



ABILA Newsletter

Issue No. 82

ILA—Founded 1873

January 2009

CALENDAR OF EVENTS

FOR ADDITIONAL INFORMATION ON ALL EVENTS, PLEASE VISIT OUR WEBSITE AT:

WWW.ILA-AMERICANBRANCH.ORG

ILA AND ABILA EVENTS

March 6-7, 2009 —

International Law Weekend — West
Willamette University College of Law,
Salem, Oregon

See Page 3 of Newsletter for details

September 19-20, 2009 —

ILA India Regional Conference 2009
International Trade Law and Legal Aspects of Trans-Border Investment
Vigyan Bhawan, New Delhi, India

For further details, please visit <http://www.india-ila.org> or <http://www.ilaindia2009.org>, or email info@india-ila.org

October 22-24, 2009 —

International Law Weekend
Challenges to Transnational Governance

Association of the Bar of the City of New York and Fordham University School of Law

See Page 3 of Newsletter for details

Spring 2010 —

International Law Weekend — Midwest

Sturm College of Law, Denver, CO

See page 12 of Newsletter for details

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PRESIDENT'S MESSAGE

It is a privilege for me to serve as President of the American Branch of the International Law Association. Since my election last October, I have come to appreciate, even more than before, the exceptional hard work and dedication of the Branch's officers and many of its members. My predecessor, Charles Siegal, who moves on to chair the Branch's Executive Committee, and Jim Nafziger, who steps down as Chair of the Executive Committee and has been elected an Honorary Vice President, deserve particular gratitude for their work in leading the American Branch over the past several years.

What is it about the American Branch that makes it a distinct and worthwhile organization? What sets it apart from other U.S. international law organizations, notably the American Society of International Law and the American Bar Association Section of International Law? Let me highlight three points.

First, the American Branch is part of a truly international organization. The International Law Association, composed of forty-five national branches, conducts much of its work through committees and study groups. The various national branches nominate members to participate as members of the ILA committees. The opportunity to help prepare draft treaties or studies in collaboration with leading international lawyers and international law academics from around the world – rather than just consulting with other U.S. international lawyers – is exceptionally rewarding. This sort of collaboration with individuals from other countries is part of “what international law is all about.” Many of the leading U.S. international lawyers serve as the American Branch's representatives on these ILA committees, but there are also opportunities for early-career professionals to be nominated as well. One section of this *Newsletter* reports on some of the ongoing ILA committee work.

Second, the American Branch has its own committees, which allow members to com-

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CYNTHIA LICHTENSTEIN ELECTED VICE CHAIR OF INTERNATIONAL LAW ASSOCIATION

On November 15, 2008, the Executive Council of the International Law Association in London elected the American Branch's Prof. Cynthia Crawford Lichtenstein to the position of Vice Chair of the Association. She fills a position formerly held by Robert B. von Mehren, who stepped down after providing many years of valuable service to the ILA and its American Branch. Prof. Lichtenstein won a contested election over Prof. Maureen Williams of the Headquarters Branch (formerly of the Argentine Branch).



Cynthia Lichtenstein

Professor Lichtenstein has chaired the American Branch's Committee on Committees – the position now known as Director of Studies – and helped to create the Branch's annual International Law Weekend. She served as President of the American Branch during 1986-1992 and chaired the Branch's Executive Committee during 1992-1994. Professor Lichtenstein has represented the American Branch on the ILA's International Monetary Law Committee and the International Securities Regulation Committee, serving as Rapporteur of the latter Committee and then chairing it.

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Cynthia Lichtenstein received her LL.B. from Yale and a Master's of Comparative Law from the University of Chicago. She practiced international banking law at Milbank, Tweed, Hadley & McCloy. She joined the faculty of Boston College Law School in 1971, and is now an emeritus professor. Professor Lichtenstein has also taught at The George Washington University Law School. In addition, she has been a Vice President of the American Society of International Law and a member of the Board of Editors of the *American Journal of International Law*, and she currently holds the position of Treasurer of the International Law Students Association.

*Alan C. Swan
A Personal Remembrance*

By John F. Murphy



Alan Swan

As any reader of this *Newsletter* can readily attest, 2008 was, in many and varied ways, an *annus horribilis*. One of the most "horrible" of last year's developments was the tragic death of Alan Swan, Professor of Law at the University of Miami, Chair of the American Branch's Committee on International Trade Law, and one of the Branch's representatives to the International Law Association's Committee on International Trade Law. Alan died on June 8, 2008, when the car in which he was riding on a bright summer morning was hit by a drunken driver who fled the scene of the crime. Alan's wife, Mary Joe, survived, but spent six weeks in the hospital undergoing extensive treatment. Now she requires some assistance from time to time from a neck brace. Alan is also survived by a son, Alan Jr., and two daughters.

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bine service and academic or advocacy work. These committees are unusual in terms of the range of opportunities they provide for member-initiated projects. Committee work takes a variety of forms. The American Branch's committees – unlike the Branch as a whole – may take advocacy positions, and committees have filed amicus briefs in appellate cases and lobbied government officials on issues in need of change. Branch committees also often engage in traditional, rigorous academic work, sometimes undertaking projects that complement the work of parallel international ILA committees, and sometimes developing their own projects. The recent book-length study by the Branch's Law of the Sea Committee, explaining law of the sea terms and concepts, is an example of a work that, even in its draft form, has been widely cited and beneficial to scholars and practitioners. The Branch's Co-Directors of Studies, Professors Valerie Epps (vepps@suffolk.edu) and Phil Moremen (moremeph@shu.edu), and the committee chairs will welcome and try to facilitate your initiatives. See the section of this *Newsletter* highlighting American Branch committee work.

Third, the American Branch performs exceptional educational and professional service through its national and regional International Law Weekends. Other international law organizations also hold major national conferences, of course, but none follow the Branch's lead in offering free admission to members of the organization, to members of cosponsoring organizations, and to students. The opportunities for students at International Law Weekend to learn from and meet top international lawyers – from practice, academia, the government, non-governmental organizations, the United Nations, and other international organizations – are not equaled, in my view, at any other conference. International Law Weekend 2008 in New York drew a thousand registrants and featured over thirty panels and an address by State Department Legal Adviser John Bellinger. The annual gala ILW reception, held in 2008 at the Belgian Mission to the United Nations, was a tremendous success as a social and networking event. This *Newsletter* includes a section about future national and regional ILWs.

You will find much of professional interest in the work of the American Branch, and I urge you to join (or renew your membership) and participate actively. We are launching a revised website, at www.ila-americanbranch.org, that provides more information about the Branch

and its activities. Please explore the website. I welcome your comments and suggestions about the Branch, via e-mail at president@ila-americanbranch.org.

