

THE AMERICAN BRANCH
of the
INTERNATIONAL LAW ASSOCIATION
presents:

International Law Weekend 2004

Worlds in Collision? International Law and National Realities



October 14–16, 2004

Held at the House of the Association
of the Bar of the City of New York

42 West 44th Street, New York City

*All panels are open to students and all members of
the ILA and co-sponsoring organizations without
charge. For others there is a \$50 fee at the door.*

* Meals require advanced payment and registration
(see last page of brochure).

INTERNATIONAL LAW WEEKEND 2004

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And Lorraine Brennan – Co-Chairs

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INTERNATIONAL LAW ASSOCIATION
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INTERNATIONAL LAW WEEKEND 2004

The sponsors of International Law Weekend 2004 invite you to participate in an exciting program for practitioners, academics, students, government officials, NGO members, and U.N. diplomats that explores the potential conflicts between international law norms and rules and countervailing domestic pressures, both public and private.

The three-day conference will be held from October 14-16, 2004, at the House of the Association of the Bar of the City of New York, 42 West 44th Street, New York, NY. Please note, however, that the reception on Friday will be held at the Permanent Mission of Switzerland to the United Nations, 633 Third Avenue, 29th Floor, New York, NY 10017.

- **Due to the generosity of its sponsors, the Weekend is free for all students, all members of the co-sponsoring organizations, and members of the ABCNY. For others there is a fee of \$50.**
- The Thursday evening reception at the House of the Association of the Bar of the City of New York is free of charge.
- The Friday luncheon seminars are \$18 for those who order a box lunch. Without lunch, admission is free.
- The Friday reception at the Permanent Mission of Switzerland is free of charge, thanks to the generosity of the Swiss Mission. **Space is limited. For security and logistical reasons, please sign up for the reception in advance on Thursday at the ILW registration table.**
- The Saturday luncheon cost is \$35 (students: \$30).

Registration for meals must be received by Friday, October 8, 2004. (See registration form printed in the back of this brochure). Refunds will not be made on registrations canceled after October 8.

There is no official hotel for the Conference; for your reference the nearest hotels are: Algonquin: (212) 840-6800, City Club: (212) 921-5500; Sofitel: (800) 559-6859; Iroquois: (212) 840-3080; Paramount: (212) 764-5500; Royalton: (212) 869-4400; Mansfield: (212) 944-6050; Comfort Inn Midtown: (212) 221-2600; and Comfort Inn, West 36th Street: (212)-714-6699. Reservations should be made early, since this is traditionally a very busy weekend.

THURSDAY, OCTOBER 14, 2004

6:30 pm – 7:00 pm

OPENING EVENING RECEPTION

House of the Association of the Bar of the City of New York

7:00 pm – 9:00 p.m.

**OPENING SESSION:
USING INTERNATIONAL LAW TO INTERPRET THE CONSTITUTION**

In the past two years, the Supreme Court has shown an increased willingness to refer to the decisions of foreign and international courts as persuasive authority in protecting constitutional liberties. Justices are strongly divided on the issues, with several arguing that international law is "emphatically relevant" to resolving constitutional disputes, others contending that the Supreme Court should not consider "foreign fads and fashions" in resolving constitutional questions. This panel will address the growing debate over the propriety of using foreign sources to interpret the Constitution.

Moderator:

Professor Michel Rosenfeld, Benjamin N. Cardozo School of Law, Yeshiva University.

Panelists:

Professor Lori Fisler Damrosch, Columbia University School of Law

Professor Mark V. Tushnet, Georgetown University Law School

Professor Roger P. Alford, Pepperdine University School of Law

Professor Michael D. Ramsey, University of San Diego School of Law

FRIDAY, OCTOBER 15, 2004

8:00 am – 9:00 am

Complimentary Coffee

9:00 am – 10:30 am

Enforcing Foreign Arbitral Awards: New Obstacles

Enforcing foreign arbitral awards is straightforward, right? Not always. This panel will comment on recent court decisions imposing various requirements (e.g., a jurisdictional nexus between the losing party and the place where enforcement is sought; a forum non conveniens type analysis) before the award can be enforced.

Moderator:

Lawrence W. Newman, Esq., Baker & McKenzie LLP

Panelists:

Professor Linda B. Silberman, New York University School of Law

Louis Epstein, Esq., Vice-President and Deputy General Counsel,
Transammonia

Franklin B. Velie, Esq., Sullivan & Worchester

Bilateral Investment Treaties: Arbitrating Investor-State Disputes

This panel will provide a brief overview of investor-state arbitrations, one of the most important developments in international arbitration today. The panel will address key issues in this growing trend, such as recent developments regarding standing to bring a claim, the differing interpretations of the umbrella clause in ICSID cases; the scope of substantive protection afforded to investors; the possibility of enforcing WTO obligations through investor-state arbitrations; and the salient legal issues and implications of the BIT-derived wave of arbitral claims brought against Argentina by foreign investors.

