

**European Law Research Center  
Harvard Law School  
Annual Report – 2006-2007**

**Part I: Report of Activities**

**A. Summary of Academic Year: 2006-2007**

**1. Research and Scholarship**

**a. Summary Statement**

The European Law Research Center was established in 1991 to solidify and expand Harvard Law School's position as a leader among American universities in European legal studies. In the ensuing years, we have broadened our mandate to embrace new thinking about the structures of international governance and have strengthened our work in comparative and international economic law. Throughout, we have focused our mission on the work of younger scholars bringing new ideas and perspectives to comparative and international legal study.

In 2006-2007, we sponsored an array of workshops, lectures and conferences in the fields of European law, international law, and law and development. We were pleased to host eight Visiting Researchers, as well as nine Visiting Scholars and one Fellow. We were also pleased to have Dr. Surakiart Sathirathai - the former Foreign Minister and Deputy Prime Minister of Thailand, as well the ASEAN candidate for UN Secretary General in 2005-2006 - join us as a Visiting Scholar. We continued to sponsor events bringing leading legal scholars together with interested students, faculty, and other professionals here in Cambridge.

The year began with a senior policy workshop on *Current Developments in EU and U.S. Anti-Trust Law*, organized with our sponsor Cleary, Gottlieb, Steen & Hamilton. The workshop considered comparative aspects of merger control and intellectual property rights and included presentations by leading officials and organizations.

During the winter and spring of 2007, we sponsored a workshop and dinner series on *Development and The Politics of the Global Economy*. The group consisted of faculty and students who met four times for discussion and dinner and to talk about recent work exploring global political economy, law and economic development, and labor justice. We also co-sponsored four large conferences at the Law School, including the Harvard International Law Journal's annual symposium.

In the spring we held two events focusing on law and development in Latin America. In May, we convened law and development specialists from more than ten countries in Brazil for a series of workshops and research trips, co-sponsored with the David Rockefeller Center for Latin America Studies. In June, we followed up with a

two day conference at Harvard Law School on “Global Law in Comparative Perspective: Latin America and Beyond.” Over fifty scholars from more than twenty different countries attended this conference, co-sponsored by the Real Colegio Complutense and DRCLAS.

In 2007 we also inaugurated a program providing research and travel support to a small number of scholars in areas closely related to our ongoing work. In addition, we inaugurated a Fellowship Program offering full and partial student and post-doctoral fellowship support to a small number of scholars pursuing research in areas related to our mission. This year we gave out seven travel grants and awarded seven Fellowships.

Our European Law Program once again sponsored a Speaker Series, a Reading Group, and an initiative on European Private Law. The student led European Law Reading Group brought together students and European law experts to discuss significant European legal and political debates. We were delighted to again sponsor a team in the European Law Moot Court Competition. The team placed second in the finals in Luxembourg in March.

In 2007-2008, the European Law Research Center will continue to host Visiting Researchers and Scholars, and provide a focal point at Harvard Law School for new thinking in the fields of European law, comparative law and international law. We expect to expand our Affiliates Program, co-sponsored with Cleary, Gottlieb, Steen and Hamilton’s Brussels office, who will also join us in sponsoring our annual Workshop on EU and US Antitrust Law. With the Real Colegio Complutense, we will hold our fifth annual Business Law Seminar. We will continue our dinner discussion series workshop on development and the politics of the global economy, and will continue to sponsor conversations about new directions in European Union law scholarship organized in cooperation with the student led Harvard European Law Association.

We are particularly grateful to our friends and sponsors: Cleary, Gottlieb, Steen & Hamilton (Brussels, Belgium); Mautner Markhof Actiengesellschaft (Vienna Austria) Gomez-Acebo & Pombo (Madrid, Spain); Bank Austria (Vienna, Austria).

We are particularly pleased to welcome the Spanish law firm J&A Garrigues, S.L. and their Latin American affiliated network AFFINITAS as a Leading Sponsor of the ELRC. In October 2007, we will co-organize a lecture series by Harvard Law School faculty in Seville, Barcelona, and Madrid. Garrigues joins our founding partner the Real Colegio Complutense (Cambridge, Massachusetts-based affiliate of Complutense University of Madrid, Spain), as a Leading Sponsor. We value their faith in our efforts to provide a focal point for European, international, and comparative law studies at Harvard Law School.

Additional information is available on our website, or in our activities report, available from the Center or online at <http://www.law.harvard.edu/programs/elrc/>

## **b. Academic Conferences – HLS**

The Center regularly sponsors conferences and workshops, ranging from informal events to large meetings bringing over 100 scholars to Cambridge for several days of intensive discussion. We also sponsor numerous opportunities for younger scholars to share their ongoing research with one another, in afternoon or lunchtime workshops, or more informal roundtable discussions. Each year, we also sponsor informal seminars in which participants in the Center's Visitors Program, other affiliates of the Center, and experts from outside the Law School community address particular developments in the law and share their research. These events, which are open to all members of the Harvard community, promote broader understanding of particular subject areas and give scholars the opportunity to use other interested persons as "sounding boards" for new ideas. The Center also serves as a resource for Harvard faculty with European law interests by co-sponsoring lectures, dinners and other informal events suggested by faculty colleagues over the course of the year.

Seminar: *Current Developments in EC & U.S. Anti-Trust Law*  
Harvard Law School, September 27, 2006

The Center and the international law firm Cleary, Gottlieb, Steen & Hamilton sponsored our fourth annual seminar on *Current Developments in EU & U.S. Antitrust Law*. The seminar featured lectures and roundtable discussions with experts from both the legal academic and professional communities. A number of Harvard Law School and other faculty, students, and professionals participated in the seminar.

Conference: *The European Conference: An Assessment of Global Challenges through the Trans-Atlantic Relationship*  
Kennedy School of Government, October 27-28, 2006

The Harvard European Law Association, in close cooperation with the Kennedy School of Government's Euro Club held a student conference on "*The European Conference: An Assessment of Global Challenges through the Trans-Atlantic Relationship*." The conference was an opportunity for US and European scholars and experts to raise current global challenges and their impact on the trans-Atlantic relationship. The discussions focused on weapons' non proliferation, promoting democracy, citizenship and identity, and trade and development.

Workshop: *Legal Theory and Method*  
Harvard Law School, January 7, 2007

The ELRC hosted the first Workshop on Legal Theory and Method in January, 2007. This workshop was an open-ended conversation about the theoretical or methodological issues that members of the group found unsettled, in their own work.

This workshop was created to re-ignite discussion about questions of critical method left open after CLS. Our hypothesis was that the CLS moment was one of great methodological innovation in how to do critical work in the legal field but it was not the end of the matter. Why hasn't methodological innovation continued? Our own sense was that a rather large cohort of people has been applying, and probably revising or

extending, a set of theoretical and methodological ideas hammered out some time ago, but that there has been little overt collaborative forward movement at the level of method. In the many public conference events held in the last years we have tended to treat methodological questions as solved, as if we were each working out our own puzzles, but that all we could look to the group for would be instruction in the old answers, rather than collaborative work toward new answers or new questions. But what are the new questions? What remains methodologically puzzling despite years of critical work by all of us and by many others?

*Workshop: Development and the Politics of the Global Economy*  
Harvard Law School, January 8, 2007

The ERLC hosted the first workshop on Development and the Politics of the Global Economy. For this first session, Harvard Law School Professors David Kennedy, Duncan Kennedy, Chris Desan and Roberto Unger discussed what they see to be the central issues for the group to discuss as they explore the workshop's broad themes. This group was created with the aim of exploring global political economy, law and economic development, labor justice, and current trends in thinking about the legacy of colonialism for transnational law, politics and economy. Some discussions focused on the work of participants, some on invited speakers, and some on background readings. The group has sought to understand how serious inequality of hierarchy are reproduced in global political economy, what role law may have in the process, and what legal intellectuals who find themselves in a peripheral location in the world system might do in response.

*Conference: Up Against Family Law Exceptionalism*  
Harvard Law School, February 2-3, 2007

The ELRC and the Program on Law and Social Thought hosted a conference on "*Up Against Family Law Exceptionalism*." The conference provided participants a chance to get a descriptive grip on family law's exceptional status, and opportunities for political reflection on the stakes that are distributed by various modes of Family law exceptionalism. This conference was Chaired by Janet Halley.

