

THE AMERICAN BRANCH  
of the  
INTERNATIONAL LAW ASSOCIATION  
presents

# International Law Weekend 2006

*The Evolving World  
of International Law*



**October 26–28, 2006**

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 cosponsoring 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 2006

*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  
International Law Committee

Connecticut Bar Association

Customs and International Trade Bar Association

International Law Students Association and  
*ILSA Journal of International and Comparative Law*

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New York State Bar Association  
International Law and Practice Section

New York Women's Bar Association

*with Special Thanks to*

Michigan State University College of Law

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**Gratefully Acknowledge  
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INTERNATIONAL LAW ASSOCIATION  
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## INTERNATIONAL LAW WEEKEND 2006

The sponsors of International Law Weekend 2006 invite you to participate in an exciting program for practitioners, academics, students, government officials, NGO members, and U.N. diplomats that explores the rapid evolution of public and private international law and the resulting consequences for the global legal environment.

The three-day conference will be held from October 26–28, 2006, at the House of the Association of the Bar of the City of New York, 42 West 44th Street, New York. Please note, however, that the reception on Friday will be held at the Permanent Mission of New Zealand to the United Nations, One UN Plaza, 25th Floor, New York.

**Due to the generosity of its sponsors, the Weekend is free for all students, all members of the cosponsoring 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 \$20 for those who order a box lunch. Without lunch, admission is free.

The Friday reception at the Permanent Mission of New Zealand is free of charge, thanks to the Mission's generosity. **Space is limited. For security and logistical reasons, please sign up for the reception in advance (instructions available on the ABILA website at [www.ambranch.org](http://www.ambranch.org)).** Please bring photo identification and your conference badge to the event.

The Saturday luncheon cost is \$35 (students: \$30).

**Registration for meals must be received by Friday, October 20, 2006. (See registration form printed in the back of this brochure.) Refunds will not be made on registrations canceled after October 20.** However, reservations can be transferred to another member of your firm or organization.

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.

**CONFERENCE THEME**  
**The Evolving World of International Law**

This three-day event will explore the rapid evolution of public and private international law and the resulting consequences for the global legal environment. Experts will lead interactive sessions dealing with such topics as the increasing importance of international courts, escalating tensions between state sovereignty and human rights, the reasons for and consequences of the United States' changing relationships with the rest of the world, and the importance of professional organizations in holding a mirror to power.

THURSDAY, OCTOBER 26, 2006

5:30 pm – 7:00 pm

## OPENING EVENING RECEPTION

With the Generous Support of  
Thacher Proffitt Wood

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

7:00 pm – 9:00 pm

## OPENING SESSION

From Nuremberg to Saddam Hussein: The Challenges for  
Promoting World Peace Through the Rule of Law

*This year marks the sixtieth anniversary of the Final Judgment of the International Military Tribunal at Nuremberg. Notwithstanding this historic judgment, it remains a major challenge to prosecute crimes against humanity, as seen recently in trials against Saddam Hussein and the late Slobodan Milošević. There are also many difficult legal issues concerning the trials of prisoners in Guantanamo Bay. This opening panel will bring together a group of distinguished scholars to discuss issues about global justice, the rule of law, protection against terrorism, crimes against peace and humanity, and the International Criminal Court.*

### Chair:

**Prof. Peter K. Yu**, Michigan State University College of Law & Asian Studies Center, Michigan State University & Co-chair, International Law Weekend 2006

### Panelists:

**Prof. Gary J. Bass**, Department of Politics, Princeton University

**Prof. Malvina Halberstam**, Benjamin N. Cardozo School of Law, Yeshiva University & Executive Committee, ABILA

**Prof. David J. Luban**, Frederick J. Haas Professor of Law and Philosophy, Georgetown University Law Center

**Prof. Leila Nadya Sadat**, Henry H. Oerschelp Professor of Law, Washington University School of Law & Executive Committee, ABILA

**Prof. Michael P. Scharf**, Case Western Reserve University School of Law & Executive Committee, ABILA



FRIDAY, OCTOBER 27, 2006

8:00 am – 9:00 am

## Complimentary Coffee

9:00 am – 10:30 am

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### Enforcing Foreign Judgments and Awards: Worlds Apart?

