

THE AMERICAN BRANCH
of the
INTERNATIONAL LAW ASSOCIATION
presents:

International Law Weekend 2005

*International Norms in
the 21st Century:
Development and
Compliance Revisited*



October 20-22, 2005
FINAL BROCHURE

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

42 West 44th Street, New York City

The ILA and its co-sponsors invite you to participate in an exciting three-day program for judges, practitioners, scholars, students, government officials, NGOs, and members of international organizations. All panels are open to students, ILA members, and members of co-sponsoring organizations without charge. For others there is a \$50 fee payable in advance or at the door. Meals require advance payment and registration (see final pages of this brochure).

INTERNATIONAL LAW WEEKEND 2005

Is Organized By:

The American Branch of the
International Law Association
In Conjunction With:

American Bar Association,
(Section on International Law)
American Foreign Law Association
American Society of International Law
Association of the Bar of the City of New York
(Committee on International Law)
Connecticut Bar Association
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New York State Bar Association
(Section on International Law)

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CONFERENCE THEME

In the early 1970s, Professor Louis Henkin observed that “almost all nations observe almost all principles of international law. . . almost all of the time.” For International Law Weekend 2005, we will return to Professor Henkin’s famous observation and evaluate it in light of thirty years of intervening developments. We will do so across a wide range of sub-specialties: international business law, international dispute resolution, international institutions, international criminal law, international human rights, and more. Together we ask: Has international law as a field finally put behind it skepticism as to whether it really is law? Or has the field splintered into areas of high compliance and areas of low compliance? Do some of the most vexing compliance questions now pertain to the very institutions responsible for making and implementing international law: UN peacekeepers, the EU Commission, the UN Secretariat itself.

Logistics:

All events, other than the Friday evening reception, will take place at the House of the Association of the Bar of the City of New York, 42 West 44th Street, New York, NY. The Friday reception will be hosted by the Embassy of Venezuela to the United States. See www.ambranch.org for details.

- The receptions on Thursday and Friday evening are free of charge to all. However, for security and logistical reasons, you must sign up for the Friday reception in advance. For instructions, see www.ambranch.org. Bring photo identification and your conference badge to the event.
- The Friday luncheon seminars are \$18 for those who order a box lunch. For those attending without lunch, admission is free. The cost of Saturday lunch is \$35 (students: \$30) to all attendees.
- Registration for meals must be received by Wednesday, October 18, 2005. (Please complete the registration form printed on the back of this brochure). There will be no refunds in the case of cancellations after October 12, however reservations can be transferred to another member of your firm or organization.

There is no official conference hotel. Among 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.

THURSDAY, OCTOBER 20, 2005

5:30 pm – 7:00 pm

Opening Reception Hosted by
White & Case LLP

Darfur 2004: One Photographer as
Eyewitness

Conference attendees are invited to view the recent work of photographer Paolo Pellegrin. Twenty-two arresting images of displacement and devastation are brought to us by Magnum Photos, a photographic cooperative with offices in New York, London, Paris, and Tokyo.

Paolo Pellegrin was born in Rome in 1964. In 1995 his photographic reporting on AIDS in Uganda earned him first prize at World Press Photo in the "Daily Life" category. In 1996 he won the Kodak Young Photographer Award—Visa D'Or in Perpignan, and he was selected to be a part of the World Press Photo Master Class. He has also received the EuroFuji Award/Italy. The photographs exhibited at ILW 2005 were included in the 2005 Human Rights Watch Film Festival.

The exhibit will be on display throughout the conference.

THURSDAY, OCTOBER 20, 2005

7:00 pm – 9:00 pm

Opening Session
A Judicial Roundtable

Judges from Asia, Europe, and North America discuss compliance with international norms in the context of litigation in domestic courts.

Some legal systems are monist. Some are dualist. Most defy simple classification. Yet all face a future likely to bring a steady increase in the number and variety of treaties, the volume of decisions from international tribunals, and the complexity of customary international law. This opening session will examine the conference theme in terms of judicial compliance. The focus will be on domestic courts. How well are national courts coping with the complexity of international law? To what extent are the judges who sit on international tribunals aware of difficulties in implementation that their decisions encounter in national courts? Will the future bring greater uniformity in the way different national legal systems integrate and apply international law?

