



ILA—Founded 1873

# Newsletter

## **Cecil J. Olmstead, 1920-2013**

The Branch mourns the passing of our long-time colleague and former President Cecil J. Olmstead, who died on June 25, 2013. He was long recognized as one of the nation's leading authorities on international law, trade and arbitration.

Olmstead was the Branch's Honorary Secretary-Treasurer from 1954-1963. He then succeeded Peter Kooiman as Branch President, serving in that position from 1963-1973. He was also President of the International Law Association from 1972-1974, during which time the Branch hosted the ILA's 55th Biennial Conference in New York (remembered as one of the most successful ever held by the Association).

Vice-Chair of the ILA's Executive Council for 13 years, he succeeded Lord Wilberforce as the Chairman from 1986-1988. He was honored to receive the ILA's first Distinguished Service award on Oct. 16, 2004 in New York City. At the time of his death, he was Patron of the ILA.

For all who knew and worked with him, Cecil is remembered as a superb lawyer and wise counselor, a true expert in international law, ex-

*(Continued on page 4)*

## **ILW-Midwest September 19-21, 2013 St. Louis**

International Law Weekend – Midwest 2013, one of the Branch's premier series of regional conferences, will be held September 19-21, 2013 at the Whitney R. Harris World Law Institute, Washington University Law School in St. Louis.

The theme is "The Legal Challenges of Globalization: A View from the Heartland." ABILA President Ruth Wedgwood will deliver the keynote address on the Friday luncheon.

Under the leadership of ABILA Vice-President Professor Leila Sadat, the organizers have put together a very strong program. There will be panels on Careers in International Law, Cross-Border Regionalism and the Public-Private Divide, International Contract Farming (UNIDROIT), International Criminal Justice, International Human Rights, the *Kiobel* Case, Local Efforts in Climate Change, Private International Law, Space and Cyber Law, and the South China Sea.

The panel sessions are free and open to the public. Up to 10 hours MCLE credit will be available. Early registration is strongly recommended. For information on program, hotels and registration, see <http://law.wustl.edu/harris/.ILW2013/>.

## **ILW 2013 October 24-26, 2013 New York**

Preparations are proceeding for International Law Weekend 2013, and the 92nd Annual Meeting of the American Branch of the International Law Association, which will take place Oct. 24-26, 2013 in New York City. The theme for ILW 2013 is "Internationalization of Law and Legal Practice."

The American Branch cosponsors ILW with the International Law Students Association.

The organizing committee has put together an extraordinarily diverse program of more than 30 substantive panels, on such topics as issues in international litigation, intellectual property, children in armed conflict, international commercial and investment arbitration, big data and privacy, outer space law, human trafficking, private international law, climate change, gender and disabilities law, international family law, crimes against humanity, and the project to revise the Restatement of Foreign Relations Law, to name just a few.

As in the past, there will also a General Counsel's Roundtable and a number of "career panels" especially directed at those interested in exploring options and "pathways" in the various fields of international law.

*(Continued on page 4)*

## ***ILA Biennial April 7-21, 2014 Washington DC***

The American Branch will host the ILA's 76th biennial conference in Washington, D.C., on April 7-12, 2014, in conjunction with the annual meeting of the American Society of International Law. The theme is "The Effectiveness of International Law." Details will be available in the coming months; for information, visit <http://www.ila2014.org/>.

A primary focus of the ILA biennials conference is the work of the various ILA committees. Numerous panel discussions are also featured. Each biennial is hosted by one of the approximately 40 branches of the ILA. The ILA's 2012 biennial was in Sofia, Bulgaria, the 2016 biennial will be in South Africa, and the 2018 biennial in Australia.

The April 2014 event promises to bring some 2000 international lawyers from around the world to Washington. It will take place at the Ronald Reagan International Trade Center. Rooms for attendees will be available at special rates at the J.W. Marriott Hotel. A joint program committee is currently considering the substantive panels.

**ILW – MIDWEST**  
SEPT. 19-21, 2013  
Washington College of Law  
St Louis

## ***University of Denver Sturm College of Law Hosts Successful ILW West Conference***

On March 2, 2013 the University of Denver Sturm College of Law (Denver Law) hosted the Western Regional Conference of the American Branch of the International Law Association (ILW West).

The conference, "International Law and Human Security in the 21st Century," covered topics ranging from the environment to human rights to international business and trade and featured distinguished scholars and practitioners from around the country.



Highlights included a keynote address by ABILA President Ruth Wedgwood, Denver Law's Annual Myres S. McDougal Distinguished Lecturer in International Law.

The conference drew over 120 participants from across academia and from around the local Denver legal community.

Denver Law has a rich history of co-sponsoring programs with the ABILA. In 2010, for example, Denver Law hosted International Law Weekend Midwest which covered the topic "Sustainable Development, Corporate Governance,

and International Law."

