

The cover features a blue vertical bar on the left side. A red vertical line runs down the page, intersecting a horizontal line that is blue on the left and orange on the right. The text is centered on the white background.

# ANNUAL REPORT

2010- 2011

# IGL&P

**INSTITUTE FOR GLOBAL LAW & POLICY  
HARVARD LAW SCHOOL**

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## INTRODUCTION

**THE INSTITUTE FOR GLOBAL LAW AND POLICY** (IGLP) at Harvard Law School is a collaborative faculty effort to nurture innovative approaches to global policy and political economy in the face of a legal and institutional architecture manifestly ill-equipped to address our most urgent global challenges. Global poverty, conflict, injustice and inequality are also legal and institutional regimes. The IGLP explores the ways in which they are reproduced and what might be done in response. We aim to provide a platform at Harvard for new thinking about international legal and institutional arrangements, with particular emphasis on ideas and issues of importance to the global South.

Much about how we are governed at the global level remains a mystery. Scholars at the Institute are working to understand and map the levers of political, economic and legal authority in the world today. The Institute continues the tradition developed at Harvard's European Law Research Center by focusing on young scholars and policy makers from the global South, who bring new ideas and perspectives to comparative and international legal research and policy. The IGLP aims to facilitate the emergence of a creative dialog among young experts from around the world, strengthening our capacity for innovation and cooperative research.

The Institute has built strong relationships with faculty at a wide range of foreign institutions, represented by the scholars who participate in our **ADVISORY COUNCILS**. We provide a focal point at Harvard Law School for faculty and students interested in new thinking about issues of global governance and international affairs. Each year, we sponsor a variety of conferences, workshops and symposia, both in Cambridge and in collaboration with our friends abroad. We regularly host both scholars and policy practitioners as **VISITING RESEARCHERS AND FELLOWS** at Harvard, deepening our collaborative network among those seeking new approaches to international law, political economy and economic development from governments, international institutions, the private sector and the non-governmental sector.

As a reflection of this mandate, The Institute mounted a terrific academic program during the 2010-2011 academic year, sponsoring an array of workshops, lectures and conferences in the fields of global law, economic policy and social justice. Our most exciting initiative is an annual ten day **INTENSIVE WORKSHOP** for young scholars and policy practitioners which we convened in June 2011. **IGLP: THE WORKSHOP** brought more than 100 young scholars from forty three countries to Cambridge for collaborative discussion and debate about global law and economic policy with more than fifty leading faculty from around the world. At this year's Workshop we also inaugurated a series of Pro-Seminars designed for Scholars collaborating to develop new scholarly writing. The Workshop was generously supported by **SANTANDER UNIVERSITIES** and **SOVEREIGN BANK**.

The year also saw our eighth annual **BUSINESS LAW SEMINAR** focusing on Mergers and Acquisitions in the Context of the Financial Crisis and conducted with support from the **REAL COLEGIO COMPLUTENSE**, and our eighth annual **WORKSHOP ON EUROPEAN UNION AND US ANTITRUST LAW** co-sponsored and organized with **CLEARY, GOTTlieb, STEEN & HAMILTON's** Brussels office. With **J&A GARRIGUES, S.L.P.**, we again organized a **NORTH AMERICAN LAWYERS PROGRAM** in Madrid bringing Harvard law faculty to participate in training young Spanish corporate lawyers.

Throughout the year we again continued to sponsor lectures and special events on themes relating to our general mandate. In the spring we featured a lecture by Dr. **TRITA PARSI**, the President and founder of the National Iranian American Council, and a roundtable with Dr. **KLAUS BARBKNECHT**, an Executive Board Member of the German energy company Verbundnetz Gas Aktiengesellschaft. In March we also sponsored Harvard Law Professor Jeannie Suk's lecture and discussion about her new article **THE LOOK IN**

**HIS EYES: THE STORY OF STATE V. RUSK AND RAPE REFORM.** In June 2011 we convened a one day conference on **FRANCO-AMERICAN LEGAL INFLUENCE, THEN AND NOW** at Harvard Law School. The conference which explored historical and contemporary moments of intellectual influence and reception between French and US legal thought was organized in part by Harvard Faculty Janet Halley, Duncan Kennedy and Jeannie Suk. In 2010-2011 we were also very pleased to welcome another wonderful group of **VISITING RESEARCHERS** to the Institute.

This year the Institute was very proud to welcome **VISA INTERNATIONAL** and **LEVICK STRATEGIC COMMUNICATIONS** as Leading Sponsors of the IGLP. We grateful to them and to all of our Leading Sponsors, including our co-founder the **REAL COLEGIO COMPLUTENSE, J&A GARRIGUES, S.L.P., SANTANDER UNIVERSITIES** AND **SOVEREIGN BANK**, and to our long term friends and sponsors at **CLEARY, GOTTlieb, STEEN & HAMILTON** in Brussels, Belgium. Without their faith in our efforts and commitment to the importance of new thinking about global law and policy, the Institute would not be possible.

As we look forward to 2010-2011, we anticipate continuing to develop our financial base of support and to strengthen our advisory councils as we seek to enhance our ability to pursue the Institute's broad global mandate. We will continue to sponsor lectures, workshops and conferences at Harvard and in collaboration with our partners abroad. We are particularly pleased to report that we will convene a third annual **IGLP WORKSHOP** in June 2011, thanks to the generosity of **SANTANDER UNIVERSITIES** and **SOVEREIGN BANK**. Our year will begin with a policy workshop in Bangkok, Thailand in late August, co-sponsored with SIFA at Chulalongkorn University. In September we will continue our North American Lawyers Program, our Workshop on European Union and US Antitrust Law and our Business Law Seminar. In November we will convene a two-day conference at Harvard on the **HISTORY OF CAPITALISM**. This event is being organized by Professor Chris Desan- of our Advisory Council. We will again welcome a group of distinguished visiting scholars and fellows to the Institute, including Dr. **ALFRED GUSENBAUER**, the former Chancellor of Austria and Member of our Honorary Council. With Dr. **GUSENBAUER** we plan to host a meeting of the **NEXT LEFT PROGRAM** on the future potential for social democracy. We will be joined by President Ricardo Lagos of our Honorary Advisory Council, and will focus our discussion on the quite different current trajectories for the politics of social democracy in Latin America, Europe and elsewhere.

This Report provides a snapshot of our achievements over the 2010 – 2011 academic year. In all, we are delighted by the Institute's continuing progress and are extremely grateful to all those who have contributed to our efforts.

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## 1. THE INSTITUTE'S WORKING FORMATS

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### A. CONFERENCES AND WORKSHOPS

The IGLP regularly sponsors conferences and workshops, ranging from informal events at the Harvard Faculty Club to large meetings convening over 100 scholars in Cambridge for intensive discussion. The IGLP sponsored numerous opportunities for younger scholars to share their ongoing research with one another, through lunchtime or afternoon workshops, or more informal roundtable discussions. Our signature event is an annual ten day intensive Workshop for young scholars and policy practitioners on global law and economic policy convened each June in Cambridge with the generous support of Santander Universities and Sovereign Bank.

### B. LECTURES AND INFORMAL SEMINARS

During the academic year, the IGLP sponsors a variety of lectures and informal seminars in which scholars share ongoing research in the areas of global law and policy. These events, which are generally open to all members of the Harvard community, aim to bring the best new thinking about global law and policy to the community for discussion and debate.

### C. STUDENT-LED WORKSHOPS AND SEMINARS

The IGLP supports activities organized and led by doctoral students and Visiting Researchers at the Law School. Students often prepare presentations 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 IGLP and students and scholars associated with our ongoing work. We regularly provide support for student groups at the school pursuing projects related to our research mandate.

### D. RESEARCH AND VISITORS PROGRAM

The IGLP supports an active program for **VISITING FELLOWS**, **RESEARCHERS** and **SCHOLARS**. The IGLP appoints Visiting Fellows for a semester or an academic year. Fellows are usually funded by outside sources. Visiting Researchers and Scholars at the IGLP generally spend one semester in residence at the Harvard Law School, although 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 IGLP arranges informal luncheons and other gatherings for Visiting Fellows, Researchers and Scholars to provide them with an opportunity to meet Law School students, and faculty. In addition to its Visitors Program, the IGLP encourages research by doctoral candidates and other IGLP affiliates.

### E. FELLOWSHIP PROGRAM

Inaugurated in 2006, the Fellowship Program offers full or partial student and post-doctoral fellowship support to a small number of scholars pursuing research in areas related to the IGLP's ongoing work. The number of Fellowships awarded each year depends upon the available funding. In general, the IGLP encourages the development of progressive and alternative ideas about international law, society and political economy by supporting original, provocative and challenging intellectual work that might not otherwise find support from mainstream institutional resources and which contributes to the emergence of new approaches to international law, political economy and global social justice.

In 2010-2011, with the generous support of an anonymous donor, the Institute awarded one full Post-Doctoral Fellowship to Dr. **HENGAMEH SABERI** from Iran. Dr. Saberi completed her SJD at Harvard in 2010. Her dissertation considered the relationship between the American philosophical tradition of pragmatism and the policy science of American international lawyers.