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*This panel will compare the recognition and enforcement of foreign judgments and international arbitration awards. It will also discuss the proposed Convention on Jurisdiction and Foreign Judgments in Civil and Commercial Matters. In particular, this panel will explore whether the new Hague Convention, if adopted, would bridge the present gap between the enforcement of foreign judgments and international arbitration awards.*

**Chair:**

**Julie Bédard, Esq.**, Skadden, Arps, Slate, Meagher & Flom LLP

**Panelists:**

**Prof. George A. Bermann**, Jean Monnet Professor of EU Law & Walter Gellhorn Professor of Law, Columbia University School of Law

**John Fellas, Esq.**, Partner, Hughes Hubbard and Reed LLP

**John L. Gardiner, Esq.**, Partner, Skadden, Arps, Slate, Meagher & Flom LLP

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### The Future of International Arbitration in Latin America

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*The world of international business has become increasingly concerned with the growing trend in Latin America to enact laws that nationalize, or have the effect of nationalizing, key industries in these countries. What does this mean for international arbitration in the region? How can U.S. investors draft their agreements and structure their investments to protect themselves in light of these new laws?*

**Chair:**

**Nancy M. Thevenin, Esq.**, Deputy Director, Arbitration and ADR, North America, ICC International Court of Arbitration & Organizing Committee, International Law Weekend 2006

**Panelists:**

**Oliver J. Armas, Esq.**, Thacher Proffitt & Wood, LLP

**John H. Rooney, Jr., Esq.**, Shutts & Bowen LLP

**George K. Foster, Esq.**, Dechert LLP

FRIDAY, OCTOBER 27, 2006

9:00 am – 10:30 am

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**Definitions for the 1982 Law of the Sea Convention:  
Recent Developments in the Law of the Sea**

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*This panel will discuss a Tentative Final Draft that the ABILA Law of the Sea Committee has prepared for defining terms that are not defined in the 1982 Law of the Sea Convention. The Committee plans to present a Final Draft to the American Branch after the Annual Meeting, taking into account the panel discussion. The panel will also discuss recent developments in the Law of the Sea, especially as they relate to the definitions project.*

**Chair:**

**Prof. George K. Walker**, Wake Forest University School of Law & Executive Committee, ABILA

**Panelists:**

**Prof. John E. Noyes**, California Western School of Law & Vice President, ABILA

**Prof. Howard S. Schiffman**, Center for Global Affairs, New York University

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**The Emerging “Responsibility to Protect”:  
Challenges of Implementation**

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*The U.N. World Summit last fall endorsed the emerging norm “Responsibility to Protect”—each individual state’s responsibility to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity. The Summit also placed responsibility on the international community to take collective action should a state fail to protect its population from these crimes. The panel will discuss the challenges of implementation of this new norm in the context of the Darfur tragedy.*

**Chair:**

**Prof. Ved P. Nanda**, Vice Provost & Evans University Professor, University of Denver & Hon. Vice President, ABILA

**Panelists:**

**David Aronofsky**, University Legal Counsel & Adjunct Faculty, Schools of Law and Education, University of Montana

**Kalliopi Chainoglou**, Lellos P. Demetriades Law Office, Cyprus

**Theodora Christodoulidou**, Lellos P. Demetriades Law Office, Cyprus

**Prof. Mark E. Wojcik**, John Marshall Law School

FRIDAY, OCTOBER 27, 2006

10:45 am – 12:15 pm

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**From Owusu to Parlatino: European Union and Latin American Challenges to Forum Non Conveniens**

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*In 2005, the European Court of Justice, in Jackson v. Owusu, ruled forum non conveniens to be incompatible with the United Kingdom's obligations under the Brussels Regulation. A continent apart, the Ecuadorian legislature in 1998 pronounced that, when an Ecuadorian filed an action abroad, the act of filing terminated jurisdiction of the Ecuadorian courts. This legislation caused the Parlatino movement to urge the adoption of similar legislation throughout Latin America. What is the future of FNC in view of these actions?*

**Chair:**

**Prof. Michael Wallace Gordon**, University of Florida Levin College of Law

**Panelists:**

**Henry Saint Dahl, Esq.**, Adjunct Secretary General, Inter-American Bar Association

**Prof. Alejandro M. Garro**, Columbia University School of Law

**Prof. Loukas Mistelis**, Queen Mary, University of London

**Prof. Louise E. Teitz**, Roger Williams University

*This panel is sponsored by the Section of International Law of the American Bar Association.*

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**How Much Is Enough? U.S. Securities Regulation in the Face of Global Capital Markets**

