

Confronting Complexity

March 28-31, 2012

The Fairmont

Washington, D.C.



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of International Law

ASIL is a nonprofit, nonpartisan, educational membership organization founded in 1906 and chartered by Congress in 1950. The mission of the American Society of International Law is to foster the study of international law and to promote the establishment and maintenance of international relations on the basis of law and justice. ASIL holds Category II Consultative Status to the Economic and Social Council of the United Nations and is a constituent society of the American Council of Learned Societies.

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American Society
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Dear Colleague,

Contemporary reality is confoundingly complex: it is marked by rapidly evolving technologies, increasing global interconnectedness, rising population, and deepening understanding of science and the environment. New international actors; changes in social, economic, and political dynamics; a multipolar power structure; and novel security threats only add to the complexity. Amidst this confusion, international law can be a source of order and clarity. It can provide frameworks to peacefully resolve disputes, regulate relations between different actors, and clarify rights and obligations. It can foster technological development and facilitate exchanges of knowledge and goods. It is no surprise that managing global financial crises, protecting global commons, responding to conflicts spilling across borders, and guaranteeing public health and safety have all been added to international law's purview. In our crowded, connected world, civil uprisings, financial collapses, natural and human-caused disasters are no longer domestic crises: they are global crises.

While international law has at times been quite creative in response to these problems, whether it is fully up to the task remains an open question. International law can actually exacerbate complexity with conflicting or unclear rules, uncertain enforcement, and overlapping and competing jurisdiction. International law must demonstrate the flexibility to embrace new issues, to look beyond the State, and to integrate new players (who may not follow its rules). Transparency, accountability, and participation must be guaranteed in new private regulatory regimes, shorn from State control. The instruments and processes of international law must provide means for scientific evidence to be sifted, understood, and translated into law. And yet, even as it adapts, international law must also remain a force for stability and predictability.

Which problems is international law particularly well-suited to solve? Which seem to defy its regulation? What tools does international law have to manage this complexity? Where are best practices emerging? What has our profession learned in the last half-century? Is law, with its emphasis on rules and stability, conceptually and functionally capable of responding to the challenges of complexity? If not, how should law react? What do experts from outside the legal profession, from technology, finance, counterinsurgency, climate science, and risk, believe law can add? During the 2012 ASIL Annual Meeting we will address these questions and discuss how international law responds to complexity.

