

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

International Law Weekend 2008

“The United States and International Law: Legal Traditions and Future Possibilities”



Thursday, October 16 – Saturday, October 18

**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.*

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

**THE AMERICAN BRANCH
of the
INTERNATIONAL LAW ASSOCIATION
(www.ambranch.org)**

**Gratefully Acknowledges the Generous Support of
the Following Cosponsors**

* * * * *

American Bar Association Section of International Law

American Society of International Law

American University Washington College of Law

California Western School of Law

Customs and International Trade Bar Association

Debevoise & Plimpton LLP

Edward Elgar Publishing, Inc.

Federalist Society International and National Security Law Practice Group

Freshfields Bruckhaus Deringer LLP

Hofstra University School of Law

International Law Students Association

ILSA Journal of International and Comparative Law

Lawyers Without Borders

Oxford University Press, Inc.

Pace University School of Law

**Seton Hall University School of Law and the John C. Whitehead School of
Diplomacy and International Relations at Seton Hall University**

The George Washington University Law School

University of Baltimore School of Law LOTUS LL.M.

White & Case LLP

In Cooperation with the

**Council on International Affairs
Association of the Bar of the City of New York**

2008 PROGRAM COMMITTEE

Co-Chairs

Catherine M. Amirfar
Debevoise & Plimpton LLP

Katarina Grenfell
United Nations Office of Legal Affairs

John E. Noyes
California Western School of Law

Organizing Committee

William Burns
Journal of International Wildlife Law & Policy

Patrick C. Reed
Simons & Wiskin

Kristen Boon
Seton Hall University School of Law

Nadia Roumani
Carnegie Council

Mark A. Drumbl
Washington & Lee University School of Law

Aníbal Sabater
Fullbright & Jaworski LLP

Aaron Fellmeth
Sandra Day O'Connor College of Law
Arizona State University

Meg Satterwaite
New York University School of Law

James Gathii
Albany Law School

Hina Shamsi
ACLU National Security Project

Aziz Huq
Brennan Center For Justice

Norman Gregory Young
California State Polytechnic University

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

Louise Teitz
Roger Williams University School of Law

Lawrence W. Newman
Baker & McKenzie LLP

Nancy Thevenin
Arbitration & ADR/North America

Minh-Thu Pham
Peacebuilding Support Office
Executive Office of the Secretary-General
United Nations

Carlos Vázquez
Georgetown University Law Center

David Bowker
WilmerHale

Marieke Wierda
International Center for Transitional Justice

**AMERICAN BRANCH OF THE
INTERNATIONAL LAW ASSOCIATION
(FOUNDED 1873)**

Chair, Executive Committee

James A. R. Nafziger

President

Charles D. Siegal

President-elect

John E. Noyes

Vice Presidents

Valerie Epps
Gary N. Horlick

Leila Nadya Sadat
David P. Stewart
Ruth Wedgwood

Honorary Vice Presidents

Charles N. Brower
Thomas M. Franck
Theodore R. Giuttari
Edward Gordon
Louis Henkin
P. Nicholas Kourides
Luke T. Lee

Cynthia C. Lichtenstein
John F. Murphy
Ved P. Nanda
Cecil J. Olmstead
Alfred P. Rubin
Robert B. von Mehren

Honorary Secretary

Houston Putnam Lowry

Honorary Treasurer

James Lynch

Executive Committee

William Aceves
Catherine Amirfar
Kelly Dawn Askin
Jeffery C. Atik
David J. Bederman
Ronald A. Brand
Lorraine M. Brennan
Christina M. Cerna
Paul R. Dubinsky
Malvina Halberstam

Scott Horton
Houston Putnam Lowry
Philip M. Moremen
Michael P. Scharf
Karen A. Hudes Spergel
Louise E. Teitz
Susan Tiefenbrun
George K. Walker
Peter K. Yu

Co-directors of Studies

Valerie Epps & Philip Moremen

Webmaster

Houston Putnam Lowry

Program Director

Rachel Smith

INTERNATIONAL LAW WEEKEND 2008

The American Branch of the International Law Association and the cosponsors of International Law Weekend 2008 invite you to participate in an exciting program for practitioners, academics, students, government officials, NGO members, and U.N. diplomats, which explores a wide range of public and private international law issues of significance to the United States and the world.

The three-day conference will be held from October 16-18, 2008, at the House of the Association of the Bar of the City of New York, 42 West 44th Street, New York, N.Y. Please note, however, that the reception on Friday will be held at the Permanent Mission of Belgium to the United Nations at One Dag Hammarskjöld Plaza, 885 Second Avenue, 41st Floor, New York, N.Y.

Due to the generosity of the American Branch and ILW's sponsors, the Weekend is free for all students, employees of the United Nations, members of the cosponsoring organizations, and members of the Association of the Bar of the City of New York. 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 reception at the Belgium Mission is free of charge, thanks to the Mission's generosity. **Space is limited. For security and logistical reasons, you must register for the reception in advance.** Please bring photo identification and your conference badge to the event.

