

THE AMERICAN BRANCH  
of the  
INTERNATIONAL LAW ASSOCIATION  
presents

# International Law Weekend 2007

*“Toward a New Vision of  
International Law”*



Thursday, October 25 –  
Saturday, October 27

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 ABILA and cosponsoring organizations without  
charge. For others there is a \$75 fee at the door.*

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

# INTERNATIONAL LAW WEEKEND 2007

*Is Organized by*

**THE AMERICAN BRANCH  
of the  
INTERNATIONAL LAW ASSOCIATION**

*in Conjunction with*

American Bar Association  
Section of International Law

American Society of International Law

Association of the Bar of the City of New York

International Law Association Canadian Branch

Customs and International Trade Bar Association

Federalist Society International and National  
Security Law Practice Group

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

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New York State Bar Association  
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United States Council for International Business  
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**the Support of**

American Society of International Law – International  
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Association of the Bar of the City of New York  
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International Human Rights Committee

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## INTERNATIONAL LAW WEEKEND 2007

The sponsors of International Law Weekend 2007 invite you to participate in an exciting program for practitioners, academics, students, government officials, NGO members and U.N. diplomats, which 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 25-27, 2007, 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 Pakistan to the United Nations at 8 East 65th Street, 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 \$75.**

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 Pakistan Mission 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 19, 2007. (See registration form printed in the back of this brochure.) Refunds will not be made on registrations canceled after October 19.** 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.

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**CONFERENCE THEME**  
**Toward a New Vision of International Law**

This three-day event asks what it means to move toward a new vision of international law. Experts in the field will lead panel discussions and roundtables on topics including global climate change, intellectual property, forms and methods of transnational dispute resolution, non-proliferation, human rights protections and counter-terrorism that will engage scholars and practitioners on multiple conceptual and normative perspectives on international law. These discussions are aimed at addressing the question: What would progress in international law look like?

THURSDAY, OCTOBER 25, 2007

4:00 pm – 5:30 pm

### Pathways to Employment in International Law

#### An ABA Section of International Law and ILSA sponsored program

*A distinguished panel of scholars and practitioners will share their experiences and explore employment opportunities in international law with students and young attorneys. During the panel, students will learn about international internship opportunities, how to network with legal experts from around the world, how to become active in international organizations and societies, and how to develop legal and interpersonal skills.*

**Panelists:**

**Ingrid Busson**, Calyon Corporate and Investment Bank  
**Marc Goldstein**, Marc J. Goldstein Law Offices and Arbitration Chambers  
**Nandini Mani**, Debevoise & Plimpton LLP  
**Albert Garrofé**, Cuatrecasas  
**Michael Scharf**, Professor, Case Western Reserve University School of Law

5:30 pm – 7:00 pm

## OPENING EVENING RECEPTION

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

7:00 pm – 8:00 pm

## OPENING SESSION

### The Appropriate Role of International Law in Addressing Climate Change

*From the U.S. Supreme Court to the U.N. Security Council, a wide range of governments, international organizations, corporations, nongovernmental organizations, and individuals have begun to grapple with the monumental regulatory challenge that climate change poses. This Plenary will explore the complex role that international law does and should play in transnational regulatory governance of greenhouse gas emissions and their impacts.*

**Moderator:**

**Hari M. Osofsky**, Professor, University of Oregon School of Law

**Panelists:**

**Dan M. Bodansky**, Dean for Faculty Development and Emily and Ernest Woodruff Chair in International Law, University of Georgia School of Law  
**William C.G. Burns**, Senior Fellow, Center for Global Law & Policy, Santa Clara University School of Law  
**Mark Drumbl**, Class of 1975 Professor and Director, Transnational Law Institute, Washington and Lee University School of Law  
**Ruth Gordon**, Professor, Villanova University School of Law  
**Ashley C. Parrish**, Kirkland & Ellis LLP



FRIDAY, OCTOBER 26, 2007

8:00 am – 9:00 am

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## Complimentary Coffee

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9:00 am – 10:30 am

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### Evaluating Progress in International Human Rights Institutions

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*This panel will address the current challenges facing international human rights bodies. Are UN institutions and regional bodies having any measurable effect on improving human rights around the world? If not, what should be done to address these failings?*

**Moderator:**

**Christina M. Cerna**, Inter-American Commission on Human Rights

**Panelists:**

**Philip Alston**, Professor of Law and Director of the Center for Human Rights and Global Justice, New York University School of Law; UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions

**Felice Gaer**, Director, Jacob Blaustein Institute for Human Rights, New York; Member of the UN Committee Against Torture

**William Schabas**, Professor of Human Rights Law, National University of Ireland, Galway; Director, Irish Centre for Human Rights; Visiting Professor, Cardozo Law School

**Jonathan Hafetz**, Litigation Director, Liberty and National Security Project of the Brennan Center for Justice, New York University School of Law

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### The Confluence of Transnational Rules on Commercial Arbitration: What Harmonization and Where?