## F. AFFILIATES PROGRAM

With the support of [CLEARY, GOTTlieb, STEEN & HAMILTON](#), the IGLP sponsors a Student Affiliates Program to connect Harvard Law School students 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. The firm generously integrates IGLP Student Affiliates into their European Union information system, and offers 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. Over 25 Student Affiliates receive periodic updates on European law prepared by the Brussels office of Cleary, Gottlieb, Steen & Hamilton each year, and are invited to attend ongoing events sponsored by IGLP. Student Affiliates also actively participated in the Workshop on [“CURRENT DEVELOPMENTS IN EU & U.S. ANTITRUST LAW.”](#)

## G. POLICY ROUNDTABLES

The IGLP sponsors policy roundtables, ranging in duration from one to three days, concerning specific issues important to one or more of the IGLP’s constituencies, in which participants from industry, the practicing profession, government, and academia discuss topics of common interest in a relaxed setting. Previous endeavors have included supporting a roundtable on International Regulatory Frameworks with the University of Wisconsin in 2004, a Policy Workshop at Harvard Law School on “Russia’s Future Relationship with the EU and the Broader International Community” in 2005. In 2009-2010, we co-sponsored a Workshop in Beijing on “New Regulatory Models After the Crisis” with the Institute for Policy Dialog at Columbia University and a one day intensive Workshop on “New Challenges and New Conceptions of International Law” in Cambridge with the Moscow based Global Policy Forum.

## 2. THE INSTITUTE'S RESEARCH AGENDA AND HISTORY

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Founded in 2009, Institute is an international collaborative project to foster research and policy dialog about the structure and potential for global governance and international law affecting pressing issues of global regulation and policy. We are particularly focused on the relationship between the transnational regulatory environment and the potential for sound economic development. The Institute aims to foster innovative approaches to global policy and political economy, and new thinking about international legal and institutional arrangements, with particular emphasis on ideas and issues of importance to the global South. Much about how we are governed at the global level remains a mystery. Scholars at the Institute are working to understand and map the levers of political, economic and legal authority in the world today.

In many ways, our work at the Institute begins by seeking ways to speak again about political economy at the global level. The continuing economic crisis makes clear the sharp division between an economy that has become global, and a political process that remains largely national and local. Although the global economy has never functioned innocent of background legal rules – rules which are often national or local – it has been very difficult for any national political organization or state to bring their political agenda to bear by influencing the legal and institutional foundations of the global economy. We aim to link the economic arrangements that divide the world into leading and lagging sectors, regions and nations with the legal arrangements and policy machinery that sustain – and might help alleviate --- those differences. It can be hard to remember that things we dislike – war, environmental degradation, economic instability, poverty, inequality – are also legal regimes. Law is not only their antidote. They are often sustained or even made more grievous by legal arrangements. Investigating how that happens and what might be done in response is at the top of our research agenda at IGLP.

At IGLP, we are convinced that governance is not only rules, institutions and procedures. It is also ideas – ideas that matter. If for a generation everyone thinks an “economy” is an input-output mechanism to be managed, and then suddenly everyone thinks an economy is a market for allocating resources to their most efficient use in the shadow of a price system, a great deal has changed. That is also governance. The transformation of ideas about what an “economy” is, whether it is national or global, autonomous or institutionally embedded, can be as important as transforming the institutions that sustain the operations of that economy.

The Institute, a relatively new initiative at Harvard, rests on a strong foundation. Over the last twenty years, we have built a network of over 300 research collaborators from more than 40 countries upon whom we draw in designing and implementing specific research projects. Indeed, the core of the Institute is people: senior scholars and policy makers from around the world sharing perspectives with the best young minds seeking innovative solutions to global policy issues from armed conflict and humanitarian cooperation to foreign investment and economic development. We mobilize that network in different constellations as new projects come into view.

Research now underway at the Institute includes a number of multi-year projects spearheaded by our affiliated faculty, focused in issues such as the following:

- Rethinking the legal structure of liquidity and the nature of money in the global economy. This project focuses on the lessons of heterodox and institutionalist traditions in both economic and legal science for understanding global political economy in the aftermath of the crisis. We are particularly interested in the relationships among private law, private ordering, national regulation and opportunities for multilateral governance or coordination. We are exploring the significance of disarticulation and intended inefficiencies in global systems in avoiding systemic risk – when introduced both within the transnational governance of private financial institutions and through regulation. Our Project on Capital Dynamics focuses on the legal structure of money, credit and financial liquidity. It considers capital dynamics as a matter engineered over time by different government, non-governmental organizations and private actors, paying

particular attention to the ways in which capital dynamics cross borders, studying the domestic and global dimensions of capital dynamics in tandem.

- The history of legal and economic development ideas and the roles played by professional development “experts.” This project aims to foster an alliance among heterogeneous challenges to one-size-fits-all reform thinking in both the legal and economic professions, and to identify successful alternative paths and projects which could be shared through south-south collaboration.
- The challenges and opportunities for social democratic politics in a global economy. This project encourages dialog among those rethinking the politics of the left after globalization in various regions of the world, with a particular emphasis on the dynamics within Europe and between Europe and Latin America.
- Assessing the current structure and efficacy of the anti-corruption legislation passed in more than 30 countries since the US Foreign Corrupt Practices Act of 1977. We are investigating the relationships among the network of statutory and treaty obligations, the emergence of a transnational practice of private sector compliance and due diligence, and the growth of criminal enforcement efforts in the last several years, particularly in the United States.
- International limits on the policy space for pursuing alternative economic development policies embedded in regional and international legal arrangements, from the European Union or WTO through to the bilateral regimes of Bilateral Investment Treaties and arbitral dispute settlement.
- The unfortunate consequences of many well intentioned humanitarian initiatives by the international community including the limits of the human rights tradition and efforts to promote “transitional justice.” This project aims to raise caution about the usefulness of universal normative strategies and resituate efforts to promote social justice in local political processes.
- New approaches to public international law and global governance. This project seeks a better understanding for the ways in which we are, in fact, governed at the global level in part by foregrounding the role of disaggregated and uncoordinated authority --- the global welfare effects of local rules --- and the significance of informal flows and activities.
- The transnational family and market. This project explores the relationship between national projects of legal reform, transnational economic structures, and the reinvention in legal terms of both the family and the market. A comparative study of legal arrangements and legal consciousness, this project highlights the global diffusion and reshaping of legal ideas in ways which continue to treat the family as in one or another way exceptional market and political structures.
- The relationship between new forms of asymmetric warfare and an international law about warfare which simply does not mean the same thing in different cultures and from different perspectives.

Our research mission is the development of new thinking. We do that not only in the library, but in the field. Moreover, we are convinced that the most innovative new thinking today is likely to emerge from collaboration and discussion among younger scholars and policy-makers from what might be termed the “semi-periphery” of the global economic, cultural and political system, in close dialog with the history of heterodox and innovative work being done in the leading research centers of the world’s foremost universities. In short, innovation requires sustained conversation. At IGLP, we make every effort to link our convening power to our research agenda, and to support an expanding network innovative scholars and policy professionals.



All of our academic programming is designed to support our research agenda, starting with our signature June IGLP Workshop for young scholars, which focuses on opportunities to build collaborative teams to deepen their thinking through multi-year participation in our various streams, pro-seminars and advanced workshops. At the same time, we are continuing our history of sponsoring important transnational dialog. In August 2011, for example, we will co-sponsor a major public discussion of the place of a rising Asia in the political economy of the world, to be held in Bangkok Thailand. The event will bring current and former political leaders from Europe, Latin America, Africa, the United States and Asia into dialog with academics and researchers from our global network. In this spirit, we have brought leading figures from the foreign affairs establishment in Moscow to Harvard for an intensive discussion of "Putin's Russia in International Affairs," and have hosted scholars from across the Americas interested in rethinking Latin America's position in global legal and political culture. In collaboration with the German Foreign Ministry, we sponsored a series of critical reflections on global governance in workshops held in Germany, at Harvard and in Mexico. We worked closely with ASEAN to support their candidate for appointment as Secretary General of the United Nations. We are now helping to support efforts by an important regional government in the Middle East to improve its ability to tackle governance issues in ways distinct from the demands and one-size-fits-all programs of the international financial institutions and foreign aid agencies.

We have long sponsored scholarly exchange about new legal and policy ideas outside the United States, often in the form of policy workshops and pro-seminars abroad convening leading faculty from a variety of countries in partnership with one of our affiliated institutions. For many years, we convened intensive workshops on the challenges posed by membership in the European Union and its single market legislative program. Over the years, we have developed a large network of leading scholars from many nations who have participated in our events and use our network in pursuit of their own research collaborations. We have routinely drawn on this team, strengthening their collaborative experience, in sponsoring such events abroad. In October 2009, we joined hands with the Institute for Policy Dialog at Columbia University (Directed by Professor Joseph Stiglitz, a member of our Academic Council) to sponsor a task force meeting on "Regulation after the Crisis" in Beijing China. Held at Peking University, the conference brought together Chinese and Western scholars and Chinese policymakers to discuss financial regulation in China, as well as in other sectors, after the crisis. This meeting, which culminated three years of collaborative engagement, led to a volume market development strategy in China which I co-edited with Joseph Stiglitz to be published by Oxford University Press.

