

INTERNATIONAL LAW WEEKEND

**89TH ANNUAL MEETING OF THE AMERICAN BRANCH OF THE
INTERNATIONAL LAW ASSOCIATION**

Presented by

**the American Branch of the International Law Association
and the International Law Students Association**

**International Law and Institutions:
Advancing Justice, Security and Prosperity**



Thursday, October 21 – Saturday, October 23, 2010

**Thursday events will be held at the House of the Association of the Bar of the City of New York
42 West 44th Street, New York City**

**Friday and Saturday panels will be held at Fordham University School of Law*
140 West 62nd Street, New York City**

*Admission to ILW is free for ABILA members, ILSA members, and members
of cosponsoring organizations. For others, there is a \$75 fee.*

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INTERNATIONAL LAW WEEKEND 2010

The American Branch of the International Law Association and the International Law Students Association welcome you to the annual International Law Weekend (ILW) conference in New York City, an exciting event that brings together hundreds of practitioners, members of the governmental and non-governmental sectors, and students. The theme of ILW 2010 is "International Law and Institutions: Advancing Justice, Security and Prosperity." The global strategic and financial turmoil of the last several years has created unprecedented challenges and opportunities for international law and institutions. ILW 2010 will address the role of international law and institutions in reducing conflict, promoting security, fostering human rights, protecting the environment, facilitating trade and investment, and resolving public and private international disputes. Panels will examine subjects such as the extent to which treaties currently under negotiation or consideration would further these objectives, and the operation and effect of international organizations, international courts, and arbitral institutions on the global legal order.

ILW begins Thursday evening, October 21, with a distinguished opening panel at the House of the Association of the Bar of the City of New York, 42 W. 44th Street, New York City. A reception, open to all conference attendees, will follow.

More than 30 panels are scheduled for Friday, October 22 and Saturday, October 23 at Fordham University School of Law, 140 West 62nd Street in New York City. On Friday evening, conference attendees are invited to attend a reception hosted by the Permanent Mission of Finland to the United Nations. The following day, a luncheon featuring distinguished guest speaker David D. Caron, President of the American Society of International Law and the C. William Maxeiner Distinguished Professor of Law at the University of California, Berkeley School of Law, will take place at Fordham University School of Law. **Both the reception hosted by the Permanent Mission of Finland to the United Nations and the Saturday luncheon have reached capacity.** For security and logistical reasons, only those who registered and paid in advance for these events may attend. If you are pre-registered for one or both of these events, please remember to bring photo identification and your conference badge, which you will be asked to show upon check-in.

Due to the generosity of co-sponsoring organizations, ILW is free for members of ABILA, ILSA, employees of the United Nations, members of the co-sponsoring organizations, students, and members of the Association of the Bar of the City of New York. For all others there is a fee of \$75.

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

THURSDAY, OCTOBER 21

6:00 pm – 7:30 pm

The Role of the United Nations in the Development of International Law

Location: ABCNY Meeting Hall

The UN Charter directs the General Assembly to initiate studies and make recommendations for the purpose of encouraging the progressive development and codification of international law. For this purpose, the Assembly established the International Law Commission, and a wide range of international instruments have been adopted. This panel examines how and to what extent the General Assembly, through the International Law Commission and otherwise, has discharged its responsibility in this area, including its challenges, successes and failures.

Moderator: **Patricia O'Brien**, Under-Secretary-General for Legal Affairs and the UN Legal Counsel

Panelists: **Donald McRae**, Hyman Soloway Professor of Law, University of Ottawa; Member, United Nations International Law Commission

Brian Hook, Founding Partner, Latitude, LLC; former Assistant Secretary of State for International Organizations

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

7:30 pm – 9:00 pm

**EVENING RECEPTION AT THE HOUSE OF THE ASSOCIATION OF THE
BAR OF THE CITY OF NEW YORK**

FRIDAY, OCTOBER 22

8:00 am – 10:30 am

Complimentary Coffee
donated by the Fordham Law School's International and Non-JD Programs
Location: Platt Atrium

9:00 am – 10:30 am

The International Court of Justice's Role in Resolving the Kosovo Crisis
Location: McNally Amphitheatre

In 2008, the UN General Assembly requested an advisory opinion from the ICJ on the following question: "Is the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo in accordance with international law?" The Court received written statements from 36 states plus Kosovo and comments from 14 states plus Kosovo. The Court issued its advisory opinion in July 2010. The panelists will discuss the implications of the Court's opinion, paying particular attention to the role of the Court in settling international disputes in the volatile arena of secession.