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*This panel will explore the nature and extent to which common transnational rules have developed in international arbitration. The panelists will analyze the manner in which treaties and arbitral institutions have promoted harmonization, transnational harmonization in substantive law such as the CISG, and the degree to which there can now be said to be harmonization in arbitral practice and procedure.*

**Moderator:**

**Nicolas Ulmer**, Co-Chair, International Arbitration Practice, Winston & Strawn

**Panelists:**

**Arif Hyder Ali**, Co-Chair, International Dispute Resolution Practice, Crowell & Moring LLP

**Alejandro Garro**, Professor, Columbia Law School

**James L. Loftis**, Chair, International Dispute Resolution, Vinson & Elkins LLP

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FRIDAY, OCTOBER 26, 2007

9:00 am – 10:30 am

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### Taxation as a Global Socio-Legal Phenomenon

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*The modern state and its power to tax are coextensive with the construct of citizenship and the ideas about political, social, and economic rights and obligations that connect peoples and their governments. This panel will explore ways in which key players advance ideas about sovereignty, citizenship, and the jurisdiction to tax, the extent to which states and substate and nonstate actors cooperate with each other in allowing jurisdictional intrusion to foster revenue collection, how states resolve conflict amidst cooperation, and the practical and normative aspects of the evolving construct of the tax jurisdiction in a globalized world.*

**Panelists:**

**Allison Christians**, Professor, University of Wisconsin Law School

**Steven Dean**, Professor, Brooklyn Law School

**Diane Ring**, Professor, Boston College Law School

**Adam Rosenzweig**, Professor, Washington University Law School

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### The Convention on International Trade in Endangered Species at the Quarter Century Mark: A Critical Assessment

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*In March, 1973, twenty-five nations, “recognizing . . . that international co-operation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade,” signed the Convention on International Trade in Endangered Species (CITES) in Washington, D.C. The purpose of this panel will be to address some of the most critical issues facing CITES in the 21st century, including methods to improve domestic compliance and implementation, the interface of the regime with other important multilateral wildlife regimes, including the Convention on Biological Diversity and the International Convention for the Regulation of Whaling, and the record to date in seeking to balance utilization and conservation concerns.*

**Moderator:**

**William C.G. Burns**, Senior Fellow, Center for Global Law & Policy, Santa Clara University School of Law

**Panelists:**

**Dr. Howard S. Schiffman**, Director, M.S. Program in Global Affairs, Center for Global Affairs, New York University

**Paul Kibel**, Director, Policy West

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FRIDAY, OCTOBER 26, 2007

10:45 am – 12:15 pm

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### If Not a “War,” What? The Legal Regime(s) Governing Anti-Terrorism

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*The Bush administration's characterization of its counter-terrorism efforts as "a global war on terrorism" has been controversial as a matter of law and policy. While international law scholars may agree that the activities of al Qaeda and other terrorist networks do not generally constitute "armed conflict," commentators are divided on what legal regime is applicable to counter-terrorism efforts.*

**Moderator:**

**Thomas M. McDonnell**, Professor, Pace University School of Law; Vice Chair, Teaching International Law Interest Group, ASIL

**Panelists:**

**Louise Doswald-Beck**, Professor, Graduate Institute of International Studies (HEI) and Director of the University Centre for International Humanitarian Law (UCIHL)

**Michael A. Newton**, Professor, Vanderbilt University Law School

**Gitanjali Gutierrez**, Staff Attorney, Center for Constitutional Rights

**Michael Scharf**, Professor and Director of the Frederick K. Cox International Law Center, Case Western Reserve University School of Law

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### The Strategy and Practice of International Litigation

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*This panel will address the motivations that underlie the practice of forum shopping, the significance of parallel proceedings that often result from the practice, and the strategies and tools that courts and parties may employ to achieve their forum selection and forum avoidance aims. The panel will also address differences between U.S. advocacy and styles of advocacy in representative Asian and European jurisdictions, with particular examples of Japanese and German perspectives on dispute resolution.*

**Moderator:**

**Daniel Tan**, Latham & Watkins LLP

**Panelists:**

**James E. Hough**, Morrison & Foerster LLP

**Thomas M. Mueller**, Morrison & Foerster LLP

**John Fellas**, Hughes Hubbard & Reed LLP

**Mark Beckett**, Latham & Watkins LLP

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FRIDAY, OCTOBER 26, 2007

10:45 am – 12:15 pm

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**The “Sacred Trust” and the “Strenuous Conditions” of Today’s  
“Modern World”: The Legacies of the League Mandates System**

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*Despite the purported repudiation after 1945 of notions such as international trusteeship under the League of Nations Mandates to enable peoples to “stand by themselves according to the strenuous conditions of the modern world,” echoes of such ideas are often found in contemporary international public policy, from state-building in failed states, to environmental trusteeship, to the development agenda of international financial institutions. This panel will explore the legacies of the Mandates system and how they can illuminate understandings of the world today.*

**Moderator and Commentator:**

**Vasuki Nesiah**, International Center for Transitional Justice

**Panelists:**

**Nathaniel Berman**, Professor, Brooklyn Law School

**Frédéric Mégret**, Professor, McGill University

**Ralph Wilde**, Professor, University College London

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**International Trademark Protection and  
the 2008 Beijing Olympics**

