

# **INTERNATIONAL LAW WEEKEND**

**88TH 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**

## **“Challenges to Transnational Governance”**



**Thursday, October 22 – Saturday, October 24, 2009**

**Thursday events will be held at 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 to ABILA members, ILSA members, and cosponsors. Students may  
join ABILA for free. For others, there is a \$75 fee.*

*\*Some events require advanced payment and registration*

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the following cosponsors*

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## INTERNATIONAL LAW WEEKEND 2009

The American Branch of the International Law Association and the International Law Students Association invite you to participate in 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 2009 is "Challenges to Transnational Governance."

ILW will begin Thursday evening, October 22, with a distinguished opening panel at the House of the Association of the Bar of the City of New York, 42 W. 44<sup>th</sup> Street, New York City. A reception, open to all conference attendees, will follow.

More than 30 panels are scheduled for Friday, October 23 and Saturday, October 24 at Fordham University School of Law, 140 West 62nd Street in New York City. A luncheon featuring distinguished guest speaker Lucy Reed, President of the American Society of International Law, will also take place Friday, October 23 at Fordham. That evening, conference attendees are invited to attend a reception at the Residence of the Deputy Permanent Representative of the United Kingdom to the United Nations, 510 Park Avenue, 11A, New York City. 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..

Due to the generosity of cosponsoring organizations, ILW 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 all others there is a fee of \$75.

The Friday luncheon, featuring Ms. Lucy F. Reed, as distinguished speaker, costs \$40 to attend. The Saturday luncheon seminars are \$20 for those who order a box lunch. Without lunch, admission to Saturday Luncheon seminars is free.

**Registration for meals and the Friday evening reception must be received by Friday, October 9, 2009.** Refunds will not be made for registrations canceled after October 9.

**THURSDAY, OCTOBER 22**

**6:00 pm — 8:00pm**

**The Reform of the Security Council: Where Do We Stand  
and What Are the Current Obstacles to Reform?**

**Location: ABCNY Meeting Hall**

*The reform of the Security Council dates back to 1993 when the General Assembly established a special open-ended working group for that purpose. At the time, it was recognized that reform was necessary in view of the substantial increase in membership of the United Nations, especially of developing countries, as well as the radical changes in international relations since the collapse of the Soviet Union. While progress has been stymied for nearly 15 years due to entrenched differences over the best way forward, it appears that a series of circumstances may have created an opportunity for progress this year as a result of the initiation of intergovernmental negotiations in March 2009.*

**Chair:**

**Professor José Alvarez**, New York University Law School

**Panelists:**

**Ambassador Alejandro D. Wolff**, Deputy Permanent Representative of the Mission of the United States to the United Nations

**Ambassador Shekou M. Touray**, Permanent Representative of the Mission of Sierra Leone to the United Nations

**Professor Joseph E. Schwartzberg**, University of Minnesota

**8:00pm — 9:00pm**

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

**FRIDAY, OCTOBER 23**

**9:00 am – 10:30 am**

**Transnational Governance and the Global Economic Order**

*The last year has seen significant upheaval in transnational economic governance. This panel will present research examining the interrelation of economic regulatory systems at the transnational and national levels. Transnational legal initiatives often develop from national models. These transnational initiatives confront national contexts which, in turn, feed back into new transnational law-making. The panel will engage in the mapping of how transnational governance works, and fails to work, involving the dynamic interaction of transnational and national legal orders. Some of the presentations will empirically assess the impact of transnational law in particular public and private law domains, including material, institutional and ideological impacts. Other presentations will explore issues of institutional design at the national, transnational and international levels for regulating the global economic order. The panel will analyze critical empirical and institutional design questions, building from different theoretical frameworks.*

**Chairs:**

**Robert Ahdieh**, Emory University

**Gregory Shaffer**, University of Minnesota

**Panelists:**

**Fabrizio Cafaggi**, European University Institute

**Benedict Kingsbury**, New York University

**Katharina Pistor**, Columbia University

**Trade and Climate Change**

*The nexus of trade and climate change law is complex and convoluted. While some see WTO trade rules as a potential threat to efforts to address climate change, others argue that WTO rules will not threaten such efforts, and could be modified to enhance Members' abilities to confront climate change. This panel will look at the judiciousness of modifying WTO rules in this context, as well as the prospects for a trade policy response to climate change given the current state of the Doha negotiating round.*