John E. Noyes

2009 Membership

Please renew your membership in the American Branch (or join us as a new member!) at your earliest convenience. Membership renewals are due at the start of each calendar year. A membership form is available at www.ila-americanbranch.org (or use the envelope mailed with hard copies of this *Newsletter*).

Individual annual membership dues are \$70 (for each of the first two years of membership), \$100 (for regular members), or \$200 (for sustaining members). Organization annual dues are \$175 (for academic institutions, libraries, and not-for-profit organizations), or \$500 (corporate rate). (The institutional and corporate dues have increased in 2009; the American Branch must pay a large percentage of its dues to ILA headquarters in London, and the amount the Branch is being charged by headquarters for organizations has increased.) Student Associates may join the Branch for free.

Here are some benefits of membership:

- Support for the activities of the ILA headquarters (see www.ila-hq.org)
- Participation in ABILA and ILA committees (Student Associates may be observers or have internship opportunities with ABILA committees)
- Free receipt of the ILA *Newsletter*, the biennial ILA *Report*, the American Branch *Newsletter*, the *International Practitioner's Notebook* (published as an issue of the *ILSA Journal of International and Comparative Law*), and the biennial American Branch *Proceedings* (Student Associates receive the American Branch *Newsletter* electronically)
- Free attendance at the annual International Law Weekend in New York, regional ILWs, and selected programs

Individuals who support the American Branch at the level of a one-time payment of \$5,000 will be prominently recognized as Patrons of the American Branch of the International Law Association. Patrons are life members of the Branch and do not pay annual dues.

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I shall leave the readers of this *Newsletter* to inform themselves fully of Alan's accomplishments from other sources. The University of Miami Law School's website (<http://www.law.miami.edu/news.php?article=968>) is one excellent source. Suffice it to say for my purposes that Alan was extraordinarily brilliant and extraordinarily successful as a teacher, as a scholar, as a practicing attorney, both in private practice and in government, and as an administrator. My primary purpose in this personal remembrance is to briefly describe the incredible professional and personal relationship Alan and I had over many years.

Alan and I first met when we were both participating in a panel on the Constitution and the Conduct of American Foreign Policy, established by the American Society of International Law, which held meetings during 1974-1975. We soon hit it off on a personal basis, and I had my initial introduction to Alan's brilliant mind at work. It was clear to me then that Alan had a deep understanding of the complexities of constitutional law.

Thereafter, Alan and I kept in touch, often meeting during the American Branch's International Law Weekend. (Alan's curriculum vita reveals that he was a frequent participant on International Law Weekend panels.) Alan was also a member of the Branch's Committee on Economic Sanctions, which I chaired in 1991-1993 and 1998-2000. Alan provided me with numerous helpful comments on the report of the Committee on "International Armed Conflict: Some Salient Problems," published in the 1993-1994 *Proceedings of the American Branch of the International Law Association* 45-62.

I frankly don't remember when or where Alan and I first discussed the possibility of writing a casebook on international trade and business together. I do remember that Alan mentioned that he was working toward the goal of writing such a book. For my part, although I had taught International Business Transactions for a number of years and International Trade once or twice, almost all of my research and writing, as well as my practice experience, had been in Public International Law. Nonetheless, the challenge appealed to me, and I rashly asked Alan whether he would be interested in having me join him. He consented.

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INTERNATIONAL LAW WEEKEND—WEST Salem, Oregon March 6-7, 2009

The fifth biennial International Law Weekend-West will be hosted by the Willamette University College of Law. The two-day program, chaired by Willamette Professor James A.R. Nafziger, brings together legal practitioners, scholars, and students to discuss cutting-edge issues in public and private international law and international transactions. Panels will address a broad range of topics, emphasizing human rights, the vital importance of law in international relations, and the impact of globalization on the practice of law. Co-sponsors of the conference include the American Society of International Law, the International Section of the Oregon State Bar, and the *Willamette Journal of International Law and Dispute Resolution*.

The conference program is free, as is the opening informal luncheon on March 6. The fee for the conference dinner on March 6 is \$35.00 (student discount: \$16.00) and for the luncheon on March 7, \$15.00 (student discount: \$9.00).

Professor Theodor Meron of New York University and the International Criminal Tribunal for the Former Yugoslavia will speak at the Friday dinner on the theme of "International Criminal Justice: Does It Work?" George Bermann of Columbia Law School and President of the International Academy of Comparative Law will be the Saturday luncheon speaker on "The American Law Institute Goes Global."

The panels include the following topics: Prosecuting International Core Crimes in the United States: Problems, Prospects, and Solutions; Bringing International Law to Bear on the Detention and Treatment of Refugees in the United States; Empirical Approaches to the International Law of War; Recent Developments in NAFTA; The Role of International Law in Immigration Practice; Discretion to Decline Jurisdiction in International Cases; Shared Fresh Water and Sustainable Development in an Era of Water Scarcity; International Technology Transfers—Challenges and Outcomes; World Peace Through Human Rights, Law of the Sea, and the United Nations: A Tribute to Louis B. Sohn; Taming the International Capital Markets: The Emerging Regime; The Alien Tort Statute in the Post-Sosa World; and Transnational Intellectual Property Law and Enforcement Within a TRIPS Framework.

Willamette University College of Law is located at 245 Winter Street S.E., Salem, Oregon. Special discounted hotel rates are available at the Phoenix Grand Hotel in downtown Salem, which is located within easy walking distance of the law school. For information, contact the hotel at 1-877-540-7800 or visit their web site at www.phoenixgrandhotel.com. When making a reservation, request a "Willamette ILA Conference" room. The Willamette University Travel Center will be happy to help you with your travel and hotel arrangements. Their e-mail address is travel@willamette.edu. For further information, please contact Chris Strum at (503) 370-6877.

INTERNATIONAL LAW WEEKEND 2009 Call for Panel Proposals

On October 22-24, 2009, the American Branch of the International Law Association will hold its annual International Law Weekend in New York, bringing together hundreds of practitioners, members of the governmental and non-governmental sectors, and students. The conference will feature numerous panels, Ms. Lucy F. Reed, President of the American Society of International Law, as distinguished speaker, receptions, and the Branch's annual meeting. International Law Weekend 2009 will take place at the Association of the Bar of the City of New York on October 22, 2009, and at Fordham University School of Law on October 23 and 24. The Weekend's overall theme is "Challenges to Transnational Governance."