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*The protection of intellectual property rights has been at the forefront of the U.S.–China bilateral trade debate. The issue has become even more important as China will host the 2008 Olympics in Beijing and the 2010 World Expo in Shanghai. This timely panel will address the global protection of trademarks in relation to these much-anticipated events.*

**Moderator and Panelist:**

**Peter K. Yu**, Kern Family Chair in Intellectual Property Law and Director,  
Intellectual Property Law Center, Drake University Law School

**Panelists:**

**Barbara Kolsun**, Senior Vice President & General Counsel, Seven for All  
Mankind, LLC

**Doris E. Long**, Professor, John Marshall Law School

**Jason Vogel**, Kilpatrick Stockton LLP

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FRIDAY, OCTOBER 26, 2007

10:45 am – 12:15 pm

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**The Northwest Passage and Global Warming: Canadian Internal Waters or Sovereign Melt-Down of an International Strait?**

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*This Panel will examine the legal implications of the Northwest Passage becoming a viable international waterway as a result of global warming. Canada has long claimed the Passage as internal waters, but the United States asserts that it is an international strait. A 1988 bilateral agreement on "Arctic Cooperation" in the Passage specifically reserves the competing claims of the parties, and no international court has ruled on the matter.*

**Moderator:**

**H. Scott Fairley**, Board of Directors, Canadian Branch, ILA; Theall Group LLP

**Panelists:**

**Suzanne Lalonde**, Faculty of Law, University of Montreal

**Rodney Neufeld**, Senior Legal Officer, Department of Foreign Affairs, Ottawa

**Bernard Oxman**, Professor, University of Miami School of Law

**Thomas M. Franck**, Murray and Ida Becker Professor of Law Emeritus, New York University School of Law

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FRIDAY, OCTOBER 26, 2007

12:30 pm – 2:00 pm [Boxed Lunches]

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### Update on the ABILA Law of the Sea Definitions Project

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*The 1982 U.N. Convention on the Law of the Sea and the 1994 protocol to the Convention may be headed for U.S. Senate advice and consent. The box lunch panel discussion will focus on the American Branch Law of the Sea Committee's multiyear project, now in final draft form, to provide definitions for terms in the Convention that the treaty does not define, or that are commonly used in law of the sea analysis.*

**Moderator:**

**George Walker**, Professor, Wake Forest University, LOS Committee Chair and ABILA Executive Committee Member

**Panelists:**

**Dr. Howard S. Schiffman**, Director, M.S. Program in Global Affairs, Center for Global Affairs, New York University

**John E. Noyes**, Professor, California Western School of Law and ABILA President-elect

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### International Law and the “Frozen Conflicts” of Europe: The New York City Bar’s Report on the Secessionist Crisis in Moldova and its Implications for Other Conflicts

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*In 2005–2006 a mission from the NY City Bar to the former Soviet republic of Moldova became the first group from an independent third-party to assess the international legal implications of the separatist conflict in which it is enmeshed. This panel will consider the various legal questions—including issues of self-determination, sovereignty, and the ownership of property—discussed by the report both in the context of the Moldovan situation, as well as other so-called frozen conflicts, such as in Georgia and between Armenia and Azerbaijan.*

**Moderator:**

**Elizabeth Defeis**, Professor, Seton Hall Law School

**Panelists:**

**Nicolae Chirtoaca**, Ambassador of the Republic of Moldova to the United States

**William Hill**, National War College; former Head of OSCE Mission to Moldova

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

**Mark Meyer**, Herzfeld & Rubin, P.C.

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FRIDAY, OCTOBER 26, 2007

12:30 pm – 2:00 pm [Boxed Lunches]

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### International Arbitration: Fresh Ideas for a Changing World

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*The world of international arbitration is changing as we speak. In an ever growing global arbitration community, expanding uses and aspirations for the arbitration of international business disputes are creating the need for fresh ideas on how we meet the essential needs of users in the years ahead. Join leaders in the field in a roundtable discussion of recent and coming innovations in the way we promote the best in the services we provide, including:*

- *CIArb Practice Direction on Interviewing Prospective Arbitrators*
- *ICC Task Force on Reducing Time and Costs in Arbitration*
- *IBA Guidelines on Conflicts of Interest in International Arbitration*
- *CEDR Commission on Settlement in International Arbitration*

**Moderator:**

**Janet Walker**, Professor, Osgoode Hall Law School

**Panelists:**

**William W. Park**, Professor, Boston University

**Catherine A. Rogers**, Professor, LSU Law Center & Bocconi University

**Barry Leon**, Torys LLP

**Nancy M. Thevenin**, Deputy Director, Arbitration and ADR, North America, ICC International Court of Arbitration

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### EXECUTIVE COMMITTEE MEETING

followed by

### AMERICAN BRANCH GENERAL MEETING

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### LAWYERS WITHOUT BORDERS MEETING

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

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FRIDAY, OCTOBER 26, 2007

2:15 pm – 3:45 pm

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### The Future of International Justice

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*The current trend in international justice is to prosecute fewer individuals, focusing only on those who bear the "greatest responsibility." The panelists will address whether this trend represents a retreat for the field of international justice (and the earlier precedent of the ICTY and ICTR) and will offer their visions for where the field of international justice is or should be headed.*