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*Globalization affects financial services just as it affects other industries. Modern portfolio theory teaches the value of global diversification and issuers and investors can and do act globally. If U.S. securities regulation is perceived as burdensome, corporations will choose to list and be regulated elsewhere, thus impairing U.S. capital markets and potentially endangering U.S. investors who still invest in these entities. This panel will discuss U.S. securities regulation for non-U.S. issuers in light of this dilemma.*

**Chair:**

**Prof. Steven M. Davidoff**, Wayne State University Law School

**Panelists:**

**Prof. James J. Angel**, McDonough School of Business, Georgetown University

**Thomas J. Friedmann, Esq.**, Partner, Dechert LLP

**Doreen E. Lilienfeld, Esq.**, Partner, Shearman and Sterling LLP

FRIDAY, OCTOBER 27, 2006

10:45 am – 12:15 pm

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**The Legal and Financing Implications of the  
Kyoto Protocol Clean Development Mechanism**

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*In June 2006, the United States Climate Change Secretariat estimated that the Kyoto Protocol's Clean Development Mechanism (CDM) would generate more than one billion tons of emission reductions by the end of 2012, an amount equal to the annual emissions of Spain and the United Kingdom combined. Hundreds of CDM projects are in the pipeline in China, India and Brazil as well as other developing countries. This panel will review the many legal and financial issues that have been raised and are anticipated.*

**Chair:**

**Edna Sussman, Esq.**, Of Counsel, Hoguet Newman & Regal LLP

**Panelists:**

**Kyle W. Danish, Esq.**, Member, Van Ness Feldman, P.C.

**Dane Ratliff, Esq.**, Legal Counsel, Permanent Court of Arbitration, The Hague

**Kruskaia Sierra-Escalante, Esq.**, Counsel, Legal Department, International Finance Corporation

**Madeleine Tan, Esq.**, Partner, Brown Rudnick

**Vikram Widge, Esq.**, Program Manager, Carbon Finance, Environmental Finance Group, International Finance Corporation

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**Water, Law, and Society in Contemporary China**

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*This panel will look at one of the most contentious legal, social, and political issues facing China today: water. Drawing from approaches that include property rights, state-society relations, and political mobilization of (previously) disenfranchised actors, this panel seeks to shed light on the relationship between law and authority in contemporary China. Although the focus is on water, many of the conclusions can be applied to other policy and legal areas in China and elsewhere.*

**Chair and Panelist:**

**Prof. Andrew Mertha**, Department of Political Science, Washington University

**Panelists:**

**Beth Kinne, Esq.**, Leavenworth & Karp, P.C.

**Dr. Darrin Magee**, Department of Geography, University of Washington & Asian International Rivers Center, Kunming, China

FRIDAY, OCTOBER 27, 2006

12:15 pm - 1:45 pm

**EXECUTIVE COMMITTEE MEETING, ABILA**

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1:45 pm - 2:15 pm

**ANNUAL GENERAL MEETING, ABILA**

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12:15 pm - 2:00 pm

**LAWYERS WITHOUT BORDERS MEETING**

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

FRIDAY, OCTOBER 27, 2006

12:30 pm – 2:00 pm

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### The Rosneft Public Offering: Putin's Syndication of the Gulag?

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*The July 2006 public offering of shares of Rosneft, 100% owned by the Russian Government, raised crucial issues for the investing community because 70% of Rosneft had been acquired in an oft-challenged 2004 "auction" of the largest subsidiary of Yukos Oil. This auction took place after the Yukos' CEO, Mikhail Khodorkovsky, had been arrested for alleged tax fraud. Our panel of experts will consider various aspects of the Rosneft chapter of the Yukos Affair.*

**Chair:**

**Bruce W. Bean, Esq.**, Professor in Residence, Michigan State University College of Law & Former Chair, American Chamber of Commerce in Russia

**Panelists:**

**Robert Amsterdam**, Amsterdam & Peroff, Toronto

**Vladimir Gladyshev**, Gladyshev & Partners, Moscow

**Andrei Liakhov**, Norton Rose, London

**Sanford Saunders, Esq.**, Greenburg & Traurig

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### Most Significant Events in International and Hybrid Tribunals

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*This panel will focus on the most important events occurring in the Yugoslav and Rwanda Tribunals, the Special Court for Sierra Leone, the Iraqi Tribunal, the Khmer Rouge Tribunal, and other internationalized processes.*

**Chair:**

**Katherine Gallagher, Esq.**, Center for Constitutional Rights

**Panelists:**

**Prof. David Crane**, Distinguished Visiting Professor of Law, Syracuse University College of Law & Former Chief Prosecutor of Special Court for Sierra Leone