The economic, political, and social changes of the last decade have re-shaped international law and deeply affected its role and practice, along with the identity and attitude of its participants. This year's Weekend will address the challenges posed by these changes with an emphasis on the emergence of the notion of "transnational governance" and the issues related to it, including:

- Re-ordering, organizing, and monitoring: Is this what transnational governance is about?
- Who is in charge of transnational governance?: A discussion of the (sometimes new) role of international organizations, states, NGOs, regions, companies, private individuals, and others.

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INTERNATIONAL LAW ASSOCIATION

COMMITTEE REPORTS

The ILA has numerous committees and study groups, with members drawn from the over forty ILA national branches. The September 2008 American Branch *Newsletter* followed up on work at the ILA's August 2008 biennial meeting in Rio de Janeiro, Brazil with reports on the activities of the ILA's International Monetary Law Committee, the International Securities Regulation Committee, the Committee on Legal Issues of the Outer Continental Shelf, the International Criminal Courts Committee, and the International Human Rights Law and Practice Committee. Below are reports, submitted by American Branch members, on the recent activities of several more ILA committees.

In November 2008, the ILA Executive Committee, at its meeting in London, approved the creation of several new committees – a new Human Rights Law Committee (to be chaired by the American Branch's Christina Cerna), a Committee on Baselines under the International Law of the Sea, a Committee on Legal Principles Relating to Climate Change, and a Committee on International Protection of Consumers – as well as a new Study Group on the Role of Soft Law Instruments in International Investment Law. The American Branch will soon be nominating Branch members to serve on the new ILA committees. For more information about the ILA committees and study groups, see <http://www.ila-hq.org/en/committees>.

REPARATION FOR VICTIMS OF ARMED CONFLICT

By Luke T. Lee, Chair

At the ILA Conference in Rio de Janeiro, the Committee on Compensation for Victims of War continued its work on preparing a draft Declaration of International Law Principles on Compensation for Victims of War. An intersessional meeting of the Committee is planned for September 2009 to help speed up the work of the Committee.

The Committee also decided to change its name to "Committee on Reparation for Victims of Armed Conflict," the approval of which was given by the Executive Council at its meeting in November 2008. The Committee's mandate, however, remains the same.

It was envisaged that the final draft of the principles will be reviewed and adopted by

the ILA at its Conference at The Hague in 2010.

INTERNATIONAL TRADE LAW

By Professor Frederick M. Abbott, Rapporteur

The International Trade Law Committee (ITLC) met at the 73rd Biennial Conference in Rio de Janeiro in August 2008 in closed and open sessions, with Prof. Ernst-Ulrich Petersmann (Switzerland) as Chair and Professor Frederick Abbott (USA) as Rapporteur. The Report of the Committee was approved and adopted at the open session on August 20, 2008. The Report is available at <http://www.ila-hq.org/en/committees/index.cfm/cid/24>. The Report describes the annual meeting of the Committee held at the headquarters of the World Trade Organization in June 2007. This meeting included updates on the progress of the Doha Round negotiations from WTO Secretariat officials. The Report discusses the Doha Round negotiations in some detail, as well as developments and proposals more generally affecting the world trading system, including with regard to TRIPS and other intellectual property matters, dispute settlement, reform of multilateral governance, and economic development, with special emphasis on least developed countries. The Committee agreed on its future work program that will include new attention to trade, energy and climate change; food security; and cooperation with the Committee on International Law and Biotechnology (along with continuing work on previously addressed subjects).

The primary focus of the Committee meetings in Rio de Janeiro was conclusion of its long-term work program on the relationship between international trade law and human rights law. With broad input from Committee members and the wider ILA membership, the Committee proposed and the ILA adopted Resolution No. 5/2008, stating in its substantive provisions:

RECALLING that by virtue of the UN Charter and human rights conventions and under customary international law and general principles of international law, states have human rights obligations;

CONSIDERING that it is likely that WTO dispute settlement bodies will be confronted – as has happened in national and regional economic courts and arbitral tribunals – with human rights arguments in support of interpreting trade and economic rules in conformity with the human rights obligations of the countries concerned, or with related requests for "judicial comity" or "judicial deference";

DECLARES:

WTO members and bodies are legally required to interpret and apply WTO rules in conformity with the human rights obligations of WTO members under international law.

The Committee since its inception has proposed several resolutions, each adopted by the ILA, on (I) exhaustion of intellectual property rights and parallel trade, (II) competition policy and (III) and rule of law in international trade (Resolution No. 2/2000); regional trade arrangements and preserving public health flexibilities (Resolution No. 3/2006); and international trade and human rights law (Resolution No. 5/2008).

CULTURAL HERITAGE LAW

By Professor James A.R. Nafziger, Chair

The ILA's Committee on Cultural Heritage Law met during the 2008 Conference in Rio. On its agenda were three items: (1) completion of its project to draft Guidelines for safe havens as transitional places for the temporary, off-site deposit and protection of threatened cultural material; (2) development of its project on the relationship between cultural heritage law and international trade law; and (3) discussion of several proposals for the Committee's future agenda. The Committee had dedicated a 2007 intersessional meeting in London primarily to the preparation of the Guidelines for safe havens, based on a working paper by Professor Kurt Siehr of the German Branch. Since then, the Committee had reviewed several drafts and prepared a final version of the Guidelines for approval at the Conference.

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CULTURAL HERITAGE LAW

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Numerous catastrophes and other circumstances may threaten cultural material—for example, in time of armed conflict (such as Europe during World War II, the former Yugoslavia during its civil war, and currently Iraq and Afghanistan). Natural disasters may also imperil cultural material (such as floods in Florence, New Orleans, and Dresden, volcanic eruptions in Italy and Indonesia, earthquakes in Pakistan and Iran, and fires in California, Greece, and Weimar). Other threats include unauthorized excavations (Guatemala, Iraq, Italy, and Turkey) and public projects (dam construction in China and highway construction in Greece).

Whatever the cause of a threat, cultural material may need to be removed temporarily to safe havens for safekeeping and proper preservation until it can be returned to its original site. The ILA Guidelines are intended to provide a framework, setting the terms for the establishment and conduct of such safe havens and for the return of cultural material held for safekeeping and preservation there. The initiator of the temporary relocation may be a state, a private owner, a museum, or another entitled person or entity. A model contract for the establishment of a safe haven is attached to the Guidelines. After discussion, the Committee unanimously recommended their approval by the ILA. At its plenary session, the ILA later adopted them.