**Moderator:**

**Jennifer Trahan**, Visiting Lecturer, Columbia University; Iraq Prosecutions Consultant, International Center for Transitional Justice; Defense Consultant, Sierra Leone Special Court

**Panelists:**

**David Crane**, Distinguished Professor, Syracuse University College of Law; former Prosecutor, Special Court for Sierra Leone

**Richard Goldstone**, Mulligan Visiting Professor, Fordham Law School; former Prosecutor, International Criminal Tribunals for the former Yugoslavia and Rwanda; former Justice, Constitutional Court of South Africa

**Diane Orentlicher**, Professor, Washington College of Law, American University; Special Counsel, Open Society Justice Initiative

**David Scheffer**, Mayer Brown/Robert A. Helman Professor of Law and Director, Center for International Human Rights, Northwestern University School of Law; former U.S. Ambassador-at-Large for War Crimes Issues

**John Clint Williamson**, U.S. Ambassador-at-Large for War Crimes Issues (invited)

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### Crossing the Bridge: Canada/U.S. Trade and Border Security

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*NAFTA has gone a long way to dismantling traditional trade barriers, but new barriers have arisen as a result of challenges posed by security threats. The NAFTA leaders are addressing new issues including border security, food safety, and environmental sustainability in the Security and Prosperity Partnership (SPP). The panelists will discuss the challenges of border security, the initiatives being undertaken, and the prospects for public participation in these initiatives.*

**Moderator:**

**Wendy Wagner**, Gowling LaFleur Henderson LLP

**Panelists:**

**Heather D. Innes**, Counsel, General Motors Canada

**John McNab**, Canadian Deputy Consul General, New York

**Ron Rienas**, General Manager, Peace Bridge Authority

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FRIDAY, OCTOBER 26, 2007

2:15 pm – 3:45 pm

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**Made to Measure? Investment Protection and Arbitration Rights  
Under the Energy Charter Treaty**

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*Executed in Lisbon in 1994, the Energy Charter Treaty (ECT) was adopted by numerous former Eastern Bloc states and their erstwhile Western antagonists in an ambitious effort to create a new, post-Cold War "legal framework for international energy cooperation." The panel will discuss the recent jurisprudence emerging from ECT investment arbitration before ICSID and the Arbitration Institute of the Stockholm Chamber of Commerce, as well as some of the unique facets of the ECT, including its special rules concerning "provisional [pre-ratification] application" of the treaty, investor nationality and access to international arbitral tribunals.*

**Moderator:**

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

**Panelists:**

**Edna Sussman**, Hoguet Newman Regal & Kenney, LLP

**Lucy Reed**, Freshfields Bruckhaus Deringer

**Timothy G. Nelson**, Skadden, Arps, Slate, Meagher & Flom LLP

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**Developing International Private Law: Informing and  
Understanding Hard Law and Soft Law**

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*This panel will examine the relative utility of "hard" law (e.g., international treaties) and "soft" law (e.g., model laws, legislative guides, restatements) in the field of private international law and consider how best to inform scholars, judges, and practitioners of the existence, use, interpretation, and application of recent international instruments in these areas. These issues were the subject of a formative meeting coordinated through the offices of UNCITRAL in Vienna in March 2007, and this panel will provide a mechanism for ABILA input into a program designed to create a more highly-formed legal community regarding rules affecting private commercial transactions that emanate from international legal instruments of both a hard law and soft law nature.*

**Co-Moderators:**

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

**Louise Ellen Teitz**, Professor, Roger Williams University School of Law

**Panelists:**

**David P. Stewart**, U.S. Department of State

**John Wilson**, Organization of American States

**Rochelle C. Dreyfuss**, Professor, New York University School of Law

**Chiara Giovannucci Orlandi**, Professor, University of Bologna

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FRIDAY, OCTOBER 26, 2007

4:00 pm – 5:30 pm

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### Are There Lawful Exceptions to Investment Treaty Obligations?

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*Customary international law and thousands of investment treaties require host states to accord protection to foreign investments or to provide compensation for failures to do so. Increasingly, however, both developed and developing states that host foreign investments are claiming exceptions to these protections on the ground that they are necessary to discharge core sovereign responsibilities, such as national security and protection of the environment. This panel will consider whether such claims constitute exceptions to conventional and customary investment protection commitment and whether international law is properly balancing the conflicting claims.*

**Moderator and Panelist:**

**Tai-Heng Cheng**, Associate Director, Center for International Law, New York Law School

**Panelists:**

**Lucy Reed**, Freshfields Bruckhaus Deringer

**Brigitte Stern**, Professor, University of Paris I Pantheon Sorbonne

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

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### A World of Free-Trade Agreements?

