

GOLDEN GATE UNIVERSITY

SCHOOL OF LAW



We Do More Than Teach Law,
We Train Lawyers.



GOLDEN GATE UNIVERSITY

SCHOOL OF LAW

THE SOMPONG SUCHARITKUL CENTER
FOR ADVANCED INTERNATIONAL LEGAL STUDIES

Proudly Presents
The 29th Annual
Fulbright Symposium
April 5, 2019

**THE GOLDEN GATE UNIVERSITY
SOMPONG SUCHARITKUL CENTER
PRESENTS: International Law as an Instrument**



29th Annual Fulbright Symposium

April 5, 2019, San Francisco

Our Sponsors

The Sompong Sucharitkul Center for Advanced International Legal Studies thanks the following sponsors of the 29th Annual Fulbright Symposium:

Sponsors

Dr. Ashmeed Ali
Dr. Mohammed Hama Ali
Dr. Quang Huy Chau
Dr. Karaman M. Faraj
Dr. Aileen Huang
Mr. Thuy Q. Ngo
Dr. Marc Santamaria

Contact Info

Mr. Anthony Q. Bennett, Executive Assistant, and Organizer of the symposium

- abennett@ggu.edu; gradlaw@ggu.edu
- (415) 442-6608

Complimentary Wi-Fi during the Symposium

- **Network:** GGU-Guest
- **Username:** gguguest
- **Password:** 4Cbqqq
- **Instructions:**
 1. Open your list of Wi-Fi connections and select "GGU-Guest".
 2. There is no key or token needed to connect.
 3. Once connected, open a browser. The browser will redirect you to a login page.
 4. Use the username/password credentials provided above.
 5. On the next page, review and accept GGU's Acceptable Use Policy to proceed.



Director's Welcome Message

I warmly welcome all the participants to the 29th Annual Fulbright Symposium. The Annual Fulbright Symposium is hosted by the Sompong Sucharitkul Center for Advanced International Legal Studies of the Golden Gate University School of Law, San Francisco California, United States of America.

The Symposium offers an amazing opportunity for networking, exchange of ideas and discussion of cutting-edge international legal problems which touch and challenge contemporary international and comparative law at a time when international law is at cross road.

The Center has continued to work very hard over many years in its effort to disseminate the principles of international law among legal scholars from different parts of the world who converge at Golden Gate University San Francisco yearly for the academic concourse. Our main task is the internationalization of the concept of international legal education within the United States of America. Through the Center's activities, concerted efforts are made to build bridges and promote understanding across different legal cultures and civilizations of the world through presentations given by some leading thinkers and experts in international and comparative law.

This year we have, as usual, assembled great presenters from various foreign countries as well as from the United States to discuss different topics of international law which are based on the theme of the conference: **International Law as an Instrument**. Our morning and afternoon panels showcase outstanding presenters as outlined in the conference brochure. We are very pleased to field another great line-up of speakers in the twenty-ninth year of the symposium.

I have the pleasure to inform participants that the Center publishes its reputable and widely circulated scholarly journal. The Annual Survey of International and Comparative Law Journal (ASICL) has featured over 208 quality papers. Furthermore, ASICL has continued to grow in circulation with commendable academic recognition and impact across the world. The journal has had 312,000 total downloads; including 57,443 downloads in the past year. Additionally, ASICL has been listed among the very top international law journals published by universities in the United States based on monthly downloads.

I feel particularly happy to welcome in a special way one of the presenters, an alumnus of our GGU SJD program who is a Professor of Law and Pioneer Dean of Godfrey Okoye University fully - accredited Faculty of Law in, Enugu Nigeria. I also welcome his senior colleague- our keynote speaker of the same University who has been my old friend and professional colleague of over four decades for coming to contribute to our efforts. Many other SJD graduates and current students on the program are playing different important roles in order to make sure that the conference succeeds very



29th Annual Fulbright Symposium

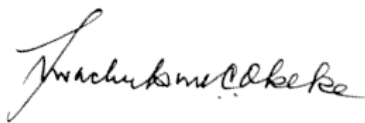
April 5, 2019, San Francisco

well. I thank and appreciate everybody. I acknowledge and thank my team of very hard-working LL.M and S.J.D. Student volunteers for their invaluable service. I thank Dean Anthony Niedwiecki especially for his continued support of the program. I thank his Executive Assistant Anthony Q. Bennett III without whom the organization of the 29th Annual Fulbright Symposium would not have materialized.