**Prof. David Scheffer**, Mayer, Brown, Rowe & Maw/Robert A. Helman Professor of Law, Northwestern University School of Law & Former U.S. Ambassador for War Crimes Issues

**Marieke Wierda, Esq.**, International Center for Transitional Justice

FRIDAY, OCTOBER 27, 2006

2:15 pm – 3:45 pm

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### The Evolution of International Courts

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*This panel will show the evolution of international justice through the progression of criminal tribunals to a permanent criminal court. The panelists will speak of their personal experiences and describe their triumphs and difficulties related to their work with the International Criminal Court, the International Criminal Tribunal for Rwanda and the Special Court for Sierra Leone.*

**Chair:**

**Houston P. Lowry, Esq.**, Chairman of the Board of Directors, Lawyers Without Borders & Chair, ABILA International Commercial Law Committee

**Panelists:**

**Richard Dicker**, Director, International Justice Program, Human Rights Watch

**Simone Monasebian, Esq.**, U.N. Chief of New York Office on Drugs & Crime and Court TV legal analyst on International Criminal Trials

**Daniel Schimmel, Esq.**, Counsel, Shearman & Sterling

*This panel is cosponsored by Lawyers Without Borders and New York Women's Bar Association.*

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### International Mergers and Acquisitions

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*In recent years, the pace of consolidation in virtually all industry sectors has accelerated. Mergers and acquisitions involving multinational enterprises have become increasingly common and have raised significant legal issues across a broad spectrum of legal disciplines, including securities law, competition law, international trade law, and national security/anti-terrorism. The panelists will explore a representative sampling of these issues and offer a variety of perspectives on global M&A practice.*

**Chair and Panelist:**

**Hon. Thomas B. Leary**, Of Counsel, Hogan & Hartson & Former Commissioner, Federal Trade Commission

**Panelists:**

**Margaret M. Ayres, Esq.**, Davis Polk & Wardwell

**Prof. Steven M. Davidoff**, Wayne State University Law School

**Prof. Keith R. Fisher**, Michigan State University College of Law & Organizing Committee, International Law Weekend 2006

**Carlos M. Pelayo, Esq.**, Davis Polk & Wardwell & Hon. Secretary, ABILA

FRIDAY, OCTOBER 27, 2006

2:15 pm – 3:45 pm

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**The Use of Anti-suit Injunctions to Enjoin Foreign Proceedings  
and International Arbitrations**

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*There has been a sharp rise in the use of anti-suit injunctions to try to enjoin lawsuits in a foreign jurisdiction as well as international arbitral proceedings. Panelists will discuss recent cases involving anti-suit injunctions and provide insights and strategy considerations with respect to such judicial tactics.*

**Chair:**

**Dana C. MacGrath, Esq.**, O'Melveny & Myers LLP & Organizing Committee, International Law Weekend 2006

**Panelists:**

**Lucy F. Reed, Esq.**, Freshfields

**Daniel Tan, Esq.**, O'Melveny & Myers LLP

**Henry Weisburg, Esq.**, Shearman & Sterling LLP

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**Global Patent Law Harmonization: Problems and Prospects**

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*This panel will examine new trends toward achieving worldwide harmonization of patent prosecution and opposition procedures, encompassing the proposed WIPO treaty, the TRIPs Agreement, bilateral and regional treaties, and unilateral action. It will analyze and discuss the implications of harmonization for the interests of developed and developing countries, including those of patent owners.*

**Chair:**

**Prof. Aaron Fellmeth**, Sandra Day O'Connor College of Law, Arizona State University & Chair, ABILA International Intellectual Property Committee

**Panelists:**

**Philippe Baechtold**, Head, Patent Law Section, Patent Policy Department, World Intellectual Property Organization

**Prof. Sabrina Safrin**, Rutgers School of Law—Newark

**Prof. Douglas Sylvester**, Sandra Day O'Connor College of Law, Arizona State University

**Prof. Peter K. Yu**, Michigan State University College of Law & Asian Studies Center, Michigan State University & Co-chair, International Law Weekend 2006



FRIDAY, OCTOBER 27, 2006

4:00 pm – 5:30 pm

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### What Did the Framers Know and When Did they Know It?