We have also regularly convened international research teams for an on-site investigation of policy directions and experience, through site visits and discussions with policy makers, often followed by an academic conference reflecting a first cut on the findings of the research inquiry. Over the coming months, we are planning research workshops in Thailand and in the Middle East. In 2008, we convened law and development specialists from more than ten countries in Bogota, Colombia for a series of workshops and research trips, co-sponsored with the University of Los Andes (Bogota). We explored national development plans and lending strategies at the Central Bank – as well as the Constitutional Court -- and investigated, for comparative purposes, the coffee growing and flower growing industries. Thereafter, I chaired a conference on New Perspectives in Law and Development at the University of Los Andes. The research team came from across Latin America, South Africa, Europe, Egypt, Syria and the United States. We sponsored a similar research initiative in 2007 in Sao Paulo and Rio de Janeiro, Brazil. The research mission focused on innovative initiatives implemented in Brazil by public and private institutions from "participatory budget" projects, the "bolsa escola", negotiated land-reform, the HIV/AIDS program, the Novo Mercado at the São Paulo Stock Exchange, the favela disarmament campaign, as well as the development contributions made by industrial leaders such as Embraer Airlines and Petrobras. In 2006, we sponsored a workshop and conference on the use of foreign law in legislation with the Library of the National Congress in Santiago, Chile. Participants included development and comparative law specialists from almost a dozen countries in North and South America, Europe and the Middle East. We have also cosponsored a workshop on "globalization and development" in Moscow, Russia which brought experts from Brazil, the United Kingdom, Austria, and the United States to meet with senior colleagues in Moscow for discussion.

### 3. THE INSTITUTE'S STAFF AND AFFILIATES

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#### DIRECTOR

Professor **DAVID KENNEDY** joined the faculty of Harvard Law School in 1981 and is now Manley O. Hudson Professor of International Law. He holds a Ph.D. from the Fletcher School at Tufts University and a J.D. from Harvard Law School. A member of the Council on Foreign Relations, 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 teaches international law, global governance, law and economic development, and legal theory at Harvard Law School. Professor Kennedy was instrumental in founding the European Law Research Center, IGLP's predecessor, after serving as Faculty Director of the Graduate Program at Harvard Law School. Professor Kennedy continues to provide the primary leadership for the Institute's academic programs.

#### ADMINISTRATION

**NEAL O'CONNOR** joined European Law Research Center in 2003. In 2010, with the launch of the new Institute for Global Law and Policy, Neal was appointed Program Manager. He oversees the organizational and administrative functions for the Institute. Neal received a bachelor's degree in History from Harvard University.

#### HLS FACULTY CONTRIBUTORS

The Institute also draws on the expertise and experience of a wide range of Harvard Law School faculty. Professors **CHRISTINE DESAN**, **JANET HALLEY**, **DUNCAN KENNEDY** and **ROBERTO UNGER** sit on our **ADVISORY COUNCIL**. Numerous faculty members have mentored our Visiting Researchers over the years. Professors **DAVID BARRON**, **SCOTT BREWER**, **JANET HALLEY**, **ALLEN FERRELL**, **ELIZABETH BARTHOLET**, **MARTHA FIELD**, **TERRY FISHER**, **SCOTT BREWER**, **JESSE FRIED**, and **MARK RAMSEYER** have participated in our Spanish training programs co-organized with the **GARRIGUES** law firm. Professors **LUCIAN BEBCHUK**, **REINIER KRAAKMAN**, **ROBERT CLARK**, **GUHAN SUBRAMANIAN**, **ALLEN FERRELL**, **JOHN COATES**, **HOWELL JACKSON** and **ALAN DERSHOWITZ** have all been participants in our conferences on corporate law and regulation, while Professor **EINER ELHAUGE** has joined our annual conference on European and American antitrust enforcement for several years. Professor **CHRISTINE DESAN** contributes regularly to our program on the history of capitalism and the global economy, while Professor **DUNCAN KENNEDY** is a regular participant in our work on comparative law, globalization and social theory. We have long supported Professor **JANET HALEY'S** work in the fields of comparative family law, social theory and the feminist legacies of global governance. Each year, we endeavor to work closely with faculty who have compatible projects concerning global law and policy. Professor **GERALD FRUG'S** work on international local government law has sparked a number of events, and we have supported his comparative research on the city as a legal concept. We have provided assistance to clinical projects in Africa developed by Professor **LUCIE WHITE** in the fields of global health policy and human rights. In the past we have also hosted a series of workshops and seminars with Professors **DETLEV VAGTS**, **HARRY MARTIN** and **PETER MURRAY**. We work closely with the graduate program at the law school, encouraging interactions among doctoral students and their faculty colleagues, and are grateful for Professor **WILLIAM ALFORD'S** ongoing engagement and support. We are also extremely grateful for the contributions so many faculty around the world make to our programming, many of whom sit on our **ADVISORY** and **ACADEMIC COUNCILS**.

## 4. THE INSTITUTE'S ADVISORY AND HONORARY COUNCILS

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### HONORARY COUNCIL MEMBERS

<b>FERNANDO HENRIQUE CARDOSO</b>	Former President of Brazil
<b>H.M. JUAN CARLOS I</b>	King of Spain, as Honorary President of the Real Colegio Complutense, Madrid, Spain
<b>GIL CARLOS</b>	Former President of the Court of Justice of the European Communities, Luxembourg
<b>JACQUES DELORS</b>	Former President of the Commission of the European Communities, Brussels, Belgium
<b>CLAUS-DIETER EHLERMANN</b>	European University Institute, Fiesole, Italy; Former Member of the Appellate Body World Trade Organization, Geneva, Switzerland
<b>ALFRED GUSENENBAUER</b>	Former Chancellor of Austria
<b>RICARDO LAGOS ESCOBAR</b>	Former President of Chile, Former Spokesman and Director General of the Legal Service, Commission of the European Communities
<b>LORD MARK MALLOCH-BROWN</b>	Senior Advisor to the World Economic Forum, Former UN Deputy Secretary General, and Minister of State in the British Foreign Office
<b>JACQUES SANTER</b>	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
<b>SURAKIART SATHIRATHAI</b>	Former Foreign Minister and Deputy Prime Minister of Thailand

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<b>JOSEPH STIGLITZ</b>	Columbia University, New York, New York
<b>ROMANO SUBIOTTO</b>	Cleary, Gottlieb, Steen & Hamilton, Brussels, Belgium
<b>ROBERTO UNGER</b>	Harvard Law School, Cambridge, Massachusetts

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<b>MICHEL WAELBROECK</b>	University of Brussels, Brussels, Belgium
<b>ROBERT WAI</b>	York University, Toronto, Canada
<b>MIKHAIL XIFERAS</b>	Science Po Law School, Paris France

## 5. PROGRAM PARTNERS & SPONSORS

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### A. LEADING SPONSORS

**SANTANDER UNIVERSITIES** and **SOVEREIGN BANK** joined the Institute as a Leading Sponsor in January of 2010. Santander Universities was created by Banco Santander on the conviction that the best way of contributing to growth and economic and social process is by backing the higher education and research system. Their generous support has enabled us to develop our new annual intensive **WORKSHOP** for young scholars and policy practitioners. We have now brought almost 275 participants from more than 50 countries to Cambridge for intense discussion and research collaboration. Together these participants represent more than 100 universities. In addition, more than 60 senior faculty from over two dozen universities have spent time with us as conveners, lecturers and Institute faculty. All who participated are grateful to **SANTANDER UNIVERSITIES** and **SOVEREIGN BANK** for their enthusiastic and generous engagement with this important effort.

The Institute continues to build on the relationship **REAL COLEGIO COMPLUTENSE**, a Cambridge, Massachusetts based affiliate of Complutense University, Madrid, Spain, a co-founder of the European Law Research Center. **THE REAL COLEGIO COMPLUTENSE** 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. The **REAL COLEGIO COMPLUTENSE** has been a generous supporter of IGLP, and we have been pleased to act as an administrative platform for the integration of Spanish researchers and scholars into the Law School community.

**J&A GARRIGUES, S.L.P.** and **SANTANDER UNIVERSITIES** and **SOVEREIGN BANK** continue as a leading sponsor for the Institute. Founded in 1941, **J&A GARRIGUES, S.L.P.** is one of the longest established and largest international law firms in Spain. We look forward to deepening our collaboration in the years to come, particularly with our North American Lawyers program. This fall Harvard Law School Professors David Kennedy, Terry Fisher and Scott Brewer will participate in the Program, delivery lectures to Garrigues attorney's in Barcelona, Madrid and Seville. In July 2011, Professors **DAVID KENNEDY**, **JESSE FRIED** and **SCOTT BREWER** offered a series of executive training seminars at the **GARRIGUES** firm headquarters in Madrid

This year the Institute was proud to welcome **VISA INTERNATIONAL** and **LEVICK STRATEGIC COMMUNICATIONS** as leading sponsors. **LEVICK STRATEGIC COMMUNICATIONS** is a Washington, D.C. based public relations firm specializing in Crisis Communications, Financial Communications, Investor Relations, Litigation Communications, Public Affairs and Issues Management, Reputation Management, and Social and Digital Media. **LEVICK** builds brand equity and protects reputations during the highest-stakes global Communications challenges. They have been instrumental in helping us design the Institute's new webpage – [www.iglp.law.harvard.edu](http://www.iglp.law.harvard.edu). The page is designed not only to be the source for the latest news about the IGLP but also as a portal for researchers, professors, students, fellows, and policy-makers alike to discover and share research and experiences in the world of global law and policy. We envision this page becoming the premier site for scholars interested in the latest thinking and newest ideas about issues of global law and economic policy.