*Workshop: Development and The Politics of the Global Economy*  
Harvard Law School, February 5, 2007

The ELRC hosted its 2nd Workshop on Development and the Politics of the Global Economy with a dinner and discussion at Harvard Law School. Professor Alice Amsden lead a discussion on her paper "*Nationality of Ownership in Developing Countries: Who Should "Crowd Out" Whom in Imperfect Markets?"*" Nearly forty students and faculty members attended this dinner.

*Conference: Striking First: Legal Perspectives on Preemptive Action*  
Harvard Law School, March 2, 2007

The ELRC and The Harvard International Law Journal hosted a conference on "*Striking First: Legal Perspectives on Preemptive Action*." The aim of the conference

was to address *jus ad bellum* and preemptive war by adopting a practical and current events-focused look at the state of the law. The panels addressed real problems and realistic hypotheticals, with a goal of producing a useful set of legal considerations and conclusions about the state of international law regarding some of the most pressing international security questions currently facing the U.S. government. By looking at the past, the present, and the future, the Symposium provided both a day of interesting discussion and a valuable contribution to current affairs legal debates. Panel 1 addressed preemptive strikes against Iran and North Korea. The *jus ad bellum* issues regarding both countries are often conflated. Both countries are pursuing dangerous nuclear weapons programs that could provoke a U.S. response. While there are many legal similarities between the two scenarios, there are important differences as well. Panel 2 addressed preemptive strikes against non-state actors without the approval of the sovereign nation in which the non-state actors are located.

Workshop: *Legal Theory and Method*

Harvard Law School, March 4, 2007

The ELRC hosted the 2nd Workshop on Legal Theory and Method. The group discussed two short essays by Pierre Bourdieu from his book The Logic of Practice

Workshop: *European Integration Through Legal Harmonization? A Case Study of the New EC Securities Regulation*

Harvard Law School, March 5, 2007

The ELRC, HELA and the HLS Graduate Program, hosted a workshop on "*European Integration Through Legal Harmonization? A Case Study of the New EC Securities Regulation.*"

The European Commission considers legal harmonization to be one of the primary tools for achieving European integration. But what degree of harmonization would best achieve this aim? This workshop assessed the successes and failures of EC-wide harmonization of securities regulation between 1999 and 2007. Professors Jules Stuyck of the University of Leuven, Michel Tison of the University of Gent, Veerle Colaert of the University of Leuven, and our Visiting Researcher Tom Van Dyck analyzed different perspectives of legal harmonization and its connection to development and European Integration.

Workshop: *Development and The Politics of the Global Economy*

Harvard Law School, March 5, 2007

The ELRC hosted its 3rd Workshop on Development and The Politics of the Global Economy with a dinner and discussion at Harvard Law School. Professor Dani Rodrik led a discussion on "*What Kind of Globalization?-- Or How to Save Globalization From Its Cheerleaders.*" Professor Rodrik is Professor of International Political Economy at the John F. Kennedy School of Government, Harvard University. He has published widely in the areas of international economics, economic development, and political economy. His research focuses on what constitutes good economic policy and

why some governments are better than others in adopting it. This event was part of our Workshop on Development and The Politics of the Global Economy.

Conference: *Resistance and the Law: Radicalism, Extremism, Legitimacy, Co-Optation*

Harvard Law School, March 16 & 17, 2007

The ELRC and Unbound: The Harvard Journal of the Legal Left hosted on Conference on "*Resistance and the Law: Radicalism, Extremism, Legitimacy, Co-Optation.*" This two day event addressed the issues of how law frames what we see as resistance, how law provides an effective mode of resistance, and how resistance may demand rebellion against the law.

Workshop: *Development and The Politics of the Global Economy*

Harvard Law School, April 12, 2007

ELRC hosted it's 4th Workshop on Development and The Politics of the Global Economy with a dinner and talk by Professor Immanuel Wallerstein (Visiting Scholar, Yale University). Professor Wallerstein lead a discussion on his paper "After Developmentalism and Globalization, What?" Over forty students and faculty attended this dinner.

Conference: *Beyond Good Governance: Law and Development in the 21<sup>st</sup> Century*

Harvard Law School, April 14, 2007

The ELRC and the Harvard International Law Society hosted a conference on "*Beyond Good Governance: Law and Development in the 21st Century.*" Panels discussed the history of the "good governance debate," how the governance agenda is shaped, explored how public perceptions and governance reform movements influence one another, and the emerging frontiers of the governance debate.

**c. Academic Conferences – Foreign partnerships**

During 2006-2007, the ELRC continued to develop our dialog with European and Latin American scholars active in various international and comparative law networks. This past year we co-sponsored one conference.

Seminar: *Shareholders Rights in Listed Companies*

Harvard Law School, October 30-31, 2006

The Center, along with its Co-Founder and Sponsor the Real Colegio Complutense, hosted our fourth annual Business Law Seminar on "*Shareholders Rights in Listed Companies.*" This conference was organized by Professor Juan Sánchez-Calero Guilarte of the Complutense University in Madrid.

*Latin American Legal Studies Initiative.*

For this initiative we held two events focusing on law and development in Latin America, both co-sponsored by DRCLAS and the RCC.

*Initiative 1: Law and Development in Latin America: Legal and Institutional Innovation*

Sao Paulo & Rio de Janeiro, Brazil, May 29 – June 2, 2007

The ELRC and the David Rockefeller Center for Latin America Studies hosted workshops in May in Brazil on "*Law and Development in Latin America: Legal and Institutional Innovation.*" The objective of these workshops and research trips in Sao Paulo and Rio de Janeiro was to create an opportunity for scholars from different research institutions from North and Latin America to exchange information about their current research projects on "Law and Development" and also to be exposed to initiatives developed outside the legal academy, which might be a source of inspiration for future joint research. Scholars from over ten countries participated in these workshops.

We began with a workshop on "Law and Development in Latin America: Legal and Institutional Innovation" at the Universidade de São Paulo, São Paulo, Brazil, on May 29, 2007. This event was followed by visits to institutions implementing innovative policies and reforms in São Paulo and Rio, from May 30 to June 2, 2007. During the one-day workshop at USP on May 29, participants presented their projects to the other participants and engaged in debate. At the end of workshop, we discussed the possibilities for future joint research activities and exchanges. The research trip focused on initiatives implemented in Brazil by public and private institutions that are considered innovative by the literature on social and economic development, such as the "participatory budget" projects, the "bolsa escola", negotiated land-reform, the HIV/AIDS program, the Novo Mercado from the São Paulo Stock Exchange, the disarmament campaign, and others.

*Initiative 2: Global Law in Comparative Perspective: Latin America and Beyond.*  
Harvard Law School, June 16-17, 2007

For some years, the ELRC has encouraged comparative research on patterns of legal influence on a global scale, and on the relationship between law –international, national, local– and patterns of economic, political and cultural dependence, domination or inequality. On June 16-17, 2007, the ELRC, the Real Colegio Complutense and the David Rockefeller Center for Latin American Studies (DRCLAS) hosted a two day conference at Harvard Law School on "*Global Law in Comparative Perspective: Latin America and Beyond.*" This workshop discussed the methodological and analytical challenges facing the study of law as global phenomena. We explored the heuristic usefulness of alternative approaches to the study of the globalization of law; namely, comparative legal studies, analyses of global history, studies of legal consciousness or legal pluralism. Secondly, we situated the methodological discussion by specifically thinking about global law in its relationship to the Latin American region. We focused on three topics: a) *Law as a component in national and regional identity, political*

*engagement and struggle; b) Law and development in the new global economy and c) Latin American policy innovations.* Finally, we asked a group of legal scholars, experts on various regions of the world –*Africa, Middle East, East/Central Europe and East-Asia*– to reflect upon the methodological issues as well upon the nature of legal phenomena in their own regions regarding both the global sphere and in comparison to Latin American and other regions of the world. This workshop brought together over 50 scholars from more than 20 countries.

#### **d. Academic presentations**

Discussion: *HELA Breakfast Discussion*  
Harvard Law School, November 2, 2006

The ELRC and The Harvard European Law Association (HELA) hosted a breakfast discussion on the 21st century challenges and the EU perspective. Robert Cooper, Director General for External and Politico-Military Affairs at the Council of the European Union gave a presentation on EU foreign policy. This talk was part of our European Law Association Reading Group.