Chair: **Valerie Epps**, Professor and Co-Director of the International Law Concentration, Suffolk University Law School; Vice-President and Co-Director of Studies of ABILA

Panelists: **Christopher Borgen**, Professor and Associate Director for International Studies, St. John's University School of Law; ABILA representative to the Recognition/Non-Recognition in International Law Committee of the International Law Association
John Cerone, Professor and Director of the Center for International Law and Policy, New England School of Law; ABILA representative to the Human Rights Law Committee of the International Law Association
Brad Roth, Associate Professor of Political Science and Law, Wayne State University; ABILA representative to the Recognition/Non-Recognition in International Law Committee of the International Law Association
Ralph Wilde, Reader, Faculty of Laws, University College London, University of London

FRIDAY, OCTOBER 22

9:00 am – 10:30 am

**Global versus Local: International Law and Institutions,
Customary Law and Human Rights in Africa**

Location: Room 203

This panel will explore the complex relationship between traditional African legal systems and the international human rights regime. In an increasingly globalized, yet also very localized, world many international rules and standards face challenges when implemented in local contexts, particularly in the field of human rights. The panel will discuss both the challenges and opportunities for international human rights standard penetration to the community level, with a focus on promoting standards' relevance and impact for disadvantaged and vulnerable groups.

Moderator: **Paolo Galizzi**, Associate Clinical Professor of Law and Director, Sustainable Development Legal Initiative, Leitner Center for International Law and Justice, Fordham Law School

Panelists: **Anna Bossman**, Commissioner, Commission for Human Rights and Administrative Justice, Ghana
Tracy Higgins, Professor of Law and Faculty Co-Director, Leitner Center for International Law and Justice, Fordham Law School

Muna B. Ndulo, Professor of Law, Director of the Institute for African Development, Cornell University Law School

Thoko Kaime, Lecturer in Law and Deputy Director, Surrey International Law Centre (SILC) School of Law, University of Surrey

**Non-Party Discovery in Aid of Arbitration under the FAA and U.S. Discovery
in Aid of Foreign and International Tribunals under Section 1782**

Location: Room 204

This panel will explore the availability of, scope and procedures for obtaining discovery of non-parties for use in arbitrations under Section 7 of the Federal Arbitration Act. It will also explore the availability of, scope and procedures for obtaining discovery located in the U.S. for use in international arbitrations, whether seated in the U.S. or abroad, under 28 U.S.C. § 1782, which authorizes federal district courts to grant discovery in the U.S. in aid of "foreign or international tribunals." Finally, it will examine the relationship between FAA Section 7 and Section 1782 from the perspectives of the parties, non-parties, arbitrators and the courts.

Moderator: **Robert Smit**, Partner, Simpson Thacher & Bartlett LLP

Panelists: **Dana MacGrath**, Partner, Allen & Overy LLP

Tim Nelson, Partner, Skadden, Arps, Meagher & Flom LLP

Steven H. Reisberg, Partner, Willkie Farr & Gallagher LLP

David Zaslowsky, Partner, Baker & McKenzie LLP

FRIDAY, OCTOBER 22

9:00 am – 10:30 am

Private International Law and Cross Border Consumer Redress

Location: Room 205

International instruments of private international law have traditionally treated consumer transactions as a special category in the application of rules regarding jurisdiction and applicable law. Recent completion of some new instruments and current negotiation of others raise questions about the effectiveness of traditional conflicts rules as tools for the protection of consumer interests. An alternative approach being considered in some intergovernmental negotiations focuses on providing inexpensive alternative dispute resolution, including online dispute resolution. This panel will consider consumer protection provisions of existing instruments as well as substantive and procedural consumer protection alternatives, in particular, those being considered in the OAS/CIDIP process.

Moderator: **Louise Ellen Teitz**, Professor of Law, Roger Williams University School of Law; Member, ABILA Executive Committee; Co-Chair, ABILA Commercial Dispute Resolution Committee; ABILA representative to the International Commercial Arbitration and International Protection of Consumers Committees of the International Law Association

Panelists: **Ronald A. Brand**, Professor of Law, University of Pittsburgh School of Law; Member, ABILA Executive Committee
Michael Dennis, Office of Private International Law, Office of the Legal Adviser, U.S. Department of State
Claudia Lima Marques, Professor, Federal University of Porto Alegre, Brazil
Colin Rule, Director of Online Dispute Resolution, Paypal/Ebay
Hugh Stevenson, Deputy Director, Office of International Affairs, U.S. Federal Trade Commission

Disability-Inclusive Development

Location: Room 430 B/C

In the developing world and in every country after natural disasters, there is a crucial need to create environments that include the broadest possible spectrum of people with disabilities. Spurred on in part by the United Nations Convention on the Rights of Peoples with Disabilities (UNCRPD), there is currently a vibrant international discussion about and efforts toward making this possible. This panel will discuss the development issues, as well as comments on the UNCRPD generally and prospects for U.S. ratification.

Panelists: **Michael Waterstone**, J. Howard Ziemann Fellow and Professor of Law, Loyola Law School Los Angeles
Tara Melish, Associate Professor and Director of Buffalo Human Rights Center, Buffalo Law School
Janet Lord, Blue Law Group International
Maya Sabatello, Professor, New York University Center for Global Affairs and Columbia University

FRIDAY, OCTOBER 22

10:45 am – 12:15 pm

**The International Criminal Court:
The Way Forward After the Kampala Review Conference**

Location: McNally Amphitheatre

This past June, an historic agreement was reached to amend the Rome Statute of the International Criminal Court to add a definition of the crime of aggression and conditions for the exercise of jurisdiction. Hear key interlocutors during the Review Conference negotiations discuss how the final agreement was concluded, and their views on the compromises reached, including exempting non-States Parties (such as the U.S.) from jurisdiction, and only activating jurisdiction in the future (potentially in seven years).