I thank all the sponsors of the 29th Symposium for their generous gifts. Permit me to brief you on another important academic area of the Center. I am referring to the Scientiae Juridicae Doctor (S.J.D.) degree program which has recorded a bountiful harvest of 111 graduates that fly the flag of GGU very high in at least thirty-nine countries around the world. A number of such proud S.J.D. graduates are present with us at the 29th Symposium today to make presentations

I invite all our visitors to San Francisco to find time to enjoy the city well. San Francisco is evidently the most beautiful city in the United States of America. Finally, please convey to us your candid observation about the best ways to improve our annual Fulbright Symposia in future. We thank you for your attendance and support and wish you very safe travels back to your various destinations.

Sincerely,



Christian Nwachukwu Okeke, Ph.D., C.O.H.



PRESIDENT OF GOLDEN GATE UNIVERSITY



Dr. David J. Fike

 <https://www.ggu.edu/press-room/profiles/faculty-staff/david-fike>



DEAN OF GOLDEN GATE UNIVERSITY SCHOOL OF LAW



Anthony Niedwiecki



<https://www.ggu.edu/press-room/profiles/faculty-staff/anthony-niedwiecki>



DIRECTOR OF THE S.J.D. PROGRAM AND THE SOMPONG SUCHARITKUL CENTER



Professor Dr. Christian Nwachukwu Okeke

 <https://www.ggu.edu/shared-content/faculty/bio/christian-nwachukwu-okeke>

Christian Nwachukwu Okeke is a Professor of International Law, Jurisprudence and Comparative Law. He is the Director of Sompong Sucharitkul Center for Advanced International Legal Studies at Golden Gate University School of Law, San Francisco California. He is also the Director of LL.M. and S.J.D. Programs in international legal studies at the University. He earned a Master of Law (LL.M.) with honors (*summa cum laude*) from Kiev State University, Ukraine, and Doctor in de Rechtsgeleerdheid (Ph.D.) from Free University of Amsterdam, The Netherlands.

Before joining Golden Gate University, School of Law, he was Emeritus Pioneer Dean and Professor of Law at the Faculty of Law at Nnamdi Azikiwe University, Awka, Nigeria (1985-1991), and the Faculty of Law at Enugu State University of Science and Technology, (ESUT), Nigeria (1991-1995) respectively. He was a Deputy Vice Chancellor of ESUT. Professor Okeke was a partner at the Law Firm of Ilegbune, Okeke and Co. for any years. He is a Solicitor and Advocate of the Supreme Court of Nigeria.

He is acknowledged as a comparatist. He is widely published. His publications include six books, numerous book chapters and articles in international law, comparative law and international relations.

He is Editor-in-Chief of the Annual Survey of International and Comparative Law (ASICL) and member of Editorial Boards of several law journals, including the prestigious Comparative Law in Africa. He is a Visiting Professor of Law at the Mount Crest University College of Laws in Accra,



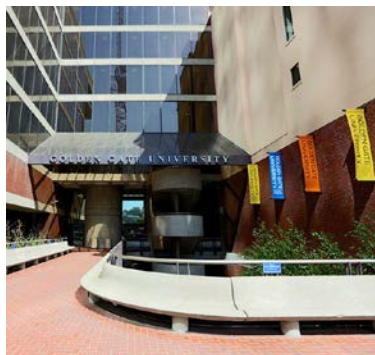
Ghana. Okeke is a longstanding active member of both the American Society of International Law (ASIL), and the American Society of Comparative Law (ASCL) serving as a Director of the later. A 768-page compendium titled ‘Contemporary Issues on International and Comparative Law: Essays in Honor of Professor Dr. Christian Nwachukwu Okeke’ Edited by His Lordship, Honorable Justice C.C. Nweze (JSC), with a forward by His Excellency, Judge Abadul G. Koroma, former Judge of the International Court of Justice (ICJ) was published by Vandepias Publishing Company in 2009.

In 2012 he was knighted by Pope Benedict XVI who bestowed on him the “Cross-Pro Ecclesia et Pontifice” (Cross of Honor) – the highest honor conferred by the papacy on the laity, in recognition of his outstanding services to the Church and to humanity at large. He is happily married to Tina Okeke. Professor Okeke is fluent in Igbo, English, Russian and Dutch.

Currently, Professor Okeke teaches a range of courses in international law, Jurisprudence and Comparative Law. His subject specialties are Public International Law, International Investment Law, Comparative Legal Systems, Law of International Organizations, Air, Space and Telecommunications Law. He is the Chair of SJD Committees at GGU.



