



*New World Order
or
A World in Disorder?
Testing the Limits
of International Law*

**THE AMERICAN SOCIETY OF
INTERNATIONAL LAW
99th Annual Meeting**

**March 30–April 2, 2005
Loews L'Enfant Plaza Hotel
Washington, DC**

FINAL PROGRAM



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Welcome to the 99th Annual Meeting!

On the eve of the ASIL's Centennial, the 99th Annual Meeting Program Committee Co-Chairs, Larry Helfer and Rae Lindsay, challenge us to test the limits of international law as we reflect on developments since we last met. Not only has this year's Committee fashioned panels and lectures that expand our thinking, it also has worked to broaden participation in the meeting itself.

Highlights of our 99th Annual Meeting are:

- A Keynote Address titled "*A decent Respect to the Opinions of [Human]kind*": *The Value of a Comparative Perspective in Constitutional Adjudication* by U.S. Supreme Court Justice Ruth Bader Ginsburg.
- A Presidential Address titled *An American Society FOR International Law* by ASIL President James H. Carter.
- Two sessions composed of panelists invited through ASIL member-wide open calls for papers. These presentations make up the *Theoretical Makeover of International Law* and the *New Voices Forum*.
- Two debates have been organized on *Is International Law Useful to the United States?* and *Weapons of Mass Destruction, International Institutions, and World Order*.
- Prominent non-U.S. voices and perspectives are featured on the legal advisers' roundtable, the WTO Appellate Body members' roundtable, the panel *Voices from the Outside: Sovereign Equality, International Law, and the Imbalance of Power*, and the After Dinner Conversation with ASIL Honorary Members Georges Abi-Saab, Rudolf Bernhardt, Ian Brownlie, and Rosalyn Higgins.

With the help of the Program Committee and panel/ session organizers, the 99th Annual Meeting will provide more opportunities for audience participants to interact with presenters in a variety of smaller group sessions.

None of this could have happened without the dedication and hard work of the members of the 99th Annual Meeting Program Committee. They embody the talent, creativity, and commitment of the ASIL membership. Their mandate was to create enriching and rewarding opportunities for international law analysis and discussion. I know that the most meaningful expression of our collective appreciation for their efforts will be through your active participation. On behalf of the officers and staff of The American Society of International Law, welcome.

Charlotte Ku, Executive Director



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New World Order or A World in Disorder? Testing the Limits of International Law

The international legal system today is confronting unprecedented assertions of national authority, growing disparities in wealth and power, and new crises of legitimacy. These challenges raise profound questions for lawyers and scholars in both the public and private spheres of international affairs: Do we need new international rules and institutions to meet these new challenges, or must existing rules and institutions yield to the realities of national power? Do we need to refine the international legal system to recognize revolutionary as well as evolutionary developments? Is international law reaching the limits of its ability to provide a framework for a stable and just world order? If so, what are the consequences?

The questions that follow provide examples of the tension between the competing visions of a new world order and a world in disorder:

- With actual disparities of power, resources, and capacity to generate and enforce legal rules among states now greater than ever, are we entering an Orwellian age, where some states are more equal than others and where the weak are expected to abide by the rules, but the powerful may choose to disregard them?
- Why do some international regimes and inter-governmental organizations operate with robust rules, strong enforcement mechanisms, and active constituencies while others are weak or languish in relative obscurity? Why

do some international rules penetrate more deeply into national legal systems than others? Why does international law succeed in modifying behavior in some spheres, but play only a marginal role in others?

- What role do powerful private actors like multinational corporations and nongovernmental organizations have in the international legal system? What regulatory regimes should govern their conduct? Should private actors be empowered to act in the public sphere?
- Are the classical sources of international law—treaties, customary law, and general principles—being supplanted by forms of soft law such as nonbinding agreements, resolutions of international organizations, and recommendations?

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GENERAL INFORMATION

Meeting Location

Loews L'Enfant Plaza Hotel
480 L'Enfant Plaza, SW
Washington, DC 20024
Phone: 202-484-1000

On-site Registration

The ASIL registration desk is located in the Solarium on the main floor. It will be open as follows:

Wednesday, March 30	2:00 pm–7:00 pm
Thursday, March 31	8:00 am–7:00 pm
Friday, April 1	8:00 am–6:00 pm
Saturday, April 2	8:00–11:30 am

Badges & Tickets

Name badges must be worn for admittance to panels and the Annual Dinner. Separate tickets are needed for the WILIG Luncheon and box lunches. Lost tickets will not be replaced.

ASIL Services

Credit card transactions can be made at the ASIL Exhibit Booth by those wishing to buy the latest ASIL products.

SAVE THE DATES FOR FUTURE ASIL ANNUAL MEETINGS!

The 100th Annual Meeting, March 29–April 1, 2006;
Fairmont Washington Hotel (formerly the
Washington Monarch), Washington, DC.

The 101st Annual Meeting, March 28–31, 2007;
Fairmont Washington Hotel, Washington, DC.

The 102nd Annual Meeting, April 2–5, 2008;
Fairmont Washington Hotel, Washington, DC

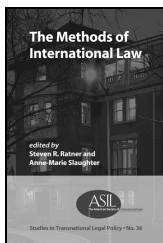
The 103rd Annual Meeting, April 1–4, 2009;
Fairmont Washington Hotel, Washington, DC

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Speakers, Lecturers and Panelists

Georges Abi-Saab	Barbara Berman
Payam Akhavan	Franklin Berman
T. Alexander Aleinikoff	George Bermann
Stanimir Alexandrov	David S. Berry
Roger Alford	Daniel Bethlehem
Charles Allen	Ronald Bettauer
Philip Allott	Jacqueline Bhabha
Karen Alter	Francesca Bignami
José E. Alvarez	Evan Bloom
Kenneth Anderson	Laurence Boisson
Sandra Babcock	de Chazournes
James Bacchus	Alberto Borea
Elena A. Baylis	William Bradford
Manuel Becerra	Daniel Bradlow
Peter Bechtold	Susan W. Brenner
Lauren Benton	Charles H. Brower II
Eyal Benvenisti	Lee C. Buchheit

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William Burke-White	David Golove
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Ruth Bader Ginsburg	Vaughan Lowe

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Bryan F. MacPherson	Philip Sapsford
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Joanne Mariner	Kim Lane Scheppele
Jennifer Martinez	Stephen J. Schnably
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D. Stephen Mathias	Brent Scowcroft
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Judith Miller	David Sloss
Lawrence E. Mitchell	John M. Smith
Andrew Moravcsik	Charles Snyder
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Wednesday

MARCH 30, 2005

9:00 am–2:00 pm

Arbitration and the Involvement of Non-Parties: Transparency, Intervention and Appeal – *Monet Ballroom*

Cosponsored by The Institute for Transnational Arbitration's Academic Council and The American Society of International Law