The Committee then turned to its project on the relationship between cultural heritage law and international trade law. The discussion focused on studies by Professors Robert Paterson of the Canadian Branch and Sabine von Schorlemer of the German Branch, with commentary by Professor Talia Einhorn of the Israeli Branch. The Committee decided to prepare a comprehensive report concerning controls on the export of cultural material in practice, based on questionnaire-based surveys and national reports by committee members. The Committee concluded its work in Rio with a consideration of several

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1) Branch Committee Reports

One of the unique features of the work of the International Law Association, including the national branches, is the work of the Committees. Currently, the American Branch has twenty-five Committees headed by a Chair or Co-Chairs. Each Chair, in consultation with Committee members, sets an agenda for the Committee and decides on projects that the Committee will undertake. The Chair also lays down a time frame for the completion of the project. Committees often work to produce reports on areas of international law. One member of the Committee may draft a report on an area of interest, or several members may divide the work to address different aspects of the issue. Ultimately, the draft will be circulated for comments or changes and additions. Finally, the draft will be accepted as a Committee Report, and ultimately the Report will be published in the biennial *Proceedings* of the American Branch.

Currently, there are also twenty-four ILA Committees and five Study Groups at the international level. See <http://www.ila-hq.org/en/committees>. If an International Committee is working in the same areas as the Branch Committee, the ABILA Committee may monitor, or elaborate on, the work of the International Committee or, alternatively, it may work in another area entirely.

2) Branch Committee Activities Other Than Reports

Over the years the Branch Committees have engaged in a variety of activities apart from formal reports. They often sponsor panels at the International Law Weekend and International Law Weekend West. Many of the papers presented at the panels are then published in the *ILSA Journal of International and Comparative Law*. Committees also sponsor meetings on a particular theme with one or more speakers. Sometimes Committees have filed amicus briefs in important cases that raise issues of relevance to the Committee's work, or they may undertake joint projects with other organizations with similar interests.

3) Student Assistance to Committee Coordinated by ILSA

The Branch has recently entered into an agreement with the International Law Students Association whereby Committee Chairs can request student assistance in helping prepare reports. ILSA circulates the Chairs' requests to its student members and matches applicants with the Committee requests. See <http://www.ilsa.org/resources/jobs/abila.php>.

4) Recent Committee Activity

Below you will find a very brief description of a small portion of the work of some of the Branch Committees recently undertaken or just starting.

Arms Control and Disarmament: Chair, Order Félix Kittrie

The Committee is planning a comprehensive panel presentation on Arms Control, Non-proliferation and Disarmament Law and the New Administration that will examine: the use of law to obtain non-proliferation goals; innovations such as Security Council legislative resolutions; and the regulatory regime necessary for the increasing use of nuclear power.

Bilateral Investment Treaty and Development Committee: Co-Chairs, Norman Gregory Young and Brian Krantz

The Committee has proposed a study to examine the U.S.-Peru and U.S.-Colombia Bilateral Free Trade Agreements, focusing on labor law and development goals and examining domestic and international labor standards as they relate to the above treaties. A carefully phased plan for the completion of the study was presented at the Committee Chairs meeting at ILW 2008.

Commercial Dispute Resolution: Chair, Louise Teitz

The Committee sponsored a panel at ILW 2008 on "ABILA/ASIL Joint Study on the Implementation of Transparency Norms in International Commercial Arbitration: Part I, an Introduction to the Issues."

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ABILA COMMITTEES —

REPORT FROM THE CO-DIRECTORS OF STUDIES

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The Committee is also participating in a joint ABILA/ASIL project on Transparency in Commercial Arbitration.

Extraterritorial Jurisdiction: Chair, Anibal Sabater

The Committee sponsored two panels at ILW 2008: "Extraterritorial Jurisdiction and Related Matters in International Insolvency Proceedings" and "Advocacy in Commercial and Investment Treaty Arbitration: Differences and Common Patterns." Two papers from the Committee's ILW 2007 panel were published in the *ILSA Journal of International and Comparative Law*. The Committee also assisted in organizing a panel on international law and practice at Georgetown University Law Center.

Feminism and International Law: Chair, Janie Chuang

The Committee has been tracking the work of the International Committee on Feminism and International Law, which has been examining issues of women and migration. The International Committee has now concluded its work and thus the Branch Committee will shortly move forward on a new topic.

Formation of Customary International Law: Chair, Philip Moremen

The Chair and the Committee are currently considering proposals for written projects, including a proposal to assess standards of proof for rules of customary law in international and domestic courts and tribunals.

Intergovernmental Settlement of Disputes: Chair, Pieter Bekker

In recent years the Committee has issued two extensive reports: 1) A Study and Evaluation of the UN Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice; 2) Reforming the United Nations: What about the International Court of Justice? It is currently planning a project on "Evidence in Inter-State Disputes," which will collect and distill the prevailing rules of evidence from the law and practice of international courts and

tribunals.

International Commercial Law: Chair, Houston Putnam Lowry

The Committee sponsored a panel at ILW 2008 on "Recent Developments in Private International Law," examining UNCITRAL, UNIDROIT, The Hague Conference, OAS mechanisms for resolving cross-border consumer disputes, and the UN E-Commerce Convention.

International Criminal Court: Co-Chairs, Kelly Askin and Leila Sadat

The Committee sponsored two panels at ILW 2008: "Fifteen Years of International Tribunals: Past, Present and Future" and "The ICC Ten Years After: Challenges and Opportunities." The Committee has also been researching the background and work of judicial candidates for the International Criminal Court who will be elected by the states parties in 2009. The information collected will be distributed to the delegates. The Committee has also been active in soliciting additional candidates from eligible countries. Co-Chair Leila Sadat also attended the Rio, Brazil, biennial ILA Conference, at which she commented on the report from the ILA International ICC Committee.

International Disability Law: Chair, Will Grignon

The Committee is working on a "Best Practices" guide for lawyers working in the disability arena, with an emphasis on problem-solving and practical approaches. The plan is to publish an on-line, interactive compendium of best practices.

International Environmental Law: Co-Chairs, Gunther Handl and Wil Burns

The Committee sponsored two panels at ILW 2008: "Emerging Issues in Confronting Climate Change: Adaptation and Allowance Trading" and "The International Convention for the Regulation of Whaling in the 21st Century: Is There a Way Forward?" The Committee is also developing a report on the precautionary principle.

International Family Law: Chair, Jerome Shestack

Jerome Shestack has recently agreed to chair the Committee.

International Human Rights: Co-Chairs, Christina Cerna and Scott Horton

The Committee sponsored a panel at ILW 2008 on "New Developments in International Human Rights Law at the Universal and Regional Levels." The Committee has also collaborated on an amicus brief presented by a number of NGOs on the *Boumediene* case. Co-Chair Christina Cerna presented her paper, "Is the Right to Consular Assistance a Human Right?," at the meeting of the International Committee in Siena, Italy in November, 2007, which will be published by Oxford University Press as part of a collection of submissions.

The Branch is delighted to announce that Christina Cerna has recently been elected as Chair of the new International Human Rights Law Committee.