Moderator:

Nancy M. Thevenin, International Chamber of Commerce International
Court of Arbitration

Panelists:

Charles Owen Verrill, Jr., Esq., Wiley, Rein & Fielding

Oscar M. Garibaldi, Esq., Covington & Burling

Paolo Di Rosa, Esq., White & Case

Robert Wisner, Esq., Appleton & Associates

FRIDAY, OCTOBER 15, 2004

9:00 am – 10:30 am

**International Issues in National Courts: Recent Developments in
Private Litigation**

This panel will cover selected issues arising in private litigation but affecting both sovereign and private relationships, including sovereign immunity, parallel litigation, and enforcement of foreign judgments. Speakers will discuss recent decisions of the U.S. Supreme Court, the European Court of Justice, and the Canadian Supreme Court.

Moderator:

Professor Ronald A. Brand, University of Pittsburgh School of Law

Panelists:

Charles S. Baldwin, IV, Esq., Rountree Losee & Baldwin LLP

Professor Samuel P. Baumgartner, University of Akron School of Law

H. Scott Fairley, Esq., Theall & Associates

**Globalization of the Rule of Law: Training, Education and
Mentoring**

Four lawyers, all in active practice, discuss their experiences in Uganda, South Africa, Rwanda, Iraq, Egypt and USA in teaching, mentoring and transnational judicial and legal training – all part of a growing global approach to legal and judicial reform and rule of law covering such topics as intellectual property, gender issues, constitutional law, human rights, ethics, practice and procedure.

Moderator:

Houston Putnam Lowry, Esq., Brown & Welsh, P.C.

Panelists:

Kevin J. Curseaden, Esq., Stevens, Carroll & Carveth

Elizabeth Barad, Esq., Former Chair of the Rwanda Task Force and member of the Committee on African Affairs of the Association of the Bar of the City of New York

Dr. Yassin El-Ayouty, Esq., Founder and Executive Director, Sunglow: Global Training in The Rule of Law

Professor Amii Omara-Otunnu, Executive Director, Institute of Comparative Human Rights, University of Connecticut School of Law

The panel is sponsored by Lawyers Without Borders™, Inc. and Pepe & Hazard, LLP, Hartford, Connecticut

FRIDAY, OCTOBER 15, 2004

9:00 am – 10:30 am

Wartime Security and Constitutional Liberty

This keynote panel honoring Justice Robert H. Jackson will focus on the issues raised by the balance of wartime security and liberty under the Constitution. The speakers will explore how constitutional liberties may be secured under wartime exigencies. Should availability of constitutional liberties be dependent on citizenship, place of capture or place of detention? Should international legal guarantees be available in the federal judiciary or in military commissions?

The panel is co-sponsored by the Robert H. Jackson International and Comparative Law Program at Albany Law School, in honor of Justice Robert H. Jackson.

Moderator:

Professor James Thuo Gathii, Albany Law School, Union University

Panelists:

Brief remarks by **Professor Thomas Guernsey**, President and Dean of Albany Law School of Union University.

Ambassador Pierre-Richard Prosper, Office of War Crime Issues, United States Department of State

Professor Erwin Chemerinsky, Duke University School of Law

Professor Sarah H. Cleveland, University of Texas School of Law

Paul L. Hoffman, Esq., Schonbrun, DeSimone, Seplow, Hars & Hoffman LLP

FRIDAY, OCTOBER 15, 2004

10:45 am – 12:15 pm

Outsourcing of Legal Services

In this election year, outsourcing has become a politically-charged issue, with much media attention drawn to its impact on information technology jobs, data center operations, and help desk functions. With recent announcements that several major law firms are either considering or already outsourcing work to India, however, it is clear that outsourcing is having an increasing influence on the legal profession as well. This panel will discuss the scope of this development, explore its ethical ramifications, and examine its potential effects on the practice of law.

Moderator:

Neil Pakrashi, Esq., Kasowitz, Benson, Torres & Friedman LLP

Panelists:

John K. Halvey, Esq., Milbank, Tweed, Hadley & McCloy LLP

Ganesh Natarajan, Esq., President and Chief Executive Officer,
Mindcrest, Inc.

Professor Carole Silver, Northwestern University School of Law

The Use of Non-Domestic Courts for Obtaining Domestic Relief

Examining recent U.S. Supreme Court decisions and other developments, the panel will discuss a very timely issue, seeking domestic relief from courts and tribunals outside the domestic judicial system. Examples include foreign companies' filing for bankruptcy in the U.S. (taking advantage of Chapter 11) or suing other foreigners for antitrust damages; domestic cases brought as NAFTA cases; FSIA litigation; or the use of ICSID panels or U.S. courts to deal with a national problem (e.g., Argentina). Possible remedies (anti-suit injunctions, etc.) will also be addressed.

Moderator:

Thomas N. Pieper, Esq., Thacher Proffitt & Wood LLP

Panelists:

Hon. Allan L Gropper, United States Bankruptcy Judge, United States
District Court for the Southern District of New York

Carolyn B. Lamm, Esq., White & Case LLP

John Fellas, Esq., Hughes Hubbard & Reed LLP

E. Randol Schoenberg, Esq., Burriss & Schoenberg LLP

FRIDAY, OCTOBER 15, 2004

10:45 am – 12:15 pm

Human Rights Law and Middle Eastern Politics

This panel will examine both the relevance and resonance of human rights and humanitarian law in different Middle-Eastern contexts, and how this has been impacted by current events in the region and, more broadly, general political context.