The Saturday luncheon seminars are \$20 for those who order a box lunch. Without lunch, admission is free. The Friday luncheon cost is \$40.

Registration for meals must be received by Friday, October 10, 2008. (See registration form printed in the back of this brochure.) Refunds will not be made on registrations canceled after October 10. However, reservations can be transferred to another member of your firm or organization.

THURSDAY, OCTOBER 16, 2008

6:30 pm – 8:00 pm

**In the Era of a New Presidency, a New U.S. Policy Towards
the United Nations?**

Location: Meeting Hall

This panel brings together strategists from Republican and Democratic administrations, as well as academic commentators, to assess past, current, and potential future U.S. policy towards the United Nations.

Chair:

Thomas Franck, Murry & Ida Becker Professor Emeritus, New York University School of Law; Past President, American Society of International Law, and ad hoc Judge, International Court of Justice; Honorary Vice President, American Branch of the International Law Association

Panelists:

Jose Alvarez, Professor of International Law & Diplomacy, Columbia University School of Law; Past President, American Society of International Law

Michael Mattler, Minority Counsel, Senate Foreign Relations Committee; formerly with the U.S. Department of State

Herbert Okun, Professorial Lecturer in International Relations, International Law and Institutions, John Hopkins University; former U.S. Ambassador to the German Democratic Republic

Thomas Pickering, former U.S. Ambassador to the United Nations; former U.S. Ambassador to Jordan, Nigeria, El Salvador, Israel, India, and Russia; and former Undersecretary of State for Political Affairs, U.S. Department of State (invited)

Miriam Sapiro, President, Summit Strategies International; Adjunct Professor, New York University School of Law; former Special Assistant to the President and Counselor for Southeast European Stabilization, the White House; former Director for European Affairs, National Security Council; and formerly with the U.S. Department of State

8:00 pm – 9:00 pm

EVENING RECEPTION

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

FRIDAY, OCTOBER 17, 2008

8:00 am – 9:00 am

Complimentary Coffee

9:00 am – 10:30 am

**The Supreme Court and International Law: 2008 Term Case
Round-Up By The Advocates Themselves
Location: Meeting Hall**

*This panel will discuss the notable decisions handed down by the Supreme Court in the 2007-2008 term that have implications for international law. In an interactive discussion moderated by the Supreme Court Reporter for the popular *Scotusblog.com*, counsel in these cases will discuss the impact of the Court's rulings in *Boumediene v. Bush*, *Medellin v. Texas*, and the joined cases of *Munaf and Omar*, on the status of international law in U.S. courts.*

Chair: Catherine M. Amirfar, Partner, Debevoise & Plimpton LLP

Moderator:

Lyle Denniston, Supreme Court Reporter, *Scotusblog.com*

Panelists:

Donald Francis Donovan, Partner, Debevoise & Plimpton LLP (counsel in *Medellín*)

Jonathan Hafetz, American Civil Liberties Union (counsel in *Munaf and Omar*)

P. Sabin Willett, Partner, Bingham McCutchen (counsel in *Boumediene*)

**Fifteen Years of International Tribunals: Past, Present, and Future
Location: Stimson Room**

This panel will look at the Yugoslav Tribunal, Rwanda Tribunal, International Criminal Court, Special Court for Sierra Leone, and Khmer Rouge Tribunals, including the impact these courts have had on international justice and international law in the fifteen years since the UN established the Yugoslav Tribunal in 1993. Special emphasis will be placed on residual and legacy issues and completion strategies of the ad hoc courts, which will conclude their mandates in the next few years.

Chair:

Kelly Dawn Askin, Senior Legal Officer, International Justice, Open Society Justice Initiative; Executive Committee Member, American Branch of the International Law Association

Panelists:

Sara Darehshori, Senior Counsel, International Justice Program, Human Rights Watch

Larry Johnson, former Assistant Secretary-General for Legal Affairs, United Nations

Clint Williamson, U.S. Ambassador for War Crimes Issues

Rupert Skilbeck, Director of Litigation, Open Society Justice Initiative; former Head of Defense Support Section, Extraordinary Chambers in the Courts of Cambodia

FRIDAY, OCTOBER 17, 2008

9:00 am – 10:30 am

Trade Policy Under the Next Administration
Location: Evarts Room

Trade issues divide the 2008 presidential campaign: Senator McCain advocates more negotiations to reduce trade barriers, while Senator Obama calls past trade agreements flawed or oversold to the public. By exploring the two campaigns' positions, this panel will consider whether the next administration will break with past traditions in U.S. trade policy.

Chair:

Patrick C. Reed, Of Counsel, Simons & Wiskin

Panelists:

Merit E. Janow, Professor, School of International and Public Affairs,
Columbia Law School

Philip I. Levy, Resident Scholar, American Enterprise Institute

Daniel K. Tarullo, Professor, Georgetown University Law Center

Extraterritorial Jurisdiction and Related Matters in
International Insolvency Proceedings

Location: Hughes Room

Relatively infrequent a few years ago, international insolvency proceedings have now become commonplace in U.S. courts. Cases such as Yukos, Bankcredit, Cayman, and Lion City exemplify that trend and show the degree of complexity and sophistication reached in the application of Chapter 15, a state-of-the-art set of rules inspired by the UNCITRAL Model Law on Cross-Border Insolvency. Despite this recent wave of Chapter 15 cases, many jurisdictional problems remain unresolved, including the interaction (and potential overlap) of insolvency courts of universal jurisdiction in common law systems and insolvency courts of limited jurisdiction in civil law systems. This panel will provide an overview of this and other practical jurisdictional difficulties in the field of transnational insolvency and how they might be addressed.