9:30 am–5:00 pm

Executive Council Meeting – *Quorum Room*

2:00 pm

Annual Meeting Registration – *Ballroom Foyer/Solarium*

5:30–6:45 pm

Seventh Annual Grotius Lecture – *Grand Ballroom*

The Growing Use of International Human Rights Law in the Elaboration of Municipal Constitutions

Lecturer: JUSTICE MICHAEL KIRBY, High Court of Australia

Distinguished Discussant: ARTHUR MARK WEISBURD, University of North Carolina

Moderator: DANIEL BRADLOW, Director, International Legal Studies Program, American University, Washington College of Law

Cosponsored by American University, Washington College of Law

6:45–8:00 pm

Grotius Reception – *Monet Ballroom*

Cosponsored by American University, Washington College of Law

Wednesday, March 30, 2005

7:30–10:00 pm

Grotius Dinner – Quorum Room

(By invitation)

*Sponsored by American University, Washington
College of Law*

Wednesday, March 30, 2005

7:30–11:00 pm

**American Journal of International Law
Board of Editors Meeting/Dinner –**

Renoir Room

Thursday

MARCH 31, 2005

7:45–8:45 am

Interest Group Business Meetings

Africa – *Caucus Room*

Dispute Resolution – *LaSalle Room*

Health Law – *Monet Suites I-II*

International Organizations – *Ballrooms A-B*

Teaching International Law – *Ballrooms C-D*

7:45–8:45 am

Centennial Committee Meeting –

Lafayette Room

9:00–10:30 am

PANELS & LECTURES

State Building I: Issues of Choice, Creation and Legal Justification – *Monet Suites I-II*

This is the first of two panels addressing the phenomenon of state-building. It will identify and analyze issues of concern before such missions are undertaken. Why are certain states chosen for reconstruction initiatives and not others? What is the process by which the missions are designed? What is the legal justification for international actors engaging in projects of social engineering? Do special concerns arise for cases of belligerent occupation?

Moderator: WILLIAM R. SLOMANSON, Thomas Jefferson School of Law

Panelists: EYAL BENVENISTI, Tel Aviv University; AMB. HANS CORELL, Stockholm (former Under-Secretary-General for Legal Affairs, United Nations); ELIZABETH COUSENS, Social Science Research Council; RALPH WILDE, University College London, University of London

Thursday, March 31, 2005

Voices from the Outside: Sovereign Equality, International Law, and the Imbalance of Power – Monet Suites III-IV

In international law, the dominant voices tend to be those of the United States and the larger European states. These nations are often considered the most powerful in the world, yet in number and in population they constitute a minority in the global community. This discussion will explore whether international law would be set on a different course if the real majority of states were given a voice commensurate with the portion of the global community they represent. Do these states share fundamental views, or are they divided, particularly with respect to the nexus formed by power, politics, and international law? Do they see the sovereign equality of states as a help, a hindrance, or an illusion in the construction of the international legal order? In preparation for this discussion, several questions were submitted to selected non-U.S. and non-EU international legal scholars to elicit evidence of the common and divergent views of international law held outside the U.S. and Europe. Having studied the responses, this panel will present and analyze the main concepts gleaned from them, and then open the discussion to participation from the floor.

This panel is sponsored by The Liu Institute for Global Issues, University of British Columbia.

Moderator: JAMES A. GRESSER, U.S. Department of State

Principal Presenter: MICHAEL BYERS, University of British Columbia

Respondents: MANUEL BECERRA, National Autonomous University of Mexico; JUDGE AKUA KUENYEHIA, International Criminal Court; VIKRAM RAGHAVAN, The World Bank

Reflections on the 2003 Supreme Court Term – Ballrooms A-B

In its October 2003 term, the U.S. Supreme Court issued decisions addressing a wide range of

issues relevant to international law, to U.S. foreign relations law, and to the Court's use of foreign law. Some of the cases received considerable media attention, such as those concerning the legal status of "unlawful combatants," the detention of foreign nationals at Guantánamo, and the Alien Tort Statute. Other cases were less noticed but no less significant. This panel will engage in a stimulating roundtable discussion of the meaning and significance of the Court's jurisprudence.

Chair: SEAN D. MURPHY, George Washington University Law School

Panelists: JENNIFER MARTINEZ, Stanford Law School; MICHAEL RAMSEY, University of San Diego Law School; RALPH STEINHARDT, George Washington University Law School

Threats, Challenges and Change: The Secretary-General's High Level Panel – Ballrooms C-D

United Nations reform is said to be like the weather: everyone talks about it, but no one can do anything about it. What are the prospects for meaningful reform in the wake of the High Level Panel on Threats, Challenges, and Change established by UN Secretary-General Kofi Annan after the Iraq crisis in 2003? If implemented, would such reforms avoid Iraq-style division in the future?

Lecturer: LT. GENERAL (RET) BRENT SCOWCROFT, President, The Scowcroft Group (former National Security Adviser to former Presidents Ford and Bush)

Commentators: IAN JOHNSTONE, Tufts University; DAVID M. MALONE, Assistant Deputy Minister (Global Issues), Foreign Affairs, Canada

Moderator: JOHN CAREY, Editor, *United Nations Law Reports*

10:45 am–12:15 pm

PANELS, LECTURES & SMALLER GROUP SESSIONS

Thursday, March 31, 2005

Is International Law Useful to the United States? – Ballrooms A-B

Discussions of whether the United States should adhere to international legal obligations, or enter into new obligations, often focus on the benefits to others. Claims are made that American adherence would “level the playing field,” set an important example for other states, and enhance the legitimacy of international institutions. Many fewer claims involve benefits to the United States itself. This debate, to be conducted in a Lincoln-Douglas format, will address the question directly: Are American interests and foreign policy objectives enhanced by adhering to international norms? Or, as the dominant power in international society, is the United States made worse off when it subjects itself to legal constraints?

Moderator: AMB. RICHARD N. GARDNER, Professor of Law and International Organization, Columbia University, and Senior Counsel to Morgan Lewis LLP

Panelists: JACK L. GOLDSMITH III, Harvard Law School; HAROLD H. KOH, Dean, Yale Law School

Domestic and International Developments Relating to the Death Penalty – Monet Suites III-IV

Legal, political, and moral issues raised by capital punishment increasingly divide the world. The imposition of death sentences by military commissions in the U.S., the influence of capital punishment on extradition and the rendition of suspects, the death row phenomenon, and the evolution of the customary international law of human rights are all subjects of disharmony among state and non-state actors. This panel will review recent developments relating to capital punishment in international and domestic law and consider their consequences for a world in disorder.

Moderator: SANDRA BABCOCK, Attorney-at-Law, Minneapolis

Panelists: PHILIP SAPSFORD QC, Goldsmith Chambers; BRIAN TITTEMORE, Inter-American

Commission on Human Rights; RICHARD WILSON, American University, Washington College of Law

International Claims Litigation I — Is Rough Justice Too Rough? – *Monet Suites I-II*

In post-conflict situations, tribunals are established to resolve residual state-to-state and state-private party claims. In recent years, such tribunals' jurisdiction, authority, and purposes have varied in significant respects. Nevertheless, a central, shared objective has been to end or avoid recurrence of armed conflict, and to provide justice to those affected. The panelists will provide a variety of perspectives on the extent to which such tribunals have accomplished these ends and recommend how best to structure such tribunals in the future.