Discussion: *Constructivist Approaches to International Law*  
Harvard Law School, November 13, 2006

Andrew Lang gave a talk on "*Constructivist Approaches to International Law.*" The readings for this lecture were Andrew Lang's "Institutions and International Trade: Some Lessons From Sociology and Constructivism" (2006) and Suchman and Edelman's "Legal Rational Myths: The New Institutionalism and the Law and Society Tradition" (1996) Andrew Lang is a Lecturer at the London School of Economics and Political Sciences. This talk was part of our International Law Reading Group.

Discussion: *US and French Approaches to International Law*  
Harvard Law School, November 29, 2006

The ELRC's International Law Reading Group met to discuss "*US and French Approaches to International Law*". The reading for this talk was Emmanuelle Jouannet's, "*French And American Perspectives On International Law: Legal Cultures And International Law,*" (Maine Law Review Volume 58, Number 2, 2006.) The discussants for this event were David Kennedy, (Harvard Law School) Lucie Delabie, (Ph.D. Candidate, Universite Paris I Sorbonne) and Hengameh Saberi, (SJD Candidate, Harvard Law School). This talk was part of our International Law Reading Group.

Lecture: *International Law from within: The American tradition.*  
Harvard Law School, November 30, 2006

The ELRC hosted Professor Jose Alvarez who presented a talk on "*International Law from Within: The American Tradition.*" Professor Alvarez is the Hamilton Fish Professor of International Law and Diplomacy at Columbia Law School. This talk was part of our International Law Reading Group.

Discussion: *Working Paper Series*  
Harvard Law School, December 1, 2006

The first session of the ELRC & HELA Working Papers' Series took place on December 1, 2006. The working papers' series provide a forum for the Harvard Law School students to present and discuss papers on the European law/European integration.

Dries Cools, LL.M. '07 presented a paper on "*EU Institutions and EU Member States in WTO Negotiations*"

Tom Van Dyck, a Visiting Researcher, presented his paper on "*Unraveling the Golden Share Case Law: In Search of a Keck Style Test to Distinguish "Good" from "Bad" Golden Shares*"

Cora True-Frost, LL.M. '06 and a Fellow at the KSG, presented a paper on "*Security Council and Norm Adoption.*"

The papers were discussed by HLS S.J.D. candidates Holger Spamann, Stavros Gkantinis, and Arnulf Becker.

Discussion: *21st century challenges and the EU perspective*  
Harvard Law School, December 5, 2006

The ELRC and HELA hosted a breakfast discussion on the 21st century challenges and the EU perspective. Jamie Shea, Policy Planning Director at the Secretary General's office, NATO, discussed the recently held NATO Riga Summit. This talk was part of our European Law Association Reading Group

Discussion: *SJD Discussion with Professor Philip Allott*  
Harvard Law School, March 7, 2007

Professor Philip Allott led an international law discussion with HLS SJD's Moria Paz, Arnulf becker, Iain Frame, Ermal Frasheri, and Hengemeh Saberi. The discussion and dinner offered students an opportunity to share their own research with Professor Allot as well as with each other. Professor Allott is a Professor of International Public Law at Cambridge University.

Lecture: *Democratic Militancy and Democratic Rule: Party Ban in Western Europe*  
Harvard Law School, March 16, 2007

ELRC and HELA presented a lecture by Giovanni Capoccia, a professor of comparative politics at Oxford University and currently a fellow at Radcliffe, on "*Democratic Militancy and Democratic Rule: Party Ban in Western Europe.*" The paper focused on a comparative analysis of how democracies of Western Europe deal with extremist parties and movements. This Lecture was part of our European Law Association Reading Group.

Lecture: *Law After the Welfare State or The Ironic Turn of Reflexive Law*  
Harvard Law School, March 21, 2007

Professor Peer Zumbasen (Osgoode Hall Law School, York University) presented a talk on "*Law After the Welfare State or The Ironic Turn of Reflexive Law.*" The paper traced the re-emergence of formalist approaches to law-making and its troubling coincidence with a proliferation of hybrid forms of regulation through public, private, hard and soft norms. Looking at evidence and discourse in corporate, contract, administrative law, the paper explored the way in which the shift from government to governance, once perhaps conceptualized as an emancipatory, empowering move, has been promoting a far-reaching de-politicization of legal debate. The discussant for this event was Duncan Kennedy (HLS). This Lecture was part of our European Law Association Reading Group

Lecture: *Democratization, Development and Legality in Latin America*  
Harvard Law School, March 27, 2007

Professor Julio Faúndez (Warwick University) gave a talk on "*Democratization, Development and Legality in Latin America.*" Participants read selections from Professor Faúndez publications including 'Democratization Through Law: Perspectives from Latin America' (Democratization, Vol 12, No5, December 2005, pp.749-765), Introduction to 'Democratization, Development and Legality: Chile form 1831 to 1973,' (forthcoming) and 'Should Justice Reform Projects Take Non-state Justice Systems Seriously? Perspectives from Latin America' (The World Bank Legal Review: Law, Equity and Development. Pp 113-139 (2006)) This Lecture was part of our Speakers' Series on Law & Development

Discussion: *Working Paper Series*  
Harvard Law School, April 4, 2007

The second Working Papers' Series included presentations of the following papers:

Avirup Bose, LL.M. '07, presented a paper on "*Revisiting Renaissance in Antitrust law: an attempt to re-examine the difference between US-EU Antitrust law, through the prism of Religion*";

Yarik Kryvoi, LL.M. '07, presented a paper on "*The European Union Generalized System of Preference: Linking Trade and labor Standards*";

Juan Jorge Piernas Lopez, LL.M. '07 presented a paper on "*Is It Worth It? Leniency Applications in Europe and U.S. Litigation Risks.*"

Lecture: *Precipitate Decline in U.S. Power and Its Legal Implications*  
Harvard Law School, April 12, 2007

Professor Immanuel Wallerstein (Visiting Scholar, Yale University) presented a talk on "*Precipitate Decline in U.S. Power and Its Legal Implications.*" Professor Wallerstein, is the former President of the International Sociological Association (1994-1998), and chair of the international Gulbenkian Commission on the Restructuring of the Social Sciences (1993-1995). He writes in three domains of world-systems analysis: the historical development of the modern world-system; the contemporary crisis of the capitalist world-economy; the structures of knowledge. Duncan Kennedy provided an introductory comment for this lecture. This Lecture was part of our European Law Association Reading Group

Discussion: *The EU at a Crossroads: On the Institutional Reform.*  
Harvard Law School, April 16, 2007

ELRC and HELA hosted a talk by Carmen Marques, HLS LL.M. '86 and currently an EU Commission official on "*The EU at Crossroads: On the Institutional Reform.*" The talk was an overview of the functioning of the European Union and discussed the reforms facing the European Commission. This Lecture was part of our European Law Association Reading Group

Lecture: *Marxism and International Law.*  
Harvard Law School, April 26, 2007

Professor Susan Marks (King's College London) presented a talk on "*Marxism and International Law.*" Professor Marks, who teaches Public International Law, commented on selections from Capital, Vol 1, Marx and Engels, The German Ideology, and Marx's , 'The Future Results of British Rule in India' which was published in the New York Daily Tribune in 1853. This event is part of our International Reading Group.

#### **e. Visiting Researchers**

The Center sponsors an active program for Visiting Fellows, Researchers and Scholars. We again added a "Writing Fellow" to assist our Visiting Researchers and Scholars with their oral and written skills in academic and professional English. Fellows are usually funded by outside sources. Visiting Researchers and Scholars at the Center generally stay for one semester but appointments may range from one month to one year. All have access to the Harvard library and e-mail systems and, subject to instructor approval, may audit Law School classes on a non-credit basis. The Center arranges informal luncheons and other gatherings at which Visiting Fellows, Researchers and Scholars are able to meet Law School students, faculty, and each other.

Visitors Program 2006-2007

ELRC 2006-2007 Visiting Researchers & Scholars

*Katharina Parameswaran* (Germany) is a Ph.D. candidate at the Institute for International Affairs at the University of Hamburg, Germany. She is a scholar of the German National Merit Foundation (Studienstiftung des deutschen Volkes). Katharina studied law at Ruprecht-Karls University of Heidelberg, Université Paris I Panthéon Sorbonne and at the University of Hamburg (First State Examination) and also holds a Masters Degree ( M.A.) in Political Sciences of South Asia from Ruprecht-Karls University of Heidelberg. Her main fields of interest include international humanitarian law and European Community Law. Katharina's doctoral dissertation is on the international law of military occupation and the challenges to it arising from asymmetrical conflict structures. She is currently a Law Clerk at the Highest Regional Court of Appeals in Hamburg.