The 29th Annual Fulbright Symposium on International Law as an Instrument



Friday, April 5, 2019, 8am – 6:30pm, 536 Mission Street, Room 2202, San Francisco, CA 94105

Program Schedule

Time	Event	Notes
8:00am – 9:00am	Registration & Breakfast	2 nd floor Lobby
9:00am – 9:15am	Morning Session	<ul style="list-style-type: none"> • Master of Ceremonies: Professor Dr. Remigius Chibueze, <i>Golden Gate University</i> • Welcome & Opening Remarks: Anthony Niedwiecki, <i>Dean, School of Law, Golden Gate University</i>
9:15am – 1:00pm	Morning Panel	<ul style="list-style-type: none"> • Moderator: Professor Dr. Michael Van Walt • Rapporteur: Ms. Bezawit G. Abebe • Timekeeper: Dr. Uzor Oparaku
1:00pm – 2:00pm	Lunch	
2:00pm – 5:00pm	Afternoon Panel	<ul style="list-style-type: none"> • Moderator: Professor Dr. Arthur Gemmell • Rapporteur: Ms. Azam Zare Chahoki • Timekeeper: Mrs. Emine Elif Top
5:00pm – 5:15pm	Closing Remarks & Center Awards/Recognitions	Professor Dr. Christian Nwachukwu Okeke
5:15pm – 6:30pm	Reception	Wine and Refreshments on the 5 th floor



Master of Ceremonies

- Professor Dr. Remigius Chibueze

Morning Panel

- Moderator: Professor Dr. Michael Van Walt
- Rapporteur: Ms. Bezawit G. Abebe
- Timekeeper: Dr. Uzor Oparaku

Speakers

1. **Professor Dr. Boniface Obinna Okere:** “International Law as an Instrument of International Peace: The Contribution of the African Union”. **Presented by: Professor Dr. Remigius Chibueze**
2. **Dr. Aileen Huang:** “International Commercial Arbitration As a Dispute Resolution Instrument.”
3. **Professor Dr. S. Gozie Ogbodo:** “Democracy Deficit in the United Nations System- Implications for International Peace and Security.”
4. **Professor Dr. Andrew Conteh:** “The Application of International Law in Cyberspace.”

Afternoon Panel

- Moderator: Professor Dr. Arthur Gemmell
- Rapporteur: Ms. Azam Zare Chahoki
- Timekeeper: Mrs. Emine Elif Top

Speakers

1. **Dr. Quang Huy Chau:** “The ICSID Conundrum: Consideration for Vietnam’s Accession.”
2. **Dr. Dana Rizayeva:** “Kazakhstan's Counter- Terrorism and Cybersecurity Initiatives.”
3. **Ms. Chimnaz Shahbazzade:** “Role of European Regional Organizations in Protecting the Freedom of Expression of All Human Rights Defenders.”
4. **Dr. Mohammed Hama Ali:** “The Applicable Law of The International Watercourse on the Utilizing and Developing the Euphrates and Tigris Rivers.”



Master of Ceremonies

Professor Dr. Remigius Chibueze

Biography

Adjunct Professor Remigius Chibueze is a Senior Fellow of the Sompong Sucharitkul Center for Advanced International Legal Studies. Dr. Chibueze is in private practice in Oakland, California specializing in civil litigation involving contract, real estate, business as well as labor and employment disputes. Dr. Chibueze also advises clients on immigration laws and regulations. Additionally, he serves as a consultant to some Nigerian companies with business interests in the United States.



Dr. Chibueze teaches Jessup International Law Moot Court Competition, SJD Dissertation Seminar, International Investment Law, and International Organizations at Golden Gate University School of Law. Dr. Chibueze has also taught Intellectual Property Survey at John F. Kennedy University School of Law. He has published academic works in International Law, International Commercial Arbitration and International Criminal Law. His research areas include International Law, International Trade, International Criminal Law, Human Rights Law, Arbitration, Business Associations, and Intellectual Property Law. Also, Dr. Chibueze serves as Special Rapporteur and a regular presenter at the Regional Meeting of the American Society of International Law held concurrently with the Annual Fulbright Symposium on Current International Legal Issues at Golden Gate University School of Law. Professor Chibueze also sits on several S.J.D. students' Dissertation Committees.

Professor Chibueze holds an LL.B (J.D. equivalent) from University of Benin, Benin City, Nigeria, LL.M. from University of Alberta, Edmonton, Canada, and LL.M. in Intellectual Property Law and S.J.D. in International Legal Studies from Golden Gate University School of Law. Professor Chibueze is a solicitor and advocate of the Supreme Court of Nigeria and a member of the State Bar of California.



