

Julia Ya Qin

Wayne State University Law School

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SSRN: <http://papers.ssrn.com/author=625173>

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| Education | Harvard Law School, S.J.D. (1990) Harvard Law School, LL.M. (1985) Peking University, LL.B. (1983) |
| Academic Positions | Wayne State University Law School, Professor (2010-Present); Associate Professor (with tenure) (2006-2010); Assistant Professor (2000-2006) Tsinghua University School of Law, Professor (2014-2016) (joint appointment) Peking University International Law Institute, Research Associate (2016-Present) University of Michigan Law School, Visiting Professor (Fall 2013) Seoul National University, Graduate School of International Studies, South Korea, Visiting Professor (2011-2012) Tsinghua University School of Law, Visiting Professor (Spring 2008) Washington University at St. Louis, School of Law, Visiting Professor (Spring 2007) New York University School of Law, Adjunct Assistant Professor (co-taught with Jerome Cohen, "International Law: East and West") (Spring 1994) |
| Academic Awards | Toyota Fellowship, Seoul National University, Graduate School of International Studies, 2012 Donald H. Gordon Award for Teaching Excellence, Wayne State University Law School, 2009 Harvard-Yenching Fellowship, 1988-1990 Ford Foundation Scholarship, 1996 Fulbright Scholarship, 1984-1985 |
| Areas of Research | WTO law and jurisprudence Legal issues arising from China's participation in the global economic system |
| Courses Taught | International Trade Law International Business Transactions International Finance: Transactions, Policy and Regulation |

Advanced Study in WTO Law
International Economic Law Research
China Business Law
Legal Dimensions of Foreign Direct Investment in China
Legal Issues in US-China Economic Relations

**Other
Academic
Experience**

The General Agreement on Tariffs and Trade (GATT), Geneva, Switzerland,
Legal Office, Visiting Researcher (1988-1989)
The Hague Academy of International Law, Private International Law Program,
Certificate (1988)
Graduate Institute of International Studies, Geneva, Switzerland, Visiting
Scholar (Fall 1988)

**Judicial
Clerkship**

Law Clerk to the late Chief Judge D. DiCarlo of the United States Court of
International Trade and Visiting Judge at the Federal District Court in the
Southern District of New York (1992-1994)

**Bar
Admission**

State of New York (1991)
United States Court of International Trade (1993)

**Legal
Practice**

Cleary Gottlieb Steen & Hamilton (Hong Kong; New York), Associate (1994-
2000). Main areas of practice: cross-border business transactions, including
securities, mergers & acquisitions, structured finance, joint ventures and other
forms of foreign direct investment.
Hughes Hubbard & Reed (New York), Associate (1990-1992). Areas of
practice: corporate, mergers & acquisition, securities and banking

**Professional
Associations**

Society of International Economic Law, the Executive Council (2010-2013)
American Society of International Law: International Economic Law Section
American Society of Comparative Law: Editor on Behalf of Wayne State
University Law School
Chinese Society of International Law
American Bar Association: International Law Section

**Journal
Editor**

Chinese Journal of International Law: Board of Consulting Editors
Chinese Journal of Comparative Law: Editorial Board (2013-2017)

Publications & Writings

*WTO Reform: Multilateral Control over Unilateral Retaliation – Lessons from the US-
China Trade War*, Trade, Law & Development (forthcoming 2020)

Forced Technology Transfer and the US-China Trade War: Implications for International Economic Law, Special Issue, 22 J. Int'l Econ. L. 743-762 (2019)

Market Benchmarks and Government Monopoly: The Case of Land and Natural Resources under Global Subsidies Regulation, 40 U. Pa. J. Int'l L. 575-642 (2019)

China GOES (Article 21.5): Time to Clarify the Standard for Price Suppression and Price Depression in AD/CVD Investigations, 16:2 World Trade Rev. 203-226 (2017) (co-authored with Hylke Vandenbussche)

Mind the Gap: Navigating Between the WTO Agreement and Its Accession Protocols, in Elsig, Hoekman & Pauwelyn (eds.), *Assessing the World Trade Organization: Fit for Purpose?* (Cambridge University Press, 2017)