Moderator:

Anthony Tirado Chase, Assistant Professor, Occidental College

Panelists:

Dr. Roni Amit, Political Science Department, University of Washington

Ann Elizabeth Mayer, Associate Professor of Legal Studies, Wharton School, University of Pennsylvania

David E. Mednicoff, Assistant Professor, Department of Legal Studies, University of Massachusetts–Amherst

Professor Donna E. Arzt, Director, Center for Global Law & Practice, Syracuse University College of Law

The Role of Domestic Courts in an International Legal Order

National courts are routinely faced with cases whose outcomes turn on whether or how courts view their role in the context of a world legal order. The panel discusses the evolution of judicial attitudes in the forty years since Sabbatino.

Moderator:

Edward Gordon, Esq., Past President, American Branch of the International Law Association

Panelists:

Professor Philip Moremen, John C. Whitehead School of Diplomacy and International Relations, Seton Hall University

Professor Janet Walker, Osgood Hall Law School; School of Humanities, University of Sussex

Professor Richard Falk (invited), Princeton University

FRIDAY, OCTOBER 15, 2004

10:45 am – 12:15 pm

International Law: The 2004 Term of the U.S. Supreme Court

The 2004 Term of the Supreme Court included five cases that involved international law, U.S. foreign relations, or national security: Altman, Alvarez–Machain, Hamdi, Rasul and Padilla. The Court addressed the scope of the Alien Tort Claims Act, the retroactivity of the Foreign Sovereign Immunities Act, the right of foreign nationals captured abroad and detained in Guantanamo to challenge the legality of their detention in U.S. courts and the right of a U.S. citizen to a hearing to challenge his classification as an “enemy combatant.” A panel of preeminent scholars and practitioners will discuss these cases.

Moderator:

Professor Malvina Halberstam, Benjamin N. Cardozo School of Law, Yeshiva University.

Panelists:

Thomas M. Franck, Professor Emeritus, New York University Law School

Rita Hauser, Esq., President, Hauser Foundation

Louis Henkin, Professor Emeritus, Columbia University Law School

Professor John Norton Moore, University of Virginia Law School

12:15 pm – 1:45 pm

EXECUTIVE COMMITTEE MEETING, ABILA

1:45 pm – 2:15 pm

ANNUAL GENERAL MEETING, ABILA

FRIDAY, OCTOBER 15, 2004

12:30 pm – 2:00 pm

Outsourcing and Its Impact on Trade and Trade Law

This panel will address the legal remedies and international trade policies that have been proposed to deal with the exodus of U.S. jobs to Asia. The panelists will discuss the existing tools that have been deployed to address these issues, including the use of Section 301 petitions, Section 7(c) of the Export Administration Act of 1979, and Trade Adjustment Assistance. The panel will also cover proposed legislation, implications for the GATT Services Agreement, and the politics of trade.

Moderator:

Professor Gary Sibeck, College of Business Administration, Loyola Marymount University

Panelists:

Representative TBD, U.S.–China Joint Commission on Commerce and Trade Working Group

Timothy E. Punke, Minority Chief International Trade Counsel, Senate Finance Committee

Timothy C. Brightbill, Esq., Wiley, Rein & Fielding, LLP

Brad A. Brooks–Rubin, Esq., Leboeuf, Lamb, Greene & McRae LLP

Accountability of International Organizations

This panel will discuss the accountability of international organizations under international law. The means to measure an organization's accountability to the international community follow from: 1) the extent to which the organization is subject to scrutiny and monitoring; 2) the organization's tort liability for actions not covered by international or institutional law; and 3) the organization's responsibility for acts which constitute a breach of a rule of international or institutional law.

Moderator and Panelist :

Professor Ved Nanda, University of Denver School of Law

Panelists:

Professor Daniel Bradlow, Director, International Legal Studies Program, Washington College of Law, American University

Edward Kwakwa, Esq., Deputy Legal Counsel, World Intellectual Property Organization

Professor Tiyanjana Maluwa, Dickinson School of Law, Pennsylvania State University

Balakrishnan Rajagopal, Ford International Assistant Professor of Law and Development Director, MIT Program on Human Rights & Justice

FRIDAY, OCTOBER 15, 2004

12:30 pm – 2:00 pm

Jus Ad Bellum: the Next Iraq

This panel will explore the legality of pre-emptive military intervention from a variety of perspectives, such as of persons with experience inside the UN and US Foreign Service, as well as in the international law community.

Moderator:

John Carey, Esq., Former Vice President, American Society of International Law and member, editorial board of the American Journal of International Law; editor, United Nations Law Reports

Panelists:

James S. Sutterlin, United States Foreign Service officer (ret.); Lecturer in United Nations Studies, Yale University

Patrick James Flood, United States Foreign Service officer (ret.); Adjunct Professor of Political Science, University of Massachusetts– Amherst

Professor Ian Johnstone, Fletcher School of Law and Diplomacy, Tufts University

Nicholas Rostow, Esq., General Counsel, United States Mission to the United Nations

Bilateral Investment Treaties: Arbitrating Investor–State Disputes

This panel will provide a brief overview of investor–state arbitrations, one of the most important developments in international arbitration today. The panel will address key issues in this growing trend, such as recent developments regarding standing to bring a claim, the differing interpretations of the umbrella clause in ICSID cases; the scope of substantive protection afforded to investors; the possibility of enforcing WTO obligations through investor–state arbitrations; and the salient legal issues and implications of the BIT–derived wave of arbitral claims brought against Argentina by foreign investors.