The agenda, conference materials and a videotape of the conference are available at the conference website: [www.law.du.edu/ilw-west-2013](http://www.law.du.edu/ilw-west-2013).

### **ILA Regional Conference 2013: Hellenic Branch**

The theme of the Conference, to be held August 29-31, 2013 at Cape Sounion near Athens, is: "Imperium Juris: Governance, Trade, Resources." It aims to bring together members of the academic and professional community in order to discuss current challenges facing the rule of law on an international level, with a focus on issues of governance, trade and resources. Visit the Conference website at [www.ilaregional2013.gr](http://www.ilaregional2013.gr).

### **ABILA Events**

If you are interested in hosting an event or have suggestions for future events, please contact Rachel Smith, the American Branch's Program Director, at [programdirector@ila-americanbranch.org](mailto:programdirector@ila-americanbranch.org).

## NEWS OF COMMITTEES AND MEMBERS

For information about the several dozen ILA and ABILA committees and their ongoing projects, see <http://www.ila-hq.org/en/committees> and [http://www.ila-americanbranch.org/Branch\\_Comm.aspx](http://www.ila-americanbranch.org/Branch_Comm.aspx).

We welcome news of ABILA members. It's easy to let us know: simply email your news to [abilanews@gmail.com](mailto:abilanews@gmail.com).

### Committees

Professor-emeritus **Cynthia Lichtenstein**, who serves simultaneously as ABILA's Honorary Vice President and Vice-Chair of the ILA's Executive Committee, will attend the Committee on International Monetary Law of the International Law Association ("MOCOMILA") on September 19 and 20 in Madrid at the Bank of Spain.

MOCOMILA is dedicated to the study of legal aspects of money, payments, currency and financial stability. See the Committee website at [www.mocomila.org](http://www.mocomila.org). The meeting will celebrate the retirement of the Committee's Co-Vice-Chairman Antonio Sainz de Vicuna, as General Counsel of the European Central Bank. (The other Co-Vice-Chair is American Branch member and Executive Vice President and General Counsel of New York Fed, **Tom Baxter**).

### News of Members

In April, ABILA Patron and Hon. Vice President Judge

**Charles N. Brower** received the Lifetime Achievement Award from the ABA Section of International Law. The award acknowledges Judge Brower's extraordinary career achievements as well as his contributions to the development of international law. The award was presented by Section Chair Bart Legum.

ABILA's distinguished Director of Studies, **Prof. Andrea K. Bjorklund**, has been appointed the first incumbent of the L. Yves Fortier Chair in International Arbitration and International Commercial Law at McGill University Faculty of Law, effective July 1.

A recognized expert in international arbitration and litigation, international trade and international investment, Prof. Bjorklund was previously a professor at the University of California (Davis) School of Law and a Bigelow Fellow at the Chicago Law School. Before entering academia, she worked on the NAFTA arbitration team in the U.S. Department of State's Office



of the Legal Adviser and for Commissioner Thelma J. Askey on the U.S. International Trade Commission.

Ronald A. Brand, University Professor and Director of the Center for International Legal Education at the University of Pittsburgh School of Law, has published three works: (1) "Challenges to Forum Non Conveniens," 45 [N.Y.U. J. Int'l Law and Politics No. 3 \(2013\)](#); "Implementing the 2005 Hague Convention: The EU Magnet and the US Centrifuge," a chapter in *Entre Bruselas y La Haya, Estudios Sobre La Unificación Internaccional y Regional del Derecho International Privado: Liber Amicorm Alegría Borrúa* 267 (Joaquim Forner Delaygua, Cristina Gonzalez Beilfuss, & Ramon Vinas Farre, eds., Marcial Pons 2013); and *Jurisdictional Developments and the New Hague Judgments Project*, a chapter in *A Commitment To Private International Law -- Essays In Honor of Hans Van Loon* (Intersentia 2013).

Prof. James Nafziger, who directs the international law program at Willamette Univ. College of Law and is ABILA Hon. Vice-President, has published a paperback version of *Cultural Law: International, Comparative and Indigenous* (Cambridge 2010). His new book, *International Sports Law* (Ed. Elgar 2013), is due out in September.

Melissa Kucinski has been appointed to the ILA's International Family Law Committee.

## Cecil J. Olmstead, 1920-2013 (cont'd)

(Continued from page 1)

traordinarily well-read and insightful, and a genuinely delightful colleague.

Cecil had an extraordinary career. He served in the Army Air Forces in Europe and the Pacific during World War II, graduated *magna cum laude* from the University of Georgia, and received his law degree from Yale. He worked as Assistant to the Legal Adviser Adrian Fisher at the U.S. Department of State and taught at New York University Law School (1953-1961) and at Columbia University School of Law (1959).