Accommodating Divergent Policy Objectives under WTO Law: Reflections on EC—Seal Products, Am. J. Int'l L. (Unbound) (2015)

The Conundrum of WTO Accession Protocols: In Search of Legality and Legitimacy, 55:2 Virginia J. Int'l L. 369-450 (2015)

Judicial Authority in WTO Law: A Commentary on the Appellate Body's Decision in China-Rare Earths, Chinese J. Int'l L. (December 2014)

Reforming WTO Discipline on Export Duties: Sovereignty Over Natural Resources, Economic Development and Environmental Protection, 5(2) Tsinghua Faxue [Tsinghua Law Review] (2013) (in Chinese)

Reforming WTO Discipline on Export Duties: Sovereignty Over Natural Resources, Economic Development and Environmental Protection, 46(5) J. World Trade 1147 (2012)

Book Review: *Eclipse: Living in the Shadow of China's Economic Dominance*, by Arvind Subramanian, 11(4) World Trade Rev. 660 (2012)

The Predicament of China's "WTO-Plus" Obligation to Eliminate Export Duties: A Commentary on the China-Raw Materials Case, 11(2) Chinese J. Int'l L. 237 (2012)

The China-Raw Materials Case and Its Impact (or Lack thereof) on U.S. Downstream Industries, Proceedings of the 106th Annual Meeting of the American Society of International Law (2012)

Pushing the Limits of Global Governance: Trading Rights, Censorship and WTO Jurisprudence – A Commentary on the China-Publications Case, 10(2) Chinese J. Int'l L. 271-322 (2011)

Managing Conflicts Between WTO and RTA Rulings: Reflections on the Brazil-Tyres Case, in Pieter Bekker, Rudolf Dolzer & Michael Waibel (eds.), *Making Transnational Law*

Work in the Global Economy: Essays in Honor of Detlev Vagts (Cambridge U. Press, 2010), 601-629

The Challenge of Interpreting “WTO-Plus” Provisions, 44(1) J. World Trade 127-172 (2010)

WTO Regulation of Subsidies to State-Owned Enterprises (SOEs): A Critical Appraisal of the China Accession Protocol, Chinese Int’l Econ. L. Rev. (Chinese Academy of Social Sciences), Vol. 3 (2009) (in Chinese)

The Mercosur Exemption Reversed – Conflict between WTO and Mercosur Rulings and Its Implications for Environmental Values, Update to WTO Panel Decision in Brazil – Tyres Supports Safeguarding Environmental Values, ASIL Insights (American Society of International Law) (January 23, 2009)

The Impact of WTO Accession on China’s Legal System, 2(2) Sungkyunkwan J. Science & Tech. Law 253 (Fall 2008) [symposium article]
- reprint in R. Satyanarayana (ed.), World Trade Organization: Law and Economics (The Icfai U. Press, 2010), chap. 5

China, India, and the Law of the World Trade Organization, 3(1) Asian J. Comp. L. 215 (April 2008)
- reprint in M. Sornarajah & J. Wang (eds.), China, India and International Economic Law (Cambridge U. Press, 2010)

WTO Panel Decision in Brazil – Tyres Supports Safeguarding Environmental Values, ASIL Insights (American Society of International Law), Vol. 11, Issue 23 (September 5, 2007)

Trade, Investment and Beyond: The Impact of WTO Accession on the Chinese Legal System, 191 The China Quarterly 720 (Special Issue, September 2007)
- reprint in Donald Clarke (ed.), China’s Legal System: New Developments, New Challenges (Cambridge U. Press, 2008)
- reprint in Perry Keller (ed.), Law and the Market Economy in China (Ashgate, 2011)

“WTO-Plus” Obligations and Their Implications for the WTO Legal System: An Appraisal of the China Accession Protocol, Chinese Int’l Econ. L. Rev. (Chinese Academy of Social Sciences), Vol. 1 (2006) (in Chinese)

Tariffs: One Way to Stop Trash, Detroit Free Press, January 3, 2006, p. 11A (co-author)