Co-Chairs, Program Committee
ASIL 106th Annual Meeting



Harlan Cohen



Chiara Giorgetti



Cymie Payne





106th ASIL Annual Meeting

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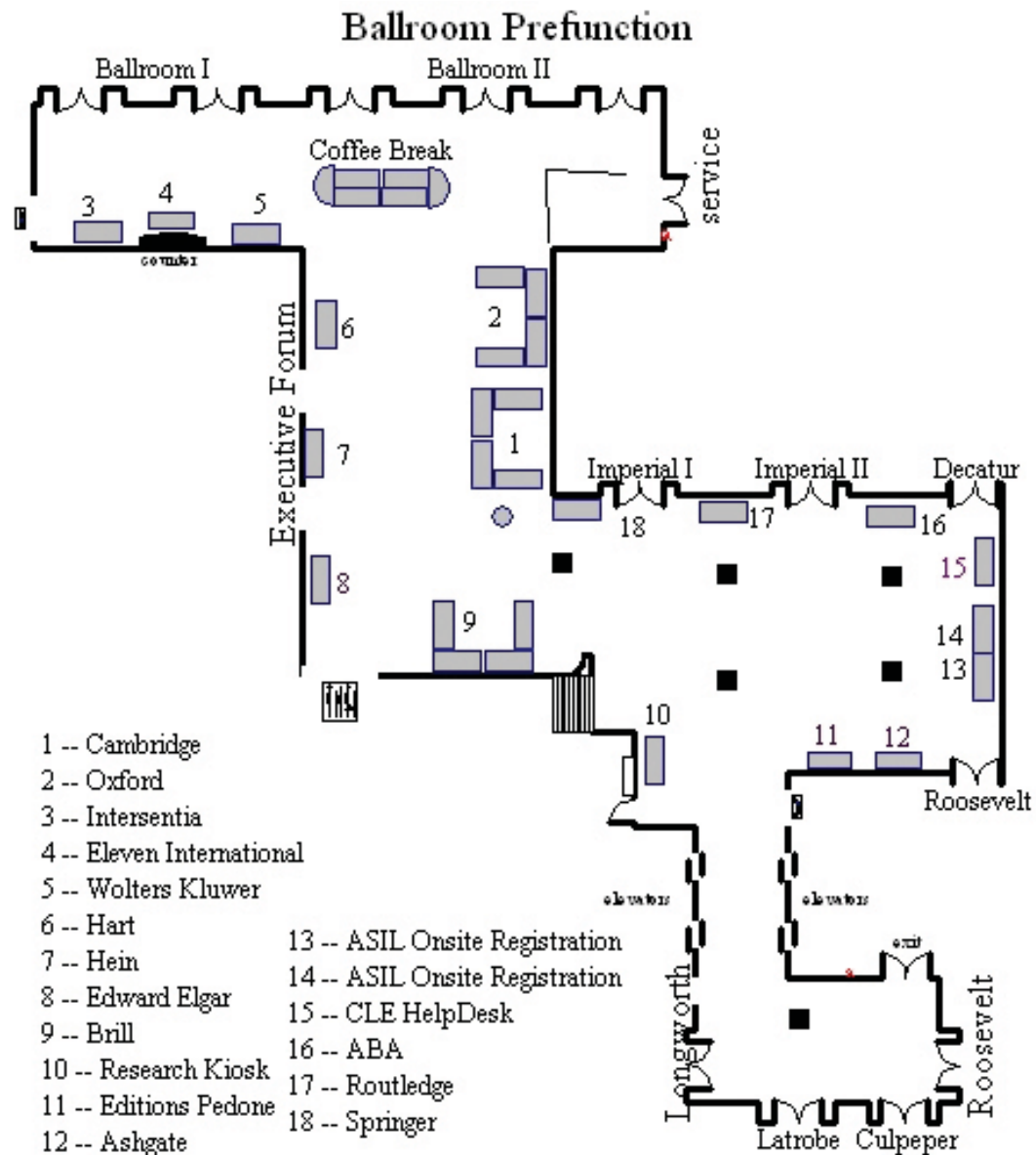
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Exhibitor Floor Plan





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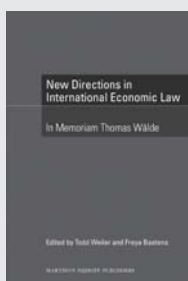


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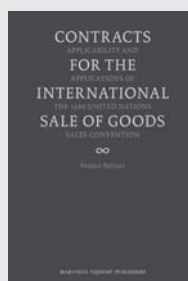


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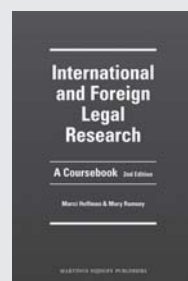


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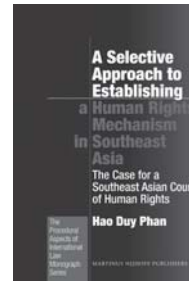


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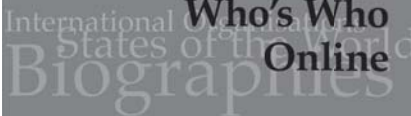
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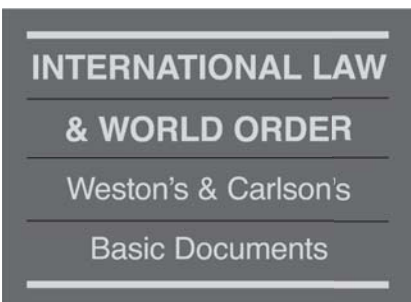
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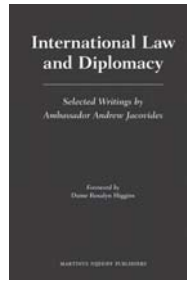
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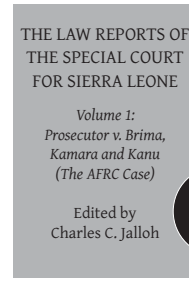
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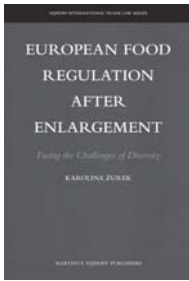