Morning Panel

Moderator: Professor Dr. Michael Van Walt

Biography



Michael van Walt van Praag is Executive President of Kreddha, and Senior Fellow at the Institute for Social Sciences at the University of California Davis. From 2011 to 2015 he was the Visiting Professor of International Relations and International Law on the faculty of the School of Historical Studies at the Institute for Advanced Study, in Princeton and in 2015 he was Visiting Professor of International Relations at the Università di Roma La Sapienza. He has held teaching and research positions in a number of other universities over the years, has practiced law in the US and Europe, and served as General Secretary of the Unrepresented Nations and Peoples Organization in the Hague from 1991-97. For over 20 years he has advised parties in peace negotiations and mediated and facilitated peace processes in various parts of the world. In 2001-02 he served as Senior Legal Advisor of the UN Transitional Administration in East Timor, and from 1985 he has been legal advisor to the Office of H.H. the Dalai Lama on international affairs as well as Special Counsel on UN Affairs to the Central Tibetan Administration (1989-97). He was an attorney with the law firms Wilmer, Cutler and Pickering in Washington DC and London, and Petit & Martin in San Francisco from 1984 to 1991.

Rapporteur: Ms. Bezawit G. Abebe

Biography

Bezawit Getaneh Abebe was born in Ethiopia. She grew up in Hawassa and received her LLB from Hawassa University. She did an internship in Ethiopian Human Rights Council and worked as a law lecturer in Africa Beza University College, Ethiopia. In 2009, she moved to Israel where for the last 10 years, she worked in Legal philanthropic organizations that strive for the integration, empowerment and equality of the Ethiopian Israeli community. She worked at Tebeka, advocating for the Ethiopian community's Human Rights, where she was lecturing Human Rights all over Israel. She also worked in The David Foundation, which works on leadership and education for Ethiopians. Bezawit holds a masters in government and diplomacy from IDC Herzliya and a masters in law (LLM) from Tel Aviv University. Bezawit is currently a SJD doctoral candidate at Golden Gate University in San Francisco.





Timekeeper: Dr. Uzor Oparaku

Biography



Dr. Prince-Oparaku Uzoma LLB, BL, LLM, SJD (in View) is a Research Fellow and Faculty member of the Nigerian Institute of Advanced Legal Studies, a parastatal under the Federal Ministry of Justice Nigeria (NIALS), with research interest in Health Law and Policy, Intellectual Property, Criminal Justice and criminology.

Dr. Prince-Oparaku Uzoma as a faculty member of Nigerian Institute of Advanced Legal Studies has contributed to a number of peer reviewed journals, served as a Rapporteur in Round Tables, has been involved in field research and desk reviews, law review, annotation of laws and teaching postgraduate students alongside eminent professors.

Dr. Prince-Oparaku Uzoma holds an LL.B (J.D equivalent) from the University of Calabar, Calabar Cross River State Nigeria, LLM from the University of Lagos, Lagos Nigeria, a certificate on Bioethics from the University of Witwatersrand, Johannesburg South Africa, and is currently an SJD Candidate of the Golden Gate University School of Law, San Francisco, California. Mrs Prince-Oparaku Uzoma is a solicitor and advocate of the Supreme Court of Nigeria and a bioethicist.

Morning Speakers

Dr. Aileen Huang

Biography

Dr. Aileen Huang earned her BA degree in Chinese Language and Literature at Wuhan University, and JM (Juris Master) degree specializing in International Environmental Law at Zhongnan University of Economics and Law. She taught Professional English and Fundamental Study of Law bilingually at Wuhan University of Science and Technology Zhongnan Campus. She was the coordinator of the International Office of the University, and the Chinese instructor of the foreign experts in the community. In 2008, she pursued her LL.M in U.S. Legal Studies at California Western School of Law, and completed her SJD International Legal Studies on International Commercial Arbitration at Golden Gate University (“GGU”) in May 2014. Dr. Huang is currently an adjunct faculty member of GGU





teaching Chinese Law and International commercial arbitration. She is active in the practice of mediation, arbitration and legal interpretation with the San Francisco Community Boards, the SF Homeless Supportive and Housing, and the Asian American Advancing Justice-Asian Law Caucus. She also serves on the University Relations Committee of the California International Arbitration Council.

Topic

International Commercial Arbitration As a Dispute Resolution Instrument

Abstracts

The expansion and globalization of cross-border investment and trade has led to increased and ever more complex relationships between businesses, investors, and States. As, inevitably, some of those relationships break down, parties need to consider the best means of resolving any disputes which may arise. In many cases, that will be arbitration.

Arbitration has been used for centuries. In more modern times, arbitration became the standard method for resolving disputes in certain industry sectors, such as construction, commodities, shipping, and insurance, where the arbitrators' technical expertise was particularly valued. However, over the last 50 years or so, the international community has increasingly embraced arbitration—more and more arbitration institutions have emerged, arbitration laws and rules have been enacted or amended, subject matters have expanded, even to international human rights, and more and more nations have ratified and become a signatory party to the New York Convention. The evolution and development of international arbitration are pointing to the trend that international arbitration, as a means of resolving international disputes, will expand its role, and increase its harmonized practices around the world.