**Chair:**

**Professor Claire Kelly**, Brooklyn Law School

**Panelists:**

**Professor Steve Charnovitz**, George Washington University

**Laura Campbell**, Environmental Law International

**Gary Horlick**, Law Offices of Gary N. Horlick



**FRIDAY, OCTOBER 23**

**9:00 am – 10:30 am**

**Legal Accountability of International Organizations:  
Challenges and Reforms**

*Debates exist in several areas over the proper modes of legal accountability for international organizations, which, ex hypothesis, sit above any individual domestic legal system. Vocal complaints are often made about standards of due process in employer-employee relations, which has led to partial reforms. Development banks are sometimes criticized for having insufficiently transparent compliance and investigation procedures, where their projects affect the civil rights of host country citizens. UN territorial administrations often exercise legal authorities over post-conflict countries, but without the possibility of a legal review of their actions. This panel draws these issues together, and inquires whether there are general lessons for improving legal accountability that can be learned from comparing these fields.*

**Chair:**

**Dr. Matthew Parish**, FRSA, solicitor-advocate (England & Wales), and attorney at law (New York), Hogan & Hartson L.L.P., Geneva; Visiting Fellow, British Institute of International and Comparative Law, London

**Panelists:**

**Edward Flaherty, JD**, Senior Partner, Schwab, Flaherty & Associés, Geneva, Attorney at Law (Massachusetts), Admitted to US Supreme Court

**Dr. Osmat Jefferson**, Professor of Science Technology and Law, Queensland University of Technology, Brisbane

**Dr. Christina Knahr**, MPA (Harvard), Department of European, International and Comparative Law, University of Vienna

**FRIDAY, OCTOBER 23**

**9:00 am – 10:30 am**

**U.S. Territories and Extraterritorial Authority: American Examples of Transnational Governance in the Caribbean and Pacific**

*U.S. authority over Caribbean and Pacific possessions, such as Guantánamo, exemplifies the challenges of transnational governance. For over a century, courts have referred to international and domestic law, when describing this extraterritorial authority. Looking to jurisprudence on Afghanistan and Iraq, this panel argues that extraterritorial authority in the Caribbean and Pacific offers significant transnational lessons in terms of individual rights, judicial review, national security, and foreign relations.*

**Chair:**

**Ernesto Hernández-López**, Associate Professor of Law, Chapman University School of Law

**Panelists:**

**Rose Cuison Villazor**, Associate Professor of Law, Hofstra University School of Law

**Anthony J. Colangelo**, Assistant Professor of Law, SMU Dedman School of Law

**Multilateralism or Hegemony?  
Retrofitting the Bretton Woods Institutions**

*The Bretton Woods' Institutions assist countries to regulate and supervise their financial systems. Who is responsible in turn for oversight of the IFI's? How does the media assist in transparency at the top? What reforms does the Commission on the Modernization of World Bank Group Governance recommend? This panel will update the Committee's previous report "Accountability in Bretton Woods" 15 ILSA J. of Int'l and Comparative L. 501*

**Chair:**

**Karen Hudes**, Committee on Multilateralism and Accountability of International Organizations

**Panelists:**

**Bob Davis**, Journalist, Wall Street Journal

**Tim Canova**, Associate Dean for Academic Affairs & Betty Hutton Williams Professor of International Economic Law, Chapman University School of Law

**Betty Hutton Williams**, Professor of International Economic Law, Chapman University School of Law

**Jacek Kugler**, Elisabeth Helm Rosecrans Professor of World Politics, Claremont Graduate University

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

**FRIDAY, OCTOBER 23**

**10:45 am – 12:15 pm**

**Are We Still Allowed to Reject Transnational Norms?**

*To international sovereignties, international law consists of reciprocal agreements on specific matters. For the U.S., these agreements embody the assent of our constitutional democracy. Transnational progressives support the adoption of transnational norms and the emergence of transnational governance. This Panel will present a critical examination of each of these perspectives.*

**Chair:**

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

**Panelists:**

**Hon. Michael Chertoff**, former Secretary of the Department of Homeland Security and former Judge of the U.S. Court of Appeals for the Third Circuit

**Julian G. Ku**, Professor of Law and Associate Dean of Faculty Development, Hofstra University School of Law

**Margaret E. McGuinness**, Associate Professor of Law, University of Missouri School of Law

**Leila Nadya Sadat**, Professor of Law and Director of Harris World Law Institute, Washington University School of Law and Vice-President of ABILA