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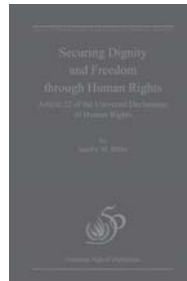
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Program at a Glance

WEDNESDAY, MARCH 28

START TIME	END TIME	Session	Room	CLE Eligibility
9:00 AM	12:15 PM	9th ITA-ASIL Conference	Grand Ballrooms I	N/A
9:00 AM	11:30 AM	ASIL Executive Council Orientation Meeting	Longworth	N/A
12:00 PM	3:30 PM	ASIL Executive Council Meeting	Grand Ballrooms II	N/A
12:20 PM	1:30 PM	9th ITA-ASIL Conference Luncheon	Colonnade	N/A
3:00 PM	4:30 PM	International Legal Research Kiosk Orientation	Potomac	N/A
4:30 PM	6:30 PM	Grotius Lecture: Confronting Complexity Through Law: The Case for Reason, Vision, and Humanity	Grand Ballrooms I/II	N/A
6:00 PM	8:00 PM	Grotius Reception	Colonnade	N/A
6:00 PM	7:30 PM	ASIL Patrons and Partners Reception	Roosevelt	N/A
7:00 PM	9:00 PM	International Legal Materials Reception	Sulgrave	N/A
7:00 PM	8:30 PM	Law in the Pacific Rim Interest Group Meeting	Culpeper	N/A
7:00 PM	10:00 PM	AJIL Board Meeting, Reception and Dinner	Latrobe/Longworth	N/A

THURSDAY, MARCH 29, 2012

7:15 AM	8:45 AM	New Member Breakfast	Roosevelt	N/A
7:15 AM	8:45 AM	International Courts and Tribunals Interest Group Meeting	Potomac	N/A
9:00 AM	9:30 AM	Welcome and Opening Remark by ASIL President David D. Caron	Grand Ballrooms I/II	N/A
9:30 AM	11:00 AM	Opening Plenary: Military Intervention and the International Law of Peace	Grand Ballrooms I/II	1.5 / 2.0 CLE
11:00 AM	11:30 AM	ASIL IDEAS	Roosevelt	N/A
11:30 AM	1:00 PM	The Emergence of a Human Right to Water and Sanitation: The Many Challenges	Grand Ballroom II	1.5 / 2.0 CLE
11:30 AM	1:00 PM	Developments in UN and Regional Bodies Addressing the Human Rights of LGBTI People	Latrobe	1.5 / 2.0 CLE
11:30 AM	1:00 PM	An Emerging International Law of Migration	Longworth	1.5 / 2.0 CLE
11:30 AM	1:00 PM	Courts, Commissions, and the Complexity of Claims Against States	Roosevelt	1.5 / 2.0 CLE

THURSDAY, MARCH 29, 2012 (continued)