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*Bilateral and regional free-trade agreements have long been part of the international trade regime, but major trading countries have negotiated new FTAs at a frenetic pace in recent years. What will the impact of these FTAs be? Do FTAs undermine the WTO? Can the US keep pace with the European Union and China in opening markets through FTAs? Can small countries follow the Chilean model by negotiating FTAs with all their major trading partners?*

**Moderator:**

**Patrick Reed**, Customs and International Trade Bar Association; Simons & Wiskin

**Panelists:**

**William J. Davey**, Guy Raymond Jones Chair Professor, University of Illinois College of Law

**Joseph G. Gavin III**, Vice President, U.S. Council for International Business

**Demetrios Marantis**, Trade Counsel, Finance Committee, U.S. Senate

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FRIDAY, OCTOBER 26, 2007

4:00 pm – 5:30 pm

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### International Law, the U.S. Constitution and Counterterrorism

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*What is the status of international law under the U.S. Constitution? To what extent are treaties and customary international law addressed in the “define and punish” clause, the supremacy clause, the take care clause, the treaty clause, and the original jurisdiction provisions? Within this structure, what is the status of the Geneva Conventions and the Torture Convention? What are the implications for counterterrorism measures, especially the detention and interrogation of terrorist suspects?*

**Moderator:**

**Vincent J. Vitkovsky**, Edwards Angell Palmer & Dodge LLP

**Panelists:**

**Katherine Gallagher**, Center for Constitutional Rights

**Deborah Pearlstein**, Visiting Scholar, Woodrow Wilson School for Public and International Affairs, Princeton University; former Director of Law and Security Program, Human Rights First

**Jeremy Rabkin**, Professor, George Mason University School of Law

**Commander Glenn Sulmasy**, Professor, U.S. Coast Guard Academy

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### Judicial Review of Arbitration Awards in the United States, France and Canada

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*Arbitration awards are meant to be final. Yet judicial review remains a critical part of the arbitration process. What is the proper scope of judicial review of an international arbitration award? Can parties contractually expand or limit judicial review of an international arbitration award? Panelists will discuss the approach of courts in the United States, France and Canada and practical implications on drafting enforceable arbitration clauses.*

**Moderator:**

**Dana C. MacGrath**, Allen & Overy

**Panelists:**

**Louis B. Kimmelman**, Allen & Overy

**Elie Kleiman**, Freshfields Bruckhaus Deringer

**Lea Haber Kuck**, Skadden, Arps, Slate, Meagher & Flom LLP

**Barry Leon**, Torys LLP

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FRIDAY, OCTOBER 26, 2007

4:00 pm – 5:30 pm

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**Sanctions and the Future of the Nuclear Non-proliferation  
Regime**

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*Two important developments in international law during the last decade are the decline of the nuclear nonproliferation regime and the increased reliance on Security Council sanctions. The panel will address the effectiveness of Security Council sanctions as a response to nuclear proliferation, and will examine the future of the NPT regime and economic sanctions.*

**Moderator:**

**Orde Kittrie**, Visiting Professor, University of Maryland Law School;  
Professor, Arizona State University Law School

**Panelists:**

**Eric Rosand**, Senior Fellow at Center on Global Counter-Terrorism  
Cooperation; former Deputy Legal Counsel, U.S. Mission to the U.N.

**Kristen Boon**, Professor, Seton Hall University Law School

6:30 pm – 8:30 pm

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**GALA RECEPTION**

Permanent Mission of Pakistan  
to the United Nations  
8 East 65<sup>th</sup> Street, New York

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SATURDAY, OCTOBER 27, 2007

8:00 am – 9:00 am

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## Complimentary Coffee

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9:00 am – 10:30 am

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### Expanding Notions of Extraterritorial Civil Jurisdiction

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*Is the international community prepared to accept significantly broader concepts of extraterritorial adjudicatory jurisdiction by domestic legal systems? This panel will consider a panoply of issues raised by this question from the civil and commercial as well as the human rights perspectives, taking into account recent developments in relevant case law, contemporary treaty practice, and decisions of international courts and tribunals.*

**Moderator:**

**David P. Stewart**, Office of the Legal Adviser, U.S. Department of State

**Panelists:**

**Roy S. Schondorf**, Debevoise & Plimpton LLP

**Anibal Sabater**, Fulbright & Jaworski LLP

**Almudena Bernabeu**, Center for Justice & Accountability

**Michael J. Dennis**, Office of the Legal Adviser, U.S. Department of State

**Student Rapporteurs:**

**Karina Lubell**

**Neil Conley**

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### Shielding Citizens Abroad: The New Faces of Diplomatic Protection and Consular Assistance

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*As the number of individuals and organizations residing and operating outside their state of nationality has grown dramatically, in some contexts states have moved more aggressively to provide their citizens with robust consular assistance. This panel explores trends in the treatment of diplomatic and consular assistance from scholarly, historical, and on-the-ground perspectives.*

**Moderator:**

**Peter J. Spiro**, Charles Weiner Professor of Law, Temple University–Beasley School of Law

**Panelists:**

**Annemarieke Vermeer**, Leiden University

**Catherine M. Amirfar**, Debevoise & Plimpton LLP

**Eileen Scully**, Professor, Bennington College

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SATURDAY, OCTOBER 27, 2007

9:00 am – 10:30 am

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### Intersystemic Governance