International Humanitarian Law: Chair, David Kaye

The Committee Chair is currently circulating a list of topics to gauge the feasibility of particular projects. These topics include: work on an amicus brief in the case of Ali al-Marri, in which the U.S. Supreme Court recently granted certiorari; the development of an ABILA listserv devoted to international humanitarian law; and work on areas involving the intersection of international humanitarian law and human rights law.

International Intellectual Property: Chair, Aaron Fellmeth

The Committee sponsored a luncheon roundtable at ILW 2008 on "New Frontiers in Human Rights Law," which, among other issues, examined the concept of intellectual property as a human right. The Committee is planning a panel for ILW West to be held from March 6-7, 2009 in Salem, Oregon hosted by Willamette University College of Law, and is considering publishing a Committee newsletter.

International Judicial Integrity: Chair, Lawrence Newman

The Chair attended the meeting for Chairs at ILW 2008 and presented ideas for Committee projects.

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CULTURAL HERITAGE LAW

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proposals for its future agenda. They will be discussed, along with the report on export controls, at an intersessional meeting in 2009.

INTERNATIONAL LAW OF FOREIGN INVESTMENT

By Professor Andrea Bjorklund

The Committee on International Law of Foreign Investment held an open working session on August 20, 2008, in Rio de Janeiro at the biennial meeting of the ILA. The co-rapporteurs of the committee, Peter Muchlinski and Federico Ortino, presented the Final Report of the Committee. They also introduced the *Oxford Handbook of International Investment Law* (Peter Muchlinski, Federico Ortino & Christoph Schreuer eds.), published by Oxford University Press in 2008, which is the compilation of papers submitted by Committee members in the course of the Report's preparation. In addition, members of the Committee spoke at two other sessions. On Monday, August 18, Anne van Aaken, Sophie Nappert, Todd Grierson Weiler, and Ignacio Gomez-Palacio spoke on "Bilateral Investment Protection Treaties: Recent Developments." On Tuesday, August 19, Andrea Bjorklund, August Reinisch, Matthew Weiniger, and Asif Qureshi spoke on "The ICSID Convention and the Settlement of Disputes in Economic Emergencies."

RIGHTS OF INDIGENOUS PEOPLES

By Professor Siegfried Wiessner, Chair

In June 2006, the International Law Association established a Committee on the Rights of Indigenous Peoples chaired by Professor S. James Anaya of the University of Arizona College of Law. The Committee's first meeting in Pretoria on August 29, 2007, clarified that the mandate of the Committee be realized by the development of an Expert Commentary on the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). This Declaration was adopted by the UN General Assembly on September 13, 2007 (143 in favor, 4

against with 11 abstentions).

According to the ILA's description of the Committee's mandate, the objective of the proposed Expert Commentary is "to provide authoritative clarification, elucidation and guidance in respect of the UNDRIP provisions, including their development, context and status in international law. ... The provisions of UNDRIP would benefit from further analysis and explanation in respect of their meaning and scope. It is the intention of the Committee to undertake this task. ... [I]t is expected that the Commentary will reduce confusion and contention over the normative status of the UNDRIP provisions and of Indigenous rights in general." The ILA expects that this publication "will be available to practitioners and advocates, governments, courts and tribunals, academics and Indigenous organisations, to draw on and refer to in dealing with and utilising the Declaration."

In March 2008, Professor S. James Anaya was appointed by the UN Human Rights Council to the post of UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people. Upon his resignation as Chair of the ILA Committee on the Rights of Indigenous Peoples, the ILA Executive Council appointed me as his successor at the Rio Meeting in August 2008.

The ILA Commentary has been divided up into chapters, which reflect a subject-matter rather than an article-by-article approach to the undertaking. Those chapters include an over-arching one on general issues and several more focused ones on self-determination; autonomy and political participation; cultural rights and identity; land resources and environment; education and media; social and economic improvement rights; treaty rights; as well as development and international cooperation. A first report on the progress and the outlook of the Committee, based on interim reports by the chairs of the various subcommittees as integrated by the Committee's Rapporteur, Gregory Marks of Australia, was submitted to the ILA's biennial meeting in Rio in August, 2008. For the text of this first report, see <http://www.ila-hq.org/en/committees/index.cfm/cid/1024>.

At Rio, the Committee met informally and formally several times. In its open meeting chaired by Professor James Crawford, the key elements of its mission were presented and discussed. The topics at issue were also addressed in two conference panels, one dedicated to "Indigenous Rights to Land and Natural Resources," the other to "Indigenous Rights in International Law and Domestic Law: Conflicting Approaches." The several Committee members present in Rio clarified the goal of providing a publication with scholarly authority and suggested to add a Chapter 10 on "Redress and Reparations," under the leadership of a new member, Professor Federico Lenzerini. The next steps of the Committee work are scheduled to be as follows:

- Intensive drafting, circulation, comments and feedback on texts during late 2008 after Rio and in first half of 2009
- Preparation of edited Commentary in second half of 2009
- Preparation of Final Report for presentation at the 74th Biennial Conference at The Hague in 2010.

The Committee is also planning to discuss the draft report at a colloquium at the European University Institute in Florence in mid-December, 2009.

The American Branch is strongly represented on this Committee. Besides the Chair, who is working on several subcommittees, Professor Jon van Dyke of the University of Hawaii chairs the subcommittee on self-determination; Professor Lorie Graham of Suffolk University in Boston chairs the subcommittee on education and media, and serves as a member of the subcommittee on self-determination; and Professor Dalee Sambo Dorough of the University of Alaska serves on the subcommittee on land, natural resources and the environment, the subcommittee on self-determination, and the subcommittee on general issues where she will recount the history of the UN Declaration from her expert angle as key participant in the creation of this document. It is a pleasure to work with these dedicated friends – as well as with the eminent scholars, practitioners, and representatives of indigenous peoples from around the world that the ILA has wisely chosen to bring

RIGHTS OF INDIGEOUS PEOPLES

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together for this important common cause.

TEACHING OF INTERNATIONAL LAW

By Professor John Gamble, Rapporteur

The ILA Committee on the Teaching of International Law was established after a very successful ad hoc session focused on teaching held at the 1998 ILA regional meeting in Taipei, Taiwan. Dozens of people have participated in the Committee's work. The following have been most active (* = American Branch members): Hilary Charlesworth (first Chair of Committee), Australian National University, College of Law; Neville Botha (present Chair of Committee), Faculty of Law, University of South Africa; John Gamble* (Rapporteur of Committee), The Behrend College, Pennsylvania State University; Charlotte Ku*, College of Law, University of Illinois; Math Noortmann, Erasmus University, Rotterdam, The Netherlands.