Moderator: **Jennifer Trahan**, Assistant Clinical Professor of Global Affairs, New York University; NGO observer to the International Criminal Court Review Conference, Kampala, Uganda; Chair, ABILA International Criminal Court Committee

Panelists: **Stefan Barriga**, Deputy Permanent Representative of the Principality of Liechtenstein, to the United Nations; Legal Adviser of the President of the Assembly of States Parties of the International Criminal Court

Todd Buchwald, Assistant Legal Adviser for United Nations Affairs, U.S. Department of State; Member, U.S. Delegation, International Criminal Court Review Conference, Kampala, Uganda

John Washburn, Convenor, The American Non-Governmental Organizations Coalition for the International Criminal Court; NGO observer to the International Criminal Court Review Conference, Kampala, Uganda

Climate Change, Energy and the Implications for International Law

Location: Room 203

This panel will consider some energy options, including geoengineering and nuclear technology, which are presently being considered to mitigate climate. Panelists will evaluate the international law and policy options for and gaps in exploring new energy options in responding to climate change. Panelists will take both practical and theoretical approaches to their analyses. Each panelist will make brief presentation followed by Q&A.

Panelists: **Deepa Badrinarayana**, Assistant Professor of Law, Chapman University School of Law
Elizabeth Burleson, Associate Professor of Law, University of South Dakota School of Law; Co-Chair, International Law Weekend

William C.G. Burns, Editor in Chief, Journal of International Wildlife Law & Policy; Climate Change and Geoengineering Law and Policy Expert; Co-Chair, ABILA International Environmental Law Committee

David Hunter, Associate Professor of Law, American University Washington College of Law

Elizabeth Trujillo, Associate Professor of Law, Suffolk University Law School

FRIDAY, OCTOBER 22

10:45 am – 12:15 pm

Update on the European Union and the Treaty of Lisbon

Location: Room 204

The Treaty of Lisbon entered into force on December 1, 2009. Major changes have been effected by the Treaty including the creation of a President of the European Council and a High Representative for Foreign Affairs. The Pillar system is abolished, and the Parliament has an increased role. The Charter of the Fundamental Rights of the European Union is now legally binding, and the EU will accede to the European Convention on Fundamental Rights and Freedoms. In addition, during this past year the EU has had to manage the economic crises in various member states. This panel will address these and other issues, including the recent ICJ advisory opinion concerning Kosovo.

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

Panelists: **Roger Goebel**, Professor and Director, Fordham Center on European Union Law
Hugo Kaufmann, Professor and Director, European Union Studies Center, CUNY Graduate Center
Mattias Kumm, Professor of Law and Director, LL.M./J.S.D. Program in International and Comparative Law, New York University School of Law
Roland Tricot, Legal Advisor, European Union Delegation to the UN

International Litigation and Human Rights

Location: Room 205

Can claims for human rights violations be brought in a jurisdiction other than where the alleged violation was committed? Are transnational class actions for human rights violations here to stay? Can U.S. courts grant discovery in aid of foreign human rights claims? Can foreign civil judgments on human rights be enforced in the United States? Are supranational courts working? Experienced practitioners will address these and other related questions, including the Alien Tort Statute, as human rights justice appears to go global.

Moderator: **Aníbal M. Sabater**, Fulbright & Jaworski LLP; Member, ABILA Executive Committee; Chair, ABILA Extraterritorial Jurisdiction Committee

Panelists: **Catherine M. Amirfar**, Debevoise & Plimpton LLP; Member, ABILA Executive Committee
Edward G. Kehoe, King & Spalding LLP
David P. Stewart, Visiting Professor of Law, Georgetown University Law Center; Vice President of the ABILA; ABILA representative to the International Protection of Consumers Committee of the International Law Association

FRIDAY, OCTOBER 22

10:45 am – 12:15 pm

Book Discussion of Cohen and DeLong, *The End of Influence: What Happens When Other Countries Have the Money*

Location: Room 430 B/C

In a format new to the ILW conference, moderator Cynthia Lichtenstein is proposing that attendees of this session discuss the provocative book "The End of Influence, What Happens When Other Countries Have the Money" by Stephen S. Cohen and J. Bradford DeLong, and topics addressed therein including sovereign wealth funds, the renminbi, China's economic policy, and global imbalances. She has asked the "speakers" listed below to begin by briefly making comments on the book, and to then draw all those in attendance into the discussion. Attendees are encouraged to read the book before attending the session, but for those who are unable to do so a short summary of its contents will be provided.

Moderator: **Cynthia Crawford Lichtenstein**, Professor Emeritus, Boston College Law School; Honorary Vice President and Patron of ABILA; ABILA representative to the International Monetary Law and International Securities Law Committees of the International Law Association; Vice Chair of the International Law Association Executive Council

Discussants: **Eric Pan**, Professor, Cardozo School of Law
Anna Gelpern, Associate Professor of Law, American University Washington College of Law
Rhoda Weeks-Brown, Assistant General Counsel, International Monetary Fund

12:30 pm – 2:00 pm

U.S. Nuclear Weapon Policy and International Law on Nuclear Disarmament

Location: Room 203

With a historic call for "a world without nuclear weapons" by President Obama in April 2009, what steps have been taken by the Obama administration so far to promote such an important goal? Will the new steps taken by the United States contribute to a further nuclear disarmament in the world, as well as to a positive development in international law on arms control and nuclear disarmament?