*Ignacio de la Rasilla del Moral* (Spain) is Research Associate of the Philosophy of Law and Political Thought Department of Universidad Pablo de Olavide in Seville. He is a member of the editorial board and book review editor of *Revista Internacional de Pensamiento Político*, and holds a Law Degree from the Universidad Complutense de Madrid and an D.É.A. in International Relations with specialization in International Law from l'Institut universitaire d'hautes études internationales in Geneva where he is currently enrolled in the Ph.D. programme. At the ELRC his research interests focus on the legal analysis of the democratic principle in international law and US' neoconservative foreign policy to the general theory of human rights and international legal theory. List of publications and further details can be found at <http://www.ignaciodelarasilla.org>

*Björn Arp* (Germany) is Assistant Lecturer of Public International Law and International Relations at the Law School of the University of Alcala since the year 2000. In December 2006 he finished his PhD, defending a thesis on “The concept of national minority and the control mechanisms of the European Law of national minorities in Europe.” He is author of several articles related to the protection of national and religious minorities in journals and books published in several European countries, as well as on some other topics, such as the electronic access to the sources of Public International Law and European Community Law and the recent German jurisprudence on conscientious objection. He has been Secretary of the Specialization Course on International and European Law of Human Rights between 2000 and 2004, and since 2004 he is the Academic Secretary of the Masters Program on Human Rights Protection, organized by the University of Alcala in cooperation with the Spanish Ombudsman. He is Visiting Researcher at the European Research Center of HLS between January and July 2007. His current topics of research relate to the judicial protection of foreign direct investment.

*André de Sousa Vieira* (Portugal) is a PhD candidate at the University of Barcelona School of Law. His research focuses on a comparative study between the American and European markets. Andre is a lecturer on commercial law and capital

markets at the University of Barcelona as well as a member of the Barcelona Bar Association. He is currently completing his PhD thesis on "Legal Analysis of Credit Derivatives and Synthetic Securitization"

*Susana Galera Rodrigo* (Spain) is a Professor Administrative Law at the University Rey Juan Carlos (Madrid). She is the author of several books, mainly on European law, environmental and land-use issues. She has published several articles about these issues and other related topics. At the ELRC, she has continued her previous researcher on European justice (Sistema Europeo de Justicia Administrativa, Dyckinson, Madrid 2006), considering the American Legal System as an useful model for Europe, as far as a plurality of judicial levels simultaneously and efficiently work. In addition to her academic tasks, she takes part in some European community working groups and committees.

*Antonio Martinez Marin* (Spain) is a Full Professor of Administrative Law at University of Murcia, Visiting Scholar at the European Law Research Center at Harvard University, and Fellow at the Real Colegio Complutense in Harvard. He has been also a Visiting Scholar at La Sorbonne (working especially in the libraries Cùyas and Saint Genevieve), La Sapienza (library of Seminario di Diritto Publico), Max Planck Institut in Heidelberg, and ITTM in Münster. Hi is the founder (and until 2005 the Chairman) of the Department of Administrative Law in the University of Murcia. He is the author of 13 books and dozens of specialized papers in scientific journals and newspapers. Likewise, he has supervised and written the introduction to 7 Doctoral Theses. During 2007, Antonio is carrying out a comparative study about "The control of Federal Administration in USA and the control of State Administration in Spain".

*Guillermo Guerra Martin* (Spain) is a Professor of Commercial and Corporate Law at the Universidad Rey Juan Carlos (Madrid) and a practicing attorney with the Spanish law firm Ramon & Cajal since 2005. He received his LL.B. from Universidad Complutense de Madrid and his Ph.D. from Universidad Rey Juan Carlos. He is the author of *El gobierno de las sociedades cotizadas estadounidenses. Su influencia en el movimiento de reforma del Derecho europeo* ("The Governance of US Listed Corporations. Its Influence in the Reform Movement of European Law") and "Control conjunto y Derecho de OPAS" ("Joint Venture and Takeover Law.") He has also published several legal articles about Corporate Law and Securities Law. At the ELRC his research will focus on the regulation in the United States and in Europe of the takeovers, an more specifically on the analysis of the "passivity rule" and the "break-through rule", and the way the different European Member States are implementing them and the effects for the European securities markets and corporations. On November 28th, 2006, he gave a talk at the Harvard Law School, organized by the European Law Research Center, titled "The anti-takeover measures in the European Directive on takeover bids (the passivity rule, the break-through rule and the reciprocity rule)".

*Pablo Diaz Gridilla* (Spain) is a corporate lawyer and a fellow of the Real Colegio Complutense currently conducting a research project on cross-border statutory mergers between European (Spanish) and U.S. (Delaware) companies. He holds a degree in law from the Universidad Pontifica de Comillas (ICADE), is admitted to the Bar of Madrid

and works for the Corporate and Mergers & Acquisitions Department of Garrigues Law Firm in Madrid, specialized in cross-border transactions.

*Petri J. Suopanki* (Finland) is a Master of Social Science Candidate at the University of Helsinki. His research focuses on International Post-Conflict Governance.

*Matías Irigoyen Testa* (Argentina) is a Research Assistant and a PhD candidate at the Universidad Complutense de Madrid, Law Faculty, Department of Applied Economics (Spain) focusing his PhD dissertation on Economic Analysis of Punitive Damages. He holds Masters Degrees in Law, Economics, and Public Policy from the Instituto Universitario Ortega y Gasset, Universidad Complutense de Madrid (2002) and in Financial Analysis from the Universidad Carlos III de Madrid (2003). From 2001-2005 he was awarded a grant from the Rafael Del Pino Foundation (Spain). From 1999-2001 he was a Law Professor at the Universidad Nacional del Sur, Department of Law (Argentina), researching Economic Analysis of Torts and Economic Analysis of Civil Responsibility, and teaching Tort Law, Elements of Law, Institutions of Private Law II, Law and Tourist Legislation.

*Surakiart Sathirathai* (Thailand) is the former Thai Minister of Finance, Minister of Foreign Affairs, Deputy Prime Minister overseeing foreign affairs, culture, and education, and concurrently Acting Minister of Culture. He was an Adviser to several Prime Ministers and a Member of Parliament. Dr. Surakiart was the first Thai Foreign Minister who completed a four-year term of elected government. In 2005–2006, he was endorsed by ASEAN (Association of Southeast Asian Nations) to be a candidate for the position of Secretary-General of the United Nations. Dr. Surakiart received his SJD from Harvard.

#### ELRC 2006-2007 Senior Fellow

*Rose Moss* (South Africa) joins the ELRC as a writing fellow. She has taught creative writing at the Nieman Foundation since 1993, and specializes in counseling international fellows to build on their existing writing skills. Rose has published three books and short stories, literary criticism, and non-fiction articles and opinion pieces. Her first novel, *The Family Reunion*, was short-listed for a National Book Award and her second, *The Terrorist*, set in South Africa, was featured by the New Fiction Society. *Shouting at the Crocodile*, a non-fiction book, focuses on the treason trial of two anti-apartheid leaders, now members of the government in South Africa. Her articles, short stories and opinion pieces have appeared in scholarly and literary journals and the *New York Times*, *Los Angeles Times*, *Boston Globe*, *International Herald Tribune* and *Atlantic Monthly*. Her stories have been republished in anthologies in the United States and abroad and are cited in *Best American Short Stories*. She holds an MBA from Boston University, and has consulted to Fortune 500 companies and family businesses. Her honors include a Quill Prize and a Mellon Fellowship at Wellesley College, where she taught for nine years. She was a Phelps Stokes Scholar and has been a Fellow at the MacDowell Colony and a guest at Yaddo and Ossabaw. She was a member of PEN American Center and the Council of PEN New England and has served on the PEN NE Freedom to Write Committee. Significant portions of Rose's fiction and non-fiction treat

people engaged with the law in the United States and abroad. Rose will be a great asset to the Visiting Scholars and Researchers at the Center. Click [here](#) for Rose's web page.

#### **f. Support for faculty and student affiliate research**

In addition to its Visitors Program, the Center encourages research by HLS doctoral candidates and other Center affiliates. We have sponsored numerous informal gatherings at which HLS faculty have presented their ongoing research for comment by students and ELRC affiliates, as well as opportunities for doctoral students to present their work to colleagues and faculty. Many of our conference and workshop activities arise from student suggestions and are driven by student organizational energy. We occasionally sponsor HLS faculty research on European law.