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*With the expansion of cross-jurisdictional interactions among regulatory institutions, regulations and regulators must be understood not in isolation, but in terms of their relationship with regulations and regulators constituted by other governments. This panel will address the central, cross-cutting issues posed by overlapping governance, while taking into account the political, social and cultural contexts in which regulation takes place.*

**Moderator:**

**Robert B. Ahdieh**, Visiting Professor and the Microsoft/LAPA Fellow at Princeton University's Program in Law and Public Affairs; Professor of Law and Director, Center on Federalism and Intersystemic Governance, Emory Law School

**Panelists:**

**Robert Schapiro**, Professor, Emory Law School  
**Balakrishnan Rajagopal**, Professor of Law and Development, Massachusetts Institute of Technology  
**Gregory Shaffer**, Professor, University of Minnesota Law School

**Commentator:**

**Melissa Waters**, Visiting Professor, Vanderbilt University Law School; Professor, Washington and Lee University School of Law

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### Is the IMF Just a Twin of the Much Criticized World Bank or Does It Have New Direction and Function?

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*Observers of the World Bank and the International Monetary Fund are well aware of the Bank's current lack of credibility with the recent resignation of its President, Paul Wolfowitz. Should the Fund be lumped into the opprobrium being heaped on the Bank? This Panel will address the recent attempts by the Fund to change its mission to one of aiding capital importing countries to avoid crises in the face of massive globalized capital flows.*

**Moderator:**

**Cynthia Crawford Lichtenstein**, Professor Emeritus, Boston College Law School

**Panelists:**

**Jonathan Fried**, Executive Director for Canada, Ireland and the Caribbean to the International Monetary Fund  
**Frank Garcia**, Professor and Law School Fund Scholar; Director, Law and Justice in the Americas, Boston College Law School  
**Douglas Arner**, Director, Asian Institute of International Financial Law, Faculty of Law, University of Hong Kong (invited)

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SATURDAY, OCTOBER 27, 2007

10:45 am – 12:15 pm

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### A Critique of the International Legal Academy

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*International law professors bring considerable intelligence and effort to bear in analyzing, writing and speaking on international law issues. But do they have real influence on the world around them? If so, is it positive? If not, how can they change that? What impact can they have through advocacy groups, NGOs, and field work? How can amicus briefs be most effective?*

**Moderator and Panelist:**

**Roger Alford**, Professor, Pepperdine Law School

**Panelists:**

**Hon. John M. Walker**, Judge, U.S. Court of Appeals for the Second Circuit (invited)

**Brian Hook**, Counselor to the U.S. Ambassador to the U.N.

**Martin Flaherty**, Professor and Director, Joseph R. Crowley Program on International Human Rights, Fordham Law School

**Neomi Rao**, Professor, George Mason University School of Law; formerly Associate Counsel and Special Assistant to the President

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### Treaties in U.S. Courts: Old Assumptions, New Developments

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*Treaty rights arise in litigation in a variety of subject matters and procedural postures. This panel brings a diversity of experience and perspective to a discussion of how the federal courts approach the broad range of issues that arise when parties invoke treaties as the source of rights.*

**Moderator:**

**Michael Ostrove**, Debevoise & Plimpton LLP

**Panelists:**

**Gregory H. Fox**, Professor, Wayne State Law School

**Duncan Hollis**, Professor, Temple Law School

**Carlos Vázquez**, Professor, Georgetown Law Center

**Melissa Waters**, Visiting Professor, Vanderbilt University Law School; Professor, Washington and Lee University School of Law

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SATURDAY, OCTOBER 27, 2007

10:45 am – 12:15 pm

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**Corporate Accountability for International Law Violations:  
Developments and Debates**

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*Do multinational corporations have international legal obligations and, if so, are they enforceable in domestic courts? This panel will discuss the latest legal and political developments in debates about corporate accountability, including the status of pending cases against corporate defendants under the Alien Tort Statute (ATS), and the contested legal standards for accessorial liability under the ATS.*

**Moderator:**

**Nicholas R. Diamand**, Lief, Cabraser, Heimann & Bernstein LLP

**Panelists:**

**Chimène Keitner**, Professor, UC Hastings College of the Law

**Maria LaHood**, Senior Attorney, Center for Constitutional Rights

**Julian Ku**, Professor, Hofstra University School of Law

**Marco Simons**, Legal Director, EarthRights International

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**The European Community at 50:  
Successes, Setbacks and New Challenges**

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*Achievements of the European Economic Community have far surpassed the expectations of the founders in 1958. Successive enlargements have transformed a community of 6 nations into today's 27 member states. Yet a major setback is the failure to adopt a constitution. The speakers will take a look back at the remarkable achievements over the past 50 years and look forward to see the outlines of what can be expected in the next decade.*

**Moderator and Panelist:**

**Roger Goebel**, Professor, Fordham University School of Law & Director,  
Fordham Center on European Union Law

**Panelists:**

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

**Elizabeth F. Defeis**, Professor, Seton Hall University School of Law

**Esa Paasavirta**, Delegation of the European Commission to the United  
Nations

**Catherine Kessedjian**, Professor, University of Paris II



SATURDAY, OCTOBER 27, 2007

12:30 pm – 1:45 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

**Catherine Kessedjian**

Professor, University of Paris II  
Presentation to Robert von Mehren  
*Registration and prepayment required.*  
*(See last page of brochure.)*

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2:00 pm – 3:30 pm

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### Toward an Arms Trade Treaty?