Moderator: **John H. Kim**, Esq., Co-Chair, ABILA Arms Control and Disarmament Committee

Panelists: **Commander James Kraska**, Howard S. Levie Chair of Operational Law, U.S. Naval War College; Chair, ABILA Use of Force Committee
John Burroughs, Esq., Executive Director, Lawyers Committee on Nuclear Policy

FRIDAY, OCTOBER 22

12:30 pm – 2:00 pm

**Legal Mechanisms for Advancing Environmental Human Rights
and Environmental Security**

Location: Room 204

This roundtable panel will discuss various legal mechanisms for advancing environmental human rights and environmental security. It will address the prevalence and enforceability of constitutionally embedded rights to a quality environment around the globe, and the role that international and regional courts and tribunals can play in advancing environmental human rights, including reference to recurring debates on the possible establishment of an international environmental court. It will also focus on questions of collaborations between the UN and domestic civilian and military entities in addressing security concerns triggered by environmental change, which can act as a threat multiplier for instability in some of the most fragile regions of the world, and thereby present significant national security challenges for international institutions and domestic governments.

Panelists: **Carl Bruch**, Senior Attorney and Co-Director of International Programs, Environmental Law Institute
Melanne Civic, Special Advisor to the Center for Complex Operations, National Defense University, U.S. Department of State Office of the Coordinator for Reconstruction and Stabilization
James R. May, H. Albert Young Fellow in Constitutional Law, Widener University School of Law
Ole W. Pedersen, Lecturer, Newcastle Law School, University of Newcastle upon Tyne

Using Mediation to Resolve International Parental Child Abduction Cases

Location: Room 205

This program will explore the ethics, feasibility, efficacy and propriety of using elective mediation to resolve international parental child abduction and cross-border child custody cases. Panelists will provide practice pointers for the effective use of mediation in this complex, high-conflict context. Participants will learn about existing programs already successfully employing mediation in the international parental abduction context.

Panelists: **Melissa A. Kucinski**, Esq., Bulman, Dunie, Burke & Feld, Chtd.
Morna P. Ellis, Esq., ACCORD Global, LLC

FRIDAY, OCTOBER 22

12:30 pm – 2:00 pm

ABILA Executive Committee Meeting

Location: Room 430 B/C

2:15 pm – 3:00 pm

ABILA Members Meeting

Location: Room 430 B/C

2:15 pm – 3:00 pm

ILSA Members Meeting

Location: Room 203

3:00 pm – 4:15 pm

ABILA Committee Chairs Meeting

Location: Room 205

FRIDAY, OCTOBER 22

3:00 pm – 4:30 pm

The Evolution of Corporate Accountability for Human Rights Abuses

Location: McNally Amphitheatre

While nation-states have long been obligated to protect and respect individual human rights, parameters within which the obligations and liabilities of private sector actors in this area exist have grown with the globalization of markets. This panel will look at recent developments in law in this area, considering the work of the UN Special Representative on Business and Human Rights, and the principles and norms embodied in hard, soft and case law in an international context.

Panelists: **Marie Soveroski**, Managing Director, EarthRights International
Katie Gallagher, Senior Staff Attorney, Center for Constitutional Rights
Sarah Altschuller, Foley Hoag LLP
Jeanne M. Woods, Professor of Law, Loyola University New Orleans College of Law

**Managing Discovery in International Commercial Arbitration:
The Institutional Response**

Location: Room 302

As parties with international commercial disputes of increasing complexity turned to arbitration for resolution, litigation discovery tools employed in U.S. courts were frequently imported into the process. Some arbitration critics charged that the resulting evolution in the arbitral process turned it into little more than private litigation. The panel discussion will highlight how arbitral institutions are responding and attempting to preserve speed and economy in the process, along with reactions from arbitrators and practitioners.

Moderator: **Philip D. O'Neill, Jr.**, Adjunct Professor of International Arbitration, Boston College Law School; Partner, Edwards Angell Palmer & Dodge LLP; ABILA representative to the International Commercial Arbitration Committee of the International Law Association

Panelists: **John Wilkinson**, JAMS; Co-Chair of the Arbitration Committee and Member of the Executive Committee of the Dispute Resolution Section of the New York State Bar Association
Gene Farber, CCA Board Member; Adjunct Professor of Alternate Dispute Resolution, Pace University School of Law; Partner, Farber, Pappalardo & Carbonari
Lorraine Brennan, Senior Vice President, International Institute for Conflict Prevention and Resolution, New York; Adjunct Professor of Law, Georgetown University Law Center; Member, ABILA Executive Committee
Victoria Shannon, Deputy Director, Arbitration & ADR, North America, ICC International Court of Arbitration
John V. H. Pierce, Partner, International Arbitration Group, Wilmer Cutler Pickering Hale & Dorr LLP
Luis Martinez, Vice President, International Centre for Dispute Resolution – A Division of the American Arbitration Association; President, Inter-American Commercial Arbitration Commission

FRIDAY, OCTOBER 22

3:00 pm – 4:30 pm

Domestic and International Legal Responses to Emerging Migration Issues

Location: Room 203

The panel's focus will be on the national and international regulation of migration. The panel will review the current migration landscape and the challenges it poses for states as they explore the ways to regulate its various aspects. Developments in Europe and the U.S. will be examined, with special emphasis on the impact of international law on the U.S. immigration regime. Also discussed will be refugee and asylum issues and the criminalization of migration.