The ELRC has also generously supported a number of lectures and presentations by Director David Kennedy. In 2006-2007, these included '*Global Law in Comparative Perspective: An Agenda for Research*' presented at the workshop "Global Law in Comparative Perspective: Latin America and Beyond" Harvard Law School, Cambridge, MA, June 15, 2007; "*Law and Development Projects in Brazil and Beyond*" presented at the Harvard Law School Alumni Association, Rio de Janeiro, Brazil May 31, 2007; Keynote Address at the TWAIL Conference, Albany Law School, Albany, New York April 20, 2007. Interview on *Of War and Law* on BBC Television's *The World*, London, England, December 12, 2006; 2006; Interview on *Of War and Law* on the BBC's Radio 4 Today Programme, London, England, October 20, 2006; Book Discussion on *Of War and Law* presented at The Cambridge Forum, Cambridge, MA, September 28, 2006; "*Modern War and Modern Law*" presented at; the University of Minnesota Law School, Minneapolis, Minnesota, November 10, 2006; the Center for International and Comparative Law, Baltimore Law School, Baltimore, MD, October, 26, 2006; the Institute for Policy Research, London, UK, October 24, 2006; at The Fletcher School - Tufts University, Medford, MA, October 18, 2006; the Watson Institute for International Studies 'Beyond Terror' Lecture Series, The Watson Institute, Brown University, Providence, RI, October 12; Professor Kennedy also presented remarks at the following conferences and workshops: The School of Oriental and African Studies faculty workshop, London, England, July 3, 2007; The Task Force on Institutional Design for China's Evolving Market Economy, Manchester, England, July 4-5, 2007; The Law and Development in Brazil Conference, Faculdade de Direito da USP, Sao Paulo, Brazil May 30, 2007; The New International Law Conference, Oslo, Norway, March, 2007; The Conference "International Law After the Age of Three Worlds" Washington, DC, September 15, 2006; The Initiative for Policy Dialogue's China Task Force Meeting, Manchester, England, August 8 - 9, 2006; The Initiative for Policy Dialogue's Financial Markets Reform Task Meeting, Manchester, England, July 25 - 27, 2006.

#### **2. Contributions to the HLS Teaching Program**

The ELRC has often been a source of support for HLS faculty seeking to bring European perspectives to their classrooms. This past year we co-sponsored a talk by Rolf Sturmer on October 18 at 5 pm in Pound 332 on Private Enforcement of Competition Law

in Europe; Some Remarks on the New Green Paper of the European Commission. This talk was organized by Peter Murray. This Summer we will sponsor a two-day visit by Zackie Achmat to the Law School on August 8 and 9 to meet with Professor William Forbath, Jeremy Perelman (HLS SJD), and Lucie White about a potential book they're co-writing on the South African Aids Treatment Action Campaign.

### **3. Participation of HLS students in Program Activities**

#### **a. Support for doctoral and other student research**

At present, more than 50 European students are enrolled in the law school's graduate program, and numerous J.D. students are pursuing research and career options relating to European legal studies, international and comparative law, and social thought. Many of the school's candidates for the J.D., LL.M. and S.J.D. degrees are working on Europe-related theses. The Center aspires to provide a focal point for their work.

Students working on topics related to our work are encouraged to become Affiliates of the Center, and to receive weekly and quarterly updates on European legal developments. We also serve as a conduit for students seeking links to practitioners with expertise in fields related to their scholarly research.

In 2007-2008, the European Law Research Center inaugurated a Fellowship Program offering full and partial student and post-doctoral fellowship support to a small number of scholars pursuing research in areas related to our ongoing work. Ideas do matter in global governance. Unfortunately, the range of ideas about law, politics and economy now dominant in the leading institutions of global society tend to reproduce, rather than challenge, the world's most pressing economic and social hierarchies. We are convinced that unless intellectuals and other leaders find their critical impulses affirmed, their intellectual tools refined, and their capacity for bold and original thinking nurtured, new modes of social justice are unlikely to emerge.

For 2007-2008, we focused our Fellowship support on current HLS doctoral students and those just completing the doctorate working collaboratively with the ELRC. We were particularly interested in candidates from emerging markets and developing economies.

This year we awarded seven Fellowships in collaboration with the Graduate Program to the following SJD candidates:

Arnulf Becker Lorca (Chile) Arnulf is in his last year of the SJD program. His project focuses on Mestizo International Law and explores aspects of the history of international law from a non-European or non-Western perspective. Arnulf will finish his dissertation in the fall of 2007 and plans to take a tenure track position at Kings College.

Yun-Ru Chen (China) Yun-Ru is in the first year of the SJD program. Her research project is entitled "*The Reconstruction of Family Law Through Legal Transplantation: A Genealogical and Comparative Study of Legal Westernization in Colonial and Post-Colonial Taiwan.*"

Iain Frame (Scotland) Iain is in the first year of the SJD program. His research focuses on the operation of global governance. Iain received his LL.M. from Harvard Law School in the spring of 2006.

Ermal Frasheri (Albania) Ermal is in the first year of the SJD Program. His thesis focuses on regional integration in the discourse of development strategies. Ermal received his LL.M. from Harvard Law School in the spring of 2006.

Havva Guney (Turkey) Havva is the second year of the SJD Program. Her doctoral dissertation is entitled "Towards a Feminist Islamic Jurisprudence: From Liberal Laissez-faire to Social Justice and Equitable Distribution of Wealth in Islamic Family Law." Havva received her LL.M. from Harvard Law School in 2005.

Moria Paz (Israel) This May Moria successfully defended her thesis entitled "*Minorities in International Governance: Three Historical Studies*" for which she was awarded the prestigious "Laylin Prize." Moria plans to take a position as a Lecturer of Law at Stanford Law School in the fall. She was awarded a Post-Doctoral Fellowship.

Hila Shamir (Israel) Hila is in the second year of the SJD program. Her doctoral dissertation is entitled "*Care Commodified: the Legal Regulation of the Commodification of Domestic Work & Sex in Globalizing Economies.*" Hila received her LL.M. from Harvard Law School in 2005.

## **b. Student participation in academic conferences and events**

ELRC events are open to the entire HLS community. In the 2006-2007 academic year, more than a hundred students registered for ELRC events, in addition to our regular affiliates. We regularly encourage SJD students and Visiting Researchers to participate in our conferences and workshops as major presenters, commentators or lecturers.

In addition, the European Law Research Center supports a modest program providing research and travel support to a small number of scholars in areas closely related to our ongoing work. Application is open to current Harvard Law School students. We award small research and travel grants to students working on serious research and writing projects related to our core activities and projects. We hope to encourage more law students to focus on the life of the mind, on interdisciplinary reading, and on developing the intellectual background to understand and contribute to critical analyses of law and social justice. Preference is given to current doctoral students. Travel grants are limited to students who have been invited to present their scholarly work at academic conferences. Travel grants are not available to students who have received other funding

from HLS for the same trip. Generally, ELRC support does not exceed \$500 toward the cost of travel for conferences in the US and \$1000 for conferences outside the US.

So far in 2007 we have given out nine travel grants:

Arnulf Becker Lorca (SJD - Chile) received a grant to travel to Oslo, Norway for the New International Law Conference, in March, 2007. Arnulf presented his paper entitled "International Lawyers at Ease with a Culturally, Politically, or Geographically Fragmented International Legal Order? Revisiting the Cosmopolitan Ideal in the History of Modern International Law."

Moria Paz (SJD - Israel) received a grant to travel to Oslo, Norway for the New International Law Conference, in March, 2007. Moria presented her paper on "A Non-territorial Ethnic Network and the Evolution of State Power: The Case of the Alliance Israelite Universelle."

Helena Alviar (SJD Alum - Columbia) received a grant travel to Harvard Law School for the "Up Against Family Law Exceptionalism" conference, in February 2007.

Stavros Gkantinis (SJD - Greece) received a grant to travel to Montreal for the European Union Studies Association Biennial International Conference, in May 2007.

Michael Halley (JD Alum) received a grant to travel to the United Kingdom for the BARS/NASSR Conference, in July, 2007.

Jeremy Perelman (SJD) received a grant to travel to Germany for the Law and Society Berlin Conference. His presentation focused on the theories and practices of social change advocacy in Africa.