**Governance and Private International Law—The New Hague Convention on Choice of Court Agreements—Challenges of Implementation and Practical Issues for the Bar**

*This panel will discuss proposals for United States implementation of the Hague Convention on Choice of Court Agreements which the United States signed in January 2009 ([www.hcch.net](http://www.hcch.net)) When the Convention is submitted to the Senate for advice and consent, it is expected that the Executive Branch will also present to both Houses a proposed implementing bill for appropriate hearings and study leading to enactment of legislation. The National Conference of Commissioners on Uniform States Laws has appointed a Committee which is drafting a uniform statute for state implementation of the Convention. The panelists will review the evolving provisions of these drafts and focus on how to avoid legal and practical issues that could arise from having both federal and state legislation. The panel will also review practice points that the Bar should begin to consider in advising clients to international business contracts within the scope of the Convention. Members of the Bar are also encouraged to attend in order to identify issues that U.S. litigants may encounter under the Convention and that might be addressed in the implementing legislation.*

**Chair:**

**Peter D. Trooboff**, Senior Counsel, Covington & Burling LLP, Washington, D.C.

**Panelists:**

**Keith Loken**, Assistant Legal Adviser for Private International Law, U.S. Department of State

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

**Janet Whittaker**, Associate, Simpson Thacher, New York

**FRIDAY, OCTOBER 23**

**10:45 am – 12:15 pm**

**Teaching and Practicing International Law in a Global Environment:  
Towards a Common Language of International Law**

*In the current global environment, a common language of international law is essential for its application and for the development of a culture that is conducive to the rule of law. The panel will examine and discuss various aspects of the importance of a transnational perspective on international law education and practice to find effective means to promote a rule-of-law culture that encourages respect for basic principles of international law. A brief presentation of the United Nations Audiovisual Library of International Law, an innovative educational and research resource using modern information and communication technology, will also be provided.*

**Chair:**

**Mahnoush H. Arsanjani**, former Director, Codification Division of the United Nations Office of Legal Affairs

**Panelists:**

**José Alvarez**, Professor, New York University School of Law

**Lucinda A. Low**, Partner, Steptoe & Johnson LLP

**Michael Scharf**, Professor, Case Western Reserve University School of Law and Co-Chair of the ABA International Law Section's International Legal Education Committee

**Presentation of the United Nations Audiovisual Library of International Law:**

**Virginia Morris**, Principal Legal Officer, Codification Division of the United Nations Office of Legal Affairs

**The Role of International Environmental Law  
in Transnational Governance**

*Environmental problems increasingly cross national, sectoral, and regime boundaries, involving players from all levels and segments of society. Regimes not directly involved with the environment increasingly must deal with international environmental law (IEL). This panel will focus on interactions between IEL and four other areas of international law and policy of relevance to transnational governance: trade, development, human rights, and regional organizations.*

**Chair:**

**Marilyn Averill**, Attorney and Doctoral Student, University of Colorado at Boulder: Human Rights/UNCHR

**Panelists:**

**Andrew Strauss**, Distinguished Professor of Law, Widener Law School (to be confirmed)

**Marie Soveroski**, Managing Director, EarthRights International

**FRIDAY, OCTOBER 23**

**10:45 am – 12:15 pm**

**Climate Change and the Developing Countries:  
The International Law Perspective**

*The panel will discuss the impact of climate change upon the developing countries, especially for (1) the least developed countries and coastal states which do not have the wherewithal to undertake the necessary mitigation and adaptation measures, and (2) the role of China, India, and the other emerging economies whose emissions are rising fast. Although the principle of “common but differentiated responsibilities” is often reiterated, there is uncertainty how it will be translated and applied in specific situations. The participants will also discuss the prospects at the Copenhagen Conference, forthcoming in December, where the successor treaty to the Kyoto Protocol is anticipated to be negotiated.*

**Chair:**

**Ved Nanda**, John Evans University Professor, Thompson G. Marsh Professor of Law & Director, International Legal Studies Program, University of Denver Sturm College of Law

**Panelists:**

**Laura Westra**, University of Windsor/University of Ottawa

**Larry D. Johnson**, former Assistant Secretary-General for Legal Affairs

**David Aronofsky**, Legal Counsel, University of Montana

**12:30 pm — 2:00 pm**

**Lucy Reed, Luncheon Speaker**  
**"Not-So-Fine Lines in Transnational Governance: Blurring of Public  
and Private in the International Legal Order"**