Moderator:

Nancy M. Thevenin, International Chamber of Commerce International Court of Arbitration

Panelists:

Charles Owen Verrill, Jr., Esq., Wiley, Rein & Fielding

Oscar M. Garibaldi, Esq., Covington & Burling

Paolo Di Rosa, Esq., White & Case

Robert Wisner, Esq., Appleton & Associates

Lawyers Without Borders Meeting

Lawyers Without Borders will hold a lunch meeting to discuss matters of interest.

FRIDAY, OCTOBER 15, 2004

2:15 pm – 3:45 pm

United States Understandings to the 1982 Law of the Sea Convention

The panel will analyze understandings that the Senate Foreign Relations Committee appended to its recommendation that the Senate give advice and consent to the 1982 Law of the Sea Convention and the 1994 supplemental agreement to the Convention, signed by the United States in 1994. The panel will also consider a few additional proposed definitions for terms in the Convention.

Moderator and Panelist:

Professor George K. Walker, Wake Forest University School of Law

Panelist:

Professor John E. Noyes, Director, International Legal Studies Program,
California Western School of Law

Progress Toward A Convention on the Rights of Persons with Disabilities

The Convention on the Rights of Persons with Disabilities presents an important opportunity to talk about both disability and international human rights. This panel will consider the progress that has been achieved toward this convention, drafting issues, the proposed convention in the context of existing disability rights law, and the ramifications for this convention on other areas of human rights law.

Moderator:

Michael Waterstone, Assistant Professor, University of Mississippi Law School

Panelists:

Ambassador Luis Gallegos, Permanent Representative of Ecuador to the United Nations, Chairman of the Ad Hoc Committee on a Comprehensive and Integral Convention on the Protection and Promotion of the Rights of Persons with Disabilities

Professor Arlene S. Kanter, Director of Clinical Education, Syracuse University College of Law

Janet Lord, Esq., Legal Counsel and Director of Advocacy, Landmine Survivors Network

Widney Brown, Deputy Program Director, Human Rights Watch

FRIDAY, OCTOBER 15, 2004

2:15 pm – 3:45 pm

The Global Homogenization of the Legal Profession?

Much of the literature in this field has been about access, with the central question being under what circumstances should a lawyer trained in one country be allowed to provide services elsewhere? A quite different question has received much less attention: Does widening access bring about a homogenization of lawyering and the role of the lawyer in society? Are the days of the notary and the solicitor and the barrister and other distinct legal roles coming to an end? Is that desirable?

Moderator:

Paul R. Dubinsky, Associate Professor, New York Law School

Panelists:

Professor Alexander Somek, University of Iowa College of Law

Peter C. Kostant, Visiting Professor, Washington and Lee University School of Law

Marianna Patane, Esq., White & Case, Brussels, Belgium

The State of the Foreign Investor Dispute

Foreign investment has become a main source of economic growth in developing countries, but also a source of controversy in international negotiations. The panel will explore the conflicts within the U.S., including within the U.S. government, over protection for U.S. investors in investment treaties and Free Trade Agreements.

Moderator:

Gary N. Horlick, Wilmer Cutler Pickering Hale and Dorr, LLP

Panelists:

R. Scott Miller, Procter & Gamble

Daniel Magraw, Center for International Environmental Law

Alysha Taylor, United States Department of Commerce

FRIDAY, OCTOBER 15, 2004

2:15 pm – 3:45 pm

The Vienna Convention on Consular Relations After Avena

In the Avena case the ICJ ruled that all of the convictions and sentences of the Mexican death-row defendants who had not received their treaty rights must be reviewed and reconsidered by the judiciary. This panel will report on what the state and federal courts and other government officials are doing to implement the Avena decision for criminal and civil detainees who were denied their treaty rights and will discuss more broadly the relationship between national and international law.

Moderator:

Professor Valerie Epps, Suffolk University Law School

Panelists:

Catherine W. Brown, Assistant Legal Adviser for Consular Affairs,
United States Department of State

Professor John B. Quigley, Michael M. Moritz College of Law, Ohio State
University

Professor William Aceves, California Western School of Law

Professor Malvina Halberstam, Benjamin N. Cardozo School of Law,
Yeshiva University

FRIDAY, OCTOBER 15, 2004

4:00 pm – 5:30 pm

Employment Law Issues in the Global Economy

Worlds often collide when corporations and counsel navigate differences in national employment laws. In this program, a panel of practitioners will discuss real-life issues that arise with the cross-border application of employment laws. Some of these issues are workplace discrimination; transfer of employees; privacy rights; employment contracts; and government restrictions on international recruitment by multinational corporations. The panel will welcome questions about these topics.

Moderator:

Janet McEaney, Esq., Arbitrator and Mediator, New York City

Panelists:

James Libson, Esq., Mishcon de Reya, London

Robert B. Stulberg, Esq., Broach & Stulberg LLP, New York City

Yasmine Tarasewicz, Esq., Proskauer Rose LLP, Paris

International Law and Literature

As international law and international human rights norms and institutions continue to expand and develop, so do the violations and atrocities perpetrated around the globe in what appears to be a de-humanized environment. This panel on international law and literature seeks to humanize the development of international law and human rights by viewing issues through the lenses of the humanities.