Chairs:

Aníbal Sabater, International Arbitration Advisor, Fulbright & Jaworski LLP

Panelists:

Susan Block-Lieb, Professor, Fordham Law School

Christopher Redmond, Partner, Husch Blackwell Sanders LLP

Steven Kargman, Founder and President, Kargman and Associates

FRIDAY, OCTOBER 17, 2008

10:45 am – 12:15 pm

ICC Panel #1: The ICC Ten Years After, Challenges and Opportunities
Location: Meeting Hall

This panel will examine the status of the International Criminal Court ten years after the adoption of the Rome Statute. The panel will particularly emphasize the challenges presented by the Court's first cases, issues to be raised at the upcoming Review Conference, and the challenge of achieving universal ratification of the ICC Statute. This panel lays the foundation for a second panel related to the ICC at 4:00 pm, which will explore the evolution of U.S. policy towards the ICC since its inception.

Chair:

Leila Nadya Sadat, Henry H. Oerschelp Professor of Law and Director of the Harris World Law Institute, Washington University in St. Louis School of Law; Vice President, American Branch of the International Law Association

Panelists:

John Bellinger, Legal Adviser, U.S. Department of State

Betty Bigombe, Senior Fellow at the U.S. Institute of Peace; former Uganda government minister; and consultant to the World Bank

William W. Burke-White, Assistant Professor, University of Pennsylvania Law School

Roger S. Clark, Board of Governors Professor, Rutgers School of Law

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

Prince Ra'ad bin Zeid Al-Hussein, Jordanian Ambassador to the U.S. (Invited)

Medellin v. Texas: U.S. Compliance with ICJ Judgments and Treaties
Location: Stimson Room

The case of Medellin v. Texas raises some of the most potentially far-reaching issues concerning the relationship of international law to national law within the United States, as well as the respective powers both among the branches of the federal government and between the federal and state governments. The case has attracted a huge level of interest from widely different constituencies, running from states' rights advocates, to internationalists, to supporters of broad executive power. The panelists will address a variety of issues raised by the case.

Chair:

Valerie Epps, Professor and Director of the International Law Concentration, Suffolk University Law School; Vice President, American Branch of the International Law Association

Panelists:

Sandra Babcock, Associate Clinical Professor and Clinical Director of the Center for International Human Rights, Northwestern University School of Law

John Cerone, Associate Professor and Director of the Center for International Law and Policy, New England Law

Margaret McGuinness, Associate Professor, University of Missouri School of Law

John Murphy, Professor, Villanova University School of Law; Honorary Vice President, American Branch of the International Law Association

FRIDAY, OCTOBER 17, 2008

10:45 am – 12:15 pm

**Developments in Outer Space Law
Location: Evarts Room**

The “Law of Outer Space” is at a crossroads. Built largely on a (some say limited) framework of UN multilateral treaties and ITU treaty-based allocations of orbital rights, few states have joined a proposed UN framework for rights on the Moon and celestial bodies. Negotiations will resume on a UNIDROIT protocol on commercial financing rights in outer space, modeled on recent treaty rights created for airspace commerce (Cape Town Convention). Alternatives might be modeled on the Law of the Sea Convention, the ITU system, or the treaty-based framework for commercial airspace.

Chair:

Harold S. Burman, Assistant Legal Adviser for Private International Law, U.S. Department of State

Panelists:

Henry Hertzfeld, Professor, Space Policy Institute, George Washington School of International Affairs

Dara Panahy, Space Law, Milbank, Tweed, Hadley & McCloy LLP

Matt Schaefer, Professor, University of Nebraska College of Law

**Emerging International Issues in Confronting
Climate Change: Adaptation and Allowance Trading
Location: Hughes Room**

Effective adaptive responses to projected climate change over the next century are critical. Given the glacial pace of negotiations to develop a long-term response to climate change, it is imperative to develop adaptation protocols that minimize the potentially dire impacts that climate change will visit on particularly vulnerable nations and populations. This panel will focus on international institutional mechanisms to effectuate climate change adaptation, with an emphasis on the needs of developing countries.

Chair:

Wil Burns, Editor in Chief, *Journal of International Wildlife Law & Policy*

Panelists:

Edna Sussman, Of Counsel, Hogue Newman Regal & Kenney, LLP

James M. Van Nostrand, Executive Director of the Pace Energy and Climate Center, Pace University School of Law

FRIDAY, OCTOBER 17, 2008

12:30 pm – 1:45 pm

**ANNUAL LUNCHEON
House of the Association of the Bar of the City of New York**

Speaker

John Bellinger

Legal Adviser, U.S. Department of State

Registration and prepayment required.