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*What did the Framers understand and misunderstand about the international law of their age? Are the differences between the law of nations of the eighteenth century and the international law of the twenty-first century so large as to make originalism too crude a tool for approaching the constitutional/international issues currently before us? If originalism cannot be our guide, how do we determine the relevance of international law and comparative law in interpreting the U.S. Constitution today?*

**Chair:**

**Prof. Paul R. Dubinsky**, Wayne State University Law School & Organizing Committee, International Law Weekend 2006

**Panelists:**

**Prof. David J. Bederman**, Emory University School of Law & Executive Committee, ABILA

**Prof. Sarah H. Cleveland**, University of Texas School of Law

**Prof. David Sloss**, Saint Louis University School of Law

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### Recent Developments and Future Trends in Private International Law

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*Harmonization and codification in the field of private international law has an increasing impact on the work of practitioners and the interests of their clients. This panel will address some of the most important developments and ongoing projects taking place in UNCITRAL, UNIDROIT, the Organization of American States and the Hague Conference on Private International Law, including in such diverse areas as recognition and enforcement of judgments and choice of court agreements, secured finance, electronic commerce, consumer protection, service of process and taking of evidence abroad.*

**Chair:**

**David P. Stewart, Esq.**, Office of the Legal Adviser, U.S. Department of State & Co-chair, ABILA Extraterritorial Jurisdiction Committee

**Panelists:**

**David A. Baron, Esq.**, McDermott Will & Emery LLP

**Prof. Amelia H. Boss**, Temple University Beasley School of Law

**Prof. Ronald A. Brand**, University of Pittsburgh School of Law

**John M. Wilson, Esq.**, Legal Adviser, Department of International Legal Affairs, Organization of American States

FRIDAY, OCTOBER 27, 2006

4:00 pm – 5:30 pm

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### Is the Fair and Equitable Treatment Standard Fair and Equitable?

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*The fair and equitable treatment standard was originally a minimum standard in customary international law. Over forty years, thousands of investment treaties concluded worldwide have codified this standard. Litigants and tribunals increasingly invoke this standard in investment disputes. Despite the prominence of this standard, there has been uncertainty about its content. This panel will present differing views on whether recent arbitral awards have now clarified this standard and whether it is in fact equitable.*

**Chair:**

**Prof. Tai-Heng Cheng**, New York Law School

**Panelists:**

**Guillermo Aguilar-Alvarez, Esq.**, Partner, Weil, Gotshal & Manges LLP

**Prof. W. Michael Reisman**, Myers S. McDougal Professor of International Law, Yale Law School

**Robert H. Smit, Esq.**, Partner, Simpson Thacher & Bartlett LLP

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### Development, Innovation and International Legal Regimes: The Politics of Knowledge and Knowledge Goods

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*Current global legal and economic regimes continually harden and narrow the options for developing countries to follow their own paths to development through innovation. Simultaneously, inadequate theorizing and analysis persists of the processes of knowledge production and the optimal means for encouraging and nurturing local innovation. This panel will examine these and other unresolved tensions between local expressions of innovation and global legal structures, as well as the local political and social aspects of innovation within which these larger legal regimes operate.*

**Chair:**

**Prof. Tayyab Mahmud**, John Marshall Law School & Seattle University School of Law (visiting)

**Panelists:**

**Prof. Olufunmilayo Arewa**, Northwestern University School of Law

**Prof. Margaret Chon**, Seattle University School of Law

**Prof. James Gathii**, Albany Law School & Chair, ABILA Use of Force Committee

**Prof. Balakrishnan Rajagopal**, Massachusetts Institute of Technology

**FRIDAY, OCTOBER 27, 2006**

**6:30 pm - 8:30 pm**

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**GALA RECEPTION**

Permanent Mission of New Zealand to the United Nations  
One UN Plaza, 25th Floor, New York, NY 10017

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SATURDAY, OCTOBER 28, 2006

8:00 am – 9:00 am

## Complimentary Coffee

9:00 am – 10:30 am

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### New Developments in International Human Rights Law

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*This panel will discuss recent developments in international human rights law at both the U.N. and regional level.*

**Chair:**

**Christina M. Cerna, Esq.**, Inter-American Commission on Human Rights & Co-chair, ABILA Human Rights Committee

**Panelists:**

**Prof. Philip Alston**, John Norton Pomeroy Professor of Law, New York University School of Law

**Prof. Anne Bayefsky**, Touro Law Center & Senior Fellow, Hudson Institute

**Prof. Paolo Carozza**, Notre Dame University Law School & Member, Inter-American Commission on Human Rights

**Dean Claudio Grossman**, Washington College of Law, American University & Member, U.N. Committee Against Torture

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### Conservative Bastion or Progressive Problem Solver: The Evolving Face of Military Jurisprudence and International Law