**VISA, INC.** is a global payments technology company that connects consumers, businesses, banks and governments in more than 200 countries and territories, enabling them to use digital currency instead of cash and checks. **VISA** has built one of the world's most advanced processing networks and is capable of handling more than 20,000 transactions per second, with reliability, convenience and security, including fraud protection for consumers and guaranteed payment for merchants. We look forward to deepening our collaboration in the years to come as we explore global regulatory issues of mutual concern.

## B. FRIENDS AND SPONSORS

The Institute is extremely grateful for the ongoing support of our Sponsors and Friends. The sponsorship program was established to facilitate participation by friends and supporters in the world of practice and policy in our ongoing work. We are very pleased to be able to organize collaborative workshops with our sponsors. We are fortunate to continue to count **CLEARY, GOTTlieb, STEEN & HAMILTON** (Brussels, Belgium), among our sponsors and friends. We are particularly grateful to **CLEARY, GOTTlieb, STEEN & HAMILTON** for their support of our **AFFILIATES PROGRAM**, which has hosted over 130 J.D. and graduate students at the Law School since its inception.









REAL COLEGIO COMPLUTENSE



## 6. THE INSTITUTE'S ACTIVITIES: 2010-2011

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### WORKSHOP: LAW AS A REGULATORY DEVICE

Styria, Austria, August 15-21, 2010

In August the IGLP, along with [THE INTERDISCIPLINARY ASSOCIATION OF COMPARATIVE AND PRIVATE INTERNATIONAL LAW](#), Vienna, and [FOWI – RESEARCH INSTITUTE FOR CENTRAL AND EASTERN EUROPEAN BUSINESS LAW](#) at the [VIENNA UNIVERSITY OF ECONOMICS AND BUSINESS](#) hosted our first IGLP Austrian Workshop on [LAW AS A REGULATORY DEVICE](#), at Schloss Seggau, in Styria, Austria.

The Workshop was an intensive six day residential program designed for doctoral and post-doctoral scholars. Over the course of the week participants discussed law as a regulatory device in the context of recent debates on the current economic and social crisis. The Workshop aimed at promoting alternative approaches and innovative ideas about law, economic policy and social justice.

Faculty for the Workshop included: Dr. [SUSANNE AUGENHOFER](#), LL.M. (Yale), Junior Professor Humboldt University Berlin; Prof. [DAN DANIELSEN](#), Northeastern's School of Law; Justice [DENNIS DAVIS](#), Western Cape High Court, South Africa; Prof. [PETER DORALT](#), Vienna University of Economics and Business; Prof. [GUNNAR HEINSOHN](#), University of Bremen; Dr. [LEOPOLD SPECHT](#), Attorney at Law , Vienna; Prof. [MARTIN WINNER](#), Vienna University of Economics and Business, Chairman Austrian Takeover Commission.

The IGLP Austrian Workshop was co-sponsored by Deloitte, STRABAG, Sullivan & Worcester LLP; JUFA Gästehaus Betriebe GmbH Graz and Ithuba Capital AG. IGLP Director [DAVID KENNEDY](#) served as the Faculty Director of the Workshop.

### NORTH AMERICAN LAWYERS PROGRAM

Alicante, Barcelona and Madrid, September 20-21, 2010

With our leading sponsor [J&A GARRIGUES, S.L.P.](#), we held our annual [NORTH AMERICAN LAWYERS PROGRAM](#). Harvard Law School professors [TERRY FISHER](#) and [SCOTT BREWER](#) presented lectures on American law to [GARRIGUES](#) attorneys in Alicante, Barcelona and Madrid. Professor [FISHER](#) presented talks in Barcelona and Alicante on *Recent Developments in Intellectual Property Law* and Professor [BREWER](#) lectured in Madrid and Alicante on *Contract Law: American Private and Public Law in a Federal Legal Order*

### SEMINAR: MERGERS AND ACQUISITIONS IN THE CONTEXT OF THE FINANCIAL CRISIS

Harvard Law School, September 27-30, 2010

From September 27th – 30th, the IGLP and our Co-founder and Leading Sponsor the [REAL COLEGIO COMPLUTENSE](#) held our 8th annual Business Law Seminar at Harvard Law School. This year's seminar focused on [MERGERS AND ACQUISITIONS IN THE CONTEXT OF THE FINANCIAL CRISIS](#). The Seminar placed particular emphasis on analyzing and comparing recent legislative reforms in the US and Europe, particularly in light of the Royal Decree Law 3/2009 a recent reform of the principal Spanish rules relating to insolvencies.



**NOTABLE PRESENTATIONS INCLUDED:**

*Catalogue of Problems in Merger Leveraged Buyouts*  
[JUAN SANCHEZ CALERO](#) & [ISABEL FERNÁNDEZ TORRES](#)  
 Universidad Complutense de Madrid.

*Market Efficiency and the Financial Crisis*  
[REINIER KRAAKMAN](#), Ezra Ripley Thayer  
 Professor of Law, Harvard Law School.

*Mergers and Other Restructuring Operations as a Means to Avoid the Bankruptcy of a Credit Institution*  
 Prof. [JAVIER MARTÍNEZ ROSADO](#), Universidad Complutense de Madrid, 2010 IGLP Visiting Researcher

*Mergers and Acquisitions in the Financial Crisis: What Happened to the Rule of Law?*  
[GUHAN SUBRAMANIAN](#), Joseph Flom Professor of Law & Business, Harvard Law School, and H. Douglas Weaver Professor of Business Law, Harvard Business School.

*Is Market Definition Necessary in Antitrust Merger Analysis?*  
[EINER ELHAUGE](#), Petrie Professor of Law, Harvard Law School.

*Restructuring Financial Institutions*  
[MARÍA DOLORES CONDE RUANO](#)  
 Attorney, Banco Santander

*Strategic Vagueness in Contract Design: The Case of Corporate Acquisitions*  
[GEORGE TRIANTIS](#) Eli Goldstone Professor of Law, Harvard Law School

**PANEL: THE MEANING OF TRAUMA**

Harvard University, September 30, 2010

On September 30, the IGLP and the Harvard Project on Justice, Welfare & Economics Co-Sponsored an interdisciplinary panel discussion on [THE MEANING OF TRAUMA; SEXUAL VIOLENCE IN BERLIN, 1945](#). Participants examined the mass sexual violence experienced by German women during the military defeat of the Third Reich and challenged some of the historical, social, legal, and clinical narratives we typically invoke to construct, interpret and perpetuate the meaning of sexual violence in war.

This interdisciplinary panel examined – and challenged – some of the cultural, legal, social, and clinical metrics we typically invoke to construct, interpret and perpetuate the meaning of sexual violence in conflict and sexual contact between occupying and civilian populations.

**PANELISTS INCLUDED:**

[ATINA GROSSMANN](#), Professor of History, The Cooper Union

[JANET HALLEY](#), Royall Professor of Law, Harvard Law School

[PHILIPP KUWERT](#), Senior Physician, Ernst-Moritz-Arndt-University,

[WENDY LOWER](#), Research Fellow and Lecturer, Ludwig Maximilian University

[HEIDI MATTHEWS](#) (Moderator) S.J.D. Candidate, Harvard Law School and 2009-2010 JWE Fellow.

**WORKSHOP: THE LEAGUE OF NATIONS AND THE CONSTRUCTION OF THE PERIPHERY**

Harvard Law School, October 9, 2010

On October 9 at Harvard Law School, the IGLP Hosted a Workshop on [THE LEAGUE OF NATIONS AND THE CONSTRUCTION OF THE PERIPHERY](#). This Workshop brought together a group of young international legal scholars to present their research on nation and state formation during the interwar period, in the context of the emergence and development of the League of Nations.

The aim of the Workshop was to address two prevalent representations of the League – as a “failed” international institution and an ineffective vehicle for ensuring world order; and as a



Europe-oriented international institution which had no more than an indirect role in managing the formation and transformation of non-European nations and states. Presenters at the Workshop, shared papers that respond to these representations by attending closely to a number of the League's crucial but less familiar enterprises on the "periphery". The inspiration for this Workshop grew out of conversation begun at our June 2010 Workshop on Global Law and Economic Policy.

**PRESENTATIONS INCLUDED:**

*Creating and Recreating Iraq: Legacies of the Mandate System in Contemporary Understandings of Third World Sovereignty*

**USHA NATARAJAN** (Legal Research Fellow, Center for International Sustainable Development Law, McGill University)

*Ethiopia and the League of Nations: Alterity, Hybridity and the Corruption of the Disciplinary Self*

**ROSE PARFITT** (Ph.D. Candidate, School of Oriental and African Studies, London, UK)

*Investing in the Private and Appealing to the Public: Colonialism and the Construction of International Law in the Arab Jurisprudence of the Permanent Court of International Justice*

**MICHELLE BURGIS** (Lecturer in Law, University of St. Andrews, Scotland)

*The 1937 International Sugar Agreement: The Rise of the Post-Colonial Cuban State through the League of Nations*

**MICHAEL FAKHRI** (Assistant Professor of Law, University of Oregon)

*'A Subject Which Excites the Deepest Interest throughout the Civilized World': The Greek-Turkish Population Exchange and the Craft of Diplomatic Nation-Building*

**UMUT ÖZSU** (S.J.D. Candidate, University of Toronto)

**THE FOLLOWING FACULTY SERVED AS COMMENTATORS FOR THIS WORKSHOP:**

IGLP Director **DAVID KENNEDY**, **NATHANIEL BERMAN**, (Rahel Varnhagen Professor of International Affairs, Law, and Modern Culture, Watson Institute for International Studies) **KAREN KNOP**, (Professor at the Faculty of Law, University of Toronto) **MARTTI KOSKENNIEMI**, (Professor of International Law, University of Helsinki and Director, Erik Castrén Institute of International Law and Human Rights.) **MARK MAZOWER**, (Ira D. Wallach Professor of World Order Studies and Director, Center for International History, Columbia University) **LILIANA OBREGÓN**, (Associate Professor of Law, Universidad de los Andes Law School, Bogotá, Colombia) **KERRY RITTICH**, (Associate Professor of Law, University of Toronto) **THOMAS SKOUTERIS**, (Director, Ibrahim Shihata Memorial LL.M. Degree in Comparative and International Law and Assistant Professor of Law, American University in Cairo, Egypt).