Defining Nondiscrimination under the Law of the World Trade Organization, 23(2) Boston U. Int’l L. J. 215 (Fall 2005)

WTO Regulation of Subsidies to State-Owned Enterprises (SOEs): A Critical Appraisal of the China Accession Protocol, 7(4) J. Int’l Econ. L. 863 (2004) (Oxford U. Press)

[cited by Justice Alito of the U.S. Supreme Court, dissent opinion in *United Haulers Assn., Inc. v. Oneida-Herkimer Solid Waste Mgmt. Auth.*, 550 U.S. 330 (2007)]

WTO Subsidy Disciplines and China's Industrial Policy: Reflections on the First WTO Case Against China, J. Int'l Econ. L. (Peking U. Press), Vol. 10, 2004 (in Chinese)

Book Review: *China and the World Trade Organization: A Legal Perspective*, by Kong Qingjiang, J. Asian Studies, Vol. 63, February 2004

"WTO-Plus" Obligations and Their Implications for the WTO Legal System: An Appraisal of the China Accession Protocol, 37(3) J. World Trade 483 (2003)

The China Legal Dictionary: International Law Volume, 1994 (responsible for entries on law of treaties and international organizations) (in Chinese)

China and GATT: Accession Instead of Resumption, 27(2) J. World Trade 77 (1993)

Developing Countries and the General Agreement on Tariffs and Trade, in Peace, Justice and Law: Festschrift in Honor of Professor Wang Tieya, 1993 (in Chinese)

GATT Membership for Taiwan: An Analysis in International Law, 24(3) NYU J. Int'l L. & Pol. 1059 (Spring 1992) [lead symposium article]

Centrally-Planned Economies and GATT, in Chinese Yearbook of International Law (1991) (in Chinese)

China and GATT: Toward a Meaningful Participation? (1990) (Harvard Law School S.J.D. dissertation, available at Harvard Law School library)

Country Handbook on China (PRC): Contract Laws and Practices, The International Contract Manual, (overviewed by James R. Silkenat) (Kluwer, 1989)

Legal Effect of the United Nations General Assembly Resolutions, in Chinese Yearbook of International Law (1984) (in Chinese)

Presentations & Lectures

WTO Crises and the China Challenge, Presentation at KITA International Conference, held at Korea International Trade Association (KITA) in Seoul, South Korea, December 2, 2019

The China Challenge to the World Trading System, Presentation at the University of Michigan China Law Conference, held at University of Michigan Law School, Ann Arbor, MI, October 11, 2019

Forced Technology Transfer and the US-China Trade War: Implications for International

Economic Law, Presentation at the G2 Annual Conference on WTO and International Economic Regulation, held at the World Trade Organization, Geneva, Switzerland, June 8, 2019

Current Challenges to Multilateralism: The US-China Conflict, Presentation at the 2019 BIICL WTO Conference, held at the British Institute of International and Comparative Law (BIICL), London, UK, May 31, 2019

Aggressive Unilateralism and WTO Rule of Law, Presentation at Gilvary Symposium/International Law Weekend Midwest: *Things Fall Apart or Creative Destruction? The Future of the Rule of Law in International Governance*, held at University of Dayton School of Law, March 16, 2019

Forced Technology Transfer and US-China Trade War, Presentation at the Sixth Annual China Law Conference, University of Toronto Faculty of Law, February 2, 2019

Cross-Border Data Flows: Legal Challenges to the Multilateral Trading System, Invited Presentation at 2018 IFANS Conference on Global Affairs: Challenges, Issues and Responses in the Era of the Fourth Industrial Revolution, held at the KNDA Conference Hall, Seoul, South Korea, December 12, 2018

US Trade Wars: The End of an Era for International Trade Law? PILS Lecture at Wayne State University Law School, October 3, 2018

US-China Trade Conflict: Forced Technology Transfer and WTO Law, Presentation at the Joint North American Conference on International Economic Law: Managing International Economic (Dis)Integration: Challenges and Opportunities, held at McGill University, Canada, September 22, 2018

