they were “in a manner affecting trade”, in violation of the Labour Chapter of the CAFTA-DR.

The US claims were not sustained by the panel. In particular, the panel found that majority of Guatemala’s alleged failure to enforce domestic labour legislation was not done “in a manner affecting trade.”

Following a presentation on the key findings of the panel, the experts will engage in an exchange of views on the legal and policy implications of the findings, and will also discuss substantive and procedural aspects of international trade and investment law, international labour standard and FTA negotiations in the context of the dispute.

Practical info

Webcast: This event will be streamed live [online](#) on the event page. Online viewers may send questions through the comment function on [the ICTSD event page](#) or through Twitter using the hash tag [#TalkingDisputes](#).

[@ICTSDTradeLaw](#), [@WTIAdvisors](#). Selected questions will be read and addressed by the speakers during Q&A session.

We look forward to your participation online during the event.

Agenda (Geneva time)

17:15 – 18:15 Panel Discussion

Moderator:

Robert MCDOUGALL, *International Centre for Trade and Sustainable Development*

Presentation of the report of the CAFTA-DR arbitral panel:

Colette VAN DER VEN, *Sidley Austin*

Discussants:

Joost PAUWELYN, *Graduate Institute of International and Development Studies, Geneva*

Pablo LAZO-GRANDI, *Permanent Mission of Chile to the United Nations Office and other international organisations in Geneva*

Doug PALMER, *Politico*

18:15 – 19:30 Open Discussion

Background

Talking Disputes (TD) is designed to allow for the discussion of specific WTO disputes by experts and interested professionals from relevant fields. The event on 19 September is a special edition of Talking Disputes series, focusing on an FTA dispute. One or two experts present key aspects of the case, setting the stage for a targeted discussion, and designated discussants provide substantive comments.

TD events are also usually streamed live online on the ICTSD web page (www.ictsd.org). Online viewers may send questions through the comment function [on ICTSD event page](#), or through Twitter using the hash tag [#TalkingDisputes](#), or [@ICTSDTradeLaw](#), [@WTIAdvisors](#). Selected questions are read and addressed by the speakers during the Q & A session.

[The views and opinions expressed in the event are those of the experts and do not necessarily reflect those of ICTSD and WTIA.]

ICTSD International Trade Law research, events, and news

Research and publications

July 2017

[Sustainability Provisions in Regional Trade Agreements: Can they be Multilateralised?](#)

Peter Draper, Nkululeko Khumalo, Faith Tigere

July 2017

[Evaluating the Implementation Obligations of the Trade Facilitation Agreement in the Context of Existing Multilateral Trade Rules](#)

Robert McDougall

May 2016

[The WTO Appellate Body at 30: Exploring the Limits of WTO Dispute Settlement in the Next Decade](#)

Alan Wolff

October 2015

[Inter-Relationships between the Investment Law and Other International Legal Regimes](#)

William Burke-White

November 2009

[Trade Agreements and their Relation to Labour Standards](#)

Pablo Lazo-Grandi

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News and analysis

6 July 2017

[Trade Dispute Panel Issues Ruling in US-Guatemala Labour Law Case](#)

Bridges

12 February 2015

[US, Guatemala Square Off as FTA Labour Dispute Advances](#)

Bridges

25 September 2014

[US Moves Forward with Labour Case under Guatemala Trade Deal](#)

Bridges

4 August 2010

[Targeting Guatemala, US Launches First-Ever Labour Rights Dispute Under an FTA](#)

Bridges

6 May 2008

[Sindicatos guatemaltecos inician primera demanda laboral bajo el CAFTA-DR](#)

Puentes

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W T I
advisors

International Centre for Trade and Sustainable Development

International Environment House 2
Chemin de Balexert 7-9
1219 Châtelaine
Geneva
Switzerland

Phone: +41 22 917 84 92
Fax: +41 22 917 80 93
Email: info@ictsd.ch