**LECTURE: THE NEW LOMBARD STREET: HOW THE FED BECAME THE DEALER OF LAST RESORT**

Harvard University, October 18, 2010

In October, the IGLP and the Workshop on the Political Economy of Modern Capitalism hosted Professor **PERRY MEHLING**, as he presented a talk based on his book [THE NEW LOMBARD STREET: HOW THE FED BECAME THE DEALER OF LAST RESORT](#). Professor **MEHLING**, who teaches economics and economic history at Barnard College, has been doing innovative work modeling the forms of liquidity that helped to create the financial crisis of 2008. His book describes and lays out innovative principles needed to address the instability of today's markets and to rebuild our financial system.

**ROY KREITNER**, (Professor of Law, Faculty of Law, Tel Aviv University and Lillian Gollay Knafel Fellow of Legal History at the Radcliffe Institute for Advanced Study) and **NADAV PEER** (LLM Candidate at Harvard Law School) were the discussants for this event.

**SEMINAR: CURRENT DEVELOPMENTS IN EU AND US ANTITRUST LAW**

Harvard Law School, October 21, 2010

In the fall, the IGLP and the law firm of [CLEARY, GOTTlieb, STEEN AND HAMILTON](#) hosted our 9th annual seminar on [CURRENT DEVELOPMENTS IN EU AND US ANTITRUST LAW](#). The seminar featured lectures and roundtable discussions with experts from both the legal academic and professional communities. Mr. [ROMANO SUBIOTTO](#), who is a member of our Advisory Council and a Partner at Cleary, Gottlieb's Brussels office, gave a talk on *"IP and Antitrust in the Pharma Sector – Where doe the EU Commission Stand at Present?"*

**WORKSHOP: RENEWING LATIN AMERICAN LEGAL STUDIES**

Harvard Law School, November 13, 2010

On Saturday November 13th the IGLP and Professor David Kennedy hosted a Pre Meeting for the June 2011 Workshop Pro-Seminar on [RENEWING LATIN AMERICAN LEGAL STUDIES](#). The meeting brought together a broad network of comparative legal scholars who are thinking in new ways about law in Latin America to discuss their own work and sharpen their interventions within the field of Latin American legal studies.

The meeting served as a starting point for an exploration of the methodological changes comparative law and law in Latin America have undergone over the last decades, in advance of the Renewing Latin American Legal Studies Pro Seminar which was held as part of [IGLP: THE WORKSHOP](#) in June 2011.

Participants included: [ARNULF BECKER](#) (Artemis A.W. and Martha Joukowsky Postdoctoral Fellow, Pembroke Center, Brown University) [COLLIN CRAWFORD](#) (Professor of Law Tulane University) [DAN DANIELSEN](#) (Associate Professor of Law, Northeastern University School of Law) [JORGE ESQUIROL](#) (Professor of Law Florida International University) [IMER FLORES](#) (Professor, Faculty of Law, National Autonomous University of Mexico) [ISABEL JARAMILLO](#) (Associate Professor of Law, Universidad de los Andes in Bogota, Columbia) [DIEGO LOPEZ](#) (Associate Professor, Universidad de los Andes) [RONALDO MACEDO](#) (Professor, Faculdade de Direito da Universidade de São Paulo) [ANGEL OQUENDO](#) (George J. and Helen M. England Professor of Law at the University of Connecticut School of Law) [HUGO ROJAS](#) (Professor of the Sociology of Law, Universidad Alberto Hurtado, Santiago, Chile) [TEEMU RUSKOLA](#) (Professor of Law, Emory Law School) [ALVARO SANTOS](#) (Associate Professor of Law Georgetown University) [RAQUEL YRIGOYEN](#) (Professor of Law Pontifical Catholic University of Peru)

**LECTURE: IRAN, ISRAEL AND THE US – IS WAR INEVITABLE?**

Harvard Law School, February 16, 2011

On February 16, 2011 the IGLP was pleased to host Dr. [TRITA PARSİ](#), the President and founder of the National Iranian American Council, as he presents a talk on [IRAN, ISRAEL AND THE US – IS WAR INEVITABLE?](#)

Dr. [PARSI](#) discussed how tensions between Israel and Iran have permeated almost all other conflict in the Middle East and examined the impact that these tensions have had on the Obama administration's efforts to resolve the Iranian nuclear crisis. He examined the root causes of the Israeli-Iranian conflict and the extent to which American and Israeli interests converge or diverge in this conflict. IGLP Post-Doctoral Fellow Hengameh Saberi provided introductory remarks as well as commentary on the subject after Dr. Parsi's presentation.

Dr. [PARSI](#) is the author of *Treacherous Alliance - The Secret Dealings of Iran, Israel and the United States* (Yale University Press, 2007), and recipient of the Council on Foreign Relations' 2008 Arthur Ross Silver Medallion and the 2010 Grawemeyer Award for Ideas Improving World Order.

**IGLP DINNER SERIES**

Cambridge, MA, March 30, 2011

The IGLP frequently honors the academic work of some of our Network Contributors. This past Spring we hosted a dinner in honor of Prof. [ANTHONY ANGHIE](#), Samuel D. Thurman Professor of Law at the University of Utah S.J. Quinney College of Law.

Professor Anghie's research interests include public and private international law; human rights; globalization, development issues, and international law; terrorism and the use of force; international business transactions and international economic law; colonialism and the history of public international law; and third world approaches to international law. This dinner was hosted by HLS Prof. [JANET HALLEY](#).

**LECTURE: THE LOOK IN HIS EYES: THE STORY OF STATE V. RUSK AND RAPE REFORM**

Harvard Law School, February 23, 2011

In February, The Institute hosted Harvard Law Professor [JEANNIE SUK](#) for a lecture and discussion of her article [THE LOOK IN HIS EYES: THE STORY OF STATE V. RUSK AND RAPE REFORM](#).

Professor [SUK's](#) article tells the story of State v. Rusk through the lens of rape law reform. Beginning in the 1970s, under the influence of feminism, some prevailing attitudes and expectations about sex between men and women started to change. Edward Rusk, like many men, didn't think he just had to stop because a woman who seemed interested said she didn't want to have sex. He was convicted of rape at the cusp of legal transformation, when sexual behavior that had been socially commonplace was rapidly in the midst of being recast as criminal. Drawing on many interviews with lawyers, judges, and other people involved in the case, Professor [SUK](#) article tells the story of when and how a set of social norms of sex and dating became unacceptable, and the legal role and consequences of that social change.

The commentators for Prof. [SUK's](#) lecture included Prof. [KATHARINE B. SILBAUGH](#) (Law Alumni Scholar, Professor of Law, Boston University), Prof. [DUNCAN KENNEDY](#) (Carter Professor of General Jurisprudence, Harvard Law School) and Prof. [JANET HALLEY](#) (Royall Professor of Law, Harvard Law School).

**LECTURE: AGRARIAN AND AGRICULTURAL CAPITALISM IN SUB-SAHARAN AFRICA: CONFLICTS AND THE ROLE OF INTERNATIONAL FINANCIAL INSTITUTIONS.**

Harvard Law School, March 10, 2011

On March 10<sup>th</sup> the IGLP co-sponsored a talk by Harvard SJD Candidate [MEKONNEN FIREW](#) on [AGRARIAN AND AGRICULTURAL CAPITALISM IN SUB-SAHARAN AFRICA: CONFLICTS AND THE ROLE OF INTERNATIONAL FINANCIAL INSTITUTIONS](#). Mr. [FIREW](#) discussed the World Bank's land and agricultural policies in sub-Saharan Africa, sustainable development, and the adequacy of safeguards to protect the welfare of rural populations.

Mr. [FIREW's](#) research is concerned with land and agricultural policy in sub-Saharan Africa, especially the issues of food security, sustainable economic development and social justice. He is currently working with the World Bank on issues related to the agricultural sector. Harvard LLM [MISHA REHMAN](#) moderated this event.

This event was co-sponsored with International Legal Studies, Harvard African Law Association, Law and International Development Society, and the International Law Society.

**LECTURE: THE POLITICIZATION OF INTERNATIONAL INSTITUTIONS AND ITS EFFECT ON DEMOCRACIES**

Harvard Law School, March 23, 2011

IGLP and the The Minda de Gunzburg Center for European Studies at Harvard University were pleased to will host a talk by Dr. [MICHAEL ZÜRN](#) this past March on [THE POLITICIZATION OF INTERNATIONAL INSTITUTIONS AND ITS EFFECT ON DEMOCRACIES](#).