Nevertheless, its success serving as a business dispute resolution instrument, international arbitration is facing today many challenges. There is an increased concern over its judicialization, its time and cost efficiency, and various ethical issues. What can be done to overcome these challenges, and make sure that arbitration will continue to offer the qualities and advantages that have been the keys to its success.



Professor Dr. S. Gozie Ogbodo

Biography



Professor S. Gozie Ogbodo is a distinguished alumnus of Golden Gate University, San Francisco, California, where he obtained both his Masters in Law degree and his SJD. A Barrister and Solicitor of the Supreme Court of Nigeria, he is currently the pioneer Dean of the Faculty of Law, Godfrey Okoye University, Thinker's Corner, Enugu, Nigeria. Prior to his current appointment, he was the Assistant Dean of the Faculty of Law, University of Benin, Benin City, Nigeria. Professor Ogbodo is a well published academic whose work has been published in reputable national and international journals. He is a widely travelled academic who has taught in the United States of America, United Kingdom, Nigeria and Ghana.

Prof Ogbodo is a recipient of many academic awards/fellowships, including the 2007 Merit Service Award from Golden Gate University, San Francisco, California. He is a Fellow of the Annenberg School of Communication, University of Southern California as well as a Fellow of the Public Policy Institute, University of California, Davis. He is a recipient

of the Nigerian Government TETFUND Research Grant in 2014 and 2015. In addition to his academic work, Professor Ogbodo is also the Founder/President of Akpugo Medical Mission, International, a non-profit organization which provides free medical intervention to rural women and children in Africa.

Topic

Democracy Deficit in the United Nations System – Implications for International Peace and Security

Abstracts

The United Nations is a critical institution in the maintenance of international peace and security. Founded in 1945 in San Francisco, California, by fifty (50) original members, the membership of the UN has swelled to 193 members, currently. Majority of the new members consist of developing countries which were former colonies of the developed countries. As a result, the majority of the UN membership consists of the developing countries. Despite this development, the critical organs of the UN are still dominated and controlled by the minority members, consisting of the developed countries.

This paper argues that to revitalize the influence and effectiveness of the UN system, some vital reforms must be undertaken. These reforms must address (1) the membership of the permanent



members of the Security Council (2) the process of the election and re-election of the ICJ judges, (3) the conflict of interest arising from the presence of permanent members of the United Nations Security Council on the Court (4) the appointment of ad hoc judges under Article 31 of the Statute of the Court.

If these reforms are carried out, they will substantially confer upon the UN a true democratic credibility which will ensure that it is truly global in name and nomenclature, thus enhancing its effectiveness while fully harnessing the enormous potentials of the developing countries in the maintenance of international peace and security.

Professor Dr. Andrew Conteh

Biography

A native of Sierra Leone, Professor Dr. Andrew Conteh attended Christ the King College West Africa in Sierra Leone, Oxford University in Great Britain, and received his Ph.D. from Kiev State University in the then Soviet Union.



In addition to extensive academic experience around the world, Professor Conteh served as Sierra Leone's Ambassador to the Soviet Union from 1976 to 1981, as a delegate to the United Nations General Assembly, as Deputy High Commissioner to the United Kingdom, and as Senior Assistant Secretary in Sierra Leone's Ministry of Foreign Affairs. A specialist in international relations, his interests focus on international law.

Topic

The Application of International Law in Cyberspace

Abstracts

Information and Communication technologies have transformed societies worldwide. They have made them highly vulnerable at the same time to security risks such as cybercrime and cyber-terrorism. These two phenomena are on the rise, as the fast growth of information and communications technologies transform the world into a global village with profound impact on all aspects of social and economic life, including security.

Indeed, cyberspace has emerged as the new domain of warfare along with traditional areas. The ability to act anonymously or in secret without traditional geographical limitations, at a very low risk



to human life, coupled with the ability to mass produce cyber-weapons quickly and cheaply, make them extremely attractive and dangerous.

While, there is recognition of the need to strengthen security at all levels, confidence and trust in information and communication technologies and to reinforce the rule of law in cyberspace, all things "cyber" have now become too important in terms of politics, economics and law.

As they touch upon fundamental human rights, as well as, national and international security, interests of nation-states, it is becoming increasingly difficult to reach out to international legal and political consensus on common solutions.

Therefore, in order to overcome this dilemma, the most sensible approach is to focus on common standards that are already in place and on approaches on which there is a broad agreement.

The objective thus of this presentation is to show that cyberspace is not outside the bounds of legality and that it is governed by public international law, agreements and norms, and that states generally agree that cyberspace is subject to the principles of sovereignty and functions, as well as, prohibitions on interventions in the affairs of other states and the use of force. We will also attempt to demonstrate that in cyberspace states have the right to apply "counter measures" to bring about a lawful situation or de-escalate an unlawful situations. The rights of states relevant to armed attacks will also be examined.

