

Treaty Override
Virtual Symposium

October 15, 2021
The University of Michigan Law School
Rutgers Law School
Michigan Journal of International Law

Reuven Avi-Yonah and Fadi Shaheen, Organizers

Zoom: [Link](#) | Password: 028649

This symposium will consider the legitimacy and scope of treaty overrides, i.e., situations in which a country unilaterally changes the outcome of a bilateral treaty through its domestic law. This practice appears to be unlawful under the Vienna Convention on the Law of Treaties (which is generally accepted as customary international law) but is constitutional in certain countries, including the United States. There has been a long, ongoing debate on the advisability of such overrides and the conditions under which they are possible in the United States. These days, the debate centers on whether some parts of the Tax Cuts and Jobs Act of 2017 were an override. The symposium will focus on this debate and compare it to similar debates in other jurisdictions.

10:30-11 AM: Welcome and Opening Remarks

Grace Brody (Editor in Chief, MJIL)
Monica Hakimi (Associate Dean for Faculty and Research, Michigan Law)

11-12:30 PM: Treaty Overrides Abroad

Philip Baker (Oxford University Faculty of Law)
Tsilly Dagan (Oxford Law)
Craig Elliffe (University of Auckland Law School)
Lilian Faulhaber (Georgetown University Law School) (chair)
Georg Kofler (Institute for Austrian and International Tax Law at WU)
Nicola Sartori (University of Milano-Bicocca School of Law)
Richard Vann (University of Sydney Law School)

12:30-1:30 PM Break

1:30-3 PM: Treaty Overrides in the United States

Reuven Avi-Yonah (Michigan Law)

Ruth Mason (University of Virginia School of Law) (chair)

David Rosenbloom (New York University School of Law)

Fadi Shaheen (Rutgers Law)

Bret Wells (University of Houston Law Center)

Diana Wollman (Cleary Gottlieb Steen & Hamilton)

3-3:45 PM: Discussion and Q&A

Reuven Avi-Yonah and Fadi Shaheen (moderators)