Dr. Zürn has served as director of the Transnational Conflicts and International Institutions department at the Social Science Research Center Berlin, and as Founding Dean and Academic Director of the Hertie School of Governance, Berlin since 2004. His research focuses on themes related to globalization, its regulation through international institutions and their normative foundations.

**ROUNDTABLE DISCUSSION: EUROPEAN ENERGY ISSUES**

Harvard Law School, April 11, 2011

This past spring the IGLP was please to host Dr. [KLAUS BARBKNECHT](#), an Executive Board Member of the German energy company Verbundnetz Gas Aktiengesellschaft, for a roundtable discussion on European energy issues with Harvard faculty and graduate students, as well as experts from the private sector. The discussion focused primarily on the politics and economics of European energy strategies and the possibilities for transatlantic cooperation - and the role Russia will play in these matters.

Dr. [BARBKNECHT](#) served as president of Gas Storage Europe from 2005-2008, representing the gas storage operators in Europe. He also served as vice president of Gas Infrastructure Europe during that time. From 2000-2004, he served as head of the gas transport and gas storage departments at VNG, and then ran the newly established strategic coordination department. Mr. [BARBKNECHT](#) started his professional career as a lawyer and worked as a legal advisor in the oil and natural gas business.

Participants included: IGLP Director [DAVID KENNEDY](#), [DANIELA CARUSO](#) (Professor of Law, Boston University Law School) [DETLEV VAGTS](#) (Bemis Professor of International Law, Emeritus, Harvard Law School) [ARPAD VON LAZAR](#) (Professor Emeritus, Fletcher School of Law and Diplomacy, Tufts University) [HENGAMEH SABERI](#) (IGLP Post-Doctoral Fellow) [ARNULF BECKER](#) (Pembroke Center Post-Doctoral Fellow) [MARCIN KILANOWSKI](#) (LLM Candidate, Harvard Law School) and Harvard Law School SJD candidates [ERMAL FRASHERI](#), [DAMJAN KUKOVEC](#), [PETER SZIGETI](#) and [OSAMA SIDDIQUE](#).

**WORKSHOP: TRANSNATIONAL SOCIAL POLICY AND LABOR REGULATION: CRISIS AND CHANGE**

Harvard Law School, April 22-23, 2011

On April 22 & 23, at Harvard Law School, the IGLP hosted a Pre-Meeting for its June 2011 Workshop Pro-Seminar on [TRANSNATIONAL SOCIAL POLICY AND LABOR REGULATION: CRISIS AND CHANGE](#). The meeting, which was convened by Prof. [KERRY RITTICH](#), brought together a network of scholars for discussion and debate about the substantive and methodological questions and conundrums surrounding labor market governance and social policy - both national, as well as transnational.

The meeting served as a starting point for discussion and writing in advance of the Transnational Social Policy and Labor Regulation Pro Seminar which was held as part of the larger [IGLP WORKSHOP](#) in June 2011.

Other participants included: [DENNIS DAVIS](#) (Judge on the High Court of Cape Town, South Africa) [RICHARD MICHAEL FISCHL](#) (Professor of Law, University of Connecticut, Visiting Professor of Law, Yale Law School) [ALVARO SANTOS](#) (Associate Professor of Law, Georgetown University) [CHANTAL THOMAS](#) (Professor of Law, Cornell Law School).

**WORKSHOP: GENDER IN POSTCOLONIAL LEGAL ORDERS**

Dighton, MA, April 22-23, 2011

In April the IGLP sponsored a Pre-Meeting for its June 2011 Workshop Pro-Seminar, [GENDER IN POSTCOLONIAL LEGAL ORDERS](#). The meeting, which was convened by IGLP Advisory Council Member Prof. [JANET HALLEY](#), brought together a broad network of scholars whose research is concerned with the ways gender, sex, sexuality, reproduction and the family have played pivotal roles in the rise of colonialism and of modern capitalism, in the formation and dissemination of classical legal thought, in the onset of “the social,” in decolonization and the formation of nations, and in the continual reconfiguration of liberalism’s global reach through “market oriented” economic policies and human rights advocacy.

The meeting served as a starting point for discussion and writing in these areas in advance of the Gender in Postcolonial Legal Orders Pro Seminar which was held as part of the larger [IGLP JUNE WORKSHOP](#)

**IGLP: THE WORKSHOP**

Harvard Law School, June 1-10, 2011

In June 2011, the Institute for Global Law and Policy at Harvard Law School convened its second annual intensive ten-day residential program for doctoral and post-doctoral scholars, and junior faculty at Harvard Law School.

[IGLP: THE WORKSHOP](#) is an intensive ten-day residential program designed for Doctoral and POST-Doctoral Scholars. The Workshop promotes innovative ideas and alternative approaches to issues of global law, economic policy and social justice in the aftermath of the economic crisis.

The Workshop is funded through the generous support of [SANTANDER UNIVERSITIES](#) and [SOVEREIGN BANK](#). With their support we were able to bring more than 100 young scholars and faculty from 43 countries to Harvard for serious research collaboration and debate on issues of global law and economic policy. Over the course of the program, we convened over 95 Seminars and Discussion Panels led by renowned faculty members and guest speakers representing over 16 countries and 33 universities.

The 2011 Workshop focused on deepening our understanding of heterodox traditions for understanding global political economy. The Workshop’s overall curriculum is designed to strengthen our work in specialized fields, and, more importantly, encourage cross-training with faculty and participants whose specialty is different from our own. In 2011 IGLP: The Workshop was organized around [11 Program Themes](#):

[COMMONWEALTH](#)

[THE CORPORATION IN GLOBAL SOCIETY](#)

[EMERGING GLOBAL LEGAL CHARACTERS:  
ARBITRATORS, JUDGES AND TRANSNATIONAL  
LEGAL ANALYSIS](#)

[GLOBAL SCIENCE AND TECHNOLOGY STUDIES](#)

[HISTORY OF AMERICAN LEGAL THOUGHT](#)

[HUMAN RIGHTS AND SOCIAL JUSTICE](#)

[INTERNATIONAL ECONOMIC LAW  
AND REGULATIONS](#)

[INTERNATIONAL LEGAL HISTORY](#)

[LAW AND ECONOMIC DEVELOPMENT](#)

[LEGAL ARCHITECTURE OF MONETARY  
INTEGRATION](#)

[PRIVATE INTERNATIONAL LAW AS  
GLOBAL GOVERNANCE](#)

Exploration of each Workshop Program Theme was led by a team of senior scholars and was designed to promote discussion on recent scholarly trends as well as classical texts. Our goal was to better understand the history and structure of our contemporary world political and economic system. The Themes sought to map modern money, finance, development, governance, regulation and social justice, opening them to contestation and debate.

Each afternoon, participants also broke into small **WRITING WORKSHOPS** to share their own scholarship and discuss their own ongoing research. The writing workshops were organized to promote learning from others working on similar projects as well as cross training with projects quite different from one's own. The smaller group format allowed participants to engage on a one-on-one basis with their peers and specialist faculty members to share ideas and receive feedback on their work.

As an extension of the core curriculum, also featured a regular program of **GUEST SPEAKERS & PANEL DISCUSSIONS**.

Our featured afternoon speaker series included presentations on:

"Global Governance as Spectacle"

Prof. **DUNCAN KENNEDY**,  
Harvard Law School

"Expertise as Governance"

Prof. **DAVID KENNEDY**  
Harvard Law School

"Queer Theory in International Law"

Prof. **JANET HALLEY**, Harvard Law School  
Prof. Helen Kinsella, Univ. of Wisconsin  
Prof. **TEEMU RUSKOLA**, Emory Law School  
Prof. **ADRIENNE DAVIS**, Washington Univ.  
Prof. **KAREN ENGLE**, Univ. of Texas

"The Legacy of *Carl Schmitt*"

Prof. **MARTTI KOSKENNIEMI**, Univ. of Helsinki  
Prof. **JOSÉ MARÍA BENEYTO**,  
University of Madrid  
Prof. **GÜENTER FRANKENBERG**,  
Goethe-Universität , Frankfurt am Main

"The Politics of Revolution and  
Transitional Justice"

Dr. **ARNULF BECKER**, Brown Univ.  
Judge **DENNIS DAVIS**, South Africa  
Prof. **VASUKI NESIAH**, New York Univ.  
Prof. **HANI SAYED**  
The American Univ/Cairo  
Dr. **LEOPOLD SPECHT**,  
Specht Rechtsanwalt GmbH

"Modern Money and the Financial Crisis"

Prof. **PERRY MEHLING**, Barnard College  
Prof. **JAMES MILLSTEIN**, Georgetown Univ.  
Prof. **MORGAN RICKS**,  
Harvard Law School (Visiting)  
Prof. **RANDALL WRAY**, Univ. of Missouri  
Prof. **CHRISTINE DESAN**, Harvard Law School

This year we also inaugurated a new series of **PRO-SEMINARS** designed for scholars collaborating to develop new scholarly writing. Each Pro-Seminar convened between ten and fourteen active scholars, half selected by invitation, and half by application, working on a common topic. Each of the Pro-Seminars were led by members of the Workshop's Core Faculty and met in four two-hour private sessions during the broader Workshop to advance their work toward publication. In 2011 we offered the following **6 PRO-SEMINARS**:

**TRANSNATIONAL SOCIAL POLICY AND  
LABOR REGULATION: CRISIS AND CHANGE**

**THE CENTER AND PERIPHERY IN GLOBAL LAW AND  
POLITICAL ECONOMY: COLONIALISM TO DEVELOPMENT**

**GENDER, SOCIAL MOVEMENTS, PEACE AND CONFLICT**

**RE-THEORIZING LIQUIDITY**

**GENDER IN POSTCOLONIAL LEGAL ORDERS**

**RENEWING LATIN AMERICAN LEGAL STUDIES**

The Workshop was directed by IGLP Faculty Director **DAVID KENNEDY** of Harvard Law School.