During the decade of its existence, the Committee has produced a number of important reports and held two workshops. The reports have had two broad foci: inventories of how various countries approach the teaching of international law, e.g., is international law required for the first degree in law; and assemblages of course materials, e.g., syllabi, along with discussing perennial issues confronting those of us who teach international law. The workshops piggybacked on ASIL and ILA meetings:

Workshop on the Teaching of International Law, April 3, 2004, Washington, DC;

Workshop on the Teaching of International Law, August 23, 2004, Faculty of Law of the University of Potsdam, Germany.

The August 2008 ILA biennial meeting in Rio de Janeiro provided an opportunity for a broad discussion of the future of the Committee and whether it could operate better as a Study Group. It is clear that teaching requires a fundamentally different focus from most ILA committees. The usual

ILA model of preparing a report and recommendations about some subfield of international law does not fit teaching.

In Rio there was strong support for continuing work on a website dealing with the teaching of international law. The site should be guided by these principles:

- Neutral, non-ideological except for some unavoidable bias in favor of international law
- hosted by an academic institution with good technical capabilities
- content "screened" gently and quickly
- sunset laws for all content
- teaching should be defined broadly, but not so expansively so as to include everything
- easy and quick to use, the first stop for international law teachers
- firm limits on the length of submissions
- use of course syllabi should be limited
- access open to all with minimal control

Development work on the site so far envisions the following major sections:

- Jumping In – Teaching International Law for the First Time
- International Law in the Curriculum
- Teaching Tips
- Anti-Parochialism – Dealing with National Bias
- Textbook Reviews
- Current Developments Blog

I agreed to be Rapporteur of the Committee and have continued because I believe teaching – considering its major role in our professional lives – is neglected. The underlying purpose of the Committee is to help professors to collaborate so we can improve our teaching. There is enthusiasm for cooperation that I hope the American Branch will seize.

USE OF FORCE

By Professor Mary Ellen O'Connell, Chair

The International Law Association's

Executive Council gave the Use of Force Committee a mandate in May 2005 to produce a report on the meaning of war in international law. The report was considered necessary following President George W. Bush's declaration of a "global war on terrorism" following the attacks of 9/11. The classic indicia of a global war seemed to be missing, but also missing was a widely accepted definition of war or armed conflict under international law for purposes of assessing the U.S. position.

The Committee completed an initial report and presented it at the ILA's Rio de Janeiro biennial meeting in August 2008. This report is available at the ILA's website (<http://www.ila-hq.org/en/committees/index.cfm/cid/1022>). Its core conclusions are that all armed conflicts have, at a minimum, two criteria: organized armed groups engaged in intense armed fighting.

The report was very well received. The Committee plans to incorporate suggestions made during the Rio working session in its final report for presentation in The Hague in 2010.

The Committee plans to expand upon or add the following topics for the final report:

- Human rights law during armed conflict
- When does armed conflict begin?
- The criterion of intensity
- The criterion of organization
- The territorial scope of armed conflict
- When does armed conflict end?

The Committee welcomes contributions from American Branch members towards helping us complete the highest quality report in the coming year. Please send comments to the Committee Chair, Professor Mary Ellen O'Connell (MaryEllenOConnell@nd.edu).

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June 27—July 2, 2010
The 74th Conference of the ILA
“De Iure Humanitatis: Peace, Justice and International Law”
The Hague, Netherlands

Further information on the conference and the program will be made available at <http://www.ila2010.org>.

COSPONSORED EVENTS

January 29, 2009, 4:00 p.m.
Professor Elazar Barkan, Professor of International Law & Public Affairs at Columbia University:

“Redress and Human Rights”
Part of a speaker series on **“After Outrage: Human Rights Abuses and the Search for Accountability”**
University of California, San Diego

For more information, please contact Chinthana Konganda at (619) 525-1436 or ckonganda@cwsl.edu

February 26, 2009, 4:00 p.m.
Professor John Torpey, Professor at City University of New York Graduate Center, New York:

“On Coming to Terms with the Past”
Part of a speaker series on **“After Outrage: Human Rights Abuses and the Search for Accountability”**
University of California, San Diego

For more information, please contact Chinthana Konganda at (619) 525-1436 or ckonganda@cwsl.edu

March 12, 2009, 4:00 p.m.
Professor Mark Drumbl, Associate Professor and Ethan Allen Faculty Fellow, School of Law, Washington & Lee University:

“Atrocity, Punishment and International Law”
Part of a speaker series on **“After Outrage: Human Rights Abuses and the Search for Accountability”**
University of California, San Diego

For more information, please contact Chinthana Konganda at (619) 525-1436 or ckonganda@cwsl.edu

FOR ADDITIONAL INFORMATION ON ALL EVENTS, PLEASE VISIT OUR WEBSITE AT:

WWW.ILA-AMERICANBRANCH.ORG

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The Principles and Practice of International Commercial Arbitration

Margaret L. Moses
Cambridge University Press, 2008
Pp. 340 (Hardback, US \$29.99), available through <http://www.cambridge.org/us/>
ISBN: 978-0-521-86666-8 (hardback)
ISBN: 978-0-521-6852-7 (paperback)

* Reviewed by Lucy Martinez, Senior Associate, Freshfields Bruckhaus Deringer US LLP (New York)

The Principles and Practice of International Commercial Arbitration provides a comprehensive basic introduction to international commercial arbitration. It well achieves its aim of providing the “legal and regulatory framework for international arbitration, as well as practical strategies to follow and pitfalls to avoid. It is short and readable, but comprehensive in the coverage of the basic requirements, including the most recent changes in arbitration laws, rules, and guidelines.” (back cover)

After a general introduction to international commercial arbitration, the book is structured around the chronology of an international arbitration, from the arbitration agreement, applicable laws and rules, judicial assistance, the tribunal, arbitral proceedings, the award, attempts to set aside an award, and enforcement of an award. Despite the title’s focus on international commercial arbitration, the final chapter in the book relates to investment arbitration, usually based on bilateral or multilateral investment treaties rather than contracts. The treatise is 240 pages of text, plus 90 pages of Appendices containing important laws, rules, ethics codes, model clauses, and lists of useful websites. The book is written in simple, clear language, with a minimum of citations. It also contains useful tidbits, such as the facts that the phrase “international commercial arbitration” was first used in 1961, in the European Convention on International Commercial Arbitration (foreword, p. xiv), and the phrase “pathological clause,” used to describe a defective arbitration clause, was coined by Frederic Eisemann, former Secretary General of the ICC Court of Arbitration (p. 39).