Moderator: VIRGINIA C. DAILEY, Hunton & Williams LLP

Panelists: JOHN R. CROOK, Multinational Force and Observers, Rome (formerly with the Iran-U.S. Claims Tribunal); MONICA HAKIMI, Attorney-Adviser, U.S. Department of State; B. DONOVAN PICARD, Hunton & Williams LLP

The “New” Regime for Foreign Direct Investment – *Ballroom C-D*

With over 2000 bilateral investment treaties, an increasing number of regional agreements (including the investment chapter of the NAFTA), specialized treaties such as the Energy Charter, and a rising number of arbitral judgments and pending investor-state disputes, the rules governing foreign direct investment are undergoing robust re-examination. A new kind of international law regime may be emerging—one without a single institutionalized focus like the WTO or a single appellate body, and instead dependent on decentralized, privatized adjudication. Such a regime raises serious questions about the proper regulation of the public sphere. The lecture will explore the promise and perils of entangled treaty

Thursday, March 31, 2005

and custom in this setting, focusing on the emerging tensions between national and international dispute settlers and investor rights versus public values.

Lecturer: JOSÉ E. ALVAREZ, Columbia University School of Law, and ASIL President-Elect

Commentator: FRANCISCO ORREGO VICUÑA, Santiago, Chile

Moderator: BARTON LEGUM, Debevoise & Plimpton LLP

Democratic Norms and Regional Stability: Global Challenges and Responses in the Americas – LaSalle Room

Representative democracy is one of the founding pillars of the Organization of American States. This panel tracks and critically evaluates the potential roles for general public international law and the democratic *lex specialis* of the Inter-American system, addressing such questions as: Are international or regional organizations empowered to intervene to bring about democratic changes, and, if so, based upon what (or whose) criteria? Should regional democratic norms be implemented in a robust manner or will gentle persuasion be more successful? Can strong regional powers legitimately engage in pro-democratic intervention? Can weaker states or regional organizations—such as the Caribbean Community—challenge such unilateralism?

Moderator: DAVID S. BERRY, University of the West Indies

Panelists: ALBERTO BOREA, Ambassador of Peru to the OAS; TIMOTHY D. RUDY, Department of Legal Affairs and Services, OAS; CHRISTOPHER SABATINI, National Endowment for Democracy; STEPHEN J. SCHNABLY, University of Miami School of Law

Theoretical Makeover of International Law – Caucus Room

Over the last century, our understanding of the world order, including the role of the state, the

nature of sovereignty, and the importance of non-state actors, has changed dramatically. International law is being called upon to deal with a greater variety of problems than ever before. These developments challenge many of the theoretical bases of international law. Where does the theory of international law go from here?

This panel is sponsored by the International Legal Theory Interest Group. The Interest Group's review committee selected presenters for this event on the basis of blind abstracts and the merit of their proposals, without reference to their identity, sex, or affiliation.

Moderator: BRYAN F. MACPHERSON, Citizens for Global Solutions

Panelists: WILLIAM BRADFORD, Indiana University School of Law; FRANK J. GARCIA, Boston College Law School; ANDREW T. GUZMAN, University of California at Berkeley School of Law; EUGENE KONTOROVICH, George Mason University School of Law

12:00–1:15 pm

Box Lunches available for pick-up by ticket holders – *Ballroom Foyer*

12:30–2:00 pm

**PANELS, LECTURES &
SMALLER GROUP SESSIONS**

**Combating Terrorist Uses of the Internet –
*Monet Suites III-IV***

The use of computers to commit criminal offenses such as fraud and distribution of child pornography challenges international society. Although such abuses pose continuing national and transnational security threats, another threat is on the rise: the Internet as a tool of terrorist groups. Many such groups have established themselves online, taking advantage of the Internet's speed, low cost, anonymity, and ease of access to recruit, communicate, and plan. The panel will examine the efficacy of existing international and

municipal measures and policies being used to combat this growing threat, and whether and how additional preventive measures should be developed and applied.

Moderator: ASHLEY S. DEEKS, Office of the Legal Adviser, U.S. Department of State

Panelists: BARBARA BERMAN, Counterterrorism Section, U.S. Department of Justice; SUSAN W. BRENNER, University of Dayton School of Law; JAMES LEWIS, Center for Strategic and International Studies

Universal Civil Jurisdiction—The Next Frontier? – Ballrooms A-B

Modern international law recognizes as an imperative the need to end impunity for certain categories of heinous conduct, such as genocide, torture, and crimes against humanity. In pursuit of that objective, many assert that a state may now exercise universal jurisdiction to prosecute those crimes even when they take place outside its territory and do not involve its nationals. Much less consideration has been given to the authority of a state to provide civil remedies to victims of these crimes. Prompted by recent developments, including the decision of the U.S. Supreme Court in *Sosa v. Alvarez-Machain*, this panel will examine the civil dimension of universal jurisdiction.

Moderator: DONALD FRANCIS DONOVAN, Debevoise & Plimpton LLP

Panelists: MENNO T. KAMMINGA, Maastricht University Faculty of Law; LORNA MCGREGOR, State Immunity Project Coordinator, REDRESS; LUC REYDAMS, University of Notre Dame; BETH VAN SCHAAK, Santa Clara University School of Law

Alternative Perspectives on the Independence of International Tribunals – Monet Suites I-II

If international courts and their decisions are at least somewhat independent of politics, then law-making by international courts has a potential

to shape state behavior. Conversely, if international court decisions and compliance with them are driven exclusively by politics, then international law offers little hope of contributing to world order. This panel will offer competing ways to conceptualize the central question and alternative answers to it, and will suggest the implications of each for the role of international courts and judges.

Moderator: RICHARD H. STEINBERG, University of California at Los Angeles School of Law

Panelists: KAREN ALTER, Northwestern University; JUDGE ROSALYN HIGGINS, International Court of Justice; ERIC POSNER, The University of Chicago, The Law School; HEINER SCHULZ, University of Pennsylvania

The Administrative Law Frontier in Global Governance – Ballrooms C-D

A great deal of intergovernmental or transnational practice that is normative—involving rules, principles, legal-style reasoning and argument, and legal-style institutions, whether or not it is formally called “law”—is not satisfactorily explained by the classic catalogue of international law sources. One example is the use by administrative bodies (intergovernmental bodies, hybrid or private transnational bodies, and some national institutions addressing transnational issues) of an increasingly common set of principles in making decisions. Understanding this body of practice demands more than international law (*jus inter gentes*), but an answer may be found in older conceptions of the law of nations (*jus gentium*).