Moderator:

Professor Paul R. Dubinsky, Wayne State University Law School

Panelists:

Judge Baltazar Garzon Real, Audencia Nacional, Spain
John J. Gibbons, Former Chief Judge, U.S. Court of Appeals for the Third Circuit, now Partner, Gibbons, Del Deo, Dolan, Griffinger & Vecchione

Sujata Manohar, Retired Justice, Supreme Court of India
Lord Gordon Slynn of Hadley, President, Court of Appeal of the Solomon Islands, formerly High Court Judge (UK) and Judge, European Court of Justice

Hon. Xhezair Zaganjori, Constitutional Court of Albania

FRIDAY, OCTOBER 21, 2005

Coffee Hour: 8:00 am – 9:00 am

9:00 am – 10:30 am

Litigating the Holocaust in U.S. Courts: Perspectives on the Process and Its Aftermath

Several waves of Holocaust-related litigation have produced landmark settlements, treaties, national legislation, and judicial opinions. Now lawyers are analyzing the impact that the Holocaust Restitution Movement will have on human rights compliance in the future, especially compliance by non-state actors. In addressing the settlement and administration of restitution claims related to the Holocaust, the panel will reflect upon the usefulness of domestic impact litigation in bringing about compliance with international legal norms.

Moderator:

Professor Michael Bazylar, Whittier Law School

Panelists:

Monica Dugot, Esq. Christie's International

Jonathan Levy, Esq., Hilton Head Island, S.C., Counsel for Plaintiffs, *Alperin v. Vatican Bank*

Owen Pell, Esq., White & Case LLP

Gideon Taylor, Executive Vice President, Conference on Jewish Material Claims Against Germany, Inc.

9:00 am – 10:30 am

Is Corporate America Ready for the Global Compact?

The U.N. Global Compact invites corporations worldwide to commit to Ten Principles concerning human rights, labor, environmental protection, and anti-corruption. Although thousands of corporations have undertaken this voluntary commitment and incorporated these goals in a focused business plan, the list of U.S.-based business entities is noticeably short. A panel drawn from the corporate world, the NGO community, and leading law firms will examine the strengths and weaknesses of voluntary compliance regimes such as this.

Moderator:

Louise M. Cherkis, Senior Counsel, DeSimone, Aviles, Shorter & Oxamendi, LLP

Panelists:

John McWilliams, General Counsel, Nexen, Inc. (Canada)

Professor Errol Mendes, University of Ottawa, Canada

Nancy Nielsen, Senior Director, Corporate Citizenship, Pfizer, Inc.

John L. Paluszek, Senior Counsel, Ketchum Washington and New York

Steven O. Weise, Shareholder, Heller Ehrman LLP

Ursula Wynhoven, Human Rights Advisor and Special Assistant to Executive Head of United Nations, Office of Global Compact

FRIDAY, OCTOBER 21, 2005

9:00 am – 10:30 am

Advancing the Effectiveness of International
Law: Is U.N. Reform Necessary?

The extent to which national governments and private actors cooperate with the U.N. and its affiliated institutions has long been viewed as a barometer of the effectiveness of the international legal system. Calls for reform of the U.N. have been with us almost since the U.N.'s creation. The panel will discuss key U.N. reform topics currently under review: the role and composition of the Security Council; the U.N.'s peace-building capacity; the functioning of the U.N. Human Rights Commission; and the U.N.'s accountability.

Moderator:

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

Panelists:

Professor Simon Chesterman, New York University School of Law

Professor Peter Rosenblum, Columbia University School of Law

Professor Ralph Wilde, University College London

FRIDAY, OCTOBER 21, 2005

9:00 am – 10:30 am

The Hague Convention on Choice-of-Court
Agreements: Strengthening Compliance With
International Commercial Agreements and Ex-
Ante Dispute Resolution Clauses?