Market Benchmarks and Government Monopoly: The Case of Natural Resources under Global Subsidies Regulation, Presentation at 2nd Dundee Energy Forum: Evolving Global Energy and Resources Landscape: Law, Policy and Economics, held at the Center for Energy, Petroleum and Mineral Law and Policy, University of Dundee, June 26, 2018

China IP and Section 301 Actions, Invited Presentation at the 2018 Symposium of the George Washington Journal of International Law, A Legal Revolution: Evolving Jurisprudence in Present Day China, held at the GW University Law School, April 13, 2018

Hot Issues in China-US Trade Relations, Talk at the Southwest University of Politics and Law, Chongqing, China, April 2, 2018

Subsidies and Countervailing Measures, Lecture at the APEC Capacity Building Workshop on Trade Remedies, sponsored by Asian-Pacific Economic Cooperation and the Ministry of Foreign Affairs of the Republic of Korea, Seoul, South Korea, June 22, 2017

China's "Nonmarket Economy Status" and Treaty Interpretation, Special Lecture at the International Law Institute, Peking University, Beijing, May 11, 2017

Significance of the Multilateral Trade System for Korea-China Relations: The Case of THAAD Retaliation, Presentation at the Seminar on Celebration of the 50th Anniversary of Korea's Entry Into the GATT, Korea University School of Law, April 13, 2017

Chinese SOEs in the Realm of WTO Subsidy Law, Lecture at Columbia University Law School, Trade Law Seminar, October 31, 2016

When is the Price Right? – Government Ownership of Natural Resources and Market Benchmarks in WTO Subsidy Law, American Society of International Law, International Economic Law Interest Group, Biennial Conference, Washington, D.C., October 1, 2016

China GOES (Article 21.5): Time to Clarify the Standard for Price Suppression and Price Depression in AD/CVD Investigations, European University Institute, Florence, Italy, June 16, 2016

Mind the Gap: Navigating between the WTO Agreement and its Accession Protocols, WTO@20 Symposium, Harvard Law School, April 27, 2016

Mind the Gap: Defining the Relationship between WTO Agreement and its Accession Protocols, World Trade Forum, Bern, Switzerland, Sept. 25-26, 2015

The China Challenge to WTO Law, the WTO at 20 International Conference, Beijing, China, July 3-4, 2015

Legal Nature of WTO Accession Protocols, the 15th WTO Annual Conference, co-sponsored by the British Institute of International and Comparative Law and Georgetown Law Center, London, UK, May 6-7, 2015

State Ownership and Market Benchmarks: WTO Subsidy Jurisprudence and Its Implications for Developmental Policy Space, American Society of International Law International Economic Law Interest Group, University of Denver Sturm College of Law, Denver, Colorado, November 13-15, 2014.

A Commentary on the Appellate Body's Report in China-Rare Earths, Talking Disputes No. 10: *The China-Rare Earths Disputes*, co-sponsored by International Center for Trade and Sustainable Development and WTI Advisors, the World Trade Organization, Geneva, Switzerland, October 8, 2014

The Legal Conundrum of WTO Accession: Towards a Better Understanding and Possible Solutions, Presentation at the Conference of "Accession Protocols and WTO Law: A Reexamination of Foundational Issues", Tsinghua University School of Law, Beijing, China, June 25, 2013

China and International Rule of Law: A Decade of WTO Membership, A Keynote Speech delivered at the 7th Annual Conference of the European China Law Studies Association (ECLSA), held at the University of Helsinki, Helsinki, Finland, on September 24, 2012

Reforming WTO Discipline on Export Duties: Reflections on China-Raw Materials and China-Rare Earths, Presentation at the Korea Institute for International Economic Policy (KIEP), Seoul, South Korea, on July 19, 2012

The Challenge of China's State Capitalism to the WTO System, Presentation at the 3rd Biennial Conference of the Society of International Economic Law, held at the National University of Singapore, Singapore, on July 14, 2012

