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International Law Section News and Calendar of Upcoming Events.....

- October 19, 2013, 12 p.m., International Weekend Lunch, Jaraguá Restaurant, 4493 Beverly Boulevard, Los Angeles
- October 17, 2013, 12:30 p.m., Meeting with USC University of Southern California JD and LLM Students, Los Angeles.....
- October 24, 2013, 7:00 p.m. Networking Mixer with Arab-American, Iranian American and California Bar Association, Next Door Lounge, 1154 N. Highland Ave., Hollywood.....
- November 21, at 12:00 p.m., Webinar: Commonalities in Employment Law Across Jurisdictions in the U.S., France and China.
- Executive committee monthly meetings take place the second Wednesday of every month. The next scheduled Executive Committee meeting will take place at 6:00 p.m. on November 6, 2013, at Fox Rothschild LLP, 1800 Century Park East, Suite 300, Los Angeles.

International Legal Updates

- *Doral Financial Corporation v. García-Vélez*, 725 F.3d 27, 36 I.E.R. Cas. (BNA) 470 (1st Cir. 2013): US Court of Appeals upheld an arbitrator's power to exclude evidence. The appellant claimed that the arbitral tribunal engaged in misconduct by refusing to issue broad subpoenas to a third-party because the deadline for such requests had passed. The First Circuit explained that vacatur of an arbitral award on such a ground is only appropriate when the refusal to hear evidence deprived a party of a fair hearing. The appellant was found to have had adequate procedural safeguards such as notice and an opportunity to present evidence. Further, nothing indicated that, had the subpoenas been issued, the outcome of the hearing would have been different. The appellant's request to vacate the arbitral award was accordingly rejected.
- *Gross v. Switzerland* (No. 67810/10) ECHR, May 14, 2013: the Swiss regulation of assisted suicide infringes Article 8 ECHR, The European Court of Human Rights (ECHR) ruled that Swiss law does not provide sufficient guidelines on the extent of the right to die, in violation of Article 8 of the European Convention on Human Rights. Article 8 protects an individual's right to respect for private life, which was interpreted by the court in the 2011 case *Haas v. Switzerland* to include an individual's right to decide the way in which and at which point his or her life should end, so long as he was in a position to form his own judgment and act accordingly. Here, applicant Alda Gross, an elderly Swiss woman, petitioned the ECHR after she could not find a doctor to prescribe her a lethal dosage because she suffered from no clinical illnesses. She had argued she was entitled to end her life rather than become increasingly frail. The Federal Supreme Court of Switzerland [official website, in German] has previously ruled that a doctor could issue a lethal dosage to a patient after taking certain steps, but no distinction was ever made as to whether those guidelines applied strictly to those suffering from a terminal illness. The ECHR found violation of Article 8 of the Convention in relation

with absence of "clear and comprehensive" legal guidelines concerning the extent of the right to assisted suicide in Switzerland.

- *Institute of Cetacean Research v. Sea Shepherd Conservation Society* - filed February 25, 2013 as 12-35266, amended May 24, 2013: Foreign researchers who hunted whales in the Southern Ocean pursuant to a permit issued under an international treaty stated claims for piracy against environmental activists who allegedly rammed, hurled glass containers of acid, pointed high-powered lasers at their ships, and committed other acts designed to damage the ships and impede their operations. The United Nations Convention on the Law of the Sea and the High Seas Convention do not limit the definition of piracy to acts pursued for financial enrichment and prohibit acts of violence, including malicious acts against inanimate objects. Denial of preliminary injunction was an abuse of discretion where plaintiffs demonstrated a likelihood of irreparable harm, the balance of the equities and the public interest favored the plaintiffs, and the district court's deference to the judgment of an Australian court was error because the United States does not recognize Australia's claims of sovereignty over Antarctic waters.
- *The Indus Waters Kishenganga Arbitration* (Pakistan v. India): On May 17, 2010, the Islamic Republic of Pakistan instituted arbitral proceedings against the Republic of India under Paragraph 2(b) of Annexure G to the Indus Waters Treaty 1960. Pakistan sought to contest India's construction of the Kishenganga Hydro-Electric Project (KHEP) which is located in India-Administered Jammu and Kashmir. Among other issues, Pakistan argued that the KHEP would significantly reduce the power output of the Neelum-Jhelum Hydro-Electric Project (NJHEP). The NJHEP is Pakistan's dam that is being constructed further downstream. A Court of Arbitration composed of seven members has been constituted pursuant to Annexure G. On 18 February 2013, the Court of Arbitration (Court) rendered the Partial Award. After reviewing the drafting history of the Treaty, the Court found that each country's respective territorial claims would be unaffected by the Partial Award. The Partial Award only determines the rights and obligations of the rivers. In conclusion, Pakistan was entitled to invoke the Treaty as it concerned India's use and obligations of the rivers for generating hydro-electric power. The Court found that the KHEP's inter-tributary diversions are permissible under the Treaty. According to Article III(1) India has an obligation to 'let flow' all of the Western Rivers. However, there are exceptions listed under Article III(2) which allows India to use the Western Rivers for specific purposes. One of these exceptions is the generation of hydro-electricity. The Court is expected to render the Final Award towards the end of 2013.
- *Ancient Coin Collectors Guild v. U.S. Customs And Border Protection*, no. 11-2012 (4th cir. October 22, 2012): In challenge to seizure of ancient coins by customs officers based on convention on cultural property implementation act (CPIA), Fourth Circuit declines review because such matters are statutorily within executive discretion and congressional oversight.



LOS ANGELES COUNTY BAR ASSOCIATION
International Law Section

E-Newsletter, October 2013

Become an International Law Section Reporter!

Contributes articles on international law practice and practitioners for International Law Section e-Newsletter and International Law Journal. This is a great opportunity for attorney to develop their international law legal career to work directly with the leaders of international community and to “be published.” Contact Claire Schmidt at cschmidt@alvaradosmith.com or Katrina Parra at katrina.m.parra@gmail.com.

*Do we have your current e-mail address?

If not sure, e-mail LACBA’s Member Services Dept at msdeptment@lacba.org or call (213) 896-6560 to update your member profile.

*Get involved with Standing Committees:

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