On June 30, 2005, the Final Act of the Twentieth Session of the Hague Conference on Private International Law was signed at the Peace Palace. This panel will present the text of the Convention, provide perspectives on the path to ratification, and consider the extent to which the new treaty will strengthen international contract formation and provide a necessary supplement to the 1958 New York Convention on Enforcement of Arbitral Awards.

Moderator:

Professor Louise Ellen Teitz, Roger Williams University
School of Law

Panelists:

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

H. Scott Fairley, Theall and Associates, Toronto

Dr. Andrea Schulz, First Secretary, The Hague Conference
On Private International Law

David P. Stewart, Assistant Legal Adviser, U.S.
Department of State

10:45 am – 12:15 pm

International Human Rights Law: Compliance with Multilateral Treaty Regimes, Regional Courts, and Monitoring Committees

Recent empirical scholarship has launched a debate over whether ratification of human rights treaties ironically results in weaker compliance with human rights norms. This panel will look at the recent work of courts and monitoring committees in evaluating these academic claims. Specific attention will be directed at the U.N. Human Rights Committee, the European Court of Human Rights, and the Inter-American Commission and Court of Human Rights.

Moderator:

Christina M. Cerna, Organization of American States
Principal Specialist, Inter-American Commission on Human Rights

Panelists:

Professor Anne Bayefsky, Touro Law School and Senior Fellow, Hudson Institute

Victor Madrigal, Litigation Coordinator, Inter-American Commission on Human Rights

Professor Ruth Wedgwood, Johns Hopkins University

Adjudicative Approaches to Climate Change

Future climate change may have potentially dire implications for human institutions and ecosystems throughout the world. The glacial pace of progress under the United Nations Framework Convention on Climate Change has led to growing despair by many actors, including NGOs and local governments in the United States and abroad. As a consequence, many of these actors have begun to explore alternative forums, including international forums, to compel more constructive responses from major greenhouse gas emitters. This panel will focus on these new strategies and their prospects for success in redressing grievances associated with transboundary environmental damage.

Moderator:

Wil Burns, Monterey Institute of International Studies

Panelists:

Donald Goldberg, Senior Attorney, Center for International Environmental Law

Professor Hari Osofsky, Visiting Professor, University of Oregon School of Law

Professor Andrew Strauss, Widener School of Law

FRIDAY, OCTOBER 21, 2005

10:45 am – 12:15 pm

Applying Human Rights Law and Humanitarian Law in the Extraterritorial War Against Terrorism: Too Little, Too Much, or Just Right?

This panel will address the intersection of international human rights law and international humanitarian law, using administrative detention as a case study. The focus will be on administrative detention that grows out of extraterritorial actions, detention that is asserted to be part of the "war" against terrorism, and detention of individuals who are allegedly "enemy combatants."

Moderator:

Professor Hurst Hannum, Tufts University

Panelists:

Professor Geoffrey Corn, South Texas College of Law, Former Special Assistant to the Judge Advocate General for Law of War Matters

Michael Dennis, Attorney Advisor, U.S. Department of State
Professor Diane Orentlicher, American University, Washington College of Law

Legal Issues in Carbon Finance and Emissions Trading

The start of the European Union Emission Trading Scheme and the Kyoto Protocol's entry into force in 2005 have resulted in dramatic growth of a global market in carbon emission credits. This panel will discuss the complex and novel legal issues involved in emissions trading in the context of international investment, project finance, and commodities and futures trading. The panel will also discuss the role of trading contracts in managing regulatory and commercial risks, protecting property rights, and promoting market liquidity.

Moderator:

Laura Campbell, Climate Change Legal Foundation

Panelists:

Sabine Begg, International Finance Corporation
James Cameron, Climate Change Capital, London
Ed Zabrocki, Morgan Stanley Dean Witter

FRIDAY, OCTOBER 21, 2005

12:15 pm – 1:45 pm

Executive Committee Meeting, ABILA

1:45 pm – 2:15 pm

Annual General Meeting, ABILA

12:30 pm – 2:00 pm
Box Lunch Seminars

Sovereign Debt Restructuring After the
Argentine Crisis

The panel will examine the recent sovereign debt restructuring involving Argentina and its implications for future sovereign debt restructurings.