Lecturer: BENEDICT KINGSBURY, New York University School of Law

Commentator: PIERRE-MARIE DUPUY, European University Institute

Moderator: LAURENCE BOISSON DE CHAZOURNES, University of Geneva

Thursday, March 31, 2005

Translating Emotional Attachments into Hard Cash – Caucus Room

In recent years, innovative financing mechanisms have been used to promote development in poor countries and underprivileged communities. Some of these include micro-credit arrangements, procedures for funding micro-credit schemes, and government bonds that seek to capitalize on the emotional attachments that potential bondholders have to the bond issuer (such as Resurgent India Bonds). Are these mechanisms successful in generating capital? What are the legal and political challenges that face these financing arrangements? Do they contribute to resolving significant social problems and promoting sustainable development?

Chair: DANIEL BRADLOW, American University, Washington College of Law

Panelists: LEE C. BUCHHEIT, Cleary, Gottlieb Steen & Hamilton; DEBORAH BURAND, Washington, DC; LAN CAO, College of William and Mary, Marshall-Wythe School of Law; ANUPAM CHANDER, University of California School of Law at Davis

12:30–2:30 pm

Women in International Law Interest Group Luncheon – Quorum Room

(Ticket required)

*Crimes Against Humanity in Darfur:
A First-Hand Perspective*

Speaker: JOANNE MARINER, Human Rights Watch

Moderators: DORINDA DALLMEYER, Dean Rusk Center, University of Georgia; TAMMY HORN, Wilmer Cutler Pickering Hale and Dorr LLP; Co-Chairs of WILIG

Joanne Mariner has worked on crimes against humanity, war crimes, and other issues of international humanitarian law. She visited Darfur, Sudan, twice in the past year, where she and other members of a Human Rights Watch delegation documented massacres, rape, and other atrocities. Her film on Darfur, *Darfur Destroyed*, was selected

for this year's International Film Festival on Human Rights in Geneva.

2:45–4:45 pm

Annual General Meeting/Presidential Address – Grand Ballroom

Business Session: Announcements; Awards; Election of ASIL Officers

Presidential Address

An American Society FOR International Law

JAMES H. CARTER, Sullivan & Cromwell,
and ASIL President

Introducer: LUCINDA LOW, Miller & Chevalier

5:00–6:30 pm

Foreign Legal Advisers Roundtable – Grand Ballroom

From the perspective of high level government officials, is international law a tool, an obstacle, or merely irrelevant? As a follow-up to last year's popular panel featuring eight former U.S. State Department Legal Advisers, this panel will bring together distinguished former Legal Advisers to states around the world who will discuss the role that their office and international law played in time of international crisis. The panel will be in short-answer "cross-fire" format to ensure a lively and wide-ranging discussion.

Moderator: MICHAEL P. SCHARF, Case Western Reserve University

Discussants: SIR FRANKLIN BERMAN, Essex Court Chambers; CONRAD K. HARPER, Of Counsel, Simpson Thacher & Bartlett; MARC PERRIN DE BRICHAMBAUT, Director for Strategic Affairs, Ministry of Defense, France; PEMMARAJU SREENIVASA RAO, former Legal Adviser, Government of India; AMB. LEONID A. SKOTNIKOV, Permanent Representative of the Russian Federation to the UN Office and other international organizations in Geneva; AMB. XUE HANQIN, Ambassador of the People's Republic of China to the Kingdom of the Netherlands

Thursday, March 31, 2005

6:45–8:00 pm

Members' Reception – Monet Ballroom

Reception in honor of Florentino Feliciano on the forthcoming publication of *Law in the Service of Human Dignity: Essays in Honor of Justice Florentino Feliciano*, cosponsored by the publisher, Cambridge University Press.

7:00–9:30 pm

New Professionals Interest Group/ILSA-Jessup Reception – Quorum Room

8:00–9:00 pm

Lieber Society Interest Group Social – LaSalle Room

8:00–10:00 pm

Executive Council Meeting/Dinner – Caucus Room

Friday

APRIL 1, 2005

7:45–8:45 am

Interest Group Business Meetings

Lieber Society – *Ballrooms A-B*

Private International Law – *Ballrooms C-D*

Rights of Indigenous Peoples – *Caucus Room*

7:45–8:45 am

**2006 Annual Meeting Program Co-Chairs
Breakfast Meeting – LaSalle Room**

9:00–10:30 am

PANELS & SMALLER GROUP SESSIONS

**State Building II: Issues of Design and
Implementation – *Monet Suites I-II***

This is the second of two panels addressing the phenomenon of state-building. It will examine the many issues surrounding the design, scope, and functioning of state-building missions. These include the mix of international actors appropriately participating in the missions; the models of governance advanced by the missions; how to foster the rule of law; how various reforms are sequenced, including when elections should be held; and the degree of deference shown to local officials.

Moderator: DAVID WIPPMAN, Cornell Law School

Panelists: SARAH CLIFFE, The World Bank; BATHSHEBA CROCKER, Center for Strategic and International Studies; MUNA B. NDULO, Director of the Institute for African Development, Cornell Law School; KIRSTI SAMUELS, Head of the State-Building Program, International Peace Academy

**WTO Appellate Body Roundtable –
*Ballrooms A-B***

The establishment of the World Trade Organization's Appellate Body was one of the key

Friday, April 1, 2005

institutional innovations in the WTO Agreement of 1994, and possibly the one with the most far-reaching legal and political implications. The Appellate Body is now ten years old, an anniversary that provides a timely opportunity to consider its contributions toward achieving the rule of law in world trade. This session features four original members of the Appellate Body who will join in a public discussion for the first time.

This panel is sponsored by Baker & Hostetler LLP.

Moderator: STEVE CHARNOVITZ, George Washington University Law School

Commentators: JOHN H. JACKSON, Georgetown University Law Center; CHERIE O. TAYLOR, South Texas College of Law

Former Members of WTO Appellate Body: JAMES BACCHUS, Greenberg Traurig PA; CLAUDIUS DIETER EHLERMANN, Wilmer Cutler Pickering Hale and Dorr LLP; AMB. JULIO A. LACARTE, Uruguay; and MITSUO MATSUSHITA, Professor Emeritus, Tokyo University

Executive Power in Wartime – Ballrooms C-D

Does the President, as commander in chief, have the constitutional authority to authorize violations of the international legal rules regulating the conduct of warfare (*jus in bello*)? Panel members will address this and related questions, such as whether there is a meaningful distinction between rules that regulate the methods of warfare and rules governing the humane treatment of prisoners. Does it matter whether those legal rules are embodied in a treaty to which the U.S. is a party? Should international law be a factor in construing constitutional separation of powers? What are the implications for world order/disorder of an approach to constitutional interpretation that endows the President with the legal authority to violate fundamental norms of humanitarian law?