Moderator:

Professor Susan Tiefanbrun, Thomas Jefferson School of Law

Panelists:

Professor Nathaniel A. Berman, Brooklyn Law School

Professor Gary Minda, Brooklyn Law School

Professor Thomas Morawetz, University of Connecticut School of Law

Professor Richard Weisberg, Benjamin N. Cardozo School of Law, Yeshiva University

FRIDAY, OCTOBER 15, 2004

4:00 pm – 5:30 pm

The Challenging Landscape of Self-Determination

This panel will examine whether the current modalities of determining the right to self-determination can work in the most challenging cases. The panelists will explore whether emerging new national realities make it necessary to redefine the concept of self-determination, expand the notion of sovereignty, and re-examine the mutual exclusivity between secession and self-determination.

Moderator:

Dr. Saby Ghoshray, Vice President of Business Development and Compliance, WorldCompliance Company

Panelists:

Professor Mortimer Sellers, Director of the Center for International and Comparative Law, University of Baltimore School of Law

Ivan Kristan, Professor Emeritus, Faculty of Law, University of Ljubljana; Justice of Constitutional Court of Yugoslavia

Professor Sidney L. Harring, City University of New York Law School

Professor Susanna Mancini, Faculty of Law, Bologna University, Bologna, Italy

Law Beyond Borders:

New Directions in Jurisdiction, Sovereignty, and Transnationalism

In the 1990s, scholars argued that nation-states' prerogatives were increasingly limited by international norms. Are ideas such as transnational legal process, universal jurisdiction, judicial globalization, and borderless law still relevant, or were they products of a pre-9/11 era? Or, did the dichotomy between "international law" and "nation-state sovereignty" always obscure complex norm development processes?

Moderator:

Professor Paul Schiff Berman, University of Connecticut School of Law

Panelists:

Professor W. Michael Reisman, Yale Law School

Professor Jose E. Alvarez, Columbia University School of Law

Professor Leila N. Sadat, Washington University School of Law

Professor Helen Stacy, Senior Research Scholar, Stanford Institute of International Studies

FRIDAY, OCTOBER 15, 2004

4:00 pm – 5:30 pm

**Choice of Court Convention and Revisions to the
Service and Evidence Conventions**

This program will examine current developments in private dispute resolution, focusing on the recent work of the Hague Conference on Private International Law in the areas of enforcement of judgments and the Choice of Court Convention, service of documents abroad, and taking evidence abroad. The panel will also discuss the developments in the area of international conciliation/mediation, as well as recent developments in international litigation.

Moderator:

Professor Louise Ellen Teitz, Roger Williams University School of Law;
member United States delegation to The Hague Conference

Panelists:

Jeffrey D. Kovar, Esq., Assistant Legal Adviser for Private International Law,
United States Department of State

Glenn P. Hendrix, Esq., Arnall Golden Gregory LLP; member United States
delegation to The Hague Conference

Hon. Michael B. Getty, Judicial Arbitration and Mediation Services; member
of United States delegation to UNCITRAL

Lawrence W. Newman, Esq., Baker & McKenzie

7:00 pm – 9:00 pm

RECEPTION

**Permanent Mission of Switzerland to the United Nations
633 Third Avenue, 29th Floor, New York, NY 10017**

SATURDAY, OCTOBER 16, 2004

8:00 am – 9:00 am

Complimentary Coffee

9:00 am – 10:30 am

**Universally-Condemned Crimes Before
International, National and Hybrid Tribunals**

This panel will involve a comparative and normative discussion of the various tribunals available for prosecuting international crimes for which universal jurisdiction is arguably available. The panelists will explore the theoretical underpinnings as well as any practical difficulties for adjudicating the principle of universality within the emerging international accountability regime. In addition, the panelists will discuss the strengths and weaknesses of the various types of fora in which such crimes might be prosecuted.

Moderator:

Mark Drumbl, Associate Professor, School of Law, Washington & Lee University

Panelists:

Ambassador Pierre-Richard Prosper (invited), Office of War Crime Issues, United States Department of State

Professor Laura Dickinson, University of Connecticut School of Law

Professor Sam Garkawe, Senior Lecturer, School of Law and Justice, Southern Cross University, NSW Australia

Russell Covey, Associate Professor, Whittier Law School

Professor Michael Scharf, Case Western Reserve University School of Law

SATURDAY, OCTOBER 16, 2004

9:00 am – 10:30 am

Ensuring Compliance with Environmental and Social Investment Standards of International Financial Institutions

This panel will discuss the current status and effectiveness of accountability mechanisms used by international financial institutions to ensure compliance with environmental and social standards for investment. These mechanisms – which include the Inspection Panel of the World Bank, the Compliance Advisor Ombudsman of the International Financial Corporation, and the Independent Investigation Mechanism of the Inter-American Development Bank, among others – are capable of significantly affecting and even halting major projects, through such actions as challenges to environmental assessments and complaints of damage to culture resources.

Moderator:

Christopher J. McKenzie, Esq., Beveridge & Diamond, P.C.

Panelists:

Professor Edith Brown Weiss, Georgetown University Law Center; member, World Bank Inspection Panel

Harvey Himberg, Director, Investment Policy and Environmental Affairs, Overseas Private Investment Corporation

Meg Taylor, Vice President, International Finance Corporation

Alison C. Lawford, Compliance Officer, Export Development Canada

Is the International Intellectual Property Regime Broken?