Moderator and Panelist:

Steven T. Kargman, Esq., President, Kargman Associates,
New York

Panelists:

Carmen Corrales, Esq., Partner, Cleary Gottlieb Steen &
Hamilton LLP

Professor Anna Gelpern, Rutgers University School of
Law—Newark

Hans Humes, President, Greylock Capital, New York and
co-chair, Global Committee of Argentina Bondholders

Brad Setser, Senior Economist, Roubini Global Economics,
New York

12:30 pm – 2:00 pm

Private Ordering and Compliance with Reinsurance Agreements

Historically, the relationship between policyholders and insurers has been regulated by countries (or, in the case of the United States, by states), with clearly identified public policy concerns. This has resulted in different rules from country to country. In contrast, disputes between insurers and reinsurers historically were resolved through custom and usage and through private dispute resolution with relatively little public policy overlay. In recent years, however, the reinsurance market has become more visible, with signs that decision-makers may bring more public policy considerations to this area of international insurance law. The panel will evaluate whether there is indeed a migration from private ordering to a regime with more public policy input.

Moderator:

Lawrence A. Hobel, Esq., Heller Ehrman LLP

Panelists:

David C. McLauchlan, Esq., Lord Bissell & Brook LLP
Graydon S. Staring, Esq., Nixon Peabody LLP

International Law and the Humanities

What role can art, music, film, and literature play in portraying and elucidating wartime atrocities? Can the humanities humanize international law? Can the arts play any role in preventing atrocities? Can they provide a kind of remedy to victims as we witness new thinking about not only retributive justice but also restorative justice? What is the role of continental theory, literary criticism, and textual analysis in the international legal system?

Moderator and Panelist:

Professor Susan Tiefenbrun, Thomas Jefferson School of Law

Panelists:

Professor Peter Goodrich, Benjamin N. Cardozo School of Law
Dr. Ann Kirschner, Director, Letters to Sala Project
Daniel Kornstein, Esq., New York, NY

2:15 pm – 3:45 pm

International Arbitrators: Civil Servants? Sub
Rosa Advocates? Men of Affairs?

Thirty seven years ago, Justice White wrote in Commonwealth Coatings Corp. v. Continental Casualty Co. that “the Court does not decide today that arbitrators are to be held to the standards of judicial decorum of Article III judges, or indeed of any judges. It is often because they are men of affairs, not apart from but of the marketplace, that they are effective in their adjudicatory function.” Are any of these sentiments still appropriate today? This panel will discuss several important issues surrounding the role of arbitrators in international disputes:

- *whether arbitrators in international disputes should be held to conflicts standards similar to judges and other civil servants or should be entitled to be active participants in commercial, legal and public affairs*
- *the actual conduct of parties selecting arbitrators, and the tension between the ethical standard of independence and impartiality and the desire of a party to select an arbitrator who will vote for the position of that party*
- *the limited number of arbitrators who are women or minorities*

Moderator:

Mark Kantor, Washington D.C.

Panelists:

Professor Susan Franck, University of Nebraska Law School

Eric Tuchman, General Counsel, American Arbitration Association

Sherry Williams, Esq., Senior Counsel, Halliburton Inc.

FRIDAY, OCTOBER 21, 2005

2:15 pm – 3:45 pm

What is War?

The Bush Administration has claimed since 9/11 that the United States is engaged in a global war on terror. It claims this is a real war that permits killing suspected terrorists wherever they are found or detaining them indefinitely. The panel will discuss what international law says about the Administration's claims. While an understanding of what is war can be built from a number of legal sources, no treaty precisely defines war; no decision of the International Court of Justice is cited as the test, nor do we turn to customary international law each time we need to assess whether a situation is one of war or peace. Yet, important human rights turn on the distinction. The panel will attempt to advance our understanding of what is war and when wartime rights and duties are triggered. The panel will consider what the default situation should be in cases where it may just be too difficult to tell.