The **CORE FACULTY** for the Workshop included:

**ANTONY ANGHIE**, Samuel D. Thurman Professor of Law, University of Utah S.J. Quinney College of Law; Visiting Professor of Law and John Harvey Gregory Lecturer On World Organization, Harvard Law School

**ARNULF BECKER**, Artemis A.W. And Martha Joukowsky Postdoctoral Fellow, Brown University

**DANIEL BRINKS**, Associate Professor, Department of Government, University of Texas

**HILARY CHARLESWORTH**, Australian Research Council Federation Fellow, Professor in Regnet and Director of the Centre for International Governance and Justice, Australian National University

**CHRISTINE CHINKIN**, Professor of International Law, London School of Economics

**MATTHEW CRAVEN**, Dean of Faculty of Law and Social Sciences, Professor of International Law and Director, Centre for the Study of Colonialism, Empire and International Law, School of Oriental and African Studies, University of London;

**DAN DANIELSEN**, Associate Professor of Law, Northeastern University;

**DENNIS DAVIS**, Judge On the High Court of Cape Town, South Africa;

**CHRISTINE DESAN**, Professor of Law, Harvard Law School;

**KAREN ENGLE**, Cecil D. Redford Professor In Law & Director, Bernard and Audre Rapoport Center for Human Rights and Justice, University of Texas Law School;

**JORGE ESQUIROL**, Professor of Law and Director of International & Comparative Law Programs, Florida International University College of Law;

**DIEGO FERNANDEZ ARROYO**, Professor of Law, Sciences Po Law School;

**JANET HALLEY**, Royall Professor of Law, Harvard Law School;

**SHEILA JASENOFF**, Pforzheimer Professor of Science and Technology Studies, Harvard Kennedy School;

**KAREN KNOP**, Faculty of Law, University of Toronto;

**MARTTI KOSKENNIEMI**, Professor of International Law and Director of the Erik Castrén Institute of International Law and Human Rights, University of Helsinki;

**ROY KREITNER**, Professor of Law, Faculty of Law, Tel Aviv University;

**ANDREW LANG**, Senior Lecturer in Law, London School of Economics;

**HORATIA MUIR-WATT**, Professor of Law Sciences Po Law School;

**VASUKI NESIAH**, Associate Professor of Practice, Gallatin School of Individualized Study, New York University;

**ANNE ORFORD**, Michael D. Kirby Chair of International Law, Australian Research Council Professorial Fellow and Director, Institute for International Law and the Humanities, Melbourne Law School;

**KERRY RITTICH**, Associate Professor at the Faculty of Law and the Women and Gender Studies Institute at the University of Toronto;

**ALVARO SANTOS**, Associate Professor of Law at Georgetown University Law Center;

**LEOPOLD SPECHT**, Specht Rechtsanwalt GmbH, Vienna – Belgrade – Budapest – Kiev – Moscow – Prague – St. Petersburg

**CHANTAL THOMAS**, Professor of Law, Cornell Law School;

**GUILLAUME TUSSEAU**, Professor of Law Sciences Po Law School;

**ROBERT WAI**, Professor of Law, Osgoode Hall Law School

**MIKHAIL XIFARAS**, Professor of Law, Sciences Po Law School



The Workshop was structured as a platform for the exchange of ideas on an international scale. Conversations and discussions that began in the lecture room often carried over into the dining halls, dorm rooms, and informal participant created groups. The Institute encouraged participants to see the Workshop as a first step in creating a global community for scholar debate among the next generation of scholars working to innovate on issues of global law and policy. To facilitate the continuation of this unique global conversation the IGLP will launch a grants program for IGLP alumni to build on projects born at the Workshop. Additionally, we have encouraged all workshop faculty and participants to share their research and writing, their course syllabi, and information about other events of interest on the Institute's new website – [www.iglp.law.harvard.edu](http://www.iglp.law.harvard.edu). We hope this page becomes the premier site for scholars interested in the latest thinking and newest ideas about issues of global policy.

### **FRANCO-AMERICAN LEGAL INFLUENCE, THEN AND NOW**

Harvard Law School, June 12-13, 2011

In June, the IGLP, along with the Harvard Program on International Legal Studies, the Mahindra Humanities Center at Harvard, the Sciences Po Law School and the HLS Program on Law and Social Thought, hosted a conference on [FRANCO-AMERICAN LEGAL INFLUENCE, THEN AND NOW](#) at Harvard Law School.

This conference explored historical and contemporary moments of intellectual influence and reception between French and US legal thought. Participants examined the influence of the French pre World War I juristes inquiets (Geny, Salleilles and others) on the American social jurists (Pound, Cardozo, Brandeis) and the legal realists; the role of "French Theory" in changing the course of Critical Legal Studies in the US in the latter half of the twentieth century; and the impact of American legal theory on French legal theory movements and education today. Participants also asked several questions throughout: When have influence and reception been possible, under what political and intellectual conditions, and with what degree of desire, resistance, or reciprocity? What interdisciplinary formations have been suggested by various waves of influence; when has social science, and when have the human sciences, emerged as law's interdisciplinary dancing partner? What caused waves of influence, and their interdisciplinary desires, to subside and die out? The program concluded with a roundtable on contemporary possibilities for transatlantic legal study.

Panel 1 - "The Social" in France and in America: The *Juristes Inquiets* and Sociological Jurisprudence

[FRÉDÉRIC AUDREN](#); [MARIE CLAIRE BELLEAU](#); [BERNARD HARCOURT](#); [AMALIA KESSLER](#); [JULIE SUK](#); [JUDITH SURKIS](#); [MARK TOUFAYAN](#); [MIKHAIL XIFARAS](#)

Panel 2 - Legal Realism in America and Waning of Critique in France

[ALEXANDRE GUIGUE](#); [JANET HALLEY](#); [CHRISTOPHE JAMIN](#); [DAVID KENNEDY](#); [PIERRE SCHLAG](#); [KENDALL THOMAS](#); [MICHEL TROPER](#)

Panel 3 - Critique du Droit in France & CLS in the US

[LOUIS ASSIER-ANDRIEU](#); [NATHANIEL BERMAN](#); [DANIEL BORRILLO](#), [ANTOINE JEMMAUD](#), [DUNCAN KENNEDY](#); [ERIC MILLARD](#); [MARK TUSHNET](#)

Panel 4 - "French Theory" in France and in the US (The Cargo Cult)

[PETER BROOKS](#); [ERIC FASSIN](#); [PETER GOODRICH](#); [MITCHEL LASSER](#); [BERNIE MEYLER](#); [ANDREW PARKER](#); [RAVIT REICHMAN](#); [JULIE SAADA](#)

Panel 5 - Critical Legal Thought Today, in France and America

[NOA BEN ASHER](#); [ELIZABETH EMENS](#); [VINCENT FORRAY](#); [ARIELA GROSS](#); [BERTRAND GUILLARME](#); [STÉPHANIE HENNETTE-VAUCHER](#); [SEBASTIEN PIMONT](#); [ANNELISE RILES](#); [SUSIE SCHMEISER](#)



## 7. LECTURES AND PRESENTATIONS BY PROFESSOR DAVID KENNEDY

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Professor **DAVID KENNEDY**, IGLP Director, participated in a number of conferences and seminars this past year, giving lectures or serving as a panelist in many of them. In 2010-2011, these included:

### SPRING 2010

- **REMARKS ON THE STATE OF CURRENT RESEARCH IN INTERNATIONAL LAW** presented at the *Roundtable on Interdisciplinary Research on International Justice* at University of Michigan Law School, Ann-Harbor on April 9, 2010
- **INTRODUCTORY REMARKS FOR A PANEL ON SOCIAL RIGHTS AS HUMAN RIGHTS** at the *Future of European Legal Culture* conference at the University of Helsinki, Finland on May 12, 2010.
- **COMMENTARIES ON "REDESIGN PRINCIPLES," "HOW TO USE NEW TECHNOLOGY AND SOCIAL MEDIA TO IMPROVE GOVERNANCE",** and **"REBUILD IN DEPTH: LEGITIMACY AND INTERNATIONAL INSTITUTIONS** at the *World Economic Forum Global Redesign Summit*, Doha, Qatar, May 30 – 31, 2010.
- **REMARKS ON THE ANTI-CORRUPTION EFFORTS UNDERTAKEN BY THE KURDISH REGIONAL GOVERNMENT IN IRAQ** at the *Kurdistan Region Trade and Investment Conference*, London, England on June 16, 2010.