This presentation will conclude finally by examining the need for the conclusion of a universal agreement on cyberspace. International cyberspace security is best advanced by established international law in conjunction with additional voluntary cyber specific norms responsible for state behavior in peacetime and time of warfare.

Afternoon Panel

Moderator: Professor Dr. Arthur Gemmell

Biography



At the conclusion of his career in international business, Art Gemmell received a J. D., then an LL.M in Comparative and International Law, followed by an S.J.D. in International Legal Studies. He served as an International Law Scholar at Santa Clara University School of Law's Center for Global Law and Policy where, in addition to his teaching, he coached the Law School's Vis Moot team. Additionally, he serves as an Adjunct Professor supervising the work of doctoral candidates at the Golden Gate University School of Law.



Dr. Gemmell has studied International Law in China, at Oxford University, at Aberdeen University (Scotland), and at *The Institute International des Droits de L'Homme* in Strasbourg, France. He is the recipient of a Practice Diploma in International Arbitration from the College of England and Wales.

Dr. Gemmell teaches Public and Private International Law, as well as International Commercial Dispute Resolution courses. He was named a Fulbright Specialist in 2011

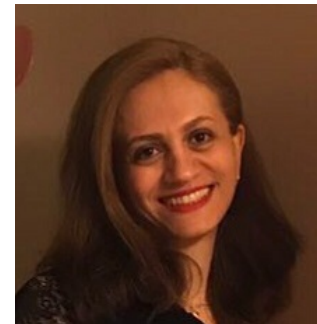
Dr. Gemmell has lectured on and has authored writings on the subjects of foreign investment and international arbitration. He has been named a Fellow in the Chartered Institute of Arbitrators. His book and writings on Western and Asian dispute resolution matters have been well cited in academic and commercial writings.

Rapporteur: Ms. Azam Zare Chahoki

Biography

Azam Zare is a member of New York Bar Association and started her SJD study at Golden Gate University in August 2018. The focus of her research work is on privacy and data protection law and she is eager to advocate for privacy right on international level.

She worked for twelve years in the Central Branch of Melli Bank. Melli Bank is one of the leading banks in the Middle East and she had the privilege of serving as its Judicial Counsel. She has a master's degree focused on Corporate and Finance from University of Illinois at Urbana Champaign (UIUC). During her study, she made a website on International Bankruptcy topic for UIUC law library website and earned two dean honors for her academic performance.



She has been in interaction with clients in two different non- profit law firms and improved her legal research and writing skills by assisting on client cases. She has also been selected to participate in the San Francisco Superior Court's Presiding Judge's Fall 2018 Externship Program and this experience helped her to gain valuable insights into decision making process in the U.S. courts.



Timekeeper: Mrs. Emine Elif Top

Biography

Emine is an S.J.D. student at Golden Gate University School of Law. Her doctoral dissertation focuses on Alternative Dispute Resolution in Maritime Law. Specifically, she studies the interim measures during the maritime arbitration process.



Emine holds an LL.B. (2001) and an LL.M. (2006) both from Marmara University College of the Law, Istanbul. During her first LL.M. she wrote a thesis named “Maritime Law, General Average Due to Fire”. She also holds an LL.M. in International Legal Studies from University of California Hastings College of the Law (2009). She is a member of Istanbul Bar Association since 2002.

Afternoon Panel

Dr. Quang Huy Chau

Biography

Dr. Quang Huy Chau: the Managing Partner and Dispute Resolution Head of Rajah & Tann LCT Lawyers, a Vietnamese law firm and Vietnam member of R&T Asia, the largest law firm network in Southeast Asia. Prior to founding the firm, Quang served as legal counsel to the Copyright Office of Vietnam, Perfetti Van Melle and Sony Corporation.



Dr. Chau has been consistently recognized as a leading Dispute Resolution lawyer by The Legal 500, (Asia Pacific), Chambers & Partners (Asia-Pacific), IFLR1000, Asialaw Profiles and Benchmark Litigation. In 2018, Quang was also recognized as “Regional Managing Partner of the Year” by Thomson Reuter’s Asia Legal Business Law Awards and in 2019, was conferred the titled as a “Star Arbitrator” of the Vietnam Arbitration Centre (VIAC). In addition to personal achievements, the Dispute Resolution practice that he heads at Rajah & Tann LCT has also been regarded as a “*Top Tier*” practice by leading legal publications.

Dr. Chau’s experience has seen him represent clients in litigation before all major courts of Vietnam, international arbitral proceedings before various institutional rules (including VIAC, AIAC, SIAC, ICC and HKIAC) and other forms of ADR. His research interest is in international investment dispute settlement.