Moderator:

Professor Thuo Gathii, Albany Law School

Panelists:

Professor Jane Dalton, Naval War College

Professor Madeline Morris, Duke University Law School

Professor Mary Ellen O'Connell, Notre Dame Law School

Professor Emeritus Detlev Vagts, Harvard Law School

FRIDAY, OCTOBER 21, 2005

2:15 pm – 3:45 pm

U.N. Reform and the International Court of Justice

Recent proposals for U.N. reform have focused on the Security Council and certain subsidiary bodies. What about the principal judicial organ of the United Nations, the International Court of Justice? The reports of the High-Level Panel and the U.N. Secretary-General lack substantive proposals for reform of the ICJ even though the composition of the ICJ largely mirrors the composition of the Security Council. This panel will examine the need to rethink the most visible tribunal charged with interpreting and ensuring compliance with international law.

Moderator:

Professor Christopher Borgen, St. John's University School of Law

Panelists:

Ambassador Juan Manuel Gomez-Robledo, Deputy Permanent Representative of Mexico to the U.N.

Ambassador Andrew Jacovides, Former Delegate of Cyprus to the Sixth Committee of the U.N. General Assembly

Dr. Roy S. Lee, Columbia University School of Law

Dr. Cesare Romano, Lecturing Fellow, Duke University Law School and NYU Center on International Cooperation

The Honorable Stephen Schwebel, former President, International Court of Justice (invited)

FRIDAY, OCTOBER 21, 2005

2:15 pm – 3:45 pm

Is International Law a Threat to Democracy?

Political conservatives have long challenged the legitimacy of international law on the ground that it is undemocratic in its formation and application. This challenge is increasingly now voiced by political liberals as well. How can international law lay claim to compliance by states and non-state actors if, at its core, it lacks legitimacy? An ideologically diverse panel will explore the validity of this critique of international law and examine proposals for making international law more democratic.

Moderator:

Professor Andrew Strauss, Widener University School of Law

Panelists:

Professor Richard Falk, University of California, Santa Barbara

Professor Carol Gould, George Mason University

Professor Jeremy Rabkin, Cornell University

Professor Peter Spiro, University of Georgia School of Law

FRIDAY, OCTOBER 21, 2005

4:00 pm – 5:30 pm

Compliance with the Prohibition Against Torture

This panel explores how compliance with the prohibition against torture might be enhanced. Compliance frequently appears as a straightforward matter of enforcing a well-understood, absolute prohibition. But the war on terror has rendered the question vastly more complex. How is compliance to be achieved when the very definition of torture is contested? Can exceptions to the prohibition – especially allowances for the so-called “ticking time bomb” scenario – be devised in such a manner as to further, rather than to undermine, compliance? Are compliance efforts compromised by arguments linking jus ad bellum and jus in bello norms and claims that certain conflicts and certain enemies call for treatment at variance with traditional standards? The panel will explore these and other questions.

Moderator:

Professor Brad Roth, Wayne State University Law School

Panelists:

Professor Karima Bennoune, Rutgers University School of Law—Newark

Professor George Fletcher, Columbia University School of Law

Professor David Luban, Georgetown University Law Center

Professor Jeremy Waldron, Columbia University School of Law

FRIDAY, OCTOBER 21, 2005

4:00 pm – 5:30 pm

Negotiating a U.N. Convention on the Rights of Persons with Disabilities: Lessons and Observations

Ongoing negotiations for a U.N. Convention on the Rights of Persons with Disabilities reflect many of the broader struggles playing out in international human rights law. The treaty will likely address such important issues as equal recognition before the law, the right to work, access to health care and rehabilitation, rights with regard to medical intervention (e.g., the Terri Schiavo case), and the concept of reasonable accommodation. This panel will offer a progress report on the status of the treaty negotiations. It will also explore likely problems of monitoring compliance with treaties conferring positive rights.