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*On December 6, 2006 the U.N. General Assembly adopted Resolution 61/89 which requested that the Secretary-General seek the views of Member States on the feasibility, scope and draft parameters for an arms trade treaty – a "comprehensive, legally binding instrument establishing common international standards for the import, export and transfer of conventional arms" – and called for the creation of a group of experts to work closely on the project, starting in 2008. This panel will address the prospects and challenges that the negotiation of an international arms trade treaty is likely to encounter, and will draw on lessons from economics and regime design and enforcement bearing on the topic.*

**Moderator:**

**Pamela Maponga**, Officer in Charge, Conventional Arms Branch, United Nations Office for Disarmament Affairs

**Panelists:**

**Ambassador John Duncan**, United Kingdom Permanent Representative to the Conference on Disarmament

**David Gold**, Professor, Graduate Program in International Affairs, The New School

**Cristiane Carneiro**, Lecturer, International Relations Program, University of Pennsylvania

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SATURDAY, OCTOBER 27, 2007

2:00 pm – 3:30 pm

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**International Law-Making and Non-State Actors: Toward New Paradigms?**

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*This panel will address the impact of non-state actors on international law-making as well as the regulation of non-state actors under international institutional frameworks. It will explore questions regarding the capacity of the supranational framework to account for the activities of non-state actors, particularly where alternate avenues for imposing responsibility and accountability on non-state actors may exist at the national and subnational levels.*

**Panelists:**

**Larry Catá Backer**, Professor, Pennsylvania State University, The Dickinson School of Law

**Heather Hughes**, Professor, American University, Washington College of Law

**Janet K. Levit**, Professor, University of Tulsa College of Law

**Lillian Aponte Miranda**, Professor, Florida International University College of Law

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**Re-examining International Responsibility: Inter-state Complicity in the Context of Human Rights Violations**

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*The issue of complicity liability of Council of Europe member states for their alleged assistance in the abduction, detention, and rendition of terror suspects has prompted a re-examination of the secondary rules of the law of state responsibility. This panel will examine the interaction of these and related developments in human rights law, international criminal law, and the law of state responsibility, and will discuss implications for the concept and analytical coherence of international responsibility.*

**Moderator:**

**Meg Satterthwaite**, Professor, New York University School of Law

**Panelists:**

**Mark C. Fleming**, Wilmer Cutler Pickering Hale and Dorr LLP

**John Cerone**, Professor, New England School of Law

**John Watt**, Senior Attorney, ACLU Human Rights Program

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SATURDAY, OCTOBER 27, 2007

2:00 pm – 3:30 pm

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**Inventing and Reviving International Legal Instruments to Address  
the Diversification of International Security Threats**

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*The proliferation and fragmentation of international law is an often deplored outcome of the challenges of globalization. This panel is conceived as a forum for an interdisciplinary discussion intended to contribute to the framing of an integrated international legal approach to security challenges in the 21st century, with a particular focus on the distinction between security-related concerns and broader notions of “human security.”*

**Panelists:**

**Noemi Gal-Or**, Institute for Transborder Studies, Kwantlen UC –  
Vancouver and **Michael Strauss**, Centre d’Etudes Diplomatiques et  
Strategiques, Paris  
**Jean-Jacques Roche**, Professor, Université Panthéon-Assas Paris 2  
**Moshe Hirsh**, Professor, Hebrew University of Jerusalem  
**David Turns**, Professor, University of Liverpool

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**The United Nations and Women: New Visions, New Hopes**

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*This panel will offer a range of perspectives on progress in the project of mainstreaming gender and women’s issues in U.N. peace and security operations and within other U.N. mandates.*

**Moderator:**

**Kelly Askin**, Open Society Justice Initiative

**Panelists:**

**Radhika Coomaraswamy**, U.N. Special Advisor on Children and Armed  
Conflict; former U.N. Special Rapporteur on Violence Against Women  
(invited)  
**Rachel Mayanja**, U.N. Special Advisor on Gender  
**Peggy McGuinness**, Professor, University of Missouri–Columbia Law  
School  
**Cora True-Frost**, Lecturer of Law and Climenko Fellow, Harvard Law  
School

SATURDAY, OCTOBER 27, 2007

3:45 pm – 5:15 pm

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**Whither *Refluat Stercus*?: Criminal Prosecution in U.S. Courts of U.S. Officials for Violations of International Humanitarian and Criminal Law**

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*While low-level military personnel have been court-martialed and prosecutors in Italy, Germany and Switzerland are investigating potential crimes related to extraordinary renditions by lower-level U.S. intelligence officers, U.S. high-level civilians and generals have not suffered criminal prosecution as to actions taken during the current "war" on terror. Given the failure of overseas processes and domestic civil processes to address command and other responsibility of this select group, this panel will examine whether criminal prosecution of senior officials in U.S. courts is possible.*