**FRIDAY, OCTOBER 23**

**2:15 pm — 3:45 pm**

**A Debate: Should Citizens Be Democratically  
Represented in the 21st Century International System?**

*Democracy theorists have traditionally assumed that democracy applies only within countries. Is this assumption valid in the 21st Century? Professors Strauss and Rabkin will debate whether parliamentary representation of citizens can or should be incorporated into the international system.*

**Chair:**

**Michael Doyle**, Harold Brown Professor, Columbia University School of International and Public Affairs and Columbia Law School

**Panelists:**

**Andrew Strauss**, Distinguished Professor of Law, Widener University School Law

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

**Implementation of Transparency Norms in  
International Commercial Arbitration**

*This panel is part of an on-going joint program of the American Branch and the American Society of International Law on the subject of transparency in International Commercial Arbitration. Recognizing the broad trend towards transparency and the emergence of formal rules in the context of investment treaty arbitration, the goal of the project has been to assess how those rules have operated, what problems of implementation remain, and what recommendations might usefully be made for the future. This panel will focus on specific proposals for “best practices” (such as submission of amicus briefs, open hearings and publication of awards) and the question of whether such practices can or should be adopted in the context of international commercial arbitration. Panelists will provide opening comments designed to stimulate discussion of problems involving the implementation of transparency norms in both contexts. The bulk of the time will be reserved for discussion among panelists and audience members. The goal is to stimulate active audience participation to help shape the final report and recommendations of the Joint Study Panel.*

**Chairs:**

**David P. Stewart**, Visiting Professor, Georgetown University Law Center and Vice-President, ABILA

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

**Ruth Teitelbaum**, Freshfields Bruckhaus Deringer LLP, New York

**Panelists:**

**George A. Bermann**, Professor Columbia University School of Law, and Reporter, ALI Restatement Third, The U.S. Law of International Commercial Arbitration

**James Castello**, King & Spalding Paris (invited)

**Devashish Krishan**, Baker Botts, LLP

**Margrete Stevens**, King & Spalding LLP (Washington, D.C.) (invited)

**FRIDAY, OCTOBER 23**

**2:15 pm — 3:45 pm**

**Post-Conflict Peacebuilding, Natural Resources  
and International Policy**

*The primary objective of the United Nations is to maintain international peace. Since the 1990s, there has been a significant growth of peacekeeping and peacebuilding missions, undertaken by the UN, regional institutions, and bilateral agencies. However, the international legal, policy, and institutional frameworks fail to acknowledge the significant role that natural resources play in post-conflict peacebuilding and recovery. At the same time, the deployment of the 'peace process' in a significant number of countries over time has led to the accumulation of lessons learned, creating an opportune time to move forward with a more sophisticated framework for improving the way the peace process is conducted.*

*This panel will highlight the ways that natural resources affect peacebuilding, and the risks of conflict recurrence if natural resources are not effectively addressed. It will survey the range of experiences and lessons learned, and conclude with recommendations for reform of international law and policy.*

**Chair:**

**Carl Bruch**, Senior Attorney and Co-Director of International Programs, Environmental Law Institute

**Panelists:**

**Jon Unruh**, Professor of Geography, McGill University

**Matti Lehtonen**, Policy Officer, UN Peacebuilding Support Office

**Jessica Troell**, Senior Attorney and Director of the International Water Program, Environmental Law Institute

**China, International Law and Transnational Governance**

*October 1, 2009 marks the 60th anniversary of the founding of the People's Republic of China. This panel provides a timely review of China's past compliance with international law. It also explores the prospects of China's responsible behavior in the international community and its future role in transnational governance.*

**Chair:**

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

**Panelists:**

**Professor Jerome A. Cohen**, New York University School of Law & Adjunct Senior Fellow for Asia, Council on Foreign Relations