Moderator:

Professor Michael Waterstone, University of Mississippi Law School

Panelists:

Andrew Begg, Second Secretary, Permanent Mission of New Zealand to the United Nations

Professor Arlene Kanter, Syracuse University College of Law

Janet Lord, Lord & Guernsey, LLC

FRIDAY, OCTOBER 21, 2005

4:00 pm – 5:30 pm

The *Charming Betsy* and the Role of Presumptions in International Law

Justice John Marshall's seminal opinion in The Charming Betsy has long been a powerful canon of interpretation pushing U.S. courts toward compliance with international law. In the 21st century, that case and the principle for which it stands are assuming new importance in contexts that differ greatly from 19th century admiralty law. This panel will review the application of The Charming Betsy to the Americans with Disabilities Act in the recent case of Spector v. Norwegian Cruise Line as well as its potential use in constitutional interpretation, as suggested by scholars and advanced in amicus briefs in cases such as Roper v. Simmons.

Moderator:

Professor Roger P. Alford, Pepperdine University Law School

Panelists:

Chris Handman, Esq., Hogan & Hartson

David Salmons, Esq., U.S. Department of Justice (invited)
Professor Melissa Waters, Washington & Lee School of Law

6:30 pm – 8:30 pm

Gala Reception

Hosted by the Embassy of Venezuela to the United States offering a wine "brindis" (toast) and "pasos calientes" (warm appetizers) at the Venezuelan Consulate, 7 East 51st Street, New York.

Note: Space is limited. For information on registration, consult the conference website, www.ambranch.org. Those attending must bring their conference badge and photo identification to the reception.

Coffee Hour: 8:00 am – 9:00 am

9:00 am – 10:30 am

War and Freedom of Expression

This panel will look at Article 20 of the ICCPR and various allegations against the media charging that in specific instances it has played a role in inciting violence. Specific cases for discussion include the ICTR's Milles Collines radio case, the Venezuelan government's confrontation with the private media in that country, and, finally, the manner in which the US media covered allegations by the Bush Administration that Saddam Hussein's regime possessed weapons of mass destruction.

Moderator:

Christina M. Cerna, Organization of the American States
Principal Specialist, Inter-American Commission on Human Rights

Panelists:

Eduardo Bertoni, Rapporteur for Freedom of Expression,
Inter-American Commission on Human Rights

Sandra Colliver, Senior Legal Officer for Freedom of
Information and Expression, Open Society Justice Initiative

The Honorable Bernardo Alvarez Herrera, Ambassador
of Venezuela to the United States

Professor Philippe Sands, University College, London

International Norms and Post-WTO China

China is often called a rogue state based in part on a poor record of compliance with international obligations. This panel explores whether China's orientation toward treaty and other obligations has improved since it joined the World Trade Organization. In particular, the panelists will examine recent developments in business law, environmental law, human rights, and intellectual property.

Moderator:

Professor Benjamin L. Liebman, Columbia University
School of Law

Panelists:

Sharon X. Hom, Executive Director, Human Rights in China
Professor Nicholas C. Howson, University of Michigan
Law School (invited)

Cecily Hurst, Vollrath & Associates

Professor Peter K. Yu, Michigan State University College
of Law

9:00 am – 10:30 am

Extraterritorial Jurisdiction: Friend or Foe?

As the ICJ recently noted in Belgium v. Congo, state practice with respect to extraterritoriality continues to expand and it does so in many fields: economic regulation, criminal law, human rights enforcement, political sanctions regimes, environmental protection, and elsewhere. Panelists will address a number of issues related to extraterritorial jurisdiction, including the following: From the perspective of efforts to construct an effective international procedural system, is the expansion of extraterritoriality good or bad? Is the exercise of universal jurisdiction an interim phase on the way to building an effective system of international courts or is it a longer term development? Are the periodic disputes between the United States and the EU over extraterritorial antitrust enforcement destructive or are they part of a useful process of harmonizing substantive norms with respect to economic regulation? Are these disputes a necessary part of the process of customary international law formation? Are the new treaties on criminal law and mutual legal assistance a counterbalance to unilateral assertions of criminal jurisdiction?