**Moderator:**

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

**Panelists:**

**James Bischoff**, International Criminal Tribunal for the Former Yugoslavia

**Jason Dominguez**, Professor, Thurgood Marshall School of Law, Texas Southern University

**William V. Dunlap**, Professor, Quinnipiac University School of Law

**Jordan Paust**, Mike and Theresa Baker Professor, University of Houston Law Center

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**ABILA COMMITTEE 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:**

**Valerie Epps**, Professor, Suffolk Law School; Co-director of Studies, ABILA

**Philip Moremen**, Professor, John C. Whitehead School of Diplomacy and International Relations, Seton Hall University; Co-director of Studies, ABILA

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SATURDAY, OCTOBER 27, 2007

3:45 pm – 5:15 pm

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### Strategies for Identifying, Preventing or Halting Genocidal Campaigns

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*This panel will discuss indicators for recognizing potential or ongoing genocides and measures for defeating them. The panel will critically analyze measures to prevent genocides before they happen with examples of past situations when inadequate measures or ineffective ones were taken. It will also examine innovative proposals for halting genocidal campaigns. In light of the urgency of events occurring in Darfur and Iran, the panel will focus on these cases while drawing on the insights generated by careful study of the tragically vast store of historical data.*

**Moderator:**

**Mark R. Shulman**, Assistant Dean for Graduate Programs and International Affiliations, Pace Law School; Chair, International Human Rights Committee of the ABCNY

**Panelists:**

**Benedict Kiernan**, A. Whitney Griswold Professor of History, Professor of International and Area Studies; Director, Genocide Studies Program, Yale University

**Michael Blechman**, Kaye Scholer

**Lee Feinstein**, Senior Fellow for U.S. Foreign Policy and International Law; Executive Director, Task Force Program, Council on Foreign Relations

**Gregory Stanton**, James Farmer Professor of Human Rights, University of Mary Washington; Founder and President of Genocide Watch; President of the International Association of Genocide Scholars

**Commentator:**

**Elizabeth Barad**, Attorney at Law; Board Member, Lawyers without Borders; former Chair of the Rwanda Legal Task Force of the NYC Bar

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### Interdisciplinary Approaches to International Law: Reflections on Benefits and Challenges

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*International legal scholars increasingly turn to other disciplines—such as political science, economics, sociology, anthropology, history, and geography—to enhance their analysis. This roundtable discussion will explore substantive and methodological impacts of that shift, both positive and negative, for how we understand international legal problems and will consider the future terrain of this enterprise.*

**Moderator:**

**Austen L. Parrish**, Irwin R. Buchalter Professor and Director of the Summer Law Program in Vancouver, Southwestern Law School

**Roundtable Panelists:**

**Angela M. Banks**, Professor, William & Mary Marshall-Wythe School of Law (sociology)

**Paul Schiff Berman**, Jesse Root Professor, University of Connecticut School of Law (anthology)

**David Stephen Law**, Professor, University of San Diego School of Law (political science) (invited)

**Hari M. Osofsky**, Professor, University of Oregon School of Law (geography)

**Tonya Putnam**, Professor, Columbia University (political science)

**David Zaring**, Visiting Professor, Vanderbilt University Law School; Professor, Wharton School of Business (business)

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**REGISTRATION FORM**

1. Name \_\_\_\_\_  
2. Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
3. Phone # \_\_\_\_\_  
Fax # \_\_\_\_\_  
Email address \_\_\_\_\_

**REGISTRATION FEE**

Registration is free for students and members of ABILA, ABCNY, or any cosponsoring organization. Otherwise, registration is \$75 per person.

I am registering as:

- Student  
Name of School \_\_\_\_\_

Grad. Year: \_\_\_\_\_

- Member of ABILA  
 Member of ABCNY  
 Member of Cosponsoring or Contributing Organization:  
Name of Organization \_\_\_\_\_  
 Non-member (\$75)

**SPECIAL RECEPTION**

You must sign up in advance for Friday's Reception at the Permanent Mission of Pakistan to the United Nations. Capacity is limited, so please be sure to sign up early.

- Please sign me up for the Reception if space is available.

**MEAL FUNCTIONS**

To attend these events, your registration and payment must be received by Friday, October 19, 2007.

I would like to attend the following meal functions:

- Friday Luncheon Seminars (\$20)  
 Saturday Luncheon (\$30 for students, \$35 for all others)  
 Executive Committee Meeting Luncheon (\$30)

**MEMBERSHIP IN ABILA**

If you would like to join the ABILA, please enclose payment and indicate the type of membership:

- New Individual Membership (\$70)  
 Renewed Individual Membership (\$100)  
 Sustaining Membership (\$200)  
 Institutional Membership (\$100)  
 Student Membership (free)

**TOTAL AMOUNT ENCLOSED:** \_\_\_\_\_ (Checks can be made out to the ABILA)

Completed registration forms can be sent by post, fax, or email to:  
International Law Students Association, 25 E. Jackson Blvd, Ste. 518,  
Chicago, IL 60604, Phone: (312) 362-5025, Fax: (312) 362-5073,  
Email: [registration@ilsa.org](mailto:registration@ilsa.org).