Moderator and Panelist: **Ved P. Nanda**, John Evans Distinguished University Professor and Director, International and Comparative Legal Studies, University of Denver Sturm College of Law; Honorary Vice President and Patron of ABILA

Panelists: **James A.R. Nafziger**, Thomas B. Stoel Professor of Law and Director of International Law Programs, Willamette University College of Law; Honorary Vice President and Patron of ABILA; Chair, Cultural Heritage Law Committee of the International Law Association; ABILA representative to Reparations for Victims of Armed Conflict Committee of the International Law Association
Daniel H. Derby, Professor of Law and Director of International Programs, Touro Law Center
David Aronofsky, General Counsel, University of Montana

The Limits of International Adjudication

Location: Room 204

The decisions of international adjudicatory bodies are of increasing significance. There are more "international courts" than ever before, and many are wielding real power. But are there limits on what these international courts can or should do? Are there times when their legitimacy or authority runs out? Should such courts ever abstain from jurisdiction or defer to national decisions? And what happens when these international courts overreach? This panel explores the limits of international adjudication.

Panelists: **Elena A. Baylis**, Associate Professor of Law, University of Pittsburgh School of Law
Harlan Grant Cohen, Assistant Professor of Law, University of Georgia School of Law
Nienke Grossman, Assistant Professor, University of Baltimore School of Law
Molly Beutz Land, Associate Professor of Law, New York Law School

FRIDAY, OCTOBER 22

4:45 pm – 6:15 pm

How Does International Development Law Coexist with Traditional Sovereignty over Economic Resources and Activities?

Location: McNally Amphitheatre

The ABILA Bilateral Investment Treaty and Development Committee's expert panel will consider the structure, key protections and procedures, and possible weaknesses of the United States Bilateral Investment Treaty Program. The panel will give particular attention to the competing aims of American investors and developing nations. Should bilateral investment treaties foster development? Do they? How should "the right of establishment" be interpreted? And how should the legal rights to "fair and equitable treatment" and "effective administrative regulation" be balanced? The panel will also address particular investment and development challenges of the intensifying bilateral relationships of China, South Africa, and the United States.

Moderator: **Roberto Aguirre Luzi**, King & Spaulding LLP; Co-Chair, ABILA Bilateral Investment Treaty and Development Committee

Panelists: **José Alvarez**, Herbert and Rose Rubin Professor of International Law, New York University School of Law; member of the U.S. State Department's Sub-committee on Investment
Rumu Sarkar, Adjunct Professor of Law, Georgetown Law Center; Senior Legal Advisor, Calibre Systems
Greg Young, Professor, California State Polytechnic University College of Business; Co-Chair, ABILA Bilateral Investment Treaty and Development Committee

Responsibility to Protect: The Relationship between Human Dignity and State Sovereignty

Location: Room 203

Responsibility to Protect (R2P) is the practical outgrowth of global cosmopolitanism. It proposes a universal standard of human security that states have an obligation to promote and protect. Proponents of R2P suggest that it elevates human values over state sovereignty. But can values such as human dignity be promoted in a system of weak state sovereignty? From where does a state's responsibility for people in other nations arise? Why might a state exercise such responsibility apart from other state interests?

Chair: **Neomi Rao**, Assistant Professor of Law, George Mason University School of Law

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

Panelists: **Frank Chalk**, Professor, Concordia University (History); Director of the Montreal Institute for Genocide and Human Rights Studies
Jeremy Rabkin, Professor of Law, George Mason University School of Law
Neomi Rao, Assistant Professor of Law, George Mason University School of Law
Fernando R. Tesón, Tobias Simon Eminent Scholar, Florida State University College of Law; Co-Chair, ABILA Formation of Rules of Customary International Law Committee

FRIDAY, OCTOBER 22

4:45 pm – 6:15 pm

15 Years of TRIPS Implementation

Location: Room 204

On January 1, 1995, the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights entered into effect. This timely panel examines the past implementation of this important treaty and the upcoming challenges confronting the international intellectual property regime.

