

**Promoting the Rule of Law:
Cooperation and Competition in the EU-US Relationship**

**2010 Policy Conference
May 6, 2010**

Sponsors: **European Union Center of Excellence, University of Pittsburgh
Center for International Legal Education, University of Pittsburgh
Institute for European Studies, Vrije Universiteit Brussel**

We often hear about the importance of the rule of law to the development of functioning political and economic systems throughout the world. What is not always clear is what is meant by the use of that term, and just how we define, measure, and facilitate the existence of the rule of law in any given society or nation. When do we know the rule of law exists? Is it something that can be quantitatively measured by looking at the written laws of a state, or is it a political climate that goes beyond positive law indicia? How do the EU and the US define and measure the rule of law in their own societies; and how do they promote the implementation and advancement of the rule of law elsewhere in the world? How important to the external relations of each of the EU and the US is the development of the rule of law, particularly in regions of crisis and transition throughout the world? If the rule of law is an important aspect of external relations efforts of the EU and the US, are the programs and policies of each of them (1) consistent with their own definition of the rule of law and how it should be implemented, and (2) in competition with or complementary with one another? What is the value of coordination of programs and policies in this area, and is there value in program and policy competition?

This conference will explore all of these questions, seeking a better understanding of the importance of the rule of law as a goal reflected in the policies and programs of each of the EU and the US, as well as how the objectives of existing programs and policies can be improved through such an understanding. Throughout the conference, we will also explore the relationship between governments and civil society in pursuing these objectives.

This conference has been approved by the Pennsylvania Board of Continuing Legal Education for five and one-half (5.5) hours of substantive credit.

Contact: cile@pitt.edu

Thursday, May 6 (Location: University Club)

Welcome and Introduction

9:00 - 9:30 a.m.

Welcome: **Carolyn Ban**, Acting Director, European Union Center of Excellence, University of Pittsburgh

Remarks: **Bart De Schutter**, President, Institute for European Studies

Introduction: **Ronald A. Brand**, Director, Center for International Legal Education

Session I: Defining the Rule of Law

Moderator: **Haider ala Hamoudi**, Associate Professor, University of Pittsburgh School of Law

9:30 - 10:15 a.m. Presenters:

Ricardo Gosalbo Bono, Director for External Relations, EU Council Legal Service

Thomas Nachbar, Professor of Law, University of Virginia, Chief, Rule of Law and Stability Operations (IMA) for the Army's Office of the Judge Advocate General

10:15 - 10:45 a.m. Key Discussants:
Kurt Riechenberg, Senior Legal Secretary, Court of Justice of the European Communities
Mark Ellis, Executive Director, International Bar Association
D. Brooks Smith, Judge, Third Circuit U. S. Court of Appeals

10:45 - 11:15 a.m. General Discussion
11:15 - 11:30 a.m. Break

Keynote Address:

11:30 - 12:30 p.m. **Glenn Hendrix**, Chair, ABA Section of International Law

Lunch

12:30 - 1:45 p.m. Welcome:
Alberta Sbragia, Director, European Union Center of Excellence
Mark A. Nordenberg, Chancellor, University of Pittsburgh

Session II: Programs and Policy Objectives: Can External Programs Influence Internal Development of the Rule of Law?

Moderator: **Elena Baylis**, Associate Professor, University of Pittsburgh School of Law

1:45 - 2:30 p.m. Presenters:
Esa Paasivirta, Member, Legal Service, European Commission
Wade Channell, Senior Commercial Law Advisor, USAID

2:30 - 3:00 p.m. Key Discussants:
Scott N. Carlson, Senior Rule of Law Adviser, U.S. Department of State
Scott Worden, Senior Rule of Law Advisor, U.S. Institute of Peace
***Paul Amato**, Former Rule of Law Officer and Senior Advisor, 1st Iraqi Army Division Military Transition Team, Anbar Province

3:00 - 3:30 p.m. General Discussion

3:30 - 3:45 p.m. Break

Session III: The Role of Civil Society and Legal Education in Developing the Rule of Law

Moderator: **Vivian Curran**, Professor, University of Pittsburgh School of Law

3:45 - 4:30 p.m. Presenters:
Bart De Schutter, President, Institute for European Studies, Vrije Universiteit Brussel
Ronald A. Brand, Professor & Director, Center for International Legal Education, University of Pittsburgh School of Law

4:30 - 5:00 p.m. Key Discussants:
Orsolya Szekely, Special Representative of the Secretary General, Council of Europe, Pristina
Stephen Gardner, Chief Counsel, Commercial Law Development Program, U.S. Department of Commerce
***David A. Murdoch**, Partner, K&L Gates, Chair Emeritus, Board of Trustees, World Learning

5:00 - 5:30 p.m. General Discussion