The Predicament of China's "WTO-Plus" Obligation to Eliminate Export Duties, Presentation at the Conference on Korea and China in the World Trading System, held at the Graduate School of International Studies, Seoul National University, South Korea, on June 16, 2012

Export of Strategic Natural Resources: Reflections on the China-Raw Materials Case, Special Lectures at Tsinghua University Law School on May 25, 2012; at Zhejiang University Law School on May 30, 2012, and at Shanghai Jiaotong University Law School on June 1, 2012

China and WTO Jurisprudence: GATT Article XX and China's Accession Protocol, Presentation at the 12th Annual WTO Conference, held at the School of Oriental and African Studies, University of London, London, UK, on May 16-17, 2012

The China-Raw Materials Case and Its Impact (or Lack thereof) on U.S. Downstream Industries, Presentation at the 106th Annual Meeting of the American Society of International Law, March 30, 2012

China's State Capitalism and the WTO, Lecture at the seminar on WTO Law, Columbia Law School, November 11, 2011

China in WTO Dispute Settlement, Presentation at the Conference on China's Economic and Trade Relations, held at Columbia University, School of International and Public Affairs, November 10, 2011

China and the WTO: Reflections on the Tenth Anniversary of Membership, Distinguished lecture at Seoul National University, Graduate School of International Studies, South Korea, October 24, 2011

WTO Export Duty Regime, Sovereignty over Natural Resources, and Sustainable Development: The Case of China and Beyond, Presentation at the Eleventh Annual WTO Conference, held at the British Institute of International and Comparative Law, London, UK, May 25, 2011

China and International Economic Law: The WTO Experience, Presentation at the China and International Law Symposium, held at University of Chicago Law School, on April 6, 2011

Clean Trade in Natural Resources: A Legal Perspective, Discussant at the Symposium on Clean Trade in Natural Resources, held at University of Michigan, Department of Philosophy and the Center for Ethics in Public Life, on March 11, 2011.

China and the WTO: Continuing Systemic Challenges, Presentation at the US-China Economic Law Conference, held at Wayne State University Law School, on February 11, 2011.

Pushing the Limits of Global Governance: Trading Rights, Censorship, and WTO Jurisprudence, Presentation at the biennial conference of the International Economic Law Interest Group, American Society of International Law, held at University of Minnesota Law School, on November 20, 2010.

Perspective on China and International Economic Law, Panel chair/discussant at the Biennial Conference of the Society of International Economic Law, held at University of Barcelona, Spain, July 10, 2010.

Current Trends in U.S. Legal Education, Speech at Shanghai Jiaotong University Law School, China, June 4, 2010.

China and International Law: Accepting International Adjudication, Presentation at the Conference of Half a Century of Asia Law: A Celebration of Professor Jerome Cohen, held at George Washington University Law School, Washington, D.C., February 19, 2010

Managing Conflicts Arising from WTO and RTA Rulings: Reflection on the Brazil-Tyres Case, Presentation at the Inaugural Conference of the Asian International Economic Law Network, held in University of Tokyo, Tokyo, Japan, August 3, 2009

The Challenge of Interpreting "WTO-Plus" Obligations, Presentation at the Inaugural Conference of the Society of International Economic Law, held in Geneva, Switzerland, July 15-17, 2008

Conflicts Between WTO and FTA Tribunal Decisions, Presentation at the Annual Meeting of the Chinese Society of International Law, held in Beijing, China, May 29-30, 2008

The Impact of WTO Membership on China's Legal System, Presentation at the Symposium on Recent Development in the World Trade Organization, held at Sungkyunkwan University Law School, Seoul, South Korea, May 16, 2008

The Chinese Economic Revolution: A Historical Perspective, Lecture at University of Pennsylvania, for the East Asian Economic History Seminar, March 13, 2007

Trade, Investment and Beyond: Legal Effect of China's WTO Accession, Presentation at the Conference on "Developments in Chinese Law: Past Ten Years", held at All Souls College, Oxford University, U.K., September 15-16, 2006

China, India, and WTO Law, Presentation at the Symposium on "China, India and International Economic Order", sponsored by the National University of Singapore, Singapore, June 23-24, 2006

Legacy of the Cultural Revolution: Implications for the Reform Era, Lecture at the Lauder Program of the Wharton School, University of Pennsylvania, May 11, 2006.