Chair and Presenter: **Peter K. Yu**, Kern Family Chair in Intellectual Property Law & Director, Intellectual Property Law Center, Drake University Law School; Member, ABILA Executive Committee

Panelists: **Margaret Chon**, Associate Dean for Research and Centers and Donald & Lynda Horowitz Professor for the Pursuit of Justice, Seattle University School of Law
Sean Flynn, Professor and Associate Director, Program on Information Justice and Intellectual Property, American University Washington College of Law
Daniel J. Gervais, Professor of Law and Co-Director, Technology & Entertainment Law Program, Vanderbilt University School of Law
Doris Estelle Long, Professor and Chair, Intellectual Property, Information Technology and Privacy Group, The John Marshall Law School

7:00 pm

RECEPTION

hosted by Minister Janne Taalas, Deputy Permanent Representative
of Finland to the United Nations

*Consulate General of Finland
866 United Nations Plaza, Suite 250
New York, NY 10017*

Pre-registration is required for this event. For security reasons, only those who pre-registered may attend. Registered guests must bring photo identification and conference badge to present at check-in.

SATURDAY, OCTOBER 23

8:00 am – 10:30 am

Complimentary Coffee

donated by the Fordham Law School's International and Non-JD Programs

Location: Platt Atrium

9:00 am – 10:30 am

Treaty Claims in U.S. Courts after *Medellín v. Texas*

Location: McNally Amphitheatre

In Breard v. Greene, 523 U.S. 371 (1998), Sanchez-Llamas v. Oregon, 548 U.S. 331 (2006), and most recently, Medellín v. Texas, 552 U.S. 491 (2008), the Supreme Court has addressed two critical sets of issues involving treaty law: the extent to which U.S. treaty-makers can “delegate outward” judicial power to international tribunals, as well as how U.S. courts should distinguish between self-executing and non-self-executing treaties. This panel explores these issues with a special focus on history, doctrine, and the prospect of future litigation.

Panelists: **Donald Francis Donovan**, Partner, Debevoise & Plimpton LLP
Martin Flaherty, Leitner Family Professor of International Law, Leitner Center for International Law and Justice at Fordham Law School; Visiting Professor, Woodrow Wilson School of Public and International Law
Thomas H. Lee, Leitner Family Professor of Law and Director of International Studies, Fordham Law School
David Sloss, Professor of Law and Director, Center for Global Law and Policy, Santa Clara University School of Law

SATURDAY, OCTOBER 23

9:00 am - 10:30 am

UN Security Council and WMD Proliferation

Location: Room 311

This panel will discuss the United Nations Security Council's efforts to implement, preserve and universalize international law regulating the proliferation of weapons of mass destruction (WMD). The Security Council has addressed WMD proliferation in many of its resolutions since the end of the Cold War, both in the discrete context of individual states (e.g., Iraq, Iran, North Korea), as well as through more generalized normative statements (e.g., Resolution 1540 (2004)). However, the manner in which the Security Council has addressed WMD proliferation in its resolutions has raised a number of interesting legal questions, some of which go to core issues of the scope and character of the authority of the Security Council.

Chair: Masahiko Asada, Professor, Kyoto University

Panelists: Matthew Happold, Professor, University of Luxembourg
Daniel Joyner, Associate Professor of Law, University of Alabama School of Law; ABILA Representative to the Nuclear Weapons, Non-Proliferation and Contemporary International Law Committee of the International Law Association
Thomas Wuchte, Senior Advisor, U.S. Department of State

War, Philosophy, and International Law

Location: Room 312

Robust, exciting philosophical literature about war has emerged recently. The panel will explore the fit (or lack thereof) between standard international law doctrines and the principles (many of them contested) proposed by that literature. The discussion will cover both jus in bello and jus ad bellum: the right to kill in war, the principles of proportionality, the justice of the cause, non-combatant immunity, self-defense, humanitarian intervention, and the nature of asymmetrical conflict.

Chair: Fernando R. Tesón, Tobias Simon Eminent Scholar, Florida State University College of Law; Co-Chair, ABILA Formation of Rules of Customary International Law Committee

Panelists: Claire Finklestein, Algernon Biddle Professor of Law and Professor of Philosophy, University of Pennsylvania School of Law
Jeff McMahan, Professor of Philosophy, Rutgers University
Robert D. Sloane, Associate Professor of Law, Boston University School of Law
Gabriella Blum, Assistant Professor, Harvard Law School

SATURDAY, OCTOBER 23

9:00 am – 10:30 am

Behind the Red Curtain: Environmental Concerns in the End of Communism

Location: Room 203

Explanations for the collapse of Communism focus on dramatic features like Solidarność in Poland and the launching of perestroika and glasnost, as well as a yearning for democracy and human rights and the desire for higher standards of living. Yet Communist governments had functioned for decades without serious challenge and with no obvious reason not to continue for decades more. In many of these countries, the missing piece of the puzzle of the collapse of these regimes was their dismal record on the environment.

Chair: **Elizabeth Burlison**, Associate Professor of Law, University of South Dakota School of Law; Co-Chair, International Law Weekend

Panelists: **Joseph W. Dellapenna**, Professor of Law, Villanova Law School
John Dernbach, Professor of Law and Director, Environmental Law Center, Widener Law School, Harrisburg
Maxim Yasus, Professor, Academy of Social Relations, Irkutsk, Russia

Evaluating the 1979 Moon Agreement

Location: Room 204

This treaty has been controversial since its signing. It has only been ratified by thirteen states. Among its provisions are Art. 11(1) (“The moon and its natural resources are the common heritage of mankind ...”) and Art. 11(5) concerning the establishment of an international regime governing “the exploitation of the natural resources of the moon.” The panel will examine the Agreement in relation to perspectives regarding economic theory, property rights, Latin American views on the Common Heritage of Mankind, environmental protection and lessons from investment law.