Dr. Chau is a well-known lecturer at the Judicial Academy of Vietnam and is a CEDR *Accredited* mediator at the Commercial Mediation Centre/VIAC. He has been frequently called upon by the press for his commentary on Vietnamese law, and has authored multiple articles in both foreign and domestic newspapers and magazines on topical legal issues.

Dr. Chau is a visiting professor for both domestic and foreign law schools, including the law school of Kobe University (Japan) and Dong-A University (Korea).

Topic

The ICSID Conundrum: Consideration for Vietnam’s Accession.”

Abstracts

This research examines Vietnam’s existing legislative framework and judicial regime regarding investor-state dispute settlement. The research shows that there are currently shortcomings in the state’s legal system. Particularly, (i) certain Vietnamese legislation were revealed to be uncertain and underdeveloped, thereby potentially rendering the state being unable to sufficiently implement its international treaty commitments, and (ii) there remain challenges to judicial independence and the judiciary’s technical knowledge, which has led to (and, if left unreformed, is expected to continue resulting in) uncertain application by the local courts in recognizing and enforcing arbitration awards — especially if against the state in the future. For this reason, reform to such systems is needed to ensure Vietnam has in place a workable legal mechanism to safeguard the interests of foreign investors. In identifying the best practices against which such reform should be modelled, the legal systems of China, Indonesia and Thailand were comparatively analyzed, from which it was considered that Vietnam should approach its reforms on a “light-touch” basis, with alignment to only the extent necessary for legislative harmonization. As Vietnam has not ratified the ICSIDⁱ Convention yet, the paper further analyzed the case for and against proposed accession by Vietnam. The paper found that in consideration of (i) the fact that Vietnam has tightly bridged its economic growth with attracting FDI inflows and (ii) the state’s recent treaty developments (including its negotiations towards the EU-Vietnam Investment Protection Agreement, in which it has agreed in-principle to its unique investment dispute settlement mechanisms, and the CP TPP), there is no justifiable or logical reason for Vietnam to avoid submitting itself to ICSID. However, before ratification can take place, the necessary reforms proposed in the research should be considered.



Dr. Dana Rizayeva

Biography



Dr. Dana Rizayeva-Lawyer, Assistant Professor, Legal consultation of natural persons and legal entities. Worked in different universities in Kazakhstan. Areas of interest: International Law, Business Law of RK, Civil Law of RK, Tax Law of RK, Investment Law, Criminal Law Education: Golden Gate University School of Law, San Francisco, California SJD/PhD, Dissertation topic: “Comparative Analysis of Taxation of Mineral, Oil, Gas Resources in Kazakhstan and Azerbaijan”.

Golden Gate University School of Law, San Francisco, California
LLM in International Legal Studies, January 2008 to May 2009.

Topic

Kazakhstan's Counter-Terrorism and Cybersecurity Initiatives

Abstracts

On September 28, 2018, – The UN Headquarters hosted the ceremony of the signing of the Code of Conduct Towards Achieving a World Free of Terrorism. This document was developed as part of the initiative of President of Kazakhstan Nursultan Nazarbayev, which was presented in September 2015 during the 70th session of the UN General Assembly.

The document was presented by Kazakh Foreign Minister Kairat Abdrakhmanov. He stressed the main objectives of the document giving an impetus to the practical implementation of a wide range of international commitments to counter terrorism and establishing a broad global coalition towards achieving a world free of terrorism by 2045. The Code recognizes for the first time the interdependence of security, the fight against terrorism and development, and thus contributes to the promotion of the Sustainable Development Goals.

The Code of Conduct, unlike 19 large international sectoral conventions on combating terrorism, is a concise document that contains ten simple and understandable measures commitments in the field of combating terrorism.

In this regard it is worth of mentioning that the area of cybersecurity is very important in combating terrorism due to the recent development of the technologies. The cyber security concept of Kazakhstan's Cybershield was developed in accordance with the Message of the President of the Republic of Kazakhstan “Third Modernization of Kazakhstan: Global Competitiveness”, taking into



account the approaches of the Kazakhstan-2050 Strategy for Kazakhstan to become one of the 30 most developed countries in the world. The implementation of this Concept will serve to further modernize Kazakhstan society and will be Kazakhstan's contribution to the implementation of the UN Global Cybersecurity Program.

Ms. Chimmaz Shahbazzade

Biography

She was born and raised in Baku, Azerbaijan. She received a law degree in Azerbaijan, Baku State University (with honors). Upon graduation, she joined the Ministry of Justice of Azerbaijan as the youngest Lead Attorney in Human Rights Department, where she was one of few female senior lieutenants (justice servant rank) working in a predominantly male career field. Her interest in advance legal education and legal research was triggered by her experience as an employee of the Azerbaijani Ministry of Justice, in the Human Rights Department, where she had an insider's awareness of the importance of legal institutions to socio-political development of a nation. She came to the United States for advanced legal education because of a desire to be richly endowed with the requisite knowledge to contribute to the developmental process in Azerbaijan. She did not stop there and received a law degree from U.C. Berkeley, School of Law. In the U.S., she worked at different law firms and tech companies, volunteered at the Superior Court of California, County of Alameda.