Shunko Rojas (SJD - Argentina) received a grant to travel to Berlin for the International Conference "Law and Society in the 21st Century: Transformations, Resistances, Futures" being held there from July 25th – 28th 2007.

Katherine Young (SJD - Australia) received a grant to travel to Germany for the Law and Society Berlin Conference. Katherine plans to present her paper "The Zakari Case: Using Rights as Footprints."

Amalia Amaya (SJD - Spain) received a grant to travel Krakow, Poland for the conference "Law and Legal Culture in the 21st Century: Diversity and Unity" being held there from August 1st – 6th 2007. Amalia will present a paper at the conference's workshop on "Reasoning about Legal Evidence."

### **c. Student led workshops**

The Center sponsors several activities organized and led by doctoral students and Visiting Researchers at the Law School. Students usually prepare presentations that are open to the public, based on their current research, or invite smaller groups of students to informal discussions. These formats facilitate ongoing debate about a selection of themes of interest to both the Center and students and scholars associated with its work. In addition, during this past academic year, the Center once again sponsored our traditional European Law Programs as well as research and conference initiatives with Unbound, The International Law Society, The Harvard International Law Journal, and the Harvard European Law Association.

Our European Law Speaker Series combined a range of discussions and presentations. It was organized in cooperation with the student led Harvard European Law Association. Ermal Frasheri served as the coordinator.

#### **d. Affiliates program**

During the 2001-2002 academic year, the Center began a Student Affiliates program to identify students with ongoing interests in European Law. We launched the Affiliates program with the support of Cleary, Gottlieb, Steen and Hamilton. The program is designed to connect Harvard Law School students who are working on matters of European law and policy, either as a topic of ongoing research or as a prospective field of practice, with one another. Cleary, Gottlieb generously integrates our Affiliates into their European Union information system, providing weekly and quarterly updates on European legal affairs directly by email. The firm has also offered to connect students with members of the firm who are knowledgeable in the areas of law and legal practice in which the student is pursuing research. The overall objective of the program is to make available a more personalized relationship between interested students and practitioners of European law, to allow Student Affiliates access to a wealth of experience and expertise in this area, and to be kept abreast of ongoing developments in the field. Student Affiliates received periodic updates on European Law prepared by the Brussels office of Cleary, Gottlieb, Steen & Hamilton and are invited to ongoing events sponsored by the Center. They also actively participated in the workshop on *Current Developments in EU and U.S. Anti-Trust Law*, which allowed many young scholars at Harvard to form closer ties with the European legal community. Each year at interview season, we sponsor an informal discussion and cocktail to allow students the opportunity to meet with attorneys practicing in Europe to discuss multinational and European practice possibilities.

The Affiliates Program has included the following J.D. and graduate students since its inception:

2006-2007: Maria Ait, Laura Binger, Todd Blodgett, Avirup Bose, Christopher Elders, Taniyah Eyer, Daniel Francis, Kasia Klaczynska, Michal Klaczynski, Carl Lebeck, Eric Scott Nguyen, Sarah Park, Jorge Piernas, Jakob Rendtorff, Ariella Shkolnik, Alex Spiro.

2005-2006: Ermal Frasheri, Jared Gross, Katherine Hudson, Eva Kuhelj, Magdalena Loos, Pedro de Miguel, Erik Murray-Knox, Peter Orebech, Andrea Paul, Leonor Rams, Giesela Ruhl, Benjamin Sauter, Henry Stevenson, N'Gunu Tiny, Chenyu Wang, Angela Wu, Tally Zingher

2004-2005: Soren Aandahl, Rebecca Agule, Jose Raul Alcantor, Katie Alidadi, Marco Amorese, Daniel Benarvides, Liz Bosshard-Blakey, Robert Boxie, Kate Brown, Amelie Champsaur, Alexander Chirinos, Benjamin Cichoslepsi, Chris Conley, Tim Corthaut, Tytus Cytowski, Alex D'Amizo, Sameer Doshi, Ermal Frasheri, Erik Fromm, Apostolos Gkoutziuis, Colleen Guilford, Shane Hachey, Casey Halladay, Vesselina Haralampieva, Yvonne Hutchinson, Ieva Kalnina, Bryce Klempner, Samantha Knights, Kans Kristoferitsch, Martin Kurzweil, Alain Kuyumjian, Yukyan Lam, Arvin Lee, Amy Lehr, Ben Letzler, Alexis Loeb, Julia Luebke, John McBride, Alex Moreno, Ifran Mughal, Matthijs Nelemans, Josh Nevas, Steven Nicholas, Lena Petri, Katha Plaustanjner, Kim Ruthsatz, Lindsev Schoenfelder, Judith Shophet, Jane Shvets, Mathias Siems, Dita Sole, Lucy Stark, Elizabeth Stork, Francesa Struhia, MaryAnn Totino, Christy Von der Ahe, Natalie Waites, Elisa Wiygul, Adlet Yerkinbayev, Alitheia Zymaris

2003-2004: Alberto Alemanno, Bettina L. Clark, David Flechner, Anton Garcia, Elsbeth Kroeze, Gerald Kuppusanny, Juan Pena, Carrie Reilly, Ivan Ridell, Tanya Sheridan, Gang Qiao Wang, Edward Wei, Ramsi Woodcock, Angela A. Wu

2002-2003: Anthony Anyanwu, Krisztina Bana, David Foster, Martin Gelter, Simon Genevaz, Giovanna Giacchero, Irina Gorausson, Heather Heavin, Justine Luyer, Olga Nejikovskiy, Yoko Oshima, Francisco Peña, Ziv Preis, Ivan Reidel, Carrie Reilly, Michael Schoell, Frederik Scholtz, Eline Tritsman, Jun Zhao

2001-2002: Telia U. Anderson, Yannis Avgerinos, Evis Bozo, Sara Clevering, Beatriz Delgado Clemente, Hadi Nicholas Deeb, Jim Dratwa, Michele Hearty, Mikko Heinonen, Sarah Hsia, Yukinaga Kojima, Natalie Kuehler, Damjan Kukovec, Nathaniel W. Lalone, Kyong C. Lee, Paul Lekas, Dean Lin, Kirsten Malm, Ananda Martin, Maciej Mataczynski, Lerato Molefe, Fernanda Nicola, Okeoghene Odudu, Christina Olsson, Burton Ong, Vlad Florin Perju, Anu Piilola, April K. Rinne, Siniša Rodin, C. Michael Roh, Thorolfur Jonsson, Ziv M. Preis, Jonathan Weiss

#### **4. Law Reform and Advocacy**

The Center's primary focus is academic research and teaching. We have sponsored policy roundtables from time to time concerning specific issues important to one or more of the Center's constituencies, in which participants from industry, the practicing profession, government, and the academy can discuss topics of common interest in a relaxed setting. Our first such endeavor was a December 1992 forum on the European Community's proposed Database Directive. In spring of 1999 we co-sponsored a roundtable on international labor standards and two preliminary workshops in the

context of the American Society of International Law's annual meeting. No such meetings were held in 2006-2007.

## **5. Connections to the Profession**

### **a. Continued legal education.**

We have sponsored numerous intensive executive training workshops on the law of the European Union for practitioners, executives, and government officials. These programs feature intensive instruction, specially designed case studies, and case simulations. These workshops have been held at Harvard Law School and at other academic locations in the U.S., Europe, and Japan. The simulation method, which offers participants the chance to work in small groups on case studies drawn from actual practice experiences, has proven a particularly effective pedagogical tool in these workshops. During 2006-2007 we held two conferences of particular interest to practitioners.

Seminar: *Current Developments in EU & U.S. Anti-Trust Law*  
Harvard Law School, September 27, 2006

The Center and the international law firm Cleary, Gottlieb, Steen & Hamilton sponsored our fifth annual seminar on *Current Developments in EU & U.S. Antitrust Law*. The seminar featured lectures and roundtable discussions with experts from both the legal academic and professional communities. A number of Harvard Law School faculty and students participated in the seminar.

Seminar: *Shareholders Rights in Listed Companies*  
Harvard Law School, October 30-31, 2006

The Center, along with its Co-Founder and Sponsor the Real Colegio Complutense, hosted our fourth annual Business Law Seminar on "*Shareholders Rights in Listed Companies*." This conference was organized by Professor Juan Sánchez-Calero Guilarte of the Complutense University in Madrid.

### **b. Honorary Advisory Council and Academic Council.**

From the start, the ELRC has had the good counsel and support of a terrific Honorary Advisory Council and Academic Council.