Panelists: **Jonathan F. Galloway**, Co-Chair, ABILA Space Law Committee; Vice President, International Institute of Space Law; ABILA representative to the Space Law Committee of the International Law Association
Henry Hertzfeld; Co-Chair, ABILA Space Law Committee; Professor, Center for International Science and Technology Policy, Space Policy Institute, George Washington University
Joanne Irene Gabrynowicz, Professor of Law and Director, National Center for Remote Sensing, Air and Space Law, The University of Mississippi School of Law; Editor-in-Chief, Journal of Space Law; ABILA representative to the Space Law Committee of the International Law Association
Rafael Moro Aguilar, Head of Legal Affairs, Orbospace; ABILA representative to the Space Law Committee of the International Law Association
Timothy G. Nelson, Partner, Skadden, Arps, Slate, Meagher & Flom, LLP
Leslie I. Tennen, Law Offices of Sterns and Tennen

SATURDAY, OCTOBER 23

9:30 am - 12:00 pm

ILSA Board of Directors Meeting

Location: Room 430 B

10:45 am - 12:15 pm

Is Targeted Killing Legal?

Location: McNally Amphitheatre

The Obama administration has increased the use of targeted killing of al Qaeda and Taliban leaders. State Department Legal Adviser Harold Koh has provided justifications under both the law of war and the inherent right of self defense. The UN Special Rapporteur on extrajudicial executions has raised questions, including the geographical scope of the battle zone and the involvement of the CIA. The ACLU has challenged the targeting of American citizens. This panel will examine these and related issues under international and domestic law.

Moderator: **Vincent J. Vitkowsky**, Partner, Edwards Angell Palmer & Dodge LLP; Adjunct Fellow, Center for Law and Counterterrorism; Co-Chair, International Law Weekend

Panelists: **Mary Ellen O'Connell**, Short Chair in Law and Research Professor, Kroc Institute, University of Notre Dame; Chair, Use of Force Committee, International Law Association
Benjamin Wittes, Senior Fellow and Research Director in Public Law, The Brookings Institution; Member of Hoover Institution Task Force on National Security and the Law

SATURDAY, OCTOBER 23

10:45 am – 12:15 pm

State Responsibility for Refugees in Times of Occupation

Location: Room 311

This roundtable will address issues relating to the obligations of occupying powers to refugees, internally displaced persons, stateless persons, and protected persons under Geneva IV, such as: Does an occupying power carry primary responsibility for the protection of people whose lives were specifically affected by war or intervention, irrespective of the legitimacy of those acts? Do such obligations extend beyond the time of occupation, and what is the nexus between prolonged occupation and refugee status?

Moderator: **Jaya Ramji-Nogales**, Associate Professor, Temple University Beasley School of Law

Panelists: **Anna Dolidze**, Research Fellow, Cornell University Law School
Richard Falk, Research Professor in Global and International Studies, University of California, Santa Barbara
Andrew Solomon, Foreign Policy Fellow and Deputy Director, Brookings-Bern Project on Internal Displacement, Brookings Institution
Tom Syring, Legal Adviser, UNE/Norwegian Immigration Appeals Board

Bribery: What is it, What Can Be Done, What Should Be Done, and How to Comply?

Location: Room 312

International enforcement of business bribery and corruption laws, including the U.S. Foreign Corrupt Practices Act (“FCPA”), has greatly expanded during the past ten years. That such an expansion has occurred during a period of economic recession further compounds the compliance challenges global companies face when conducting business abroad. However, against the backdrop of aggressive enforcement of bribery and corruption laws, several basic questions remain unanswered. This roundtable panel will explore what is bribery, what can be done to eliminate bribery, what should be done to eliminate bribery, and how to comply with bribery and corruption laws.

Co-Chairs: **Mike Koehler**, Assistant Professor of Business Law, Butler University
Corinne Lammers, Of Counsel, Paul, Hastings, Janofsky & Walker LLP

Panelists: **Bruce Bean**, Lecturer in Global Corporate Law and Co-Director, LL.M. Program, Michigan State University College of Law
Daniel C.K. Chow, Joseph S. Platt Porter Wright Morris & Arthur Professor of Law, The Ohio State University Michael E. Moritz College of Law
Elizabeth Spahn, Professor of Law, New England School of Law | Boston
Andy Spalding, Visiting Assistant Professor of Law, Chicago-Kent College of Law

SATURDAY, OCTOBER 23

10:45 am – 12:15 pm

Foreign Official Immunity After *Samantar v. Yousuf*

Location: Room 203

The U.S. Supreme Court held in Samantar v. Yousuf that the common law, not the FSIA, governs the immunity of current and former foreign officials. Very little has been written in recent decades about this area of the common law. This roundtable address the history and scope of common law immunity as well as questions such as the role of the Executive branch in determining immunity, and how U.S. courts should proceed in light of Samantar.

