International News

“Our mission is to educate diverse, talented students to be responsible leaders in a rapidly changing, interdependent world, to prepare graduates who will be ethical advocates for justice and the rule of law....”

(School of Law Mission Statement)

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“Set Priorities;” Writings on the Ambassador of Lichtenstein to the United States’ visit to Loyola University Chicago School of Law

By: Alexandra Stan

In October, Loyola’s International Law Society welcomed guest speaker Claudia Fritsche, the Ambassador of Lichtenstein to the United States. Ambassador Fritsche began by telling us her story, explaining that it’s no surprise that we couldn’t find information on her educational background: she doesn’t have one. While she was growing up, educational opportunities for men and women were far from equal. Wealthier families may have then afforded to send girls to business schools to learn “secretarial skills and good housekeeping.” Lichtenstein was in the midst of an important transitional period and she described her participation in the country’s women’s movement and in challenging the government.

Ambassador Fritsche got her first job as a lawyer’s assistant at the age of 17. A year later, the political party her family supported won the prime minister seat and her father introduced her to an opportunity to be the personal assistant to the new prime minister. She held this position for four years, after which the party lost office and she spontaneously decided to travel the world. Meanwhile, the party won office again and called her back to work with the government.

With Lichtenstein’s admission to the United Nations in 1990, the country was looking to place an ambassador to the UN. Ambassador Fritsche embraced her work as Lichtenstein’s first Ambassador to the UN, which gave her “twelve professionally very satisfying years, after which she was ready for a new challenge.” It was then that Lichtenstein opened their embassy in Washington D.C. and she went on to become the country’s ambassador to the U.S.

Ambassador Fritsche and two other female ambassadors from D.C., were in Chicago to attend a conference on women’s empowerment and global leadership. She said that women play a critical role in peace building and in preventive diplomacy. The UN Security Council is vital in protecting women and girls from violence and must continue to demand no impunity for gender related crimes. Today, she says, we need to continue to fight to achieve equal rights and inclusion in peace building for women.

“Women and children make up 80% of all refugees and displaced persons” and are the most adversely affected by armed conflict.

The most important message I took away from the Ambassador’s speech is that, like Lichtenstein, we all need to set priorities. As law students, as individuals, as a nation, and as a global community, we must set priorities, not just for rhetoric’s sake, but to really reevaluate our commitments nationally and internationally. I believe we are at a time in which we all need to reflect on what our own and our country’s priorities are; further, we should look at where we are dedicating our energy and resources.

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Women's empowerment should certainly be at the top of that list. CEDAW, the United Nations Convention to Eliminate All Forms of Discrimination Against Women was adopted in 1979, but has still not been ratified by the United States. As attorneys in training, we are learning to master the law and to become better equipped to make a difference on local and international levels. These are issues that demand attention and we need to keep them strongly in mind as we set our own priorities.

**Wing-Tat Lee Lecture**

*By: David Yoshimura and Eric Wang*

On October 13, the School of Law was privileged to host a lecture given by George Bermann, an esteemed professor and chief reporter of the American Law Institute’s forthcoming Restatement of the U.S. Law of International Commercial Arbitration, as its annual Wing-Tat Lee event. Bermann spoke openly about some of the difficulties the drafters of the Restatement have encountered while attempting to consolidate the pivotal but disparate procedural stances of U.S. law with those of foreign countries. While Bermann notes that it is contrary to the ALI’s tradition to “worry about what other countries do,” he strives to openly acknowledge, discuss, and consider the divergences between U.S. and foreign procedures.

Bermann discussed several features of U.S. law that demonstrate these divergences. The first was the very nature of the Federal Arbitration Act, which Bermann describes as “hopelessly outdated.” The FAA, enacted in 1925 and supplemented by the New York Convention and the Panama Convention, is meant to oversee domestic and interstate arbitration proceedings, but has several oversights regarding international arbitration. Awards rendered in countries outside of the New York Convention, for example, are not addressed. Other issues arise, including whether awards rendered in the U.S. with a connection to foreign jurisdictions or parties can be subject to annulment under the Convention. Bermann cites these examples to demonstrate the inadequacy of the FAA to address modern international arbitration.

Bermann also explained how American procedural habits do not always align with foreign countries’. Although several procedures are not problematic (waiver, parallel entitlement, injunctions to enforce agreements), Bermann listed a few that are. Many countries heatedly contest, among other procedures, collateral estoppel, forum non conveniens, and the preclusion from scope reexamination. The drafters of the Restatement are now faced with the difficult task of determining just how fundamental these procedures are and how to sufficiently incorporate them into international arbitration.

Bermann then addressed what he described as “the elephant in the room”: American federalism. The relationship and the differences between the federal and state governments is a perplexing and sometimes frustrating aspect of arbitration in the U.S. for foreign countries. Under the New York Convention, arbitration actions can be brought into a state court, subject to that state’s procedural rules, and while a Supreme Court decision bars heightened standards of review of awards on annulment in federal courts, some state courts allow it. Additionally, within the U.S., the application of state policy in a federal statute that implements an international convention seems laborious, and many foreign countries believe that public policy should not be derived from any one country in the first place, much less a state within that country. American federalism adds even more complexity to the Restatement’s already complex undertaking.

Although arbitration was the topic at hand, Bermann was quick to point out that these considerations are not just for “arbitration junkies,” but should be relevant to anyone who has an interest in international relations and in the international identity of the U.S. “We learn a great deal about who we are,” he explained, “by looking at what others look like, sound like, and what they do.”
The unique partnership Loyola has formed with the Jesuit Universidad Alberto Hurtado provides students and faculty from Santiago, Chile, with the opportunity to visit the School of Law for a week in the fall to study the U.S. legal system. For a similar experience, consider enrolling in Professor Haney’s Comparative Law Seminar on Chile.

**2011-2012 Jessup International Law Team**

Sponsored by the International Law Students Association and the American Society of International Law, the Jessup International Law Moot Court Competition looks at international issues. Students argue as if they are before the International Court of Justice in The Hague, Netherlands. Among recent topics: expropriation, immunity, standing, and whether an obligation exists to admit a country into a multi-state union; whether a multinational corporation’s decision to stop vaccine trials in one of its manufacturing host countries violated the country’s sovereignty. Students from more than 50 countries participate, with winners of regional rounds advancing to national rounds.

**Rona R. Mears Student Writing Competition & Scholarship Award**

The 2012 Competition is underway; the topic is “The Restatement (Third) of the Foreign Relations Law of the United States is Being Revised. What Section or Group of Related Sections of the Restatement, Should be Revised, Why and How?”

The deadline to submit an essay is Friday, January 20, 2012. First Prize is $1,000 for First and Second Place Winners and a $1,000 travel Stipend for each winner to attend the Section’s Spring Meeting in New York City, April 17 -21, 2012.

To find out essay guidelines and submission details please go to [www.americanbar.org/intlaw](http://www.americanbar.org/intlaw)

**Nordic Law Scholarship**

The Nordic Law Club has been a professional and social organization for lawyers for over 75 years. One student from each of the six area law schools will be awarded a prize of $1000.

To qualify, applicants should be in their 3L or final year, and have demonstrated an interest in international law issues. Students interested in this scholarship should submit a letter application to law-financial-aid@luc.edu by December 3, 2011.