(See last page of brochure.)

2:15 pm – 3:45 pm

**Kosovo's Independence and the Future of Self-Determination
Location: Meeting Hall**

The panel will discuss the significance of Kosovo's declaration of independence and the continuing supervisory role exercised in the territory by international organizations on the international law of statehood and self-determination. Did states recognizing Kosovo violate their obligations to Serbia? Does the Kosovo situation create precedents for secession in other places?

Chair:

Benedict Kingsbury, Murry and Ida Becker Professor of Law and Chair, Graduate Division, New York University School of Law; Director, Institute for International Law and Justice

Panelists:

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

Ralph Wilde, Professor, University College London

Daphna Shraga, Principal Legal Officer, Office of the Legal Counsel, Office of Legal Affairs, United Nations

FRIDAY, OCTOBER 17, 2008

2:15 pm – 3:45 pm

American Branch ILA/American Society of International Law Joint Study on the Implementation of Transparency Norms in International Commercial Arbitration: Part I, an Introduction to the Issues

Location: Stimson Room

This panel is the first of a two-part joint program by the American Branch in conjunction with the American Society of International Law. Welcoming the opportunity for collaboration among sister societies, particularly on a topic of importance to members in practice, the two groups agreed to focus on transparency in investment treaty arbitration. Despite the broad trend towards transparency and the emergence of formal rules in that setting, problems of implementation remain. Panelists will provide framing comments designed to stimulate discussion of problems involving the implementation of transparency norms for investment treaty arbitration. This will be followed by a moderated discussion among panelists and audience members. The goal is to get audience participation and comment to shape further discussions by the Study Panel and for the second stage, a closed full-day meeting of experts at the ASIL in early December 2008.

Chairs:

Louise Ellen Teitz, Professor, Roger Williams University School of Law; Executive Committee Member, American Branch of the International Law Association
Ruth Teitelbaum, Freshfields Bruckhaus Deringer LLP

Panelists:

John Crook, Professor, The George Washington Law School
Dan Magraw, Center for International Environmental Law
Lucinda Low, Steptoe & Johnson

The Spread of the Pro Bono Tradition and the Role of Global Collaborative Pro Bono Efforts on the Future of Nations and Emerging Legal Systems

Location: Evarts Room

The U.S. pro bono model has long been held in high regard by our colleagues around the world. As lawyers begin to migrate across borders, they bring their pro bono traditions with them. This panel explores the tradition of pro bono in the United States and its prospects and potential as a model for rule of law globally. Anecdotal experiences of lawyers on the panel will demonstrate how U.S. law and practice integrate international norms into successful rule of law applications and models.

Chair:

Houston Putnam Lowry, Chairman of the Board of Directors, Lawyers Without Borders; Brown & Welsh, PC; Honorary Secretary, American Branch of the International Law Association

Panelists:

Stephen Hibbard, Partner, Shearman & Sterling LLP, Trustee of the Carnegie Council for Ethics in International Relations; Fellow of the American Bar Foundation; President-elect of the Association of Business Trial Lawyers of Northern California
Allieu Ibrahim Kanu, Ambassador/Deputy Permanent Representative of the Republic of Sierra Leone to the United Nations
George Taft, Deputy Director, Lawyers Without Borders; formerly of the Office of the Legal Adviser, U.S. Department of State; Acting Chairman and member, Board of Appellate Review
George Wade, Partner, Shearman & Sterling LLP, Of Counsel, Litigation Group

FRIDAY, OCTOBER 17, 2008

2:15 – 3:45 pm

**New Developments in International Human Rights Law at the
Universal and Regional Levels
Location: Hughes Room**

Panelists will engage in a critical discussion of new developments in international human rights law at the UN and regional levels and will attempt to evaluate why the human rights movement appears to be in deep trouble.

Chair:

Christina M. Cerna, Principal Specialist, Inter-American Commission on Human Rights, OAS;
Executive Committee Member, American Branch of the International Law Association

Panelists:

Anne Bayefsky, Professor, Touro College, York University; Senior Fellow, Hudson Inst.
Hurst Hannum, Professor, Fletcher School of Law and Diplomacy, Tufts University
Aisling Reidy, Senior Legal Adviser, Human Rights Watch

**Basel II's Capital Adequacy Requirements after the Subprime Crisis
Location: Tweed Room**

The panel will evaluate the effectiveness of the 2004 revisions of the Basel Accord ("Basel II"), which harmonizes capital adequacy of international banks, in weathering the subprime crisis. Was Basel II effective in containing systematic risk? Should Basel II be revisited, given recent experience? Is Basel II's internal ratings-based approach sound? Should other institutions (such as the IMF) enter the regulatory field?