11:30 AM	1:00 PM	Financial Crisis in the Eurozone	Grand Ballroom I	1.5 / 2.0 CLE
11:30 AM	1:00 PM	New Voices I: Humanizing Conflict	Forum	1.5 / 2.0 CLE
1:00 PM	3:00 PM	WILIG Luncheon: Internationalization of Law: Diversity, Perplexity, Complexity (Ticketed event)	Colonnade	N/A
1:30 PM	3:00 PM	Twenty Years after the Rio Earth Summit	Grand Ballroom II	1.5 / 2.0 CLE
1:30 PM	3:00 PM	ILSA Panel: Conflicts in International Sports: London 2012	Roosevelt	N/A
1:30 PM	3:00 PM	Cyber-Security: Regulating Threats to the Internet under International Law	Forum	1.5 / 2.0 CLE
1:30 PM	3:00 PM	International Organizations Interest Group Meeting	Longworth	N/A
1:30 PM	3:00 PM	International Legal Theory IG Meeting	Decatur	N/A
3:15 PM	4:45 PM	International Humanitarian Law and New Technology	Grand Ballroom II	1.5 / 2.0 CLE
3:15 PM	4:45 PM	Sanctions in International Investment Law	Culpeper	1.5 / 2.0 CLE
3:15 PM	4:45 PM	Global Trade and Natural Capital: Ecosystems and Export-led Agricultural Strategies	Longworth	1.5 / 2.0 CLE
3:15 PM	4:45 PM	New Voices II: Bringing International Law Home	Roosevelt	1.5 / 2.0 CLE
3:15 PM	4:45 PM	Preparation of Cases before International Courts and Tribunals	Forum	1.5 / 2.0 CLE
3:15 PM	4:45 PM	International Law and Its Discontents	Latrobe	1.5 / 2.0 CLE
3:15 PM	4:45 PM	Forgotten Sisters: Violence Against Women with Disabilities	Potomac	1.5 / 2.0 CLE
3:15 PM	4:45 PM	International Law Students Association Congress	Lindens	N/A
5:00 PM	6:30 PM	Confronting Complexity in the Hague	Grand Ballrooms I/II	N/A
6:30 PM	8:00 PM	UN21 Interest Group Meeting	Latrobe	N/A
6:30 PM	8:00 PM	Members' Reception	Colonnade	N/A
6:30 PM	8:00 PM	City of the Hague Reunion Reception	Roosevelt	N/A
6:30 PM	8:00 PM	Women in Arbitration Reception	Longworth	N/A
6:30 PM	8:00 PM	Transitional Justice and Rule of Law IG Meeting	Culpeper	N/A
6:30 PM	8:00 PM	International Environmental Law IG Meeting	Decatur	N/A
FRIDAY, MARCH 30, 2012				
7:15 AM	8:45 AM	Africa Interest Group Meeting	Lindens	N/A
7:15 AM	8:45 AM	Private International Law Interest Group Meeting	Decatur	N/A
FRIDAY, MARCH 30, 2012 (continued)				

7:15 AM	8:45 AM	International Economic Law Interest Group Meeting	Longworth	N/A
7:15 AM	8:45 AM	Annual Meeting Co-chairs Reunion Breakfast	Culpeper	N/A
8:15 AM	8:45 AM	Teaching International Law Interest Group Meeting	Roosevelt	N/A
9:00 AM	10:30 AM	Late Breaking Panel : The United Nations and Syria: Changing Dynamics--New Complexities	Grand Ballroom II	N/A
9:00 AM	10:30 AM	Fact-Finding in Interstate Disputes	Grand Ballroom I	1.5 / 2.0 CLE
9:00 AM	10:30 AM	Indicators in International Law	Culpeper	1.5 / 2.0 CLE
9:00 AM	10:30 AM	New Voices from the New Professionals Interest Group	Longworth	1.5 / 2.0 CLE
9:00 AM	10:30 AM	U.S. Non-Ratification of Environmental Treaties	Forum	1.5 / 2.0 CLE
9:00 AM	10:30 AM	Teaching International Law while Confronting Current Events	Roosevelt	1.5 / 2.0 CLE
9:00 AM	10:30 AM	Trade in Commodities	Latrobe	1.5 / 2.0 CLE
9:00 AM	10:30 AM	Dispute Resolution Interest Group Meeting	Potomac	N/A
9:00 AM	10:30 AM	Rights of Indigenous Peoples Interest Group Meeting	Decatur	N/A
10:30 AM	11:00 AM	ASIL IDEAS	Roosevelt	N/A
11:00 AM	12:30 PM	The Emerging Systems of International Arbitration	Grand Ballroom I	1.5 / 2.0 CLE
11:00 AM	12:30 PM	Annual Ben Ferencz Session: Africa and the ICC	Grand Ballroom II	1.5 / 2.0 CLE
11:00 AM	12:30 PM	Opting Against International Law in Financial Regulation	Longworth	1.5 / 2.0 CLE
11:00 AM	12:30 PM	Jus Post Bellum in the Age of Terrorism	Roosevelt	1.5 / 2.0 CLE
11:00 AM	12:30 PM	Limitations on Freedom of Opinion and Expression	Latrobe	1.5 / 2.0 CLE
11:00 AM	12:30 PM	International Legal Research Interest Group Meeting	Lindens	N/A
11:30 AM	1:00 PM	Asian Society of International Law Meeting	Potomac	N/A
12:30 PM	2:00 PM	Luncheon Discussion with Butcher Medalist Asma Jahangir (Ticketed event.)	Colonnade	1.5 / 2.0 CLE
12:30 PM	1:00 PM	Human Rights Interest Group Meeting	Latrobe	N/A
12:30 PM	2:00 PM	New Trends in the Administration of Justice of International Organizations	Culpeper	1.5 / 2.0 CLE
12:30 PM	2:00 PM	The Modern Positivist Response to Confronting Complexity in International Law	Roosevelt	1.5 / 2.0 CLE
12:30 PM	2:00 PM	International Energy Governance	Forum	1.5 / 2.0 CLE