China and the WTO: What is it all about? Lecture at University of Michigan Law School, for the seminar "China and Globalization," March 10, 2006

Canadian Trash in Michigan: Legal Aspects of the Problem, Presentation at the Workshop on Canadian Trash in Michigan, organized by the Canadian Studies Center of Michigan State University, March 6, 2006.

Financial Services Regulation: New Challenges in International Finance (Panel Chair), Conference on Business Law at the Border, University of Windsor, Canada, June 4, 2005

Legacy of the "Cultural Revolution", Lecture at the Lauder Program of the Wharton School, University of Pennsylvania, May 27, 2005

China and the WTO: Implications of the Accession Protocol, Lecture at University of Michigan Law School, for the seminar "China and Globalization", March 11, 2005

WTO Subsidy Disciplines and China's Industrial Policy, Presentation at the Xiamen Conference on "After Cancun: New Directions for the WTO and China's Strategic Responses", Xiamen, China, May 29-30, 2004.

The First WTO Case Against China: Semiconductor VAT – National Treatment and Beyond, Lecture at Tsinghua University School of Law, Beijing, China, May 13, 2004.

Reflections on Certain Legal Problems in China's Accession to the WTO, Presentation at the Annual Meeting of the Chinese Society of International Law, Beijing, China, April 27-29, 2004.

WTO Regulation of SOE Subsidies, Presentation at the Shanghai Conference on "China in the WTO: Achievements and Future Challenges", Shanghai, China, April 21-22, 2004.

The WTO and Labor Issues: Reflections on Potential U.S. Trade Sanctions Against China, Lecture at the Global Agenda Workshop lecture series, the Graduate School of International Studies of Ewha Woman's University, Seoul, Korea, April 9, 2004.

A Fundamental Shift in China's Perspective in International Law? – Reflections on the

Terms of China's Accession to the WTO, Presentation at a private conference on East Asian Law sponsored by the East Asian Legal Studies of Harvard Law School, Cambridge, Mass., May 16-18, 2003.

Preventive Care in Doing Business in China, International Commercial Dispute Resolutions, the World Trade Week, Detroit, May 2003.

Peer-Reviewer/Referee of Books and Articles

Harvard Law Review
Cambridge University Press
Oxford University Press
MIT Press
Routledge
International & Comparative Law Quarterly
World Trade Review
Journal of World Investment and Trade
Melbourne Journal of International Law
Manchester Journal of International Economic Law
Chinese Journal of International Law
Chinese Journal of Comparative Law
Journal of International Economic Law

Global Moot Court

ELSA Moot Court Competition on WTO Law, Asia-Pacific Regional Rounds:
Panelist (2013-2017)

Wayne State University Law School Committees

Academic Affairs and Curriculum Committee (Chair 2019 Fall, 2018-2019, 2012-2013, 2006-2007; 2016, 2014)
Admission Committee (2004-2006)
Appointments Committee (2013, 2008-2010)
Business and Entrepreneurship Committee (2017)
Career Services Advisory Committee (2015, 2001-2003)
Clerkships Committee (2000-2003)
Graduate Studies Committee (Chair 2013-14; 2017, 2016, 2010-2011, 2008-2009, 2001-2005)
International Programs Committee (Chair 2009-2011, 2019 Fall, 2015, 2013, 2008-2011, 2003)
Library Committee (2016, 2014)
Readmissions Committee (2019 Fall, 2018-2019)
Scholarship Committee (Chair 2017)
Student Discipline Committee (2013-2014, 2000-2003)

External Dissertation Committees

Wayne State University Department of Political Science:
Member of Dissertation Committee for Yachun Zhang (pending)

American University Washington College of Law:
Member of Dissertation Committee for Christy Tang (S.J.D. 2013)

Wayne State University Department of Economics:
Member of Dissertation Committee for Jing Zhou (Ph.D. 2004)

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