**Sharon K. Hom**, Executive Director, Human Rights in China (invited, not yet confirmed)

**Jolene Lin**, University of Hong Kong

**FRIDAY, OCTOBER 23**

**2:15 pm — 3:45 pm**

**Overlapping Threats / Overlapping Jurisdictions: International Law in the Face of New Threats to Peace and Security**

*Climate change, pandemics, the global financial crisis, and drug trafficking pose significant new threats to international peace and security. Who will ultimately exercise jurisdiction over these growing challenges of globalization? Do existing global bodies, such as the UN Security Council, World Health Organization, have the power to respond decisively and effectively? Or will growing regional, economically-driven entities, such as the G20, emerge as the dominant decision makers? Please join us to explore these questions, and more, in a roundtable discussion at the 2009 International Law Weekend. We invite conference participants to submit questions in advance, by emailing them to: Prof. Kristen Boon: [boonkris@shu.edu](mailto:boonkris@shu.edu).*

**Chair:**

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

**Panelists:**

**Ambassador Alexandre Addor-Neto**, Organization of American States

**Ambassador Christian Wenaweser** (Tentative)

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

**Vikram Raghavan**, Senior Counsel, East Asia and Operations Policy, World Bank

**FRIDAY, OCTOBER 23**

**4:00 pm — 5:30 pm**

**Federalism Issues in the Implementation of Private International Law Treaties**

**Location: McNally Amphitheatre**

*Panel Description to come*



**FRIDAY, OCTOBER 23**

**4:00 pm — 5:30 pm**

**Approaches to State Failure in International Law**

*State failure plays a major role in the "transnational governance" discourse. In fact, it has international repercussions for the entire international community. When States fail, their international obligations (including border patrols, air traffic control and health and environmental monitoring) are not performed. This causes severe disruption in the international system. Yet, the international community has given little thought about what to do to assist all States to address this situation, and their effort is geared towards conflict prevention and reconstruction. The Panel will introduce and discuss different approaches to State failure, both institutional (US State department, World Bank, UN) and from academia.*

**Chair:**

**Dr. Chiara Giorgetti**, Adjunct Professor, Georgetown Law Center and International Attorney, International Arbitration Group, White & Case D.C.

**Panelists:**

**Melanne Civic**, Rule of Law Advisor in the U.S. Department of State's Office of the Coordinator for Reconstruction & Stabilization

**Ralph Wilde**, Reader in Laws and Vice Dean For Research, University College of London

**Vikram Raghavan**, Senior Counsel, East Asia and Operations Policy, World Bank

**Victim Participation in the International Criminal Court**

*This panel will examine the role of victims as a party in international criminal law proceedings (examples include the International Criminal Court and the Extraordinary Chambers in the Courts of Cambodia). Topics of discussion include an overview of the victims' rights movement, the mechanics of victim participation, concern over the rights of the accused/equality of procedural arms, and the rationale for victim participation in continental legal systems.*

**Chair:**

**Alexander K.A. Greenawalt**, Associate Professor, Pace Law School, White Plains, NY

**Panelists:**

**Scott T. Johnson**, Attorney at Law, Los Angeles, California

**George P. Fletcher**, Cardozo Professor of Jurisprudence, Columbia Law School

**Mariana Pena**, International Federation for Human Rights' Permanent Delegate to the International Criminal Court, The Hague

**John Torpey**, Professor of Sociology, CUNY Graduate Center

**FRIDAY, OCTOBER 23**

**4:00 pm — 5:30 pm**

**Transnational Legal Orders: International Trade Regimes and Domestic Regulatory Policy**

*This panel will explore issues of transnational governance by examining international trade regimes and their effect on domestic regulatory policy. The panelists will focus on domestic policy regarding energy and the environment, while examining the interplay between international and domestic institutions and the overlap of international norm-setting regimes and domestic regulatory policy. The changing law-making authority of the nation-state and how its role as the principle creator of norms is put into question in a variety of contexts will also be discussed.*

**Chair:**

**Janet Levit**, Dean and Professor of Law, University of Tulsa College of Law

**Panelists:**

**Rebecca Bratspies**, Associate Professor of Law, CUNY School of Law

**Christiana Ochoa**, Associate Professor of Law, Indiana University Bloomington,  
Maurer School of Law

**Austen Parrish**, Vice Dean and Professor of Law, Southwestern Law School

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

**4:00 pm — 5:30 pm**

**ABILA Committee Chairs Meeting**

**FRIDAY, OCTOBER 23**

**6:30 pm – 8:30 pm**

**GALA RECEPTION**

Residence of the Deputy Permanent Representative of the  
United Kingdom to the United Nations  
510 Park Avenue, 11A, New York City