Moderator:

David P. Stewart, Assistant Legal Advisor, U.S. Department of State

Panelists:

Professor Lee C. Boyd, Pepperdine University Law School
Professor Paul R. Dubinsky, Wayne State University
School of Law

Kathleen M. Hamann, Foley Hoag LL.P, Washington, D.C.
Professor John H. Knox, Dickinson School of Law, Penn
State University

SATURDAY, OCTOBER 22, 2005

9:00 am – 10:30 am

Federal States and International Law

This panel will address the ways in which states in federal unions help make and comply with the norms of international law. The focus will be on the role of component states in implementing treaty obligations and the ways in which the national government in a federal system can compel or encourage compliance by component states.

Moderator:

Professor Mark W. Janis, University of Connecticut Law School

Panelists:

Harold Burman, Office of the Legal Advisor, U.S. Department of State

Professor Andreas F. Lowenfeld, New York University School of Law

Houston Putnam Lowry, Esq., Brown & Welsh, P.C. and Chair, Connecticut Bar Association Section of International Law

Professor Carlos Vázquez, Georgetown University Law School

10:45 am – 12:15 pm

Recent Developments in International Commercial Law

International sales law, long one of the most established areas of international law, is in a state of flux. This panel will provide an update on recent worldwide developments and trends, from North America to Europe to West Africa. Panelists will also compare the evolving approaches of various international sales regimes with respect to specific issues, such as formation, notice, excuse, etc.

Moderator and Speaker:

Harold Burman, Office of the Legal Advisor, U.S. Department of State

Panelists:

Gregory DeSousa, Co-Chair, Africa Committee Section of International Law, American Bar Association

Professor Marsha Echols, Howard University School of Law

Professor Harry Fletcher, University of Pittsburgh School of Law

SATURDAY, OCTOBER 22, 2005

10:45 am – 12:15 pm

Nuclear Non-proliferation and Unique Issues of Compliance

To some extent domestic and global debate regarding whether to take military action in Iraq turned on an unresolved legal question: what is the remedy for alleged noncompliance with duties under the nuclear nonproliferation regime? This question hangs over current discussions with North Korea and Iran. The panel will discuss similarities and differences among these three cases. Panelists will review the results of the May 2005 Review Conference of the Parties to the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and assess the adequacy of the new UN International Convention for the Suppression of Acts of Nuclear Terrorism. Finally, the panel will evaluate the efforts in the IAEA to safeguard and restrict nuclear and radioactive material.

Moderator:

Professor Larry Johnson, New York University

Panelists:

Christopher Ford, Principal Deputy Secretary of State, U.S. Department of State

Professor Orde Kittrie, Arizona State University School of Law
Gustavo Zlauvinen, IAEA Liaison Officer, United Nations

Roundtable Discussion on Women and Migration

The 2004 report of the ILA International Committee on Feminism and International Law will serve as a springboard for discussing recent developments in the field. Among the topics will be current efforts by CEDAW to develop a General Recommendation on migration, and an international legal framework to combat trafficking in women.

Facilitators:

Professor Janie Chuang, American University, Washington College of Law, ABILA Committee on Feminism and International Law

Justice Sujata Manohar, Retired Justice, Supreme Court of India, ILA Committee on Feminism and International Law
Professor Alice Miller, Joseph L. Mailman School of Public Health, Columbia University

SATURDAY, OCTOBER 22, 2005

10:45 am – 12:15 pm

Command Responsibility: Prosecuting
Military Commanders and Civilian Ministers
for Violations of the Laws of War

The law has long imposed liability on military commanders for certain violations of the laws of war committed by their subordinates. For many years, however, few high level commanders were prosecuted. After World War II, liability was extended to a few civilian ministers. More recently, international, quasi-international and national courts have been employed in adjudicating alleged war crimes by military commanders and civilians holding high governmental office. This panel will explore recent developments in this area and assess whether the evolving law of command responsibility is likely to reduce war crimes in the future.