Chair:

Jeffery Atik, Professor, Loyola Law School – Los Angeles; Executive Committee Member,
American Branch of the International Law Association

Panelist:

Heidi Mandanis Schooner, Professor, Columbus School of Law, Catholic University

FRIDAY, OCTOBER 17, 2008

4:00 pm – 5:30 pm

**Recent Developments in Private International Law
Location: Meeting Hall**

Private International Law today encompasses an ever-increasing range of topics of importance to practitioners, scholars and students interested in arbitration and litigation, commercial and financial law, family law, choice of law and enforcement of judgments. This panel will survey recent developments in UNCITRAL, UNIDROIT, The Hague Conference and the OAS. In addition to highlighting important U.S. and European case law, panelists will discuss such important new texts as the new UNCITRAL Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea), prospects for U.S. ratification of the UN E-Commerce Convention, and mechanisms for resolving cross-border consumer disputes in the OAS. Attention will also be given to the challenges to implementing private international law treaties which are posed by the Supreme Court's recent decision in Medellin v. Texas.

Chair:

Houston Putnam Lowry, Brown & Welsh, PC; Honorary Secretary, American Branch of the International Law Association

Panelists:

Chester D. Hooper, Partner, Holland & Knight

Ronald A. Brand, Professor and Director, Center for International Legal Education, University of Pittsburgh School of Law; Executive Committee Member, American Branch of the International Law Association

Harold S. Burman, Attorney Adviser, U.S. Department of State

David P. Stewart, Visiting Professor, Georgetown University Law Center

**ICC Panel #2: Exceptionalism Versus Engagement in U.S. Policy
Towards the International Criminal Court
Location: Stimson Room**

In the ten years since the ICC was established, the U.S. has both signed and “unsigned” the statute, passed the American Service-members’ Protection Act of 2002, and in 2005, acquiesced (through abstention) in the Security Council referral of the situation in Darfur to the ICC. Although entitled to observer status, the U.S. has been conspicuously absent from the Assembly of States Parties or the Working Group on the Crime of Aggression. At the same time, the ICC has itself developed dramatically, with on-going investigations in four situations, multiple public arrest warrants, and preparation for trial underway in several cases. It is time to assess the extent to which U.S. fears about the Court have been realized in practice and the cost (to the U.S. and the Court) of U.S. non-participation in the development of this institution. Distinguished panelists with diverse perspectives will address the current U.S. position on the ICC and will explore whether a new administration should consider a change in approach, including with respect to the upcoming Review Conference in 2010.

Chair:

Elizabeth Andersen, Executive Director, American Society of International Law

Panelists:

Christine Chung, Senior Fellow, Schell Center for International Human Rights, Yale Law School; former prosecutor, International Criminal Court

Jerry Fowler, President, Save Darfur Coalition

Ambassador Clint Williamson, U.S. Ambassador-at-Large for War Crimes Issues

FRIDAY, OCTOBER 17, 2008

4:00 pm – 5:30 pm

International Lawfare and National Security
Location: Evarts Room

“Lawfare” is a term describing the increasingly critical role of law and legal institutions in international and national security affairs. This panel will explore the application of Lawfare in both traditional military operations and the domestic components of national security.

Chair:

Vincent Vitkowsky, Partner, Edwards Angell Palmer & Dodge, LLP

Panelists:

Major General Charles J. Dunlap, Jr., USAF Deputy Judge Advocate General

Brooke Goldstein, Director, The Legal Project at the Middle East Forum

Scott Horton, Legal Affairs and National Security Commentator; Executive Committee Member, American Branch of the International Law Association

Andrew McCarthy, Director, Foundation for the Defense of Democracies Center for Law and Counterterrorism

Michael Newton, Professor, Vanderbilt Law School; former Army Judge Advocate

Regional Trade Agreements: Current Issues and Controversies
Location: Hughes Room

Regional economic integration is an important topic in international trade these days. Regional trade agreements (RTAs) are not a new phenomenon, but there has been acceleration in the number of such arrangements in recent years, notably since the creation of the World Trade Organization (WTO) in 1995. The WTO predicts that this trend will continue and that 400 RTAs will be in place by 2010. U.S. trade policy is increasingly being dominated by bilateral and regional free trade agreements. RTAs are presumed to promote the same economic advantages as multilateral trade liberalization. However, such arrangements have often been criticized for failing to deliver the benefits touted by classical economic theory. This panel will examine some of the emerging critical issues in this area.

Chair:

Cherie O. Taylor, Professor, South Texas College of Law

Panelists:

Chi C. Carmody, Associate Professor and Canadian Director, Canada-United States Law Institute, University of Western Ontario School of Law

David A. Gantz, Samuel F. Fegtly Professor of Law and Director, International Trade and Business Law, The University of Arizona James E. Rogers College of Law

FRIDAY, OCTOBER 17, 2008

6:30 pm – 8:30 pm

GALA RECEPTION

Permanent Mission of Belgium to the United Nations

One Dag Hammarskjöld Plaza
885 Second Avenue, 41st Floor
New York City

*Registration and prepayment required.
(See last page of brochure.)*

SATURDAY, OCTOBER 18, 2008

8:00 am – 9:00 am

Complimentary Coffee

9:00 am – 10:30 am

**The Legal Regulation of International Disaster Relief Efforts
Location: Meeting Hall**

Recent large-scale natural disasters, including the Asian tsunami of 2004 and the resulting global response, followed by the 2005 Hyogo Conference on Disaster Reduction, have led to renewed interest in the legal regulation of disaster relief activities, including disaster prevention, response and the protection of the victims of disasters. The panel will investigate recent initiatives in this emerging body of law, including the guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance, adopted by the International Red Cross in 2007, as well as the International Law Commission's work on the topic of protection of persons in the event of disasters in 2008.