Moderator: DAVID SLOSS, Saint Louis University School of Law

Panelists: ROBERT DELAHUNTY, University of St. Thomas Law School; DAVID GOLOVE, New York University School of Law; DAVID RIVKIN, Baker & Hostetler; INGRID WUERTH, University of Cincinnati College of Law

Does Customary Humanitarian Law Contribute to Order or Disorder in the Regulation of Modern-Day Conflicts? –

Monet Suites III-IV

In a world where traditional forms of interstate armed conflict are the exception rather than the rule, how do the principles and rules of customary humanitarian law contribute to the regulation of conflicts that provide the most pressing challenges to peace and security? If international law cannot resolve issues raised by traditional forms of conflict, what can it offer in answer to the new challenges of terrorism or guerilla warfare, or the involvement of non-state actors in conflict situations—be they rebel factions, mercenaries, or private security forces? If we cannot even define some of these problems—such as “terrorism”—how can the international community deal with them effectively? What mechanisms are or may be available to avoid the descent further into anarchy and disorder?

Moderator: EDWARD R. CUMMINGS, U.S. Department of State

Panelists: PHILIP ALLOTT, Trinity College, Cambridge University; JEAN-MARIE HENCKAERTS, International Committee of the Red Cross; HAYS PARKS, U.S. Department of Defense

Parallel Proceedings in International Litigation and Arbitration – Caucus Room

What are the consequences when different companies in a corporate structure bring parallel claims before different arbitral tribunals against the same State Respondent based on the same facts (*Lauder* and *CME* cases)? Or when the same company brings claims against different States before different arbitration tribunals (*Société*

Friday, April 1, 2005

Générale de surveillance cases)? Should it be possible for an investor to bring a case against a host state under one Bilateral Investment Treaty dispute-settlement provision and, at the same time, for the host state to bring a claim before an international tribunal against the investor's home state under a different dispute-settlement provision in the same BIT? This panel will assess whether the different awards issued in such cases create disorder in the international adjudicatory system and, if so, how order should be restored.

Moderator: CAROLYN B. LAMM, White & Case LLP

Panelists: STANIMIR ALEXANDROV, Sidley Austin Brown & Wood; ALEJANDRO ESCOBAR, Herbert Smith; MARK W. FRIEDMAN, Debevoise & Plimpton LLP

10:45 am–12:15 pm

PANELS & SMALLER GROUP SESSIONS

Is There a Role for International Law in the Middle East Peace Process? – Ballrooms C-D

The obstacles to Middle East peace appear intractable. What role can international law play in the search for negotiated solutions? If the parties agree to submit charged issues to binding arbitration, does the recent ICJ advisory opinion on the Israeli barrier provide useful guidance? If binding arbitration is ultimately selected, to what extent could the Egypt-Israel arbitration in the Taba case serve as a model?

Moderator: NASSIB ZIADE, Executive Secretary, The World Bank Administrative Tribunal

Panelists: GEORGES ABI-SAAB, Emeritus Professor, Graduate Institute of International Studies, Geneva; DANIEL BETHLEHEM, QC, Director, Lauterpacht Research Centre for International Law, University of Cambridge; VAUGHAN LOWE, Chichele Professor of Public International Law, Oxford University; AARON D. MILLER, President, Seeds of Peace, and former U.S. Middle East peace negotiator

Immunity and Accountability: Is the Balance Shifting? – *Monet Suites III-IV*

The UN Convention on State Immunities nears submission, and litigation arising from the 9/11 attacks proceeds through the U.S. court system. Both the Convention and the 9/11 litigation provide occasion to reexamine the balance struck by immunity doctrines between the prerogatives of states and the need for accountability. This panel will examine issues of sovereign immunity, diplomatic immunity, and head-of-state immunity in the new settings in which they have arisen and in the light of both national practice and international law.

Moderator: GEORGE BERMAN, Columbia University School of Law

Panelists: ROGER ALFORD, Pepperdine University School of Law; GERHARD HAFNER, Institute of International Law and International Relations; DAVID P. STEWART, Assistant Legal Adviser, U.S. Department of State

International Coalitions of the Willing – *Monet Suites I-II*

International cooperation outside the peace and security area has started to include “coalitions of the willing” in place of, but pursuing goals similar to, formal intergovernmental organizations. In some cases, not only states but also NGOs and individuals establish and participate in these coalitions. Examples range from the Quartet in the Middle East Peace Process to the Global AIDS Fund, to the Proliferation Security Initiative, to the Financial Action Task Force. This panel will examine why such coalitions develop, their legal status, and whether and in what circumstances they prove more fruitful than traditional modes of inter-state cooperation.

Moderator: D. STEPHEN MATHIAS, Multinational Force and Observers, Rome

Panelists: THEODORE S. GREENBERG, The World Bank; LEONARD SPECTOR, Monterey Institute of



Examples of How International Law Affects You

EXAMPLE #1

Way: Enabling you to fly the shortest, most direct route to international destinations.

How: By international agreement permitting overflights of sovereign airspace.

Instrument or Custom: The Chicago International Civil Aviation Convention of 1944.

EXAMPLE #2

Way: Enabling you to mail a letter reliably and easily to anyone in the world.

How: By terms recognizing that specified postal rates in one country will satisfy delivery requirements in all countries.

Instrument or Custom: Constitution of the Universal Postal Union and related protocols.

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THE ASIL NEEDS YOUR IDEAS

100 WAYS INTERNATIONAL LAW AFFECTS YOU

International law is having greater impact on people's daily lives than ever before. As part of the ASIL's 100th Anniversary Celebration, we are collecting the best examples of this impact to be featured in *100 Ways International Law Affects You*. Just how is international law affecting people at home, at work, and at play? How does it affect our communications, travel, health, shopping, and recreation activity, as well as our physical and civic environments?

Have a good example? We want to hear from you during this celebration. If your idea is included in *100 Ways*, your name will be listed in the Acknowledgments and you will be eligible for the **Centennial Prize**— complimentary registration to the Society's 100th Annual Meeting, March 1-5, 2006.

Pick up a Suggestion Form at the ASIL Information Table or the ASIL General Meeting on Thursday, fill it out, and drop it in a Suggestion Box; the examples to the left will show you how to provide the information. Or you may go to www.asil.org/centennial/suggestions.html to submit your suggestions on line.

International Studies; DAVID SULLIVAN, Global Fund to Fight AIDS, Tuberculosis and Malaria

**Testing the Limits of International Law—
Responding to the Crisis in Darfur –
Ballroom A-B**

Friday, April 1, 2005

As the humanitarian crisis has escalated in Darfur, many have called for an international response. However, there has been much debate about what the appropriate response ought to be, raising the question of whether international law has the necessary tools and strength to resolve situations like that in the Sudan. The debate surrounding Darfur is testing the reach and limits of international law, including the norms of international criminal law (in particular regarding genocide), the applicability of international law to non-state actors, norms of international humanitarian law, and principles of humanitarian intervention. This panel will address the reach and limits of international law in responding to this crisis.

Moderator: PETER BECHTOLD, U.S. Department of State (Ret.)