Moderator: **Beth Stephens**, Professor, Rutgers School of Law, Camden

Panelists: **David P. Stewart**, Visiting Professor of Law, Georgetown University Law Center; Vice President of the ABILA
Chimène Keitner, Associate Professor of Law, University of California Hastings College of the Law
Curtis A. Bradley, Richard A. Horvitz Professor of Law and Professor of Public Policy Studies, Duke Law School
Douglas Hallward-Driemeier, Partner, Ropes & Gray LLP

Protecting the Most Vulnerable from Environmental Harm

Location: Room 204

Environmental problems have differential impacts across societies. Ethicists talk about the responsibility to protect those most vulnerable to adverse impacts. Vulnerabilities differ with wealth, location, age, gender, health, and other variables, as well as with the nature of the environmental problem. This session will consider how different international environmental agreements protect people and/or ecosystems most at risk from the problems addressed by the agreement. Speakers will evaluate protections in individual agreements and identify effective protective strategies.

Chair and Panelist: **Marilyn Averill**, University of Colorado at Boulder

Panelists: **Daniel Magraw**, President and Chief Executive Officer, Center for International Environmental Law; Member, Role of Soft Law Instruments in International Investment Law Study Group of the International Law Association
Dinah Shelton, Manatt/Ahn Professor of International Law, The George Washington University Law School
Edith Brown Weiss, Francis Cabell Brown Professor of International Law; Co-Director, Joint Degree in Law and Government, Georgetown University Law Center

SATURDAY, OCTOBER 23

12:30 pm – 2:00 pm

Annual Luncheon with speaker David D. Caron
Welcome by Michael Martin, Dean of Fordham Law School

David D. Caron is the C. William Maxeiner Distinguished Professor of Law, University of California, Berkeley School of Law, President of the American Society of International Law, and a Patron of the American Branch of the International Law Association

Location: Lowenstein Building Atrium

2:00 pm – 6:00 pm

First Annual ILW Student Career Fair

Sponsored by ABILA, ILSA, ASIL and the ABA Section of International Law

2:00 pm – 3:00 pm

Pathways to Employment in International Law

Location: McNally Amphitheatre

A unique forum that brings law students and new lawyers together with experienced practitioners to explore opportunities for employment in international law. Learn about international internship opportunities, how to network with legal experts from around the world, practice in other legal systems and cultures, become active in international organizations and societies, and how to develop legal and interpersonal skills. Sponsored by the ABA Section of International Law and ILSA.

Moderator: **William Patterson**, Executive Director, International Law Students Association

Panelists: **Michael P. Scharf**, John Deaver Drinko – Baker & Hostetler Professor of Law and Director of the Frederick K. Cox International Law Center at Case Western Reserve University School of Law; Chairman of the Board of the International Law Students Association; Member of the Executive Committee of the ABILA;

Beth S. Lyons, Defence Counsel at International Criminal Tribunal for Rwanda (ICTR)

Hansdeep Singh, Senior Staff Attorney, International Civil and Human Rights Advocate

SATURDAY, OCTOBER 23

3:00 pm – 6:00 pm

Career Fair Break-out Sessions and Exhibition Fair

Location: Room 203, 204, and 205

Students interested in pursuing a career in international law may choose to attend the following sessions to learn about specific practice areas in this field. At each session, students will hear from practitioners who will speak frankly about their formative experiences and tips they have about getting one's foot in the door.

3:00 pm – 4:15 pm

Immigration Law

Location: Room 203

Moderator: Charles Siegel, Munger Tolles & Olson LLP; Chair of the Executive Committee of ABILA

Panelists: Lenni Benson, Professor of Law, New York Law School
Dagmar Butte, Parker Butte & Lane, PC; Member of the Board of the International Law Students Association
Rachel Settlage, Director of the Law Asylum and Immigration Law Clinic, Wayne State University Law School

3:00 pm – 4:15 pm

Practicing International Law at NGOs and International Organizations

Location: Room 204

Moderator: Paul R. Dubinsky, Associate Professor of Law, Wayne State University Law School; Member of the Executive Committee of ABILA

Panelists: Hanna Dreifeldt Lainé, Legal Officer, Codification Division, United Nations Office of Legal Affairs; Co-Chair of International Law Weekend
John Burroughs, Executive Directors, Lawyers Committee on Nuclear Policy
Marie Severovski, Managing Director, EarthRights International

SATURDAY, OCTOBER 23

3:00 pm – 6:00 pm

Career Fair Break-out Sessions and Exhibition Fair

Location: Room 203, 204, and 205

4:30 pm – 5:45 pm

International Litigation and Arbitration

Location: Room 205

Moderator: **Paul R. Dubinsky**, Associate Professor of Law, Wayne State University Law School; Member of the Executive Committee of ABILA

Panelists: **Lucy Martinez**, Freshfields, Bruckhaus Deringer LLP
Natalie Reid, Debevoise & Plimpton LLP
Steven Reisberg, Willkie Farr & Gallagher LLP