FRIDAY, MARCH 30, 2012 (continued)

12:30 PM	2:00 PM	UNCLOS Anniversary: What are the Challenges?	Longworth	1.5 / 2.0 CLE
1:30 PM	2:00 PM	Cultural Heritage and the Arts Interest Group Meeting	Latrobe	N/A
2:15 PM	3:45 PM	Law of the Sea Interest Group Meeting	Longworth	N/A
2:15 PM	3:45 PM	The Chevron-Ecuador Dispute	Grand Ballroom I/II	1.5 / 2.0 CLE
2:15 PM	3:45 PM	International Norm-Making on Forced Displacement	Culpeper	1.5 / 2.0 CLE
2:15 PM	3:45 PM	What Makes a State?	Roosevelt	1.5 / 2.0 CLE
2:15 PM	3:45 PM	International Human Rights Law, International Humanitarian Law, and Implications for Coalition Warfare	Forum	1.5 / 2.0 CLE
2:15 PM	3:45 PM	Confronting Complexity in the Preservation of Cultural Property	Latrobe	1.5 / 2.0 CLE
4:00 PM	4:30 PM	ASIL Annual General Meeting	Grand Ballrooms I/II	N/A
4:30 PM	6:00 PM	Hudson Medal Lecture	Grand Ballrooms I/II	N/A
6:00 PM	8:00 PM	President's Reception	Colonnade	N/A
6:30 PM	8:00 PM	L Alumni Reception	Roosevelt	N/A
8:00 PM	10:00 PM	ASIL Annual Dinner (Ticketed event)	Grand Ballrooms I/II	N/A
10:00 PM	12:00 AM	Dessert and Dance Party with ILSA	Colonnade	N/A

Saturday, March 31, 2012

7:15 AM	8:45 AM	Interest Group Co-Chair Breakfast	Linden	N/A
9:00 AM	10:30 AM	The Future of Alien Tort Litigation: Kiobel and Beyond	Grand Ballroom I	1.5 / 2.0 CLE
9:00 AM	10:30 AM	Ethics for Advocates in International Adjudication	Forum	1.5 / 2.0 CLE
9:00 AM	10:30 AM	Transitional Justice and the Arab Spring	Grand Ballroom II	1.5 / 2.0 CLE
9:00 AM	10:30 AM	Global Environmental Protection and Transnational Conservation Contracts	Culpeper	1.5 / 2.0 CLE
9:00 AM	10:30 AM	Can Private International Law Play a Role to Foster the Rule of Law, Good Governance and Economic Development?	Latrobe	1.5 / 2.0 CLE
9:00 AM	10:30 AM	International Criminal Law Interest Group Meeting	Longworth	N/A
9:00 AM	10:30 AM	Book Roundtable: Certificate of Merit for Preeminent Contribution to Scholarship	Roosevelt	N/A
10:30 AM	11:00 AM	ASIL IDEAS	Roosevelt	N/A
11:00 AM	12:30 PM	Closing Plenary: Indigenous Peoples and International Law	Grand Ballrooms I/II	1.5 / 2.0 CLE

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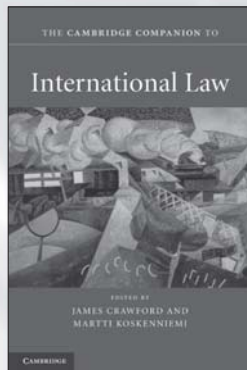
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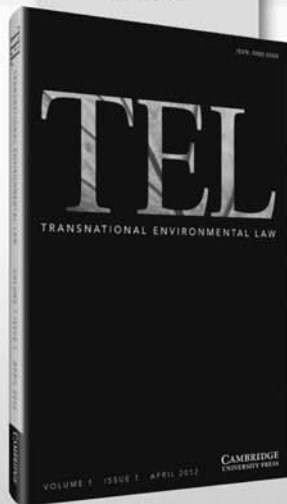
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