He became the assistant to Texaco's board chairman in 1961 and was Executive Vice President when he left in 1980. He then joined Steptoe & Johnson LLP in Washington, where he mainly provided counsel on international law, trade and arbitration matters.

He was a member of the Advisory Panel to the Secretary of State on International Law and the Advisory Committee on The Law of the Sea, an Eisenhower lecturer at the National War College, a U.S. delegate to the UN Conference on the Law of the Sea (1974-1976) and to the UN Conference on the Code of Conduct for Transnational Corporations, as well as a member of ICSID's panel of conciliators (1988-1995).

Cecil wrote and spoke extensively on issues of international law, in-

(Continued on page 6)

## ILW 2013 October 24-26 2013 New York (cont'd)

(Continued from page 1)

ILW will begin Thursday evening, October 24, with a distinguished opening panel at the House of the Association of the Bar of the City of New York, 42 W. 44th Street. A reception, open to all conference attendees, will follow.

The conference will continue Friday, October 25, at Fordham Law School, 140 West 62nd Street, New York City. The program includes a keynote address by ASIL President Donald Donovan and a planned evening reception hosted by a UN Mission.

On Saturday, October 26, the International Law Students Association (ILSA) will hold its annual meeting, as will the American Branch. The ABILA Executive Committee also meets.

Detailed program information on ILW 2013 will be available shortly on the Branch website, at [http://www.ila-americanbranch.org/Intl\\_Law\\_Wknd.aspx](http://www.ila-americanbranch.org/Intl_Law_Wknd.aspx).

Admission to ILW is open to all. Registration is free for members of ABILA, ILSA, and other co-sponsoring organizations (including law firms, NGO's and law schools) as well as staff of the United Nations and Permanent Missions to the United Nations, and students. All others may attend for a modest fee.

As of July 2013, eleven law schools and NGOs have pledged to support

ILW 2013, as have a number of law firms. With this propitious start, we are well on the way to achieving full funding for the event.

We continue to solicit additional support. Please help us convince your law firm, law school, or other organization to co-sponsor this key event. If you can help, or believe your organization might be willing to co-sponsor, contact Professor Aaron Fellmeth at [aaron.fellmeth@asu.edu](mailto:aaron.fellmeth@asu.edu) (re law schools and NGO's) and Nancy Thevenin at [nancy.thevenin@bakermckenzie.com](mailto:nancy.thevenin@bakermckenzie.com) (re law firms and businesses).

The program committee for ILW 2013 is coordinated by Prof. Jack Beard of the University of Nebraska College of Law and includes, besides Prof. Fellmeth and Ms. Thevenin, Vivien Shen (ILSA), Steve Hammond (Hughes Hubbard) and Blanca Montejo (UN). ABILA President Wedgwood and President-elect Stewart are also actively involved.

—

ILA BIENNIAL 2014  
APRIL 7-12, 2014  
Washington, D.C.

In conjunction with  
the ASIL Annual Meeting  
VISIT THE ABILA WEBSITE:  
[www.ila-americanbranch.org](http://www.ila-americanbranch.org)

## BOOK REVIEW

### *Sovereign Equality and Moral Disagreement*

Brad R. Roth

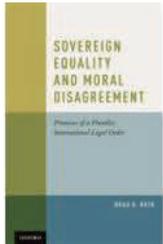
Oxford University Press, 2011

Pp. 320 (Hardcover, US \$78),  
available through <http://www.oup.com>

ISBN 9780195342666

Reviewed by Captain Christopher Bailey, U.S. Air Force Judge Advocate General's Corps

*(Disclaimer: The views expressed in this article are those of the author only and do not necessarily represent the views of the Department of Defense of the United States or the United States Air Force.)*



*Sovereign Equality and Moral Disagreement* by Brad R. Roth provides a fresh alternative to the traditional concept of “sovereignty” within the international system. Prof. Roth’s central thesis is that the majority of current discourse on international law looks at state sovereignty framed by a state-centered realism versus liberal international law approach. He contends that this approach is inadequate when attempting to define and understand the international system. He contends that the better approach is to view sovereignty, or what he terms the “sovereign equality of states” as a necessary and efficient approach in dealing with “persistent disagreements” that

arise between states with differing interests and prerogatives.

One of the more interesting subtopics offered is the relationship between substantive justice, tied to cultural and societal notions of what is just, and rule of law. Prof. Roth posits that the relationship between substantive justice and the rule of law is often in harmony but can be rife with tension. Substantive justice is tied to preconceived notions of what is morally right and wrong; however, it is this moral formulation that often times lacks consensus.

It is this disagreement, what Prof. Roth terms as “moral disagreement,” that requires the need for sovereign structure. It is state sovereignty itself that attempts to create norms to promote “reliability and accountability” across the international system.