#### *Advisory Council*

- Mr. Jacques Delors, President of the Commission of the European Communities, Brussels, Belgium
- Dr. Klaus von Dohnanyi, Former Mayor of Hamburg; Chairman of the Board TAKRAF AG, Leipzig, Hamburg, Germany

- H.M. Juan Carlos I, King of Spain, as Honorary President of the Real Colegio Complutense, Madrid, Spain
- Dr. Claus-Dieter Ehlermann, European University Institute, Fiesole, Italy; former member of the Appellate Body World Trade Organization, Geneva, Switzerland; former Spokesman and Director General of the Legal Service, Commission of the European Communities
- Dr. Surakiart Sathirathai, Former Foreign Minister and Deputy Prime Minister of Thailand; ASEAN candidate for UN Secretary General in 2005-2006.
- Mrs. Mary Robinson, Former High Commissioner for Human Rights at the United Nations, Geneva, Switzerland; former President of Ireland
- The Honorable Gil Carlos Rodriguez Iglesias, Former President of the Court of Justice of the European Communities, Luxembourg
- Mr. Jacques Santer, Member of the European Parliament; former President of the Commission of the European Communities, Brussels, Belgium; former Prime Minister of the Grand Duchy of Luxembourg
- Dr. Alfred Gusenbauer, Chancellor of Austria, Vienna, Austria

*Academic Council*

- Prof. David Kennedy, Harvard Law School, Cambridge, Massachusetts
- Prof. Philip Allott, Trinity College, Cambridge University, Cambridge, England
- Prof. Daniela Caruso, Boston University, Boston Massachusetts
- Mr. Laurent Cohen-Tanugi, Cleary, Gottlieb, Steen & Hamilton, Paris, France
- Prof. Eduardo Garcia de Enterría, Complutense University, Madrid, Spain
- Mr. Antonio Garrigues, President of J&A Garrigues, S.L.. Madrid, Spain
- Prof. Gianmaria Ajani, University of Turin, Turin, Italy
- Prof. Emmanuelle Jouannet, Director of CEDIN, University of Paris 1, Pantheon-Sorbonnem, Paris, France
- Prof. Kerry Rittich, University of Toronto, Toronto, Canada
- Prof. Günter Frankenberg, Johann-Wolfgang-Goethe-University, Frankfurt, Germany
- Prof. Martti Koskeniemi, University of Helsinki, Helsinki, Finland
- Dr. Leopold Specht, Specht Rechtsanwalt GmbH, Vienna, Austria
- Prof. Gunther Teubner, Johann-Wolfgang-Goethe-University, Frankfurt, Germany
- Prof. David Trubek, University of Wisconsin-Madison, Madison,

Wisconsin

- Dr. Jean-Francois Verstrynge, Honorary Director General, Commission of the European Communities, Brussels, Belgium
- Prof. Michel Waelbroeck, University of Brussels, Brussels, Belgium

### **c. Sponsorship Program**

The Center's Sponsorship program was established in 1992 to create a base of support and engagement for the Center's work in the private sector. Sponsors participate in a wide range of our programs, receive information about the ongoing work of the Center, and co-host seminars and other programs. Sponsors also are noted as such in appropriate Center publications. The following organizations are current Sponsors of the Center: Cleary, Gottlieb, Steen and Hamilton (Brussels, Belgium), Gomez-Acebo & Pombo (Madrid, Spain), Mautner Markhof Actiengesellschaft (Vienna Austria) & Bank Austria (Vienna, Austria).

### **d. Leading Sponsors**

The Center's Leading Sponsor's program was established in 1992 to create a base of support and engagement for the Center's work in the private sector. Leading Sponsors participate in a wide range of our programs, receive information about the ongoing work of the Center, and co-host seminars and other programs. Leading Sponsors also are noted as such in appropriate Center publications. The following organizations are Leading Sponsors of the Center: J&A Garrigues, S.L. (Madrid, Spain) and the Real Colegio Complutense (Cambridge, Massachusetts-based affiliate of Complutense University of Madrid, Spain).

### **e. Co-Sponsored events**

The ELRC has co-sponsored events with several of its sponsors and partners. During 2006-2007, we co-sponsored the Conference on Current Developments in European and American Anti-Trust with Cleary, Gottlieb, Steen and Hamilton. Cleary, Gottlieb is also a co-sponsor of our student Affiliates Program. With the Real Colegio Complutense, we co-sponsored the Seminar on Shareholders Rights in Listed Companies as well as our Latin America initiative

## **6. Collaborations with other Schools and Departments at Harvard University**

The Center's most significant and sustained collaboration has been with the Real Colegio Complutense at Harvard, a co-founder and supporter of the Center's ongoing work. The Real Colegio offers an interdisciplinary program designed to foster the exchange of scholars, students, and researchers of Harvard University, Complutense University, and other leading Spanish universities and institutions. Under the Center's relationship with the Real Colegio, the organizations jointly appoint participants in the Center's Visitor Researcher Program. The Real Colegio also participates in various roundtables, conferences, workshops, research programs, and other activities of the Center and last year inaugurated the first Harvard-Complutense business seminar program. In collaboration with the Real Colegio, we have been pleased to act as an administrative platform for the integration of Spanish researchers and scholars into the law school community. We have often cooperated with the Center for European Studies in hosting visitors. Over the last few years, as we have developed in the Latin American field, we have had the support and cooperation of the David Rockefeller Center for Latin

American Studies, which has also awarded us a \$15,000 grant for 2006-2007, and worked closely with us to organize our research trip to Brazil in May and June, 2007.

## **7. The Center's Staff and Affiliates**

Professor David Kennedy directs the Center. He joined the Harvard Law School faculty in 1981 after having taught in Germany. He holds a Ph.D. from the Fletcher School at Tufts University and a J.D. from Harvard. He has worked for a variety of public and private international organizations including the European Communities and the United Nations and has practiced law with Cleary, Gottlieb, Steen & Hamilton in Brussels. He currently teaches international law, the law of the European Union, law and development, and legal theory at Harvard Law School. Professor Kennedy was instrumental in the founding of the Center and provides the primary leadership for its academic and other programs.

Normally, we appoint a Senior Fellow each year from among the SJD class to work with the ELRC on program initiatives. Alejandro Lorite Escorihuela acted in this capacity from 1999 through June 2004. Arnulf Becker did so in 2005-06.

Rose Moss joined the Center in the Spring of 2003 as a writing fellow. She has taught creative writing at the Nieman Foundation since 1993, and specializes in counseling international fellows to build on their existing writing skills. Rose has published three books and short stories, literary criticism, and non-fiction articles and opinion pieces. Her articles, short stories and opinion pieces have appeared in scholarly and literary journals and the New York Times, Los Angeles Times, Boston Globe, International Herald Tribune and Atlantic Monthly. Her stories have been republished in anthologies in the United States and abroad and are cited in Best American Short Stories. She holds an MBA from Boston University, and has consulted to Fortune 500 companies and family businesses. Her honors include a Quill Prize and a Mellon Fellowship at Wellesley College, where she taught for nine years. She was a Phelps Stokes Scholar and has been a Fellow at the MacDowell Colony and a guest at Yaddo and Ossabaw. She is a member of PEN American Center and the Council of PEN New England and has served on the PEN NE Freedom to Write Committee. Significant portions of Rose's fiction and non-fiction treat people engaged with the law in the United States and abroad. Rose will be a great asset to the Visiting Scholars and Researchers at the Center.

Neal O'Connor joined the Center in September 2003, and performs a variety of organizational and administrative functions for the Center.

## **B. Plans for the Academic Year 2007-2008**

### **1. Research and Scholarship**

#### **a. Summary Statement of Purpose**

Our plan for 2007-2008 is to offer a program of activities broadly continuous with those offered in 2006-2007. We will continue to host Visiting Researchers and Scholars, and provide a focal point at Harvard Law School for new thinking in the fields of European law, comparative law and international law. We expect to expand our Affiliates Program, co-sponsored with Cleary, Gottlieb, Steen and Hamilton's Brussels office, who will also join us in sponsoring our annual Workshop on EU and US Antitrust Law. With the Real Colegio Complutense, we expect to host a third annual Business Law Seminar. We will continue to sponsor conversations about new directions in European Union law scholarship organized in cooperation with the student led Harvard European Law Association.

We expect to strengthen our work in comparative and international law, and to build on our efforts to expand Harvard Law School's role as a focal point for Latin American legal studies.