*Advanced registration and prepayment required*

## SATURDAY, OCTOBER 24

8:00 am – 9:00 am

Complimentary Coffee

9:00 am – 10:30 am

### The Contribution of the International Law Commission to Transnational Governance

*In the context of the theme “Challenges to Transnational Governance,” the Panel organized by ABILA's United Nations Law Committee will discuss application in the Middle East of the UN International Law Commission's trans-boundary groundwater principles. The sharing of scarce fresh water is an emerging issue of transnational governance [or international law], particularly in the Middle East where aquifers that straddle lines between Israelis and Palestinians are a major issue in the quest for peace in the region.*

**Chair:**

**John Carey**, United Nations Law Reports

**Panelists:**

**Elizabeth Burleson**, Professor, University of South Dakota School of Law

**Arnold Pronto**, Senior Legal Officer, United Nations Office of Legal Affairs, member of the Secretariat of the International Law Commission

**Gabriel Eckstein**, George W. McCleskey Professor of Water Law & Director, Center for Water Law & Policy, Texas Tech University; Director, International Water Law Project

### Non-State Actors In An Interstate Environment: Transcending The International, Mainstreaming The Transnational Or Bringing The 'Participants' Back In?

*The panel represents part of the current work of the ILA Non-State Actor (NSA) Committee. It examines framework issues concerning the place, status, and role of the non-state actor within public international law as seen from four thematic angles: The pertaining legal discourse, essence and legitimacy of NSA participation, desirability of a new definition of the international legal personality, and the role of the NSA in the tension between international and transnational in public international law.*

**Chair:**

**Noemi Gal-Or**, Kwantlen Polytechnic University, Canadian representative member, ILA NSAC)

**Panelists:**

**Jean d'Aspremont**, University of Amsterdam)

**Cedric Ryngaert**, Leuven University; Utrecht University; co-rapporteur ILA NSAC

**Noemi Gal-Or**, Kwantlen Polytechnic University

**Math Noortmann**, Ruhr Universität Bochum, Chair, ILA NSAC

**SATURDAY, OCTOBER 24**

**9:00 am – 10:30 am**

**New Developments in Private International Law in East Asia**

*Private international law, more commonly known in the U.S. as “conflict of laws,” forms an integral part of the legal regime for transnational governance. This panel surveys new developments in private international law in the People’s Republic of China, Japan, Mongolia and Taiwan.*

**Chair:**

**Frederick Tse-shyang Chen**, Professor of Law Emeritus, Quinnipiac University

**Panelists:**

**Rong-Chwan Chen**, Professor of Law, National Taipei University

**Shinichiro Hayakawa**, Professor, University of Tokyo

**Dr. Li Wanqiang**, Dean and Professor, School of International Law, Northwest University of Politics and Law, Xian

**James A.R. Nafziger**, Thomas B. Stoel Professor, Willamette University College of Law (on leave as Boden Visiting Professor of Law, Marquette University, and Visitor, University of Wisconsin-Madison)

**Challenging Territorial Sovereignty: Secession, Autonomy or Status Quo:  
Kosovo, South Ossetia, Abkhazia, Moldova, and Tibet**

*This panel will explore the evolving international law of secession and autonomy as it impacts the traditional concept of sovereignty, particularly as it relates to regions that have recently either declared independence or may wish to do so, or who may seek reunification with historic partners. The panel will discuss how the ICJ might reply to the pending request for an Advisory Opinion on Kosovo's declaration of independence, and how such an opinion might influence self-determination movements elsewhere.*

**Chair:**

**Valerie Epps**, Professor and Director of the International Law Concentration, Suffolk University Law School

**Panelists:**

**Christopher Borgen**, Professor and Associate Dean for International Studies, St. John's University School of Law

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

**Brad Roth**, Associate Professor of Political Science and Law, Wayne State University

## SATURDAY, OCTOBER 24

9:00 am – 10:30 am

### Current Developments in the European Union

*The topics would include updates on the Treaty of Lisbon, status of enlargement, impact of economic crises on European Union and report from the European Commission.*

**Chair:**

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

**Panelists:**

**Roger J Goebel**, Professor, Fordham University School of Law

**Dr. Hugo M. Kaufmann**, Director, European Union Studies Center, The City University of New York

**Tracy A. Kaye**, Professor, Seton Hall University School of Law

**Honorable Roland Tricot**, Counselor, Legal and Disarmament Affairs, Delegation of the European Commission To the United Nations