Panelists: JERRY FOWLER, U.S. Holocaust Memorial Museum, Committee on Conscience; GERALD MARTONE, International Rescue Committee, Director of Emergency Response; Amb. CHARLES SNYDER, Assistant Secretary, Bureau of African Affairs, U.S. Department of State

**Exploring the Breakdown of the Public-
Private Divide in International Law and
Law-Making – Quorum Room**

Recent years have witnessed an erosion of the distinction between public international law—modeled on state-to-state interaction—and private international law, as the domain of purely private interaction between private actors. Prominent examples of this phenomenon include the increasing significance of substantive norms of public international law in private litigation, the increasing use of public or quasi-public international law

litigation vehicles to enforce private rights; and the increasing significance of private actors (especially private interest groups) in the creation of both public and private international legal norms. The discussants will examine this breakdown in the distinction between public and private international law and ask: was it a distinction that mattered, and what do recent trends reveal?

Moderator: HANNAH BUXBAUM, Indiana University School of Law at Bloomington

Panelists: SARAH CLEVELAND, University of Texas; JAMES LOVE, Center for Study of Responsive Law, Consumer Project on Technology; PETER D. TROOBOFF, Covington & Burling; TODD WEILER, Expert Consultant at NAFTAlaw.org

New Voices Forum: The Role of Domestic and International Institutions in the Shaping of International Law – Caucus Room

A Call for Papers to the ASIL membership sought proposals from those at an early stage of their careers who are engaged on projects relevant to the Annual Meeting's theme. Nearly 60 submissions were received from 15 countries, from ASIL members affiliated with law firms, NGOs, international organizations, governments, and universities. The proposals covered the gamut of major issues in international law today. Four papers were selected for presentation in this Forum, from which the Moderator then derived the theme for discussion: Noting that the institutions called upon to adhere to and implement international law are increasingly diverse, yet interrelated, this discussion will focus on how this complex system shapes the direction of international law and whether it strengthens or weakens its effectiveness. These four promising "New Voices" will address aspects of this question from the perspective of their research, considering the interaction of domestic and international tribunals, the shifting of governance from public to private institutions, and whether new institutions

are needed to provide a forum for minority communities and values.

Moderator: DINAH SHELTON, George Washington University Law School

Participants: ELENA A. BAYLIS, University of Pittsburgh School of Law, “*Minority Rights, Minority Wrongs*”; WILLIAM BURKE-WHITE, Princeton University, “*Pushing the Limits of International Law: Double-Edged Tribunals and the Domestic Political Effects of International Courts*”; LAURA DICKINSON, University of Connecticut School of Law, “*Contracted Government? Privatizing Foreign Affairs and the Problem of Accountability under International Law*”; JENIA I. TURNER, Southern Methodist University, “*True Complementarity: Mixed Panels and Joint Prosecutions at the ICC*”

12:00–1:15 pm

Box Lunches available for pick-up by ticket holders – *Ballroom Foyer*

12:30–2:00 pm

**PANELS, LECTURES &
SMALLER GROUP SESSIONS**

The Chameleon of Corporate Social Responsibility: Changing Shapes and Challenges – *Ballrooms C-D*

Globalization, privatization, deregulation, and international regulatory cooperation create both opportunities and challenges for multinational enterprises. In seizing those opportunities, corporations face multiple layers of laws and regulations, as well as a dizzying number of standards, guidelines, and corporate codes. In the absence of coherent legal standards, do current efforts to implement corporate social responsibility enhance order for civil society or do they impose western-style norms and values in circumstances where they are not appropriate? Are current initiatives solid foundations for the future or simply diversions towards a dead end?

Moderator: GARY KLEIN, Piper Rudnick LLP

Panelists: TERRY COLLINGSWORTH, International Labor Rights Fund; MARTIN LUTZ, Hunton & Williams LLP; LAWRENCE E. MITCHELL, George Washington University Law School

The Regulation and Extraction of Intelligence in a Comparative Perspective – Monet Suites III-IV

The 9/11 Commission Report raised significant questions about how U.S. intelligence agencies are structured. Less consideration has been given to how those agencies are regulated. This panel will discuss how different countries have dealt with the division between internal and external surveillance, the relationship between intelligence and law enforcement agencies, and the accountability of intelligence agencies to elected officials.

Chair: SIMON CHESTERMAN, New York University School of Law

Panelists: JAYANTH K. KRISHNAN, William Mitchell College of Law; JACQUELINE E. ROSS, University of Illinois College of Law; KIM LANE SCHEPPELE, University of Pennsylvania; JOHN M. SMITH, Deputy General Counsel for Intelligence, U.S. Department of Defense

Late-breaking Issues and the International Criminal Tribunals – Ballrooms A-B

International criminal law is developing at an exceptionally rapid pace, spurred by the creation of new international, hybrid, and domestic tribunals. This panel of experts will discuss late-breaking issues in international criminal law that are emerging from these tribunals. One focus will be the necessary reliance of these tribunals on governmental, international organization, and NGO assistance and cooperation to accomplish their missions.

Moderator: DAVID KAYE, Deputy Legal Counselor, U.S. Embassy, The Hague

Panelists: PAYAM AKHAVAN, Senior Fellow, Orville Schell Center for Human Rights, Yale

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Law School (former Legal Adviser, Office of the Prosecutor, International Criminal Tribunal for the former Yugoslavia); SYLVIA FERNANDEZ, Office of the Prosecutor, International Criminal Court; LARRY JOHNSON, Office of the President, International Criminal Tribunal for the former Yugoslavia

Globalization, Development, and Intellectual Property: New Challenges and New Opportunities – Monet Suites I-II

The pressures of globalization and new technologies have increased tensions among nations disparately affected by transborder trade and investment flows. These tensions are especially acute in the area of intellectual property rights. At the same time, the centrality of intellectual property in the knowledge economy has greatly increased the demand for intellectual property protection and the pressures for functional reforms to cope with these new demands. This lecture and commentary will address these challenges and opportunities, focusing both on the World Intellectual Property Organization's development agenda and on the mechanisms available to enhance the functionality of the intellectual property system.

Lecturer: FRANCIS GURRY, Deputy Director General, World Intellectual Property Organization

Commentator: SARAH B. DEUTSCH, Verizon Communications

Moderator: DEBORA HALBERT, Otterbein College

American Exceptionalism in Treaty Behavior – Quorum Room

The Panel posits and explores the hypothesis that the American approach to international legal regimes differs in significant ways from those of other liberal democracies. Panelists will be asked to discuss American foreign policy behavior in the area of treaty negotiations and ratification, reservations, understandings and declarations (RUDS),

as well as strategies to promote and defeat international agreements across a range of substantive areas (arms control, the laws of war, climate change, trade, human rights, and others). A wider discussion with participation from the audience will follow.