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*This panel will address Department of Defense (DoD) legal issues created by the struggles inherent in the current environment for DoD personnel worldwide. Topics include the long term impact of new conspiracy paradigms, the impact and development of command responsibility doctrine, the need to review and change the DoD internal legal system and the impact of Naval Operations on the global war on terror.*

**Chair:**

**Prof. Charles H. Rose III**, Stetson University College of Law & retired Army Judge Advocate

**Panelists:**

**Prof. Geoffrey S. Corn**, South Texas College of Law & retired Army Judge Advocate

**Prof. David W. Glazier**, Loyola Los Angeles College of Law & retired Naval Officer

**Prof. Victor Hansen**, New England College of Law & retired Army Judge Advocate

SATURDAY, OCTOBER 28, 2006

9:00 am – 10:30 am

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**Should the Relationship of WTO Obligations  
to U.S. Law Be Reinvented?**

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*Given the fact that the United States implemented its WTO obligations in 1995, why have there been so many inconsistencies between U.S. laws and WTO decisions—between how the U.S. interpreted its obligations and how WTO cases interpreted them? Are these clashes likely to increase or decrease in the future? Should the U.S. adopt a new statutory procedure for implementing adverse WTO decisions, possibly including an active role for U.S. courts?*

**Chair:**

**Patrick Reed, Esq.**, Simons & Wiskin

**Panelists:**

**Prof. Roger Alford**, Pepperdine University School of Law & Executive Committee, ABILA

**Michael Castellano, Esq.**, Counsel and Senior Policy Advisor, Office of Democratic Leader Harry Reid, U.S. Senate

**John Magnus, Esq.**, Tradewins LLC

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**When Globalization Hits Home:  
Hot Topics in International Family Law**

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*International family law issues, including transnational support and inter-country adoption, have become increasingly important, economically as well as symbolically. This is attributable, in large part, to globalization and the spread of human rights. The United States' historical neglect of these issues, along with its refusal to ratify major human rights conventions focusing on women and children, is a costly and ill-considered mistake.*

**Chair:**

**Prof. Barbara Stark**, Hofstra University School of Law & Chair, ABILA International Family Law Committee

**Panelists:**

**Mary Helen Carlson, Esq.**, Attorney-Adviser, Office of the Assistant Legal Adviser for Private International Law, U.S. Department of State

**Peter Passidomo, Esq.**, Chief Magistrate, N.Y. Unified Court System

**Prof. David Rosettenstein**, Quinnipiac University

SATURDAY, OCTOBER 28, 2006

10:45 am – 12:15 pm

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### The Role of Customary Law in International Law Today

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*What is the role of customary law in international law today, especially considering that many international obligations have been codified in treaty? Outside of human rights, in what subject areas is customary law still relevant? For what purposes? The panel will discuss the status of custom in the international context and in the domestic, American context.*

**Chair and Panelist:**

**Prof. Philip Moremen**, Whitehead School of Diplomacy and International Relations, Seton Hall University & Chair, ABILA Formation of Rules of Customary International Law Committee

**Panelists:**

**Jeffrey Barist, Esq.**, Milbank, Tweed, Hadley & McCloy, LLP

**Prof. Edward Swaine**, The George Washington University Law School

**Prof. Fernando Teson**, Florida State University School of Law

**Vincent J. Vitkowsky, Esq.**, Edwards, Angell, Palmer & Dodge, LLP

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### Teaching International Law in a Globalized World

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*This panel will discuss how teaching international law has—and has not—changed in light of the legal, social and technological developments of recent years and decades.*

**Chair:**

**Prof. Keith R. Fisher**, Michigan State University College of Law & Organizing Committee, International Law Weekend 2006

**Panelists:**

**Prof. Valerie Epps**, Suffolk University Law School & Vice President, ABILA

**Toni Fine**, Assistant Dean of International and Non-J.D. Programs, Fordham University School of Law

**Prof. John King Gamble**, Pennsylvania State University

**Prof. Michael Lawrence**, Michigan State University College of Law

SATURDAY, OCTOBER 28, 2006

10:45 am – 12:15 pm

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### The European Union in 2006: A Report Card

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*Where is the European Union today in critical areas? Is constitutional reform dead in the water after “no” votes in France and the Netherlands? How is the European Monetary Union holding together in times of Member State fiscal challenges? How does the Common Foreign and Security Policy hold up in the post 9/11 world? What are the plans for future enlargement of the EU? How expansive is the protection of human rights throughout the Union?*