Moderator:

Professor Valerie Epps, Suffolk University Law School

Panelists:

Rear Admiral John Hutson, Dean, Franklin Pierce Law Center

Professor Mary Ellen O'Connell, Notre Dame Law School
Professor Jordan Paust, University of Houston Law Center

Professor Leila Nadya Sadat, Washington University School of Law

12:30 pm – 1:45 pm

Annual Luncheon

Keynote Address by the
Honorable Theodor Meron, President,
International Criminal Tribunal for the
Former Yugoslavia

Registration for luncheon required prior to October 18

SATURDAY, OCTOBER 22, 2005

2:00 pm – 3:30 pm

The Importance of Customary International Humanitarian Law in an Era of Codification

This panel will respond to Judge Meron's keynote address in discussing the revival of customary international humanitarian law. It will look at developments in international case law from the International Court of Justice and the International Criminal Tribunal for the Former Yugoslavia. The panel also will present the recently published ICRC study on customary international humanitarian law, discuss its findings, and explore issues that require clarification.

Moderator and Panelist:

Professor Emeritus Detlev Vagts, Harvard Law School

Panelists:

Jean-Marie Henckaerts, Legal Adviser, ICRC

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

Blurring the Line Between Domestic and International Law: Good Bad or Ugly?

Are U.S. courts effectively "international courts" in an era of globalization and increased international accountability, or is there still a sharp dividing line between domestic and international standards of conduct and enforcement mechanisms? If this line is blurred, is this cause to celebrate or lament? This panel will address theoretical and practical aspects of the evolving domestic/international divide.

Moderator:

Professor Gregory H. Fox, Wayne State University Law School

Panelists:

Dr. Chimène Keitner, Esq., Lief, Cabraser, Heimann & Bernstein LLP

Francisco Forrest Martin, President, Rights International, The Center for International Human Rights Law, Inc.

Anthea Roberts, Esq., Debevoise & Plimpton LLP

SATURDAY, OCTOBER 22, 2005

2:00 pm – 3:30 pm

The UN Human Rights Regime: Does Greater Compliance Require a New Enforcement Machinery?

The UN human rights machinery, especially the UN Commission on Human Rights, has come under severe criticism from many quarters. Several proposals have been made to reform the Commission. This panel will analyze recommendations contained in the Gingrich-Mitchell Report, the High-Level Panel Report, the Secretary-General's Report, and the ABA Human Rights Task Force Report as world leaders gather in New York for the 2005 UN Summit to debate how the UN monitoring process should be changed. This panel will discuss whether various proposals are likely to bring about greater compliance with human rights norms.

Moderator:

Professor Ved Nanda, University of Denver School of Law

Panelists:

Professor Michael Scharf, Case Western School of Law

Professor Paul Williams, American University, Washington College of Law

3:30 pm – 5:30 pm

Film: Videoletters

** Winner of the 2005 HRWIFF Nestor Almendros Prize. Filmmakers Katarina Rejger and Eric van den Broek present a truly groundbreaking and emotionally uplifting series of short documentary films. Videoletters is remarkable for many reasons, not least because it exemplifies the power of change inherent in the documentary form. The very making of the films fostered reconciliation between the estranged individuals in the war-scarred former Yugoslavia.*

In Videoletters, which was shot over the past five years, frequently in tough and often dangerous conditions, the filmmakers act as initiators, mailmen, and recorders of a dispersed population who have little contact with people outside their borders. In each episode, people of different nationalities send a video letter to someone who was a friend, neighbor, or colleague before conflict in the Balkans drove them apart. They try to put rumors and false information behind them. They admit guilt. This stunning series of films literally reaches across the emotional and physical divide to open up a new path for the future. After exchanging video letters, the participants usually arrange a meeting, the first since the war erupted.

Every public television station in the former Yugoslavia broadcast at least ten of the video letters in a set of coordinated broadcasts that began on April 7, 2005, ten years after the Dayton peace agreements.

Videoletters was part of the 2005 Human Rights Watch Film Festival. For a more detailed description, see <http://www.videoletters.net/set-1030.1000-en.html>.

Directed by Katarina Rejger and Eric van den Broek – Bosnia and Herzegovina/Slovenia/Macedonia/Croatia/Serbia and Montenegro (including Kosovo) – 2004/2005 – 75m – video – documentary

In Albanian, Bosnian, Croatian, Macedonian, Serbian, and Slovenian with English subtitles