#### **b. Academic Conferences and events – HLS**

We will again offer both a conference on European and American Antitrust, and a training program on American and European Corporate Law. We will also look to strengthen and expand our relationship with the student organization Harvard European Law Association (HELTA) by organizing an even larger series of discussion groups and lectures during the coming academic year. We expect to host a number of visiting researchers and scholars at the Center, and will continue to support student-led academic programs at the school. We intend to support a series of initiatives on a smaller scale throughout the year as well. We are exploring funding for a major conference in December, 2007.

#### **c. Academic Conferences – Foreign partnerships**

We have continued dialog with numerous foreign institutions, and cooperate with Complutense University on our corporate law projects. With our Leading Sponsor J.A. Garrigues, we will send Professors Janet Halley, David Barron, and David Kennedy to Barcelona, Madrid and Seville in October 2007 to lecture on American law. We expect this to be a regular program for the next three years.

#### **d. Academic presentations**

We are planning a series of academic presentations this year, most initiated by Harvard faculty or students with an interest in European affairs. We also expect to continue to have interesting academic presentations by our Visiting Researchers and Scholars. We will again co-sponsor events in the fields of family law, organized by Janet

halley and Brenda Cossman, private law theory and comparative law organized by Duncan Kennedy, and research in global urban studies with Jerry Frug.

#### **e. Visiting Researchers and Scholars**

We have accepted 12 visiting for the Fall of 2007. We will also welcome back Jens Drolshammer, Professor at the University of St. Gallen, Switzerland as a Visiting Scholar.

#### **f. Support for faculty and student affiliate research**

We intend to continue as in 2006-2007.

### **2. Contributions to the HLS Teaching Program**

As in the past, we expect to be available to support colleagues who wish to bring European perspectives to their classrooms.

### **3. Participation of HLS students in Program Activities**

As in 2006-2007, we expect to work closely with JD and graduate students. We are particularly pleased to be able to work with the student organization, Harvard European Law Association (HELPA) who are particularly interested in continuing to organize the European Law Reading group which was such a success last year.

#### **a. Support for doctoral and other student research**

We expect to continue as in 2006-2007. Students working on European Union related topics are encouraged to become Affiliates of the Center, and to receive weekly and quarterly updates on European legal developments. We also serve as a conduit for students seeking links to practitioners with expertise in fields related to their scholarly research. We hope to be able again to offer doctoral research grants in Spring, 2008

#### **b. Student participation in academic conferences and events**

ELRC events are open to the entire HLS community. In the 2007-2008 academic year, we hope to continue to welcome students to our events. Our Affiliates program continues, and we continue to encourage SJD students and Visiting Researchers to participate in our conferences and workshops as major presenters, commentators or lecturers. We will continue our program of travel grants inaugurated in 2007.

#### **c. Student led workshops**

The Center expects to continue to sponsor activities organized and led by doctoral students and Visiting Researchers at the Law School. As in 2006-2007 we will continue to sponsor the very successful reading group lecture events co-organized by the Harvard European Law Association, managed by Anna de Robilant. They organized several very successful reading group lecture events last year, and are planning even more events next year. We anticipate strong student led series in the areas of Latin American legal studies, international law, and law and development.

#### **d. Affiliates program**

As in 2006-2007. We have had a good response to the Affiliates Program this year, and expect that to continue next year.

### **4. Law Reform and Advocacy**

As in 2006-2007, the Center's primary focus will remain academic research and teaching. We have sponsored policy roundtables from time to time concerning specific issues important to one or more of the Center's constituencies, in which participants from industry, the practicing profession, government, and the academy can discuss topics of common interest in a relaxed setting. Our first such endeavor was a December 1992 forum on the European Community's proposed Database Directive. In spring of 1999 we co-sponsored a roundtable on international labor standards and two preliminary workshops in the context of the American Society of International Law's annual meeting. No such meetings were held in 2006-2007, nor do we anticipate doing so in 2006-2007.

### **5. Connections to the Profession**

#### **a. Continued legal education.**

We have sponsored numerous intensive executive training workshops on the law of the European Union for practitioners, executives, and government officials. These programs feature intensive instruction, specially designed case studies, and case simulations. These workshops have been held at Harvard Law School and at other academic locations in the U.S., Europe, and Japan. The simulation method, which offers participants the chance to work in small groups on case studies drawn from actual practice experiences, has proven a particularly effective pedagogical tool in these workshops.

During 2007-2008, the Center will again co-sponsor a joint seminar on business law with the Real Colegio Complutense. The event is tentatively planned for October, 2007.

#### **b. Honorary Advisory Council and Academic Council.**

We expect to continue to benefit from the good counsel and support of our Honorary Advisory Council and Academic Council. We may seek to add additional members and to update the list in the spring of 2008.

#### **b. Sponsorship Program**

We expect to continue the Sponsorship program, and continue to seek new ways to involve our Sponsors in our work.

In 2007 we entered into a three year agreement with the law firm of J.A. Garrigues in Spain under which they became a Leading Sponsor of the ELRC and we agreed to send three HLS Faculty members each autumn to lecture on American law in their continuing legal education programs. Professor Halley, Baron and David Kennedy will do so in 2007.

#### **c. Leading Sponsor**

We expect to continue the Leading Sponsor's program, and continue to seek new ways to involve our Sponsors in our work.

#### **d. Co-Sponsored events**

The ELRC has co-sponsored events with several of its sponsors and partners, and expects to do so again during 2007-2008. We will co-sponsor the Conference on Current Developments in European and American Anti-Trust with Cleary, Gottlieb, Steen and Hamilton, and the annual Harvard-Complutense business seminar program with our partner the Real Colegio Complutense. Cleary, Gottlieb is also a co-sponsor of our student Affiliates Program.

### **6. Collaborations with other Schools and Departments at Harvard University**

As in the past, we are open to co-sponsorship of events and conferences at HLS with student organizations.

We expect to continue, and to deepen, our relationship with the Real Colegio Complutense at Harvard, a co-founder and supporter of the Center's ongoing work. The Real Colegio offers an interdisciplinary program designed to foster the exchange of scholars, students, and researchers of Harvard University, Complutense University, and other leading Spanish universities and institutions. Under the Center's relationship with the Real Colegio, the organizations jointly appoint participants in the Center's Visitor Researcher Program. The Real Colegio also participates in various roundtables, conferences, workshops, research programs, and other activities of the Center and last year inaugurated the first Harvard-Complutense business seminar program. In collaboration with the Real Colegio, we have been pleased to act as an administrative

platform for the integration of Spanish researchers and scholars into the law school community.

## **7. The Center's Staff and Affiliates**

Professor David Kennedy directs the Center. He joined the Harvard Law School faculty in 1981 after having taught in Germany. He holds a Ph.D. from the Fletcher School at Tufts University and a J.D. from Harvard. He has worked for a variety of public and private international organizations including the European Communities and the United Nations and has practiced law with Cleary, Gottlieb, Steen & Hamilton in Brussels. He currently teaches international law, the law of the European Union, law and development, and legal theory at Harvard Law School. Professor Kennedy was instrumental in the founding of the Center and provides the primary leadership for its academic and other programs.

Rose Moss will continue as a writing fellow. She has taught creative writing at the Nieman Foundation since 1993, and specializes in counseling international fellows to build on their existing writing skills. Rose has published three books and short stories, literary criticism, and non-fiction articles and opinion pieces. Her articles, short stories and opinion pieces have appeared in scholarly and literary journals and the New York Times, Los Angeles Times, Boston Globe, International Herald Tribune and Atlantic Monthly. Her stories have been republished in anthologies in the United States and abroad and are cited in Best American Short Stories. She holds an MBA from Boston University, and has consulted to Fortune 500 companies and family businesses. Her honors include a Quill Prize and a Mellon Fellowship at Wellesley College, where she taught for nine years. She was a Phelps Stokes Scholar and has been a Fellow at the MacDowell Colony and a guest at Yaddo and Ossabaw. She is a member of PEN American Center and the Council of PEN New England and has served on the PEN NE Freedom to Write Committee. Significant portions of Rose's fiction and non-fiction treat people engaged with the law in the United States and abroad. Rose will be a great asset to the Visiting Scholars and Researchers at the Center.

In September 2003, we welcomed Neal O'Connor to the Center as Administrative Assistant. In August, 2007 we expect him to begin work full time with the Center and it's Faculty Director.