**Chair:**

**Richard E. Lutringer, Esq.**, Schiff Hardin LLP

**Panelists:**

**Prof. Elizabeth Defeis**, Seton Hall University Law School

**Prof. Roger Goebel**, Fordham University Law School

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

**Asa Pasavierte**, Delegation of the European Union to the United Nations

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### International Law and the Humanities

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*International legal theory and norms are often dramatically illustrated through the humanities in works of music, art, literature, journalism, and film. Looking at law through the lens of the humanities has the promise of humanizing the law and raising people’s consciousness to the existence and necessity of international law. This panel will examine such international legal issues as torture, the rule of law, violations of human rights of women and children, and the role of moral rights protection of African-American music composers.*

**Chair:**

**Prof. Susan Tiefenbrun**, Thomas Jefferson School of Law & Executive Committee, ABILA

**Panelists:**

**Prof. Kevin J. Greene**, Thomas Jefferson School of Law

**Prof. John T. Parry**, Lewis & Clark Law School

**Prof. Penelope Pether**, Villanova University School of Law

**Prof. Barbara Stark**, Hofstra University School of Law & Chair, ABILA International Family Law Committee

SATURDAY, OCTOBER 28, 2006

12:30 pm – 2:00 pm

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## ANNUAL LUNCHEON

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

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### Speaker

**Prof. Jose E. Alvarez**

President, American Society of International Law  
Hamilton Fish Professor of International Law and Diplomacy  
Columbia Law School

2006 marks the Centennial of the American Society of International Law. As part of its Centennial celebration and thanks to the American Branch of the International Law Association, ASIL is pleased to return to the site where its founding constitution was adopted in January 1906—the House of the Association of the Bar of the City of New York.

*Registration and prepayment Required.*

*(See last page of brochure.)*



SATURDAY, OCTOBER 28, 2006

2:15 pm – 3:45 pm

### The Meaning of a Historic ASIL Resolution

*On March 30, 2006, at its centennial meeting, the American Society of International Law adopted its first resolution on the law of war and occupation and only the eighth resolution in its 100 year history. Key participants in the creation of this resolution will discuss its making and meaning. On August 4, 2006, the Association of the Bar of the City of New York adopted the resolution.*

#### Resolution:

The American Society of International Law, at its centennial annual meeting in Washington, DC, on March 30, 2006, Resolves:

1. Resort to armed force is governed by the Charter of the United Nations and other international law (*jus ad bellum*).
2. Conduct of armed conflict and occupation is governed by the Geneva Conventions of August 12, 1949, and other international law (*jus in bello*).
3. Torture and cruel, inhuman, or degrading treatment of any person in the custody or control of a state are prohibited by international law from which no derogation is permitted.
4. Prolonged, secret, incommunicado detention of any person in the custody or control of a state is prohibited by international law.
5. Standards of international law regarding treatment of persons extend to all branches of national governments, to their agents, and to all combatant forces.
6. In some circumstances, commanders (both military and civilian) are personally responsible under international law for the acts of their subordinates.
7. All states should maintain security and liberty in a manner consistent with their international law obligations.

#### Chair:

**Prof. Benjamin G. Davis**, University of Toledo College of Law

#### Panelists:

**Prof. Jose E. Alvarez**, Hamilton Fish Professor of International Law and Diplomacy, Columbia Law School & President, American Society of International Law

**Prof. Richard W. Edwards**, University of Toledo College of Law

**Scott Horton, Esq.**, Patterson Belknap Webb and Tyler & Chair, ABCNY Committee on International Law & Executive Committee, ABILA

**Prof. Mary Ellen O'Connell**, Robert and Marion Short Chair in Law, Notre Dame Law School

**David B. Rivkin, Esq.**, Partner, Baker Hostetler

SATURDAY, OCTOBER 28, 2006

2:15 pm – 3:45 pm

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### Ocean Law in the Twenty-first Century

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*While many believed that the adoption of the United Nations Convention on the Law of the Sea in 1982 heralded a new era for the species that inhabit the world's oceans, the two decades since have seen the further deterioration of the status of many of these species. This panel will examine several recent approaches to arrest this decline and discusses the international legal regimes that seek to operationalize these mechanisms.*

**Chair:**

**Prof. Howard S. Schiffman**, Center for Global Affairs, New York University

**Panelists:**

**Dr. William Burns**, Senior Fellow, Center for Global Law & Policy, Santa Clara University School of Law & Chair, ABILA International Wildlife Law Committee