Professor Moses teaches international commercial arbitration and other subjects at Loyola University Chicago School of Law, where she is also the Director of the International Program. She interviewed a number of high-profile practitioners while

researching the book, and includes useful quotes from these individuals throughout the book, providing practical insight into, and “war stories” from, the occasionally opaque world of international commercial arbitration. The treatise also contains sample practical documents, such as a sample agenda for a preliminary conference (pp. 154-57).

The challenge for Professor Moses is distinguishing her treatise from other treatises in the same field, and in particular from such classics as *Law and Practice of International Commercial Arbitration*, by Alan Redfern, Martin Hunter, Nigel Blackaby and Constantine Partasides. Professor Moses’s treatise offers three advantages, in that it is: (1) in some areas, more up to date, having been published in 2008; (2) considerably cheaper (~U.S. \$30, compared to, for example, ~\$350 for Redfern et al); and (3) much shorter (although of course this brevity necessitates a compromise in relation to the level of detail in the analysis).

This book is a recommended purchase for practitioners and law students who are new to the field of international commercial arbitration, and who would like to grasp the basics in an affordable and accessible treatise. For those who practice in this field every day, with the very reasonable purchase price, this book is a worthwhile investment as a summary of the basic principles of international commercial arbitration.

Jurisdiction in International Law
Cedric Ryngaert
Oxford, 2008 310 pp
ISBN 978-0-19-954471-4
(Hardback \$120.00)

* Reviewed by David P. Stewart, Georgetown University Law Center

This up-to-date, useful and readable study of the various doctrines of jurisdiction focuses mainly on “prescriptive” rather than adjudicative or enforcement jurisdiction. Ryngaert, a lecturer in law at the Universities of Utrecht and Leuven, sets out to develop “a theory of (unilateral) jurisdiction which, informed by an overarching principle of jurisdictional ‘reasonableness’, takes into account the sovereign interests of States other than the forum State ... yet which at the same time ensures that the interests of the forum State and of the international community are sufficiently

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BOOK REVIEWS

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Jurisdiction in International Law

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heeded.” (p. 3) Not all readers will agree that his ultimate formulation is practical.

In building his case, the author draws widely from illustrations in the fields of criminal law, antitrust, securities, discovery, export controls, humanitarian and human rights. Chapter 2 discusses the public international law approaches to jurisdiction, contrasting the permissive view taken by the PCIJ in the *Lotus* decision with the far more common and restrictive view requiring a genuine connection between the forum state and the situation in question. Chapters 3 and 4 review the history of territoriality as well as the familiar principles justifying extraterritoriality, including active and passive personality, protective jurisdiction and universality.

Ryngaert argues in favor of universal jurisdiction over the so-called “core crimes” against international law (including genocide, torture and crimes under international humanitarian law) and supports the “reasonable exercise” of universal jurisdiction in absentia, while acknowledging the due process issues it can generate. But he appropriately distinguishes “vicarious or representational jurisdiction” (now found in German, French and Spanish law) in which the State acts altruistically to protect the interests of the international community as well as “extradite or prosecute” jurisdiction.

In Chapter 5, he begins to articulate a jurisdictional “rule of reason,” which requires that a State restrain the reach of its law in view of the legitimate interests of foreign states and only assert jurisdiction when its interests outweigh other States’ interests and private actors’ interests. This view differs from the well-known “balancing approach” reflected in § 403 of the *Restatement (Third) of U.S. Foreign Relations Law* (1987), which he says can produce results “harmful to the international community.” Instead, he advocates a “subsidiary principle” under which States only apply their laws to foreign situations which another State – with presumably stronger interests — fails adequately to confront.

In what is described as a *Schutzszweck*-based rule of reason, Ryngaert postulates that the reach of every law is a function of

the protective substantive content of that law. In order to determine the law’s reasonable scope, courts and regulators must ascertain the specific rule’s ratio legis. Only if the ratio legis requires that foreign situations be governed by the rule, can it legitimately be given extraterritorial application. By the same token, States with the strongest nexus to the case forfeit their right of protest against other States’ jurisdictional assertions over that case if they fail to deal with it adequately. In the absence of a global regulator, other States that are harmed should be entitled to exercise jurisdiction in the interest of the international community.

Ryngaert argues that the United States is “more of a jurisdictional bully, if one can put it that way, than Europe” (p. 227) and unabashedly contends that his approach will provide greater protection to weaker States than a traditional nexus-based approach. “A system of international jurisdiction is only viable if States balance their regulatory interests with the interests of other affected foreign nations, as if they were a global regulator who objectively assesses the merits of any one State’s legal and policy interests.”

Alan C. Swan
A Personal Remembrance

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I was delighted because Alan met the three criteria I apply to a potential co-author: (1) that he be smarter than I; (2) that he know more about the subject matter of the proposed book than I; and (3) that we would work well together. The result was that working on the two editions of our casebook, *The Regulation of International Business and Economic Relations* (1991 and 1999), as well as two supplements, was the most educational and professionally fulfilling experience of my life. Alan and I were, of course, delighted when the first edition of the casebook was awarded a Certificate of Merit by the American Society of International Law in 1992.

Working on the casebook and its supplements with Alan made me fully understand just how exceptional Alan’s mind was. There are few lawyers or law professors, after all, who are highly competent

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CALENDAR OF EVENTS

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COSPONSORED EVENTS

April 12-15, 2009

“Crimes Against Humanity Initiative — Experts’ Meeting”

Whitney R. Harris World Law Institute
Washington University School of Law

For more information, please contact Amy (Amitis) Khojasteh at akhojasteh@wulaw.wustl.edu

April 23-24, 2009

Space Law Conference: “Near Earth Objects: Risks, Responses, and Opportunities — Legal Aspects”

University of Nebraska

For registration and additional information, see <http://spaceandtelecomlaw.unl.edu>

July 5-31, 2009

Continuing Legal Education in Israel summer session

Bar-Ilan University, Tel Aviv suburb of Ramat Gan

For more information, please contact CLE Program Coordinator for Israel Study Abroad, Lee Boyd, at lboyd@howarth-smith.com or visit <http://www.lawisraelcle.com>

December 20-31, 2009

Continuing Legal Education in Israel winter session

Bar-Ilan University, Tel Aviv suburb of Ramat Gan

For more information, please contact CLE Program Coordinator for Israel Study Abroad, Lee Boyd, at lboyd@howarth-smith.com or visit <http://www.lawisraelcle.com>

FOR ADDITIONAL INFORMATION ON ALL EVENTS, PLEASE VISIT OUR WEBSITE AT:

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ABILA COMMITTEES —

REPORT FROM THE CO-DIRECTORS OF STUDIES

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Alan C. Swan
A Personal Remembrance

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International Monetary Law: Chair, James Lynch

The Committee is undertaking a study of the effects of monetary law on development from the perspective of the late Professor Joseph Schumpeter.