10:45 am – 12:15 pm

### The Cuba Thaw – Implications for Transnational Companies

*Foreign affiliates of U.S. based transnationals face an impossible "catch 22" in attempting to simultaneously comply with U.S. laws prohibiting Cuba transactions, and Canadian, Mexican and European laws that block compliance with extraterritorially-applied U.S. laws. This panel will discuss the potential for a long-awaited Cuba thaw to resolve these tensions, as well as best practices/risk management for responding to issues created by the current conflicts in the legal regimes.*

**Chair:**

**Wendy J. Wagner**, Litigation Partner, Gowling Lafleur Henderson LLP

**Panelists:**

**John W. Boscariol**, Partner, International Trade and Investment Law Group, McCarthy Tetrault LLP

**Julie Mendoza**, Co-Chair of International Trade Practice Group, Partner, Troutman Sanders LLP

**Dr. Katrin Hansing**, Professor of Black and Hispanic Studies, City University New York

**SATURDAY, OCTOBER 24**

**10:45 am – 12:15 pm**

**New Developments in International Human Rights Law**

*The panel will consider new developments in international human rights law and will feature Professor Ruth Wedgwood of the UN Human Rights Committee speaking about new developments in her Committee, Dean Claudio Grossman, Chair of the UN Committee against Torture speaking about new developments in his Committee and Anne Bayefsky (Professor at York University in Canada and Touro Law School) speaking about new developments at the UN Human Rights Council. As Chair, Cristina Cerna, Principal Specialist of the Inter-American Commission on Human Rights, will make some comments about new developments in the inter-American system.*

**Chair:**

**Cristina Cerna**, Principal Specialist, Inter-American Commission on Human Rights

**Panelists:**

**Ruth Wedgwood**, Edward B. Burling Professor of International Law and Diplomacy; Director of the International Law and Organizations Program, School of Advanced International Studies, Johns Hopkins University

**Claudio Grossman**, Dean, American University, Washington College of Law

**Anne Bayefsky**, Professor, Osgoode Hall Law School, York University & Touro Law Center

**Transnational Governance/Regulation In Global Competition  
Law Enforcement**

*The impact of competition law on international business is of substantial and increasing importance. A panel of experts from the American Bar Association Section of International Law (ABA International) with expertise in the antitrust laws of the United States, the European Union and China will conduct a roundtable discussion of important recent developments in competition law most notably merger enforcement and private enforcement (litigation) with particular emphasis on issues of cross-border convergence and divergence.*

**Moderator:**

**Michael Byowitz**, Wachtell, Lipton, Rosen & Katz, New York, New York

**Panelists:**

**Michael Byowitz**, Partner, Wachtell, Lipton, Rosen & Katz, New York

**Yee Wah Chin**, Of Counsel, Ingram Yuzek Gainen Carroll & Bertolotti, New York

**Eleanor Fox**, Walter J. Derenberg Professor of Trade Regulation at New York University School of Law & Of Counsel, Simpson Thacher & Bartlett, New York

**Fiona Schaeffer**, Partner, Weil Gotshal & Manges, New York

## SATURDAY, OCTOBER 24

10:45 am – 12:15 pm

### Climate Change Regulation and International Lawmaking

*Experts in the field of climate change will discuss a number of issues associated with the evolving field of climate change law, including prescribed roles for adaptation in the successor to the Kyoto Protocol, emerging trends in climate change litigation, and the role of diagonal federalism in addressing climate issues.*

**Chair:**

**Wil Burns**, Class of 1946 Visiting Professor, Center for Environmental Studies, Williams College

**Panelists:**

**Wil Burns**, Center for Environmental Studies, Williams College

**Hari M. Osofsky**, Associate Professor, Washington & Lee University School of Law

**Michael B. Gerrard**, Professor of Professional Practice & Director, Center for Climate Change Law, Columbia Law School

12:30 pm – 2:00 pm

### Pathways to Employment in International Law (boxed lunch program)

**Location: McNally Amphitheatre**

*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.*



## SATURDAY, OCTOBER 24

12:30 pm – 2:00 pm

### Network Regulation in a Financial Crisis (boxed lunch program)

*The current financial crisis has unfolded with almost no international response by the Basel Committee and other economic regulators deemed to be important regulatory networks, throwing the whole form into question. On the other hand, regulatory networks may be reformed, as the G20 has promised, which might place them in an even more central role in a revised financial architecture. This panel would evaluate regulatory networks in light of the crisis, and consider what it means for their future.*