Becoming a member of 2016-2020 SJD (Doctorate) in International Legal Studies Degree Program at the Golden Gate University is a very crucial step in becoming a member of an enviable international community of scholars and lawyers, and she believes it equips her with the knowledge she needs to contribute to the development of legal institutions in her country.

Topic

Role of European Regional Organizations in Protecting the Freedom of Expression of All Human Rights Defenders

Abstracts

This paper looks at the achievements and shortfalls of European Regional Organizations in protection and promotion of human rights defenders' freedom of expression. It examines the first document adopted in 1999 for the protection of human right defenders' rights - UN Declaration of Human Rights Defenders.

Further, the paper analyzes recent cases and judgments of the European Court of Human Rights. The paper discusses activities and work of three main European International Organizations - the Council



of Europe, the European Union (EU) and the Organization of Security and Cooperation in Europe (OSCE) - in supporting of human rights defenders at risk and protection and promotion of their rights through adoption of Guidelines on Human Rights Defenders, Declaration on Protection of Human Rights Defenders and monitoring States on implementation of their provisions.

The paper discusses violations of freedom of expression of human rights defenders with comparative case-by-case analysis of different states and identifies recommendations and practices that may be employed to prevent human rights violations. Suggestions to above-mentioned organizations and States in changing to desired policy are also included.

Dr. Mohammed Hama Ali

Biography



Dr. Mohammed Hama Ali is a Faculty Member of Koya University School of Law in Kurdistan Region of the Republic of Iraq. He is an educator and researcher and volunteer in a non -profit organization. Currently, he is Doctorate of Judicial Science Candidate (SJD), at Golden Gate University School of Law in San Francisco, California. He completed LLB from the University of Salahaddin, College of Law & Political Science in 2003 and LLM from the Koya University, Kurdistan-Iraq in 2009.

In 2004, he was appointed at Koya University School of Law as a legal assistant at Dean's office, then he worked as Administrative Manager. After completing LLM, he became a faculty teaching staff member at Koya University, school of law. During that time, he taught many courses (Civil Procedure and Evidence, and History of Law) and supervised student's undergraduate final projects in their last year of studies.

Mohammed is currently a Program Manager of Hesara Organization which is a Non-Profit Organization, dedicated to serving communities for achieving better life prospects through education and empowerment.

Dr. Ali published "The Litigation of Agency in Civil Cases" Comparative & Analytical Study in the Arabic Language, in Koya University Academic Journal in 2010.

Dr. Ali's research field is focusing on International Water Law, Environmental Law, and International Investment Law.



Topic

The Applicable Law of The International Watercourse on the Utilizing and Developing the Euphrates and Tigris Rivers.”

Abstracts

Enacting the UN Watercourses Convention in 2014 has become a significant instrument in resolving most international watercourses problems especially in the arid and semi-arid regions like the Middle East where conflict over freshwater is more likely to occur. The water crisis in the region became a new source of conflict especially in the Euphrates and Tigris region known as Mesopotamia.

Iraq, Syria, and Turkey as riparian states of the Euphrates and Tigris rivers disagree on the management and development of the two rivers. To date, could not, however, forge a comprehensive legal framework to resolve their problems, which led to harm the environment and the ecosystem of the streams because each riparian has developed and utilized the two rivers individually with little coordination between them.

This paper will examine the relationship of the Riparian states concerning the Euphrates and Tigris Rivers from an international perspective by using international instruments to deepen our understanding of the problem. The paper is going to highlight the utilization and development of the two rivers. Then it will focus on the conceptual and theoretical differences in controlling and allocating the Euphrates and Tigris rivers.

Implementation and the enforcement of the rules and principles of international watercourses regarding the Euphrates and Tigris rivers have become another challenge for the riparian states since Turkey has not signed or ratified the convention. Meanwhile, the substantive and procedural rules as instruments of international law serve the riparians to solve problems that might arise from the utilization and development of the two rivers because they set up the obligations and the rights of the riparians states.



29th Annual Fulbright Symposium

April 5, 2019, San Francisco

SJD Graduates

2018 - 2019

Dr. Mohamed Hama Ali

Dr. Quang Huy Chau

Dr. Samuel Ogbu-Nwobodo

Dr. Uzor Oparaku



29th Annual Fulbright Symposium

April 5, 2019, San Francisco