While *Sovereign Equality and Moral Disagreement’s* thesis provides a unique and timely approach in examining state sovereignty as a necessary and complimentary piece of international law, the book itself is often disjointed and lacks a succinct narrative. Throughout the book, Prof. Roth jumps from philosophical context to philosophical context without providing a clear roadmap. The book’s later chapters, especially Chapter 6, offer a thorough analysis on the effective control doctrine, however, Mr. Roth tackles too many complex topics for a single book.

Although the book does not follow a clear narrative, the most clear and succinct section is the final chapter.

In the last chapter, Prof. Roth critiques those that see democratic institutions at the international level as the ultimate goal falsely adhere to their own versions of democracy. Mr. Roth states, “democratic entitlement advocates tends to reflect the social position of those with whom they identify.”

Prof. Roth identifies, I believe correctly, that democratic entitlement advocates look solely to the “one person, one vote” concept and do not adequately address equality of power within democratic societies. He cites numerous examples where arguably democratic procedures are utilized at the local and national level; however, socioeconomic conditions often undermine the democratic ideal. Thus, creating democratic procedures within the international arena at the cost of state sovereignty does not effectively address “equality of power.”

Throughout the book, Prof. Roth tackles the modern liberal international approach. Instead of simply arguing from the traditional sovereign-centered scheme, he sees sovereignty and international authority as complimentary. Overall, the book was a joy to read, and I recommend it to anyone wanting to test their own notions on the role of sovereignty in international law.

### WANT TO DO A BOOK REVIEW?

The Branch has an arrangement with Oxford University Press. If you would like to contribute a book review, please contact Tiffany Basciano at [tbascial@jhu.edu](mailto:tbascial@jhu.edu). Please specify the book you have in mind.

## Cecil J. Olmstead (cont'd)

cluding as Associate Reporter to Adrian Fisher in the preparation of the ALI's first Restatement of the Foreign Relations Law of the United States (1964) and as an advisor for the Restatement (Third). He was the Wang Distinguished Visiting Professor at St John's University (1987-1990), a visiting fellow at All Souls College, Oxford University (1988), and a visiting scholar at Yale University Law School (1990-1991).

He received a doctor of law degree (*honoris causa*) from University of Hull in England in 1978. In 1990, he was named an officer of the Order of the British Empire by Queen Elizabeth II.

We are grateful to have known and worked with such a distinguished international lawyer and to have had him as a colleague and leader in the American Branch.

Letters of condolence may be sent to Cecil J. Olmstead III (Jay), 3711 Wroxton, Houston, Texas 77005. His family would be glad to receive recollections from ABILA and ILA Members who knew him and his wife.

In lieu of flowers, tax deductible donations may be made to the American Branch of the International Law Association (ABILA) at: Ms. Seana Cuevas, Munger, Tolles, Olson LLP, 335 South Grand Avenue (35th Floor), Los Angeles, CA, 90071-1560.

## CALENDAR OF EVENTS

### ILA and ABILA Events

The Fall Meeting of the ABA Section of International Law will take place October 15-19, 2013 in London. The American Branch is a Cooperating Entity for this event. Deadline for early bird registration is August 26. For information on the program, hotels, and registration, visit <http://ambar.org/ILfall2013>.

The Branch will also be a Cooperating Entity with the ABA Section of International Law at the Second Conference on Legal Challenges and Opportunities of Mexico, to be held November 7-9, 2013 in Los Cabos, Mexico.

Officials from international organizations such as the Inter-American Development Bank as well as governmental representatives from Mexico, Canada, and the U.S. will present updates on developments in North American integration, and experienced legal practitioners from all three countries will provide detailed programs on changing legal developments of importance to lawyers, corporate executives, bankers, and investors.

For information on programming, registration, hotel accommodations, etc., see the meeting website: <http://ambar.org/mexico2013>. ABILA members are entitled to the Section's reduced registration rates.



### RECRUIT A MEMBER

At the end of 2012, the Branch membership stood at 330, of which 269 were individuals; 24 were organizations or institutions, and 37 were students. By contrast, some 1400 people registered for ILW 2012.

Every ABILA member is urged to recruit at least one new member between now and ILW 2013. Besides ILW, ILW-Midwest and ILW-West, membership offers the chance to participate in important committee work and in regional and institution-sponsored events. Members receive the Branch's biennial proceedings, the ILA's biennial report, and the Branch's annual International Practitioner's Notebook.

Our goal is to double the number of individual members this year, especially by reaching out to students and recent graduates. We also welcome new institutional members and students.

**For membership inquiries,**  
please contact:

American Branch of the  
International Law Association  
c/o Seana Cuevas  
Munger, Tolles & Olson LLP  
355 S. Grand Ave., 35th Fl.  
Los Angeles, CA 90071-1560  
[Seana@ila-americanbranch.org](mailto:Seana@ila-americanbranch.org)