**Chair:**

**David Zaring**, Assistant Professor, Wharton School of Business

**Moderator:**

**Christopher Borgen**, Professor & Associate Dean for International Studies, St. John's University School of Law

**Panelists:**

**Pierre-Hugues Verdier**, Assistant Professor, University of Virginia School of Law

**Eric Pan**, Associate Professor, Cardozo School of Law

### The Law of the Sea and the Russian Arctic-Economic and Security Perspectives (boxed lunch program)

*This panel focuses on the role of international law and diplomacy in Russian Arctic economic and security policy. Participants will discuss, among other topics, Russian development and the Northern Sea Route across the Russian Arctic coast for international traffic in the context of the Law of the Sea Convention; the roles of international and regional organizations; Russian claims to the extended continental shelf in the Arctic; the 2001 Russian submission of its proposed outer limits of the continental shelf to the Commission on the Limits of the Continental Shelf; Moscow's CLCS submission in the context of greater Arctic politics; and Russian maritime security interests in the Arctic and regimes that may be leveraged to expand Arctic security cooperation between Russia and other nations.*

**Chair:**

**Dennis Mandsager**, Chair, International Law Department, Naval War College, Newport, RI

**Panelists:**

**Caitlyn Antrim**, Executive Director, Rule of Law Committee for the Oceans, Washington, D.C.

**Ted L. McDorman**, Professor, Faculty of Law, University of Victoria, B.C., Canada

**James Kraska**, Professor of International Law, Naval War College, Newport, RI

## **SATURDAY, OCTOBER 24**

**12:30 pm – 2:00 pm**

### **Democratic Process in International Law: State Practice and Non-State Actor Access (box lunch program)**

*This roundtable will explore the expanding role of Non-State Actors in international law, using examples from international environmental law to highlight what Non-State access looks like in practice and to inform a discussion of its impact on processes and outcomes. The discussion will explore whether there is evidence of an evolving participation 'right' or a parallel obligation of states to provide access to international forums and processes.*

**Chair:**

**Eric Dannenmaier**, Professor, Indiana University School of Law – Indianapolis

**Panelists:**

**Eric Dannenmaier**, Indiana University School of Law – Indianapolis

**Elizabeth Burleson**, University of South Dakota School of Law

**Marie Soveroski**, Managing Director, EarthRights International

**12:30 pm – 3:00 pm**

**ABILA Executive Committee Meeting**  
*To be followed in same room by ABILA annual Members Meeting  
from 2:45 pm to 3:00 pm*

## SATURDAY, OCTOBER 24

2:15 pm – 3:45 pm

### European Union and Transnational Governance: Global Challenges and Multilateral Actions

*The EU offers a significant precedent of transnational governance based on common values and objectives, supranational institutions and rules, its main characteristic being the rule of law. Through a vast array of external policies, the EU also participates actively in transnational governance. This panel focuses on the EU's contribution to transnational governance in the context of three formidable challenges: financial crisis, security and climate change.*

**Chair:**

**Beatriz Pérez**, Professor of European Law, Director of the European Studies Institute, University of Deusto, Bilbao, Spain

**Panelists:**

**Laura Gómez**, Associate Professor in Economics of the European Union, Director of the UNESCO Chair of Human Resources Education in Latin America, University of Deusto, Bilbao, Spain

**M<sup>a</sup> Luisa Sánchez**, PHD in Law, Researcher at the European Studies Institute, University of Deusto, Bilbao, Spain

### Corporate Social Responsibility: Towards a Responsibility of Transnational Corporations under International Law

*Following the trend of corporate social responsibility, transnational corporations keep adopting voluntary guidelines to show their commitment to the respect of international law. While corporations are underlining the non-binding nature of those texts, the Supreme Court recently held a company accountable for the violation of its code of conduct (Nike Inc. v. Kasky). At the international level, the United Nations draft Code of Conduct on Transnational Corporations seems nearly forgotten since the launch of the Global Compact a decade ago. This panel will discuss the current stand of the debate on corporate responsibility for violations of international law.*

**Chair:**

**Janique Thoele**, Associate Legal Officer, Office of Legal Affairs, United Nations

**Panelists:**

**Rachel Davis**, Research Fellow, Corporate Social Responsibility Initiative, Harvard Kennedy School  
**Arvind Ganesan**, Director, Business and Human Rights Program, Human Rights Watch