International Trade Law: Chair, Patrick McLain

The Committee sponsored a day-long symposium on "Regional Trade Agreements and their Political, Social and Environmental Implications" at St. Louis School of Law (April 4, 2008) and also sponsored a panel on "Regional Trade Agreements: Current Issues and Controversies" at ILW 2008.

Islamic Law: Chair, Seval Yildirim

The Committee is planning a panel for ILW 2009 and is coordinating with the ASIL section on Islamic Law.

Multilateralism and Accountability of International Organizations: Chair, Karen Hudes

The Committee organized a panel at ILW 2008 on "The Gentleman's Agreement: Multilateralism or Hegemony," which examined governance reform of the Bretton Woods institutions. A number of the papers from this panel will be published in the *ILSA Journal and International and Comparative Law*. The Committee is also preparing an article to be published in the *International Organizations Law Review* and plans examination of the accountability of international bodies for wrongful acts, including compensation issues.

Law of the Sea: Chair, George Walker

The Committee sponsored a panel at ILW 2008: "Implications of U.S. Acceptance of the 1982 Law of the Sea Convention and the 1994 Agreement."

The Committee has also been working on a long-term, book-length project on "Definitions for the 1982 Law of the Sea Convention." The interim report has been published in the 2007-2008 American Branch *Proceedings*, and the final report has been circulated to a number of outside readers from around

the world.

Space Law: Chair, Jonathan Galloway

The Committee focused on remote sensing with reference to gathering and reporting weather conditions, including hurricanes. It has also examined the work of the UN Sub-Committee of COPUOS; the Report of the Intergovernmental Panel on Climate Change; exploration, use and exploitation of space for peaceful purposes; property rights in space; and mitigation of space debris. The Committee's recent reports were published in the 2007-2008 American Branch *Proceedings*.

Teaching International Law: Chair, Mark Wojcik

The former Chair, Valerie Epps, traveled to Soochow, China in October 2007 to participate in the first meeting of the International Association of Law Schools, which focused on: "Learning from Each Other: Enriching the Law School Curriculum in an Interrelated World." Mark Wojcik has recently agreed to chair the Committee.

United Nations Law: Chair, John Carey

The Committee sponsored a panel at ILW 2008: "The Human Rights Council: What Would Eleanor Roosevelt Say?," which examined the new features of the Council compared with the former Human Rights Commission. The Committee will continue reviewing the work of the Council.

Use of Force: Chair, Vacant

All of the email addresses of the Committee Chairs are listed on the Branch website: www.ila-americanbranch.org. Members interested in the work of a particular Committee or in proposing a Committee project should be in touch with the Chair.

in such diverse and complex fields as Constitutional Law, International Trade, International Business, International Economics, Contracts, Commercial Law, and Antitrust. I also learned that Alan knew a considerable amount about Public International Law and Jurisprudence.

Alan was also a personal pleasure to work with. I only had two problems working with Alan. The first was his perfectionism. Alan liked to work and rework his drafts until they met his standard of perfection. This created a problem with meeting the deadlines of the publisher for the final version of the manuscript. In fact, it became such a problem with the first edition of the casebook that the publisher and I entered into a conspiracy. The publisher would write both of us a letter setting forth a "drop dead" deadline, i.e., a threat that unless we submitted the final version of the manuscript to them by a certain date, the agreement to publish would be withdrawn. This did the trick. My second problem was that Alan sometimes forgot that we were writing a casebook for teaching students rather than a treatise for professional colleagues. This proved a particular problem with Alan's first draft of the chapter on international antitrust. This was a draft that would be of interest and a challenge to Ph.D. economists but would have overwhelmed most students as well as many teachers of international trade. Fortunately, Alan accepted my suggestion that he submit the draft to some experts in international antitrust, and this resulted in a much more appropriate second draft.

Alan and I also connected on a personal level. First, we had a strong mutual interest in India, where I spent a year on a Ford Foundation grant in 1962-1963. Alan was born in India, his father was missionary there, and he did not come to the United States until he was fourteen. Second, we both had been football players in college, although unfortunately Alan suffered a serious knee injury that ended his playing days. Third, Alan was extremely supportive as I tackled a serious medical problem that developed in 1996. Alan wrote me a sensitive letter expressing concern and assuring me that "The diagnosis is early. You're strong. You know how to go about seeking a cure rationally and with care. And we know there is courage in your heart. So, dear friend, get well and soon." The University of Miami Law School, Alan's family, and all of us have suffered a great loss.

INTERNATIONAL LAW WEEKEND 2009 Call for Panel Proposals

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- Governing what?: The contents and scope of transnational governance.
- The impact of transnational governance on international trade, foreign investment, and dispute resolution mechanisms.
- In the new context, what is the role of regulatory international law?

Co-chairs of ILW 2009 are Pierre Bodeau-Livinec of the United Nations Office of Legal Affairs (Bodeau-Livinec@un.org), Wil Burns, Editor in Chief, *Journal of International Wildlife Law & Policy* (jiwlp@internationalwildlifelaw.org), and Anibal M. Sabater, Partner, Fulbright & Jaworski International LLP (asabater@fulbright.com).

The co-chairs invite proposals for panels for ILW 2009, including those pertinent to this year's theme. Please submit proposals to the co-chairs no later than Friday, April 10, 2009. Proposals should be geared for 90-minute panels and should include a formal title, a brief description of the panel (no more than 75 words), and the names, titles, and affiliations of the panel chair and three or four possible speakers. Panel proposals should also include information as to the format envisaged (point-counterpoint, roundtable, etc.).

INTERNATIONAL LAW WEEKEND – MIDWEST

The American Branch is inaugurating International Law Weekend – Midwest. This biennial conference will be modeled on the highly successful International Law Weekend – West, which brings together international law practitioners and academics to present panels and discuss significant themes

and developments concerning a range of international law topics. ILW – West will continue to be held in odd numbered years, and ILW – Midwest will be held in even numbered years.

The first International Law Weekend – Midwest will be hosted in the spring of 2010 by the International Legal Studies Program and the Ved Nanda Center for International Law, along with the *International Law Society and the International Law Journal*, at the University of Denver's Sturm College of Law. Professor Ved Nanda (vnanda@law.du.edu) and Ashley K. Wald of Holland & Hart LLP in Denver (AKWald@hollandhart.com) will be organizing the program.

Professor Michael Scharf of Case Western University School of Law in Cleveland will organize the second International Law Weekend – Midwest in 2012. ILW – Midwest 2012 will be held at Case Western's Cox Center.