Moderators: ANTONIA HANDLER CHAYES, Visiting Professor of International Politics and Law, The Fletcher School of Law and Diplomacy; SVEN M. SPENGMANN, Privy Council Office, Government of Canada

Panelists: JACQUELINE BHABHA, Harvard Law School; ANDREW MORAVCSIK, Princeton University; EDWARD A. PARSON, University of Michigan; DAVID SCHEFFER, George Washington University Law School

**AB-ILA Executive Committee Meeting –
Caucus Room**

2:15–3:45 pm

PANELS & SMALLER GROUP SESSIONS

**Legal Ethics and the War on Terror:
The Role of the Government Lawyer –
Monet Suites I-II**

What is the proper role of lawyers advising governments engaged in the “war on terror”? Do profound threats to national security alter or emasculate the ethical standards applicable to legal judgments on such issues as the use of force, the treatment of detainees, and the nature of occupied rule? Can we reasonably expect government lawyers to advise their clients that acts deemed essential to preventing terrorist attacks are legally impermissible? Or does loosening ethical standards render legal advice effectively indistinguishable from policy prescriptions? This panel, which includes former high-ranking attorneys in the U.S. Executive Branch, explores these and related issues.

Moderator: JUDITH MILLER, Williams & Connelly LLP

Panelists: VIET DINH, Georgetown University Law Center; SCOTT HORTON, Patterson, Belknap, Webb and Tyler LLP; MICHAEL F. LOHR, Rear Admiral, Judge Advocate Generals Corps, U.S. Navy (Ret), and Judge Advocate General of the Navy, 2002–2004

**International Law in Times of Empire –
*Monet Suites III-IV***

This panel situates contemporary assertions of a U.S. imperium in historical context. How has international law responded in the past to gross disparities in power between nominal equals? What can be learned from the role of metropolitan law in empire, and of imperial law in the metropolis? And what are the implications of empire or hegemony for international institutions and international morality?

Chair: MIRIAM SAPIRO, Summit Strategies International

Panelists: LAUREN BENTON, New York University; DAVID HENDRICKSON, Colorado College; LAURI MÄLKSOO, University of Tartu, Estonia

Weapons of Mass Destruction, International Institutions, and World Order – *Ballrooms C-D*

One of the Bush Administration's priorities is to prevent the proliferation of weapons of mass destruction. The participants in this debate will consider the merits of the Administration's use of international institutions to achieve this goal. Are the formal international institutions, in particular the IAEA, effective, or will more progress be made through more informal structures such as the Proliferation Security Initiative? What is the utility of international organizations in addressing proliferation problems, and do non-state actors help or hinder the process? The participants will also discuss options for addressing the current proliferation "tough cases" such as Iran and North Korea.

Moderator: ANTONIO PEREZ, Catholic University School of Law

Panelists: ROSE GOTTEMOELLER, Senior Associate, Carnegie Endowment for International Peace (former Assistant Secretary for Nonproliferation and National Security, U.S. Department of Energy); STEVE RADEMAKER, Assistant Secretary for Arms Control, U.S. Department of State

International Claims Litigation II – A Case Study on the UNCC – Ballrooms A-B

Established by the Security Council in 1991 to compensate claims for damage resulting from Iraq's invasion of Kuwait in 1990, the United Nations Compensation Commission has processed an unprecedented number of claims by governments, international organizations, corporations, and individuals. As the UNCC nears completion of its claims review work, this roundtable brings together experts with a range of unique perspectives concerning the UNCC's creation, mandate, and operations. The discussants will assess the achievements of the UNCC and the contribution it has made to the development of international law and the sustenance of world order.

Moderator: JEREMY CARVER, Clifford Chance LLP

Panelists: RONALD BETTAUER, Deputy Legal Adviser, U.S. Department of State; YVES FORTIER, QC, Chairman, Ogilvy Renault; MOJTABA KAZAZI, Chief, Governing Council Secretariat, UNCC; JOHN LONSBURG, Bryan Cave LLP; MICHAEL RABOIN, Deputy Executive Secretary, UNCC; MICHAEL SCHNEIDER, Lalive & Partners; NORBERT WUEHLER, Director, Claims Programmes, International Organization for Migration

Trafficking in Humans – Caucus Room

Human trafficking is a major source of political, social, and economic insecurity for States and for individuals. It is also a serious human rights

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violation. Yet highly fractured debates over appropriate strategies for combating this transnational crime challenge the ability of the international legal system to foster a consistent and effective response. This panel will examine these tensions and consider a range of critical issues, including the role of competing transnational legal regimes, the effects of disparities in power, resources, and capacity among countries in their ability to generate and enforce legal rules, and the competing priorities of countries of destination and origin in combating human trafficking.

Chair: JANIE CHUANG, American University, Washington College of Law

Panelists: LOU DEBACA, U.S. Department of Justice; MARIA GRAZIA GIAMMARINARO, Judge, Criminal Court, Rome; PEGGY KUO, New York Stock Exchange; MARTINA VANDENBERG, Jenner & Block; STEPHEN WARNATH, Director, NEXUS Institute to Combat Human Trafficking

3:45–4:30 pm

Patrons Reception – Quorum Room
(By invitation)

4:30–5:30pm

Keynote Address – Grand Ballroom

*“A decent Respect to the Opinions of [Human]kind”:
The Value of a Comparative Perspective in
Constitutional Adjudication*

JUSTICE RUTH BADER GINSBURG, U.S. Supreme Court

Introducer: JAMES H. CARTER, Sullivan & Cromwell, and ASIL President

5:45–7:00 pm

The Treatment of Foreign Nationals by Domestic Courts in Global Perspective – Monet Ballroom

Moderator: T. ALEXANDER ALEINIKOFF, Dean, Georgetown University Law Center

Panelists: DAVID KRETZMER, Bruce W. Wayne
Professor of International Law, Hebrew
University of Jerusalem; Other internationally
renowned experts to be announced.

Sponsored by Georgetown University Law Center

7:00–8:00 pm

President's Reception – *Ballroom Foyer/Solarium*

*Cosponsored by Georgetown University
Law Center*

7:00–8:00 pm

**Intellectual Property Law Interest
Group Social** – *Caucus Room*

**Executive Committees of the International
Criminal Law, Human Rights, and Lieber
Society Interest Groups** – *LaSalle Room*

8:00–11:00 pm

Annual Dinner – *Grand Ballroom*

(ticket required)

Emcee: JAMES H. CARTER, Sullivan & Cromwell
and ASIL President

After-Dinner Conversation

Moderator: THOMAS BUERGENTHAL,
International Court of Justice

Honorary Members: GEORGES ABI-SAAB,
Graduate Institute of International Studies;
RUDOLF BERNHARDT, Max Planck Institute for
Comparative Public Law and International
Law; IAN BROWNLIE QC, Blackstone Chambers;
JUDGE ROSALYN HIGGINS, International Court
of Justice

The Annual Dinner is sponsored by White &
Case LLP.

