

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

**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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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. 44th 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 and partner at Freshfields Bruckhaus Deringer LLP, will also take place Friday, October 23 at Fordham School of Law. 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 Lucy F. Reed, 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 — 8:00 pm

**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 United States to the United Nations

Ambassador Yukio Takasu, Permanent Representative of Japan to the United Nations

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

Professor Joseph E. Schwartzberg, University of Minnesota

8:00 pm — 9:00 pm

**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

Location: Room 203

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 that, 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

Location: McNally Amphitheatre

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:

Claire Kelly, Brooklyn Law School

Panelists:

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
Location: Room 211**

Debates exist in several areas over the proper modes of legal accountability for international organizations, which, ex hypothesi, sit above any individual domestic legal system. Vocal complaints are often made about standards of due process in employer-employee relations, which have 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 authority 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, Senior Partner, Schwab, Flaherty & Associés, Geneva, Attorney; at Law (Massachusetts)

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**

Location: Room 430A

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**

Location: Room 430B/C

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, ABILA 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?

Location: McNally Amphitheatre

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

Location: Room 430A

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) 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 that 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
Location: Room 203**

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

Location: Room 211

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
Location: Room 430B/C**

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

Annual ABILA Luncheon

“Not-So-Fine Lines in Transnational Governance: Blurring of Public and Private in the International Legal Order”

Luncheon Speaker:

Lucy Reed, Partner, Freshfields Bruckhaus Deringer LLP and President of the American Society of International Law

Introduction by William Michael Treanor, Dean of Fordham Law School

Location: Atrium

FRIDAY, OCTOBER 23

2:15 pm — 3:45 pm

**A Debate: Should Citizens Be Democratically
Represented in the 21st Century International System?
Location: Room 430B/C**

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
Location: Room 430A**

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**
Location: McNally Amphitheatre

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
Location: Room 211

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)

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

Location: Room 203

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 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.

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: Room 211

Panel Description:

Chairs:

R. Brand

D. Stewart

Panelists:

Avril Haines, Assistant Legal Adviser for Treaty Affairs in the U.S. State Department

FRIDAY, OCTOBER 23

4:00 pm — 5:30 pm

Approaches to State Failure in International Law
Location: McNally Amphitheatre

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 its 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

Location: Room 203

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**
Location: Room 430B/C

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 principal 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
Location: Room 430A

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 Location: Room 211

In the context of the theme “Challenges to Transnational Governance,” this 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 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?

Location: Room 203

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: pertaining legal discourse, essence and legitimacy of NSA participation, desirability of a new definition of 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
Location: Room 204

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**
Location: McNally Amphitheatre

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; ABILA Vice President

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 Location: Room 205

The topics of this panel 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, 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 Location: Room 203

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. Boscarriol, 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 **Location: McNally Amphitheatre**

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 U 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; ABILA Vice President, 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

Location: Room 204

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 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 Location: Room 205

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

SATURDAY, OCTOBER 24, 2009

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)

Location: Room 205

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 will 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)

Location: Room 204

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)

Location: Room 203

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:

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***

Location: Room 430A

SATURDAY, OCTOBER 24

2:15 pm – 3:45 pm

**European Union and Transnational Governance: Global Challenges and
Multilateral Actions**
Location: Room 203

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^a Luisa Sánchez, Ph. D 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**

Location: McNally Amphitheatre

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, Codification Division, United Nations Office of Legal Affairs

Panelists:

Rachel Davis, Legal Advisor to Mr. John Ruggie, Special Representative of the Secretary-General of the United Nations on human rights and transnational corporations and other business enterprises

Ursula Wynhoven, Head, Policy & Legal and Special Assistant to the Executive Director, United Nations Global Compact Office

Arvind Ganesan, Director of the Business and Human Rights Program, Human Rights Watch

Joe Cyr, Partner, Lovell LLP, Head of U.S. Litigation and Arbitration Practice

SATURDAY, OCTOBER 24

2:15 pm – 3:45 pm

Satellite Collisions, Space Debris and the Liability Convention
Location: Room 205

On February 10, 2009, the Russian satellite Cosmos 2251 collided with an Iridium satellite #33 in low earth orbit. The debris field from this collision could last 10,000 years. The work of various agencies and laws is involved in this matter, e.g. the Inter-Agency Debris Coordination Committee and the 1972 Liability Convention. The panel will examine the facts, the law and measures concerning mitigation and prevention.

Chair:

Jonathan Galloway, Vice President, International Institute of Space Law

Panelists:

Joanne Irene Gabrynowicz, The University of Mississippi Law School

Henry Hertzfeld, Space Policy Institute, The George Washington University

Matthew Schaefer, University of Nebraska College of Law

Leslie I. Tennen, Law Offices of Sterns & Tennen, Phoenix, Arizona

Frans von der Dunk, University of Nebraska College of Law