Chair:

Arnold Pronto, Legal Officer, Secretariat of the International Law Commission, United Nations

Panelists:

David Fidler, James Louis Calamaras Professor of Law and Director, Indiana University Center on American and Global Security

Carrie Santos, Senior Director, International Policy and External Affairs, American Red Cross

SATURDAY, OCTOBER 18, 2008

9:00 am – 10:30 am

**The UN Human Rights Council: What Would Eleanor Roosevelt Say?
Location: Stimson Room**

The Human Rights Council has new features beyond those of the former Commission, such as the change in membership, the Universal Periodic Review of all countries, modalities such as the Social Forum, election of members by the General Assembly rather than by ECOSOC, the Council's more frequent sessions, and the Code of Conduct for Special Rapporteurs. Questions remaining to be answered are: (a) what role the Council can most usefully play, given that various parts of the UN system today that are actively and substantively engaged in different ways in promoting or protecting human rights; and (b) why the United States does not participate in the Council.

Chair:

John Carey, former Vice President, American Society of International Law; Board of Editors, *American Journal of International Law*; Alternate U.S. Member, UN Human Rights Sub-Commission; TV producer, *United Nations Week: News and Views*

Panelists:

Connie de la Vega, Professor of Law, Frank C. Newman International Human Rights Law Clinic and Academic Director, International Programs, University of San Francisco Law School

Patrick J. Flood, U.S. Foreign Service Officer (retired); four-year member, U.S. Delegation to the UN Commission on Human Rights; human rights scholar

**Historical Attitudes of the United States Towards International Law
Location: Evarts Room**

This panel explores Americans' views of the international legal system and the United States' role within it from the founding of the Republic through the Civil War and into the twenty-first century. Looking at particular moments in American history, the panel seeks to unearth the long and complex relationship between American concepts of national identity and American views of international law's nature, potential, or danger.

Chair:

Harlan Grant Cohen, Assistant Professor, University of Georgia School of Law

Panelists:

Elizabeth Borgwardt, Associate Professor of History, Washington University in St. Louis

David Golove, Hiller Family Foundation Professor of Law, New York University School of Law

Daniel Hulsebosch, Professor, New York University School of Law

John Fabian Witt, Professor, Law and History, Columbia Law School

SATURDAY, OCTOBER 18, 2008

9:00 am – 10:30 am

**The Gentleman's Agreement: Multilateralism or Hegemony?
Location: Hughes Room**

Europeans are calling for an end to the 60-year Gentleman's Agreement for appointment by the United States of the World Bank's President and by the Europeans of the International Monetary Fund's Managing Director. European Executive Directors complained of investigations into their private bank accounts, and the IMF's Independent Evaluation Office reported that Executive Directors of smaller countries fear reprisals. Can multilateralism resolve the governance crisis at the Bretton Woods institutions?

Chair:

Karen Hudes, Chair, American Branch, ILA Committee on Multilateralism and Accountability of International Organizations

Panelists:

Brian Efird, Sentia Group

Douglas C. Foyle, Professor of Government, Wesleyan University

Sabine Schlemmer Schulte, Associate Professor, University of the Pacific McGeorge School of Law

10:45 am – 12:15 pm

**National Security Courts: Specialized Justice or Star Chambers?
Location: Meeting Hall**

With both major presidential candidates committing to close the detention facilities at Guantánamo Bay, momentum is building for the establishment of alternative detention and judicial systems. The presentations will start with a statement of the evidentiary, security, financial, and competence challenges that the government currently faces when dealing with individuals considered to be dangerous. The speakers will then address the historical experience of terror trials in federal district courts and the foreign experiences with preventive detention regimes. The speakers will also examine the costs and benefits that the proposed systems would inflict on the constitutional order.

Chair:

Mark R. Shulman, Assistant Dean for Graduate Programs and International Affairs, Pace University School of Law; Chair, International Human Rights Committee of the Association of the Bar of the City of New York

Panelists:

Richard Zabel, Partner, Akin Gump

Aziz Huq, Director of the Brennan Center's Liberty and National Security Project

Hina Shamsi, Staff Attorney, ACLU's National Security Project

Glenn Sulmasy, Associate Professor of Law, U.S. Coast Guard Academy

Matthew Waxman, Associate Professor, Columbia Law School

SATURDAY, OCTOBER 18, 2008

10:45 am – 12:15 pm

The Protection of Cultural Heritage in a Globalized World
Location: Stimson Room

From the looting of cultural treasures in the Iraq National Museum to the limited protection offered to traditional cultural expressions and indigenous knowledge, the protection of cultural heritage has become increasingly contentious. This panel discusses important issues concerning the protection of tangible and intangible cultural heritage. It also explores the growing importance of the protection of geographical indications and other cultural indicia.