This panel explores recent development of the international intellectual property regime in light of the Doha Declaration, the Cancun debacle, the effect of bilateral free trade agreements, and the emergence of non-national systems (such as the domain name dispute resolution process).

Moderator:

Professor Samuel K. Murumba, Brooklyn Law School

Panelists:

Professor Assafa Endeshaw, Reader in Law, School of Legal Studies, Wolverhampton University, United Kingdom

Daniel J. Gervais, Oslers Professor of Technology Law, University of Ottawa Faculty of Law

Stephen P. Marks, François-Xavier Bagnoud Professor of Health and Human Rights and Director, François-Xavier Bagnoud Center for Health and Human Rights, Harvard School of Public Health

Beth Simone Noveck, Associate Professor of Law and Director, Institute for Information Law and Policy, New York Law School

Peter K. Yu, Associate Professor of Law and Director, Intellectual Property and Communications Law Program, Michigan State University

SATURDAY, OCTOBER 16, 2004

9:00 am – 10:30 am

**Appeals Process for Investor–State Arbitration:
Is The Train Leaving Union Station?**

Recent U.S. Free Trade Agreements require the commencement of discussions about an appeals process for investor–State arbitration; at the same time, the International Centre for the Settlement of Investment Disputes is considering how to integrate an appeals mechanism into investment treaty arbitration under the ICSID Convention. Does an appellate mechanism make sense, how will the negotiations proceed, and what will an appeals process for investment arbitration look like?

Moderator:

Mark Kantor, Esq., Washington, D.C.

Panelists:

Howard Mann, Institute for International Sustainable Development (IISD)

Daniel Price, Esq., Sidley Austin Brown Wood LLP

Marcos A. Orellana, Esq., Senior Attorney, Center for International Environmental Law (CIEL)

Representative TBD, International Centre for the Settlement of Investment Disputes (CSID)

Andrea J. Menaker, Esq., Chief, NAFTA Arbitration Division, Office of International Claims and Investment Disputes, Office of the Legal Advisor, United States Department of State

**NAFTA Chapter Eleven –
Reflections on Law Making and Law Breaking**

This panel will explore Chapter Eleven as a doctrine–refining mechanism, architectural elements affecting the Chapter Eleven law–making process, and selective substantive developments that demonstrate doctrinal fermentation within the Chapter Eleven framework. Time will be set aside for audience participation.

Moderator:

Professor Jack J. Coe, Jr., Pepperdine University School of Law

Panelists:

Professor Charles H. Brower II, Associate Professor, International Law Center, and Lecturer in Law, University of Mississippi

Professor Robert Ahdieh, Emory University School of Law

Professor Andrea K. Bjorklund, University of California, Davis, School of Law

SATURDAY, OCTOBER 16, 2004

10:45 am – 12:15 pm

Issues at the Edge: Current Issues in International Health and Human Rights Law

International and regional systems of human rights law are increasingly recognizing specific rights and protections around health and sexuality and the delivery of related services. Using HIV/AIDS, sexuality and maternal mortality as examples, this panel will explore the ways these norms and standards are used to build accountability at national and global levels.

Moderator:

Professor Sofia Gruskin, Director, International Health and Human Rights Program, François-Xavier Bagnoud Center for Health and Human Rights, Harvard School of Public Health

Panelists:

Mindy Jane Roseman, Senior Research Officer, François-Xavier Bagnoud Center; Instructor, Department of Population and International Health, the Harvard School of Public Health

Professor Alice M. Miller, School of Public Health, Columbia University

Ralf Jurgens, Executive Director, Canadian HIV/AIDS Legal Network

Current Issues in Extraterritoriality

This panel will address recent judicial and other developments in the field of extraterritorial application of domestic law, including in the commercial, antitrust, human rights and white collar crime areas (e.g., the Empagran and Sosa decisions by the U.S. Supreme Court, the pending ratification of the UN Corruption Convention).

Moderator:

David P. Stewart, Esq., Assistant Legal Adviser, United States Department of State

Panelists:

Caterina Ventura, Esq., Canadian Department of Foreign Affairs and International Trade in Ottawa, and Deputy Director, United Nations Human Rights and Economic Law Division

Thomas M.T. Niles, President, United States Council for International Business

Professor Diane Orentlicher, Washington College of Law, American University

SATURDAY, OCTOBER 16, 2004

10:45 am – 12:15 pm

2004: The European Union's Year of Expansion

The EU now has 25 member states and is facing new challenges and internal tensions – in integration of new members, human rights, agriculture, monetary union, external relations, governance. The panel, sponsored by the American Foreign Law Association, will give a status report of these complex issues.

Moderator:

Richard Lutringer, Esq., Schiff Hardin LLP

Panelists:

Professor Roger Goebel, Fordham University School of Law

Professor Elizabeth Defeis, Seton Hall University School of Law

Professor Hugo Kaufmann, Graduate Center and Queens College of the City of New York; European Union Studies Center, City University of New York

Glenda G. Rosenthal, Adjunct Professor, Columbia University

Abu Ghraib, Guantanamo, Hamdi and Padilla: The Rights of Detainees in the Post-September 11 War on Terrorism

This panel will address the legal and policy underpinnings of the U.S. treatment of detainees in the global war on terror, starting with the findings of the U.S. Supreme court in the trilogy of cases, Guantanamo Bay (Rasul, Al Odah), Hamdi and Padilla, their implications for the application of domestic and international human rights to individuals detained in the context of the war on terrorism, and the role of domestic courts and international mechanisms in defining and supervising compliance with those rights. The panel will also address the implications of those policies for the prisoner abuse scandal in Iraq.