Friday, April 1, 2005

Saturday

APRIL 2, 2005

7:45–8:45 am

Interest Group Chairs Breakfast Meeting –
Quorum Room

Wrap-Up Panel Members Breakfast
Meeting – *LaSalle Room*

9:00–10:30 am

PANELS, LECTURES &
SMALLER GROUP SESSIONS

The European Union's New Ambitions –
Ballrooms C-D

The EU is a unique legal entity, a supranational body that continues to expand the scope of issues with which it contends and the number of states within its fold. Given its expanding influence in the areas of foreign policy, security, and law enforcement, is the EU emerging as the new leader in the development of international law? Will the EU as a cohesive entity in multilateral institutions and treaty negotiations be a decisive force in determining how the institutions are run and how treaties are written? How are the U.S. and other non-EU states responding to these developments? The panel will discuss whether the usual paradigms of diplomatic interaction and legal relations have been supplanted and, if so, by what new paradigm.

Moderator: EVAN BLOOM, Counsel to the Inspector General (former Attorney-Adviser, European Affairs), U.S. Department of State

Panelists: FRANCESCA BIGNAMI, Duke University School of Law; PIETER-JAN KUIJPER, European Commission; PER LACHMANN, Special Legal Adviser, Royal Danish Ministry of Foreign Affairs

Protagonist or Pawn? The Private Contractor in Foreign Affairs – *Monet Suites I-II*

Private contractors are increasingly playing sovereign roles. Where business relationships are intertwined with state-to-state relations, both contractors and contracting states are often in uncharted territory. What mechanisms exist for regulating these contractors' activities in foreign jurisdictions? What happens if the contractor acts contrary to international legal standards? Who is liable for their actions? Which laws apply, and in which fora, when there are disputes involving these contractors? To what extent are states using public procurement as tools of international relations?

This panel is sponsored by Partners Attorneys & Counselors.

Moderator: ROBERT NICHOLS, Piper Rudnick LLP

Panelists: CHARLES ALLEN, U.S. Department of Defense; SUSAN L. BURKE, Montgomery McCracken Walker & Rhoads LLP; SHARON STEELE, Corporate Counsel, Halliburton Co.

Sovereignty: Essential, Variegated, or Irrelevant? – *Monet Suites III-IV*

This panel will examine the venerable but essential issue of state sovereignty in light of the atomized and conflicting trends in international law highlighted by the Annual Meeting's theme. The speakers will analyze the contemporary meaning of sovereignty in light of some of the central normative claims present in this debate. These include those of developing states seeking protection against interference in economic and political processes; European states now enmeshed in multiple webs of treaty relationships affecting virtually all areas of national policy; human rights advocates seeking to internationalize previously domestic questions; and the United States, which frequently claims a capacity to achieve national goals without the assistance of international norms and institutions.

Moderator: GREGORY H. FOX, Wayne State Law School

Panelists: KENNETH ANDERSON, American University, Washington College of Law; GEORG NOLTE, University of Munich; BRAD R. ROTH, Wayne State University; HELEN STACY, Stanford Institute for International Studies, Stanford University

Saturday, April 2, 2005

Torture, Violence, and the Global War on Terror – Ballrooms A-B

In 2004 the international community confronted a profound challenge to the prohibition of torture. While senior U.S. administration officials described the physical abuse of Iraqi detainees at Abu Ghraib as “atrocities” involving “cruel” and “inhuman” treatment, the International Committee of the Red Cross and others described the same conduct as “tantamount to torture.” These developments raise a host of questions: Does the United States practice torture in Iraq and, more broadly, in the so-called Global War on Terror? To what extent do U.S. policies promote the use of torture? Are existing international norms sufficiently robust to address such acts?

Lecturer: SIR NIGEL RODLEY, University of Essex, former UN Commission on Human Rights Special Rapporteur on the Question of Torture

Commentator: OREN GROSS, University of Minnesota Law School

Moderator: CHARLES H. BROWER II, University of Mississippi School of Law

Sovereignty and the State in Asia: The Challenges of the Emerging International Order – Caucus Room

Until the dawn of European colonialism, the Asian world order was made up of the transacting boundaries of several ancient civilizations. This order was challenged by European colonialism, which spread to Asia the nineteenth-century European conception of sovereignty that emphasized nonintervention. After World War II, Asian countries mobilized this conception as a weapon for national

independence and, later, to mask their attitudes to human rights. During the Cold War, Western countries consolidated a more inclusive and porous notion of sovereignty and began to construct many of the multilateral institutions we know today. Asian countries resisted these trends, and regional institutions have not flourished. This panel will consider several themes that impinge on the notion of the state and sovereignty in Asia, including international security, trade, and human rights.

Chair: MICHAEL C. DAVIS, Chinese University of Hong Kong

Panelists: TOM GINSBURG, University of Illinois; VICTORIA T. HUI, University of Illinois at Urbana-Champaign; C. RAJ KUMAR, City University of Hong Kong

10:30–11:15 am

Visit with Exhibitors – *Ballroom Foyer/Solarium*

11:15 am–12:45 pm

Wrap-up Panel – *Grand Ballroom*

The Wrap-up Panel provides an opportunity for general reflections on the theme and presentations of the 99th Annual Meeting. This session will conclude with a preview of ASIL's Centennial Annual Meeting by 2006 Annual Meeting Program Committee Co-Chair, Donald Francis Donovan.

Moderator: DONALD FRANCIS DONOVAN, Debevoise & Plimpton

Panelists: HILARY CHARLESWORTH, Australian National University; FALI NARIMAN, Senior Advocate, Supreme Court of India, and Member, Advisory Council of Jurists, Asia Pacific Forum of National Human Rights Institutions; EDWIN D. WILLIAMSON, Sullivan & Cromwell

1:00–2:30 pm

**SPECIAL INTEREST GROUP PROGRAMS
AND BUSINESS MEETINGS**

**International Environmental Law –
*Quorum Room***

Saturday, April 2, 2005

International environmental law has developed apace over the last 30 years. From an ad hoc collection of soft law declarations and regional agreements, there are now over 200 multilateral agreements, complemented by an increasing number of principles that have fully emerged as customary international law. The maturity of this development is reflected in environmental law's presence in other areas of international law. Non-environmental treaties incorporate environmental concerns, while international dispute settlement bodies regularly refer to international environmental law in their judgments. This horizontal growth has created challenges for states in regulating contemporary global issues. The interdisciplinary nature of international law can result in the subordination of international environmental law to other areas. The panel will assess how international environmental law is meeting such new challenges in an epoch of ever more complicated international legal relations.

Moderator: KEVIN R. GRAY, Senior Policy Analyst, Environment Canada, and Co-Chair, International Environmental Law Interest Group

Panelists: JOSEPH W. DELLAPENNA, Villanova University School of Law (on Water); DONALD MCRAE, Hyman Soloway Professor of Business and Trade Law, University of Ottawa (on Investment); JACOB D. WERKSMAN, The Rockefeller Foundation (on Climate Change)

**Human Rights IG Business Meeting –
*Lafayette Room***

**International Economic Law Group
Business Meeting – *Caucus Room***

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For more information on the Jessup Competition, contact the International Law Students Association by email to Michael Peil, ILSA Executive Director, at peil@ilsa.org.

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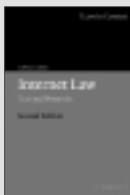
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