**Gunther Handl**, Eberhard Deutsch Professor of Public International Law, Tulane University Law School

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### State Courts and Transnational Decision-Making: The Road Ahead

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*This panel will focus on the growing role of sub-national tribunals in the evolution of international law and transnational decision-making. Drawing from examples in a range of substantive areas, panelists will consider what it means to think of state courts as transnational litigative spaces and the extent to which state courts can and should participate in transnational judicial dialogue.*

**Chair:**

**Prof. Janet Levit**, University of Tulsa College of Law

**Panelists:**

**Prof. Caroline Forell**, Clayton R. Hess Professor of Law, University of Oregon School of Law

**Prof. Hari M. Osofsky**, University of Oregon School of Law & Organizing Committee, International Law Weekend 2006

**Prof. Melissa A. Waters**, Washington & Lee Law School

SATURDAY, OCTOBER 28, 2006

2:15 pm – 3:45 pm

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**Private Sector Codes, Certifications and Self-regulation: A New  
Trend in International Sales Law**

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*More and more companies and associations are demanding that suppliers conform to standards and other requirements linked to traditional notions of quality and safety. Increasingly, contracts embody new notions that are evolving from new developments, such as the awareness of corporate social responsibility and sustainable development. The panelists will discuss the latest trends and developments, as well as the law that is being created.*

**Chair and Panelist:**

**Prof. Marsha Echols**, Howard University Law School & Co-chair, ABILA  
Biotechnology and International Law Committee

**Panelists:**

**Jane Earley, Esq.**, World Wildlife Fund

**Prof. Brigitte Stern**, Université de Paris I—Panthéon-Sorbonne

SATURDAY, OCTOBER 28, 2006

4:00 pm – 5:30 pm

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### Post Conflict Gender Justice

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*This panel will consider how women and gender crimes have been treated in states emerging from periods of protracted armed conflict and whether such states are meeting their legal obligations on women's rights.*

**Chair:**

**Tracey Gurd**, Legal Officer, Open Society Justice Initiative

**Panelists:**

**Janet Benshoof**, Founder and President, Global Justice Center

**Comfort Lamptey**, Gender Advisor, Department of Peacekeeping Operations, United Nations

**Janet Walsh**, Human Rights Watch, Women's Rights Division

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### Roundtable on International Law and Geography: Cross-Cutting Issues of Sovereignty, Identity, and Equity

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*With the rapid pace of globalization, a new category of issues have emerged which fail to fit neatly within law's traditional boxes. Drawing from the discipline of geography, this roundtable dialogue among panel participants will explore (1) how legal institutions can most effectively address these multiscalar, cross-cutting problems, and (2) the challenges of navigating concerns of culture, identity, and equity in such institutional responses.*

**Chair:**

**Prof. Hari Osofsky**, University of Oregon School of Law & Organizing Committee, International Law Weekend 2006

**Roundtable Participants:**

**Prof. Paul Schiff Berman**, University of Connecticut School of Law

**Prof. Richard Ford**, George E. Osborne Professor of Law, Stanford Law School

**Prof. Rebecca Hardin**, Department of Anthropology & School of Natural Resources, University of Michigan

**Prof. Tayyab Mahmud**, John Marshall Law School & Seattle University School of Law (visiting)

SATURDAY, OCTOBER 28, 2006

4:00 pm – 5:30 pm

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**Harmonizing Disclosure Standards Across International Capital  
Markets and Corporate Governance Across Nations**

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*International convergence continues to accelerate in corporate governance and securities regulation. Governance convergence occurs even as a generally-accepted descriptive paradigm that divides the world into market and blockholder governance systems has come into serious question. Securities harmonization initiatives raise practical questions about regulatory priorities and theoretical questions about the goals of disclosure mandates.*

**Chair:**

**Prof. Erica Beecher-Monas**, Wayne State University Law School

**Panelists:**

**Prof. Caroline M. Bradley**, University of Miami School of Law

**Prof. William Bratton**, Georgetown University Law Center

**Prof. Cynthia Williams**, University of Illinois College of Law

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**ABILA CHAIRS WORKSHOP**

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*This workshop will bring together ABILA committee chairs to discuss what their committees can do in the future. It will also provide information to those who want to start a new committee, serve as a committee chair, or take on a more active role in their committee.*

**Facilitators:**

**Prof. Valerie Epps**, Suffolk University Law School & Vice President, ABILA

**Prof. Philip Moremen**, Whitehead School of Diplomacy and International Relations, Seton Hall University & Chair, ABILA Formation of Rules of Customary International Law Committee