### FALL 2010

- **GLOBAL GOVERNANCE FOR THE POLITICAL ECONOMY OF TODAY** presented at The Institute for Public Planning's Global Policy Forum *The Modern State: Standards of Democracy and Criteria of Efficiency* Yaroslavl, Russian Federation, September 10, 2010.
- **PANEL DISCUSSION** at the World Economic Forum on *Design and Global Challenges*, Harvard University, Cambridge, MA, October 14, 2010.
- **GLOBAL GOVERNANCE FOR THE POLITICAL ECONOMY OF TODAY** presented at the World Economic Forum's *Summit on the Global Agenda*, Dubai, United Arab Emirates, November 29, 2010.
- **GLOBAL GOVERNANCE FOR THE POLITICAL ECONOMY OF TODAY** presented at the University of Zaragoza, Zaragoza Spain, December 9, 2010.

### SPRING 2011

- **PANEL DISCUSSION ON HUMAN RIGHTS, UK FOREIGN POLICY AND INTERNATIONAL AFFAIRS** on the television program *Question Time International*, Moderated by BBC presenter *Zeinab Badawi*, at the School of Oriental and African Studies, University of London, January 11, 2011
- **PANEL REMARKS ON CONFIDENTIALITY OR TRANSPARENCY: THE WIKILEAKS DILEMMA**, at the *Annual Meeting of the World Economic Forum* in Davos-Klosters, Switzerland, January 26, 2011
- **FOUNDATIONS OF AMERICAN LEGAL THOUGHT**, presented at Sciences Po Law School, Paris France, February 4-5, 2011
- **GLOBAL REGULATION AND GOVERNANCE; WHAT HARVARD LAW SCHOOL IS DOING IN THE AREA**, presented at the Harvard Law School Association of Germany, Frankfurt, Germany, March 26, 2011
- **GLOBAL RISK MANAGEMENT**, presented at the World Economic Forum's *Global Risks Meeting*, New York, NY, April 7, 2011.
- **INTERNATIONAL LAW AND POLITICS OF EXPERTISE**, presented at the University of Colorado Law School, April 15, 2011
- **GLOBAL GOVERNANCE AND ECONOMIC DEVELOPMENT**, presented at World Economic Forum *Tackling Global Challenges through International Law*, held at the Fletcher School of Law and Diplomacy on April 29, 2011

- **PANEL REMARKS ON INDIGENOUS RIGHTS AND INTERNATIONAL LAW**, presented at the University of Texas School of Law, May 6, 2011.
- **PANEL REMARKS ON ANTI CORRUPTION EFFORTS AND THE UN CONVENTION AGAINST CORRUPTION**, presented at the *International Workshop on the Development of Academic Anti-Corruption*, Northeastern University on May 23, 2011.
- **SOME CAUTION ABOUT PROPERTY RIGHTS AS A RECIPE FOR ECONOMIC DEVELOPMENT** presented at the World Bank, Washington D.C., May 26, 2011
- **MANAGING INTERNATIONAL CURRENCY RISK IN THE EURO ZONE**, presented at a *World Economic Forum* at the Center for European Policy, Brussels, Belgium, on June 30, 2011.
- **DISASTER RECOVERY: LESSONS FOR RISK MANAGEMENT** presented at the PricewaterhouseCoopers Global Seminar *Towards a Future for Japan* Tokyo, Japan, July 26, 2011
- **THE AMERICAN APPROACH TO GLOBAL LAW AND POLICY**, presented at the Centro de Estudios Garrigues *International Business Law Program*, Madrid, Spain, July, 12, 2011.

## 8. VISITING RESEARCHER PROGRAM: 2010-2011

**DEMETRIO CASTRO (SPAIN)** is a Professor at the Sociology Department, Universidad Publica de Navarra, Pamplona, Spain where he teaches Political Science and History of the Political Thought. An Intellectual historian, he is author of "Burke Circunstancia Politica y Pensamiento (2007) and a new work about Robespierre due out in 2010. He is currently working on French anticlerical laws in early Twentieth-century.

**PATRICIA LAMO DE ESPINOSA (SPAIN)** holds a Ph.D. from the Polytechnic University of Madrid as well as Master in Business Law from the Universidad Complutense in Madrid. She is an Advisor in the Economic Department of the Spanish Defensor del Pueblo (Ombudsman) providing technical legal advice on tax matters. From 2006-2009 she was a lecturer at Escuela Técnica Superior de Ingenieros Agrónomos de Madrid specializing in Law and Agricultural Institutions and Public Law.

**JAVIER MARTÍNEZ ROSADO (SPAIN)** is a full Professor of Commercial Law at the Complutense University in Madrid. He is author of the book "Retention of title Clauses in Bankruptcy" which was published in 2005. At the IGLP his research focuses on the enforcement of shareholders' agreements in corporations. Javier earned a PhD from Complutense University in 2002.

**MARIA LUISA GOMEZ JIMENEZ (SPAIN)** is an Associate Professor of Law at the University of Malaga (Spain). He current research focuses on legal administrative aspects regarding the public intervention on housing in the US and Spain in the aftermath of the economic crisis.

**PATRICIA LAMPREAVE (SPAIN)** is a Professor of Tax Law at the University Complutense, Madrid. Her main areas of research are EU law and international tax law. Her research at the IGLP centers on her forthcoming paper "The US Codification of the Economic Substance Doctrine". She has a law degree from I.C.A.D.E University, a maîtrise in International and European Law from the Université de Lovain and a PhD in Tax Law from the University Complutense.

**FERNANDO RODRIGUEZ (SPAIN)** is a PhD candidate at the Universidad Nacional de Educacion a Distancia in Spain focusing on constitutional law. His thesis seeks to examine the protection of fundamental rights on the Internet. He earned an LLB from the Universidad Carlos III de Madrid in 2007.

**ISIDORO CASANUEVA (SPAIN)** is a practicing lawyer as well an associate professor of private law at the Universidad de Extremadura (Spain). In addition, he is an Academic Correspondent at the Spanish Royal Academy of Jurisprudence and Legislation. His research interests include Anglo-Saxon and Continental Legal Categories, the relationship between law and economics, and European private law. He received a PhD in Law from Ph.D. from the Universidad de Extremadura in 2000.

**ANGLES LOPEZ (SPAIN)** is Professor of Law and Philosophy at the Complutense University in Madrid since 1990. Her research at the IGLP focuses on constitutional principles and values. Professor Lopez holds a PhD in Law and Philosophy from the University of Murcia. (1984)

**PEDRO TENORIO SANCHEZ (SPAIN)** is an associate professor of law at the Universidad Nacional de Educacion a Distancia in Spain as well as a legal advisor to the Spanish Constitutional Court. During his stay at the IGLP he will be examining freedom of speech in the US and Spain. Pedro earned a PhD in Law from the University of Bologna (Italy).

**NAN LU (PR CHINA)** is a PhD candidate of Jurisprudence at the Tsinghua University Law School in Beijing. His research examines human rights in the perspective of legal globalization. Nan received an MD of Jurisprudence from Tsinghua University in 2007.

## 9. RESEARCH AND TRAVEL GRANTS: 2010 – 2011

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The Institute for Global Law and Policy provides modest research and travel support to a small number of scholars conducting research in areas closely related to the IGLP's ongoing work. Applications are 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 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 global 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 Harvard Law School for the same trip. Generally, Institute support does not exceed \$500 toward the cost of travel for conferences in the US and \$1000 for conferences outside the United States.

In 2010 – 2011 the IGLP awarded eight travel grants:

- **Heidi Matthews** (S.J.D. Canada) received a grant to travel to London in May, 2011 to participate in the Radical International Law conference at the London School of Economics in May, 2011.
- **Ignacio de la Rasilla** (LLM, Spain) received a grant to travel Tallinn, Estonia to participate in the European Society of International Law Conference which was held there from May 27-30, 2011
- **Damjan Kukovec** (SJD, Slovenia) received a grant to travel to Ljubljana, Slovenia in April, 2011 to participate in a conference as part of the 20<sup>th</sup> anniversary of Slovenia independence. Damjan spoke on a panel about the need to to change the Slovenian justice system.
- **Namita Wahi** (SJD, India) received a grant to travel to Pune, India in December to present her papers "From Promise to Progress: Citizens, Courts and the Right to Health in India" and "The Paradoxical Debate on Constitutional Property in India" at the Law and Social Science Network annual conference.
- **Jennifer Macleod** (LL.M., United Kingdom) received a grant to travel to Ghana in January 2010 to research anti-eviction efforts in the Agyenmankata Community.
- **Lisa Collins** (Kennedy and Frank Knox Visiting Researcher, United Kingdom) received a grant to travel to Ghana in January 2010 to research anti-eviction efforts in the Agyenmankata Community.
- **Iain Frame** (S.J.D., Scotland) received a grant to travel to London in April 2010 to present a paper at the 4th International Graduate Legal Research Conference at King's College London School of Law and Graduate School.
- **Jose Luis de la Calle Sanchez** (IGLP Visiting Researcher, Spain) received a grant to attend a Conference on International Antitrust Litigation jointly organized by UCL Louvain and the Max Planck Institute in Hamburg, which was held in Brussels on March 26, 2010.



## VISIT THE IGLP'S WEB PAGE:

Go to <http://www.iglp.law.harvard.edu> for up to date information on the Institute's activities and Visitors Program, and for copies of previous Activities Reports.