

**Friday June 10, 2016**

## **INDUSTRY ASSOCIATIONS AND TRANSNATIONAL GOVERNANCE**

**Rutgers Law School  
123 Washington Street, Newark, NJ**

This program is presented by the International Organizations Interest Group (IOIG) of the American Society for International Law, the Rutgers Law School Center for Corporate Law and Governance, and the Rutgers Institute for Professional Education.

The conference brings together practitioners and scholars to discuss the role of industry (or trade) associations in transnational governance. The aim is to deepen our understanding of how industry associations develop and administer standards and rules for governing their members and their industries (e.g. pharmaceuticals, telecommunications, financial products), both within and across borders. The discussion will shed light on the dynamics between industry associations and the formal law-making bodies of governments and international organizations. It will further highlight the opportunities and challenges that associations encounter in carrying out their governance functions.

### **8:30 to 9:00 a.m. Breakfast and Registration**

### **9:00 to 9:25 a.m. Welcome and Introduction**

The organizers will welcome the group and introduce the subject matter of the conference, setting out some of the fundamentals about trade associations and offering a preliminary assessment of what associations can teach us about self-regulation, voluntary rule-making, and accountability. They will begin to develop a framework for understanding the connections between associations and the state and international law making bodies, and raise and collect questions from the group to be addressed throughout the day.

- Douglas Eakeley, Rutgers Law School
- Sarah Dadush, Rutgers Law School
- Julian Arato, Brooklyn Law School

### **9:30 to 11 a.m. Panel 1: Industry Associations in Action: An Inside Look**

This panel will feature practitioners who are employed by or are members of associations, as well as practitioners who work in close collaboration with associations. Each presenter will provide a brief description of the association with which they are concerned, and speak to that association's processes for rulemaking and standard setting (where applicable), as well as to the mechanisms for administering and disseminating those rules.

- Donna Chung, Head, Industry Engagement and Special Projects, United Nations Global Compact
- Scott Cooper, Vice President of Government Relations, American National Standards Institute
- Christopher P. Molineaux, President and CEO of Pennsylvania Bio (life sciences)
- Robert Skelton, Chief Administrative Officer, American Society for Association Executives
- Robert Trojan, CEO, Commercial Finance Association (lending)

*Moderator:* Peter Lyons, Community Lead, Telecommunications, World Economic Forum USA

### **11:00 to 11:15 a.m. Networking/Coffee Break**

**11:15 a.m. to 12:45 p.m. Panel 2: Industry Associations and Law Making**

This panel will discuss some of the different ways that associations participate in law-making. As examples, associations can exercise influence over formal law-making and policy discussions; they also establish informal and voluntary rules and standards that they then apply, as soft law, to their members; additionally, some associations develop rules and norms that are then formalized into hard law when adopted by government and international (public) organizations.

- Ayelet Berman, Ph.D., Graduate Institute of International & Development Studies, Geneva
- Simone di Castri, Director, Policy and Ecosystem Development, Bankable Frontier Associates (former Director of Advocacy and Regulation, Mobile Money, GSM Association)
- Melissa Jean (MJ) Durkee, University of Washington Law School
- Helen Medina, Vice President, Product Policy and Innovation, US Council for International Business (USCIB)
- Kish Parella, Washington and Lee Law School

*Moderator:* Henry Gabriel, Governing Council UNIDROIT, Elon Law School

**12:45 to 2:00 p.m. Lunch & Keynote Address**

Michael Posner, Jerome Kohlberg Professor of Ethics and Finance, Co-Director of Center for Business and Human Rights, NYU Stern School of Business  
“The Potential Role of Industry Associations in Advancing Human Rights and the Environment”

**2:00 to 2:15 p.m. Networking Break**

**2:15 to 3:45 p.m. Panel 3: The Shifting Roles of Public Power and Private Ordering**

This panel will identify different points of contact between private and government regulators and explore the dynamics of these interactions. Presenters will address the question whether private standard setters and formal lawmakers are competitors or collaborators, review the trajectory of norms as they travel between these two types of regulators, and discuss some of the bumps that norms may encounter along the way.

- Jonathan Balcom, Assistant Director, Office of International Affairs, SEC
- Peter Lyons, Community Lead, Telecommunications, World Economic Forum USA
- Jared Roscoe, Senior Advisor, US Department of Treasury
- Christina Skinner, Brooklyn Law School

*Moderator:* David Zaring, Wharton School of Business

**3:45 to 4:00 p.m. Networking Break**

**4:00 to 5:00 p.m. Panel 4: Concluding Roundtable (Reception to follow 5:00 to 6:30p.m)**

- Sarah Dadush, Rutgers Law School
- Henry Gabriel, Governing Council Member, UNIDROIT, Elon Law School
- Lyn Spillman, University of Notre Dame
- Shana Starobin, Regulation Fellow, University of Pennsylvania Law School
- David Zaring, Wharton School of Business

*Moderator:* Julian Arato, Brooklyn Law School