Chair:

Hunter R. Clark, Professor, Drake University Law School

Panelists:

John T. Cross, Grosscurth Professor of Intellectual Property Law, University of Louisville School of Law

Daniel Gervais, Professor, Vanderbilt University Law School

Doris Long, Chair, Intellectual Property Information Technology and Privacy Group, The John Marshall Law School

Lucille Roussin, Founder and Director, Holocaust Restitution Claims Practicum, Benjamin N. Cardozo School of Law, Yeshiva University

Peter K. Yu, Kern Family Chair in Intellectual Property Law and Director, Intellectual Property Law Center, Drake University; Executive Committee Member, American Branch of the International Law Association

**Implications of U.S. Acceptance of the
1982 Law of the Sea Convention and the 1994 Agreement**
Location: Evarts Room

The United Nations Convention on the Law of the Sea and the 1994 Agreement on the Implementation of Part XI are before the U.S. Senate for advice and consent. If the Senate gives advice and consent, the next step is the President's exchanging ratifications before the treaties go into effect for the United States. The panel will discuss the national security implications of acceptance of the Convention and the Agreement, along with the implications of ratification for U.S. municipal law.

Chair:

George K. Walker, Professor, Wake Forest University; Chair, ABILA Law of the Sea Committee; and Executive Committee Member, American Branch of the International Law Association

Panelists:

John Norton Moore, Professor, Director of Centers for National Security Law and Oceans Law & Policy, University of Virginia; former Ambassador and Deputy Special Representative of the President for the Law of the Sea

John T. Oliver, Attorney-Adviser, Office of Maritime and International Law, U.S. Coast Guard Headquarters; Adjunct Professor, Georgetown University Law Center

Edwin D. Williamson, Senior Counsel, Sullivan & Cromwell LLP

SATURDAY, OCTOBER 18, 2008

10:45 am – 12:15 pm

**The Road Towards an Arms Trade Treaty
Location: Hughes Room**

This panel will assess the feasibility, scope and draft parameters for an arms trade treaty. The panel will also address progress made and challenges for the future.

Chair:

Pamela Maponga/Daniel Prins, Conventional Arms Branch, United Nations Office for Disarmament Affairs

Panelists:

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

Thomas L. Mason, Executive Secretary, World Forum on the Future of Sport Shooting Activities (U.S.)

Clare da Silva, Legal Advisor - NGO Steering Committee for an ATT

Cristiane Lucena, Researcher, State University of São Paulo

Araceli Garcia, Helen Hamlyn Senior Fellow, Fordham University Institute of International Humanitarian Affairs

12:30 pm – 2:00 pm

**ABILA Executive Committee Meeting
Location: Carter Room**

**New Frontiers in Human Rights Law (boxed lunch program)
Location: Stimson Room**

The roundtable will explore new issues and subject matter in human rights discourse, with a special emphasis on the concept of intellectual property as a human right, the environment as an aspect of human rights, and sexual freedom as a human right.

Chair:

Aaron Fellmeth, Professor, Sandra Day O'Connor College of Law, Arizona State University

Panelist:

Douglas Sylvester, Professor, Sandra Day O'Connor College of Law, Arizona State University

SATURDAY, OCTOBER 18, 2008

12:30 pm – 2:00 pm

**Pathways to Employment in International Law (boxed lunch program)
Location: Evarts Room**

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.

Chair:

Alka Pradhan, White & Case

Panelists:

Sandra L. Hodgkinson, Deputy Assistant Secretary of Defense for Detainee Affairs

Steven M. Schneebaum, Shareholder, Greenberg Traurig, LLP

Brian C. Dunning, Partner, Thompson & Knight LLP

Mary Rose Brusewitz, Partner, Strasburger & Price LLP

**The International Convention for the Regulation of Whaling in the 21st Century: Is
There a Way Forward? (boxed lunch program)
Location: Hughes Room**

The International Convention for the Regulation of Whaling has been portrayed as the most dysfunctional multilateral environmental agreement in the world, with pro and anti-whaling factions pursuing seemingly irreconcilable agendas that paralyze the institution and preclude a focus on perhaps the gravest long-term threat to cetacean species. This panel will examine ways to break the logjam in the International Convention for the Regulation of Whaling and the critical issues that must be addressed during this century if many cetacean species are to remain viable.

Chair:

Wil Burns, Editor in Chief, *Journal of International Wildlife Law & Policy*

Panelists:

Monica Medina, Director, The Pew Whale Conservation Project

Howard S. Schiffman, Clinical Associate Professor, M.S. Program in Global Studies, New York University School of Continuing & Professional Studies

**1:45 pm – 2:00 pm – ABILA Annual Members Meeting
Location: Carter Room**

SATURDAY, OCTOBER 18, 2008

2:15 pm – 3:45 pm

ABILA Meeting of Co-Directors of Studies with Committee Chairs
Location: Carter Room

**International Crime and National Courts: A U.S. and
Comparative Law Perspective**
Location: Meeting Hall

This panel will provide a forum for discussing the various roles of international criminal law in domestic civil and criminal proceedings, and the allocation of prosecutorial responsibility between international and domestic courts in countries from the United States to the Democratic Republic of Congo.