Moderators:

Scott Horton, Esq., Patterson, Belknap, Webb & Tyler

Brian Tittmore, Esq., Inter-American Commission on Human Rights

Panelists:

Michael Ratner, President, Center for Constitutional Rights

Professor Ruth Wedgwood, Director, International Law and Organization Program, Paul H. Nitze School of Advance International Studies, Johns Hopkins University

Professor David D. Cole, Georgetown University Law Center

Gabor Rona, Esq., Legal Adviser, Legal Division, International Committee of the Red Cross

SATURDAY, OCTOBER 16, 2004

10:45 am – 12:15 pm

International Space Law and National Realities

Balancing cooperation and competition at the national and international level is a fundamental element of international space law. This panel addresses the subject from national, international and commercial perspectives.

Moderator and Panelist:

Professor Joanne Irene Gabrynowicz, Director, National Remote Sensing and Space Law Panel; University of Mississippi School of Law

Panelists:

Pamela L. Meredith, Esq., Zuckert Scoutt & Rasenberger, LLP

E. Jason Steptoe, Esq., Associate General Counsel for Intellectual Property, Commercial and International Law, National Aeronautics and Space Administration

Dr. Andrei D. Terekhov, Senior Legal Officer, Office of Legal Affairs, United Nations

SATURDAY, OCTOBER 16, 2004

12:30 pm – 2:00 pm

Annual Luncheon at the House of the Association of the Bar of
the City of New York

Speaker:

James H. Carter,
Sullivan & Cromwell
President, American Society of International Law

(Registration and prepayment required see last page of brochure.)

2:15 pm – 3:45 pm

**Africa, Human Rights, and the International Criminal Court:
A 21st Century Testing Ground**

Africa is poised to be the scene of the first case before the International Criminal Court (ICC). Panelists will discuss the various claims which comprise this ICC case, analyze the role of the ICC in promoting human rights in Africa and abroad, and review the governance and human rights situations in Africa.

Moderator:

Professor Gloria J. Browne-Marshall, John Jay College of Criminal Justice; Executive Director of The Law and Policy Group, Inc.

Panelists:

Professor Philip C. Aka, Department of History, Philosophy, and Political Science, Chicago State University

Dr. Obasi Okafor-Obasi, Research Fellow, Human Rights Center, University of Potsdam, Germany

John Stompor, Esq., Senior Associate, International Justice Program, Human Rights First

SATURDAY, OCTOBER 16, 2004

2:15 pm – 3:45 pm

**Formal Modeling and the Negotiation of Multilateral Agreements
and International Disputes**

In this panel, presenters will discuss recent developments in formal modeling of, and concrete applications to, the negotiation of multilateral agreements and international disputes. A specific procedure for negotiation – the Minimax Procedure – will be presented in detail and applied to various examples.

Moderator and Panelist:

Professor Steven Brams, Department of Politics, New York University
and President of the Public Choice Society

Panelists:

Professor Moshe Hirsch, Senior Lecturer, Arnold Brecht Chair in
European Law, Faculty of Law and Department of International
Relations, Hebrew University, Jerusalem, Israel

Cristiane Carneiro, Arcadia University; Department of Politics, New
York University

Gulenay Ozbek, Department of Politics, New York University

The Internationalization of Lesbian and Gay Rights

This panel will discuss whether the rights of lesbians, gay men, bisexuals and transgender persons should be deemed universal under international human rights law, and how the effort to advance these rights has progressed. The panel will particularly consider the conflict between many Western countries and Islamic states as to establishing and enforcing LGBT rights.

Moderator:

Lawrence C. Moss, Esq., Representative to the United Nations and
Member, Council on International Affairs, Association of the Bar of the
City of New York

Panelists:

Professor Alice M. Miller, School of Public Health, Columbia University

Professor Kwame Anthony Appiah, Department of Philosophy,
University Center for Human Values, Princeton University

Scott Long, Director, Project on Lesbian, Gay, Bisexual and
Transgender Rights, Human Rights Watch

SATURDAY, OCTOBER 16, 2004

2:15 pm – 3:45 pm

The Alien Tort Claims Act Post–Alvarez Machain

This panel will explore the newly–defined issues surrounding the Alien Tort Claims Act that have arisen from the Supreme Court's recent ruling in the Alvarez–Machain v. Sosa case. How far does the Act extend, jurisdictionally and substantively? Will the parameters of pending human rights litigation be altered given the Court's decision, and how? Has the scholarly and judicial debate over use of the ATCA in modern human rights litigation been redefined and how? Panelists, who include litigators and scholars, will discuss these ramifications as well as others within the context of past, present and future ATCA litigation brought under customary international law principles.