Chair:

Chimène Keitner, Associate Professor, University of California Hastings College of the Law

Panelists:

Elena Baylis, Associate Professor, University of Pittsburgh School of Law

Anthony Colangelo, Assistant Professor, Southern Methodist University Dedman School of Law

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

**Advocacy in Commercial and Investment Treaty Arbitration:
Differences and Common Patterns**
Location: Stimson Room

Experienced practitioners will compare commercial and investment treaty arbitration to draw practical lessons for advocates. The topics to be addressed by the panelists include the differences in the administration, pleading style, and transparency requirements of commercial and investment treaty cases.

Chair:

Aníbal Sabater, International Arbitration Advisor, Fulbright & Jaworski LLP

Panelists:

José Ricardo Feris, Counsel with the ICC Court of Arbitration in Paris

James Hosking, Partner, Clifford Chance

Dietmar Prager, Counsel, Debevoise & Plimpton LLP

SATURDAY, OCTOBER 18, 2008

2:15 pm – 3:45 pm

**Justice for Iraq: The Work of the Iraqi High Tribunal
Location: Evarts Room**

In the spring of 2003, the United States announced that justice in Iraq would be an “Iraqi-led process.” Was that the right decision? The panelists will discuss the merits and flaws of the Iraqi High Tribunal, with particular focus on the “Dujail” trial, as a result of which Saddam Hussein was executed, and the “Anfal” trial, covering Iraq’s genocide against the Iraqi Kurds. This panel is organized in cooperation with the Council on International Affairs, Association of the Bar of the City of New York.

Chair:

Simone Monasebian, Court TV Legal Analyst for the Saddam Hussein Trial; Adjunct Professor, Seton Hall University School of Law; former Prosecution Counsel, International Criminal Tribunal for Rwanda; former Principal Defender, Special Court of Sierra Leone

Panelists:

Eric Blinderman, International Litigation Counsel, Proskauer Rose LLP; former Associate General Counsel of the Coalition Provisional Authority; former Chief Legal Counsel and Associate Deputy to the Regime Crimes Liaison's Office

Michael Newton, Professor, Vanderbilt University Law School; co-author, “Enemy of the State: The Trial and Execution of Saddam Hussein”

Jennifer Trahan, Visiting Lecturer, Columbia University; former Iraq Prosecutions Consultant, International Center for Transitional Justice

**Transnational Regulatory Orders
Location: Hughes Room**

This panel will address transnational regulatory orders and the United States’s engagement with them. The panel will consider and compare how transnational regulatory orders operate, how they interact in a decentralized system, and how they interact with domestic legal and regulatory processes in the United States.

Chairs:

Robert Ahdieh, Visiting Professor, Columbia Law School; Professor of Law and Director, Center on Federalism and Intersystemic Governance, Emory University School of Law

Gregory Shaffer, Melvin C. Steen Professor of Law, University of Minnesota Law School

Panelists:

Benedict Kingsbury, Murry and Ida Becker Professor of Law and Director, Institute for International Law and Justice, New York University School of Law

Janet Levit, Dean, The University of Tulsa College of Law

David Zaring, Assistant Professor, The Wharton School of the University of Pennsylvania

**INTERNATIONAL LAW WEEKEND 2008
THURS., OCTOBER 16 THROUGH SAT., OCTOBER 18, 2008**

**Organized by the American Branch of the International Law Association
Held at the Association of the Bar of the City of New York,
42 West 44th Street, New York City**

REGISTRATION FORM

- **October 10, 2008 is the deadline for early registration**
- **Registration available at International Law Weekend**

Name:

Address:

Email address:

REGISTRATION FEE

Registration is free for students and members of the American Branch, the ABCNY, or any cosponsoring organization. For a list of cosponsoring organizations, please visit www.ambranch.org. Otherwise, registration is \$75 per person.

- Student Name:
Name of School:
Year of Graduation:
- Member of the ABILA
- Member of the ABCNY
- Member of Cosponsoring Organization
Name of Organization:
- Non-member (\$75)

HOTEL ACCOMMODATIONS

For ILW 2008, the American Branch has reserved a block of rooms at the Holiday Inn Express, 15 West 45th St. The cost is \$359 per night plus taxes; reserve by calling 646-688-1116 or 800-465-4329. Reservations must be made no later than September 15, 2008.

SPECIAL RECEPTION

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

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

MEAL FUNCTIONS

To attend these events, your registration and payment must be received by October 10, 2008.

I would like to attend the following meal functions:

- Friday Luncheon with U.S. Department of State Legal Adviser John Bellinger (\$40)
- Saturday Luncheon Seminars and Executive Committee Lunch (boxed lunch) (\$20)

MEMBERSHIP IN THE AMERICAN BRANCH OF THE INTERNATIONAL LAW ASSOCIATION

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 Associate (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.