Moderator:

Professor Lee Boyd, Pepperdine University School of Law

Panelists:

Gregory G. Garre, Esq., Hogan & Hartson LLP

Paul L. Hoffman, Esq., Schonbrun DeSimone Seplow Harris & Hoffman LLP

Professor Michael J. Bazylar, Whittier Law School; Research Fellow, Holocaust Educational Trust, London, UK

Professor Beth Stephens, Rutgers School of Law – Camden

United States Membership in UNCLOS: What Consequences for the Marine Environment?

The debate over whether the United States should ratify the 1982 United Nations Convention on the Law of the Sea (UNCLOS) raises a number of important legal and policy issues from the standpoint of marine environmental conservation. This panel will discuss some of the possible consequences of U.S participation in UNCLOS vis–à–vis the marine environment including: the effect on the management of living marine resources, the exploration of resources in the sea–bed and the impact of UNCLOS dispute settlement procedures.

Moderator and Panelist:

Dr. Wil Burns, University of Redlands, Department of Environmental Studies

Panelists:

Professor Howard S. Schiffman, Clinical Professor and Director, MS Program in Global Studies, New York University School of Continuing and Professional Studies

Professor Jeremy Firestone, Assistant Professor, Graduate College of Marine Studies, University of Delaware

SATURDAY, OCTOBER 16, 2004

4:00 pm – 5:30 pm

The UN and International Justice: Its Role, Effectiveness, and Future

This panel will consider how the UN is doing vis-à-vis justice and accountability issues, including the role it should play, the effectiveness of its participation in hybrid tribunals, its participation in peace agreements and truth and reconciliation commissions, its establishment of, and relationships with, the International Criminal Tribunals for the former Yugoslavia and for Rwanda, and lessons for the future.

Moderator:

Kelly Dawn Askin, Esq., Senior Legal Officer, Open Society Justice Initiative

Panelists:

Jean-Marie Guéhenno (invited), Under-Secretary-General, Department of Peacekeeping Operations, United Nations

Stefanie Frease, Coalition for International Justice

Tracey Gurd, Program Coordinator for International Justice, Open Society Justice Initiative

Priscilla Hayner, International Center for Transitional Justice

Iraq: Ad Bellum Obligations & Occupation

This panel will consider various legal issues relating to the foreign occupation of Iraq, including the ad bellum obligation to respect international humanitarian law; transitional justice initiatives; the scope of the legal mandate for legal and political changes; and the applicability of international human rights law to the CPA and the ongoing foreign military presence.

Moderator:

Mary Robinson, Ethical Globalization Initiative

Panelists:

Ralph Wilde, Visiting Professor, University of Texas School of Law

Professor Mary-Ellen O'Connell, Moritz College of Law, Ohio State University

Professor Charles Garraway, United States Naval War College

Gregory H. Fox, Visiting Professor, Wayne State University Law School

SATURDAY, OCTOBER 16, 2004

4:00 pm – 5:30 pm

The United Nations's Goals for a Future Iraq

The panel will focus on what the United Nations is, or should be, planning to accomplish in that nation now that sovereignty has been restored, and how it expects to accomplish it.

Panelists:

Jehangir Kahn, Head of the Iraq Team, Department of Political Affairs, United Nations

Dr. Gunter Pleuger, German Ambassador to the United Nations

Nicholas Rostow, Esq., General Counsel of the United States Mission to the United Nations

[Additional panelists to be added.]

Recent Developments in Environmental Management

Recent years have seen major developments in environmental management, including a reconceptualization of the international law relating to transboundary water management and the development of new institutions for environmental management under the aegis of regional economic arrangements. This panel will explore several of these developments.

Moderator and Panelist:

Professor Joseph W. Dellapenna, Villanova University School of Law

Panelists:

Professor Tseming Yang, Vermont Law School

[Additional panelist to be announced.]

REGISTRATION FORM

International Law Weekend 2004 Registration Form for Meal Functions, Membership in the American Branch of the International Law Association (ABILA) and fee for non-members of co-sponsoring organizations.

Please print:

1. Name _____

2. Address _____

3. Phone # _____

Fax # _____

Email address _____

4. **Note:** For security and logistical reasons, you must sign up in advance on Thursday at the registration desk for the Reception at the Permanent Mission of Switzerland to the United Nations. **Capacity is limited, so please be sure to sign up early. Attendance at the reception is free of charge.**

5. Registration fee for non-members of co-sponsoring organizations. If you are not a student, or a member of the ABILA, the ABCNY, or another co-sponsoring organization, please enclose \$50:

_____ @ \$50

Specify any of the co-sponsoring organizations of which you are a member.

6. **Check here if you wish to join the ABILA _____.** To become a Member of ABILA please enclose a check in the amount of \$75 (individual membership); \$200 (sustaining membership); \$80 (institutional membership); student membership is free.

7. Meal Functions: (To attend these events, your registration and check must be received by Monday, October 8, 2004. Please note on a separate page any special dietary requirements):

_____ @ \$18 Box lunch for Friday Luncheon Seminars

_____ @ \$35 Saturday Luncheon (students: \$30)

_____ @ \$30 Executive Committee Meeting Luncheon

8. Enclosed is a check for \$_____ made payable to the ABILA.

Mail your completed registration form and check made payable to the ABILA to: Michael Gruson, ABILA Honorary Treasurer, Shearman & Sterling, 599 Lexington Ave., New York, NY 10022.

Fax: (212) 848-7611

Note: Registration Forms are also available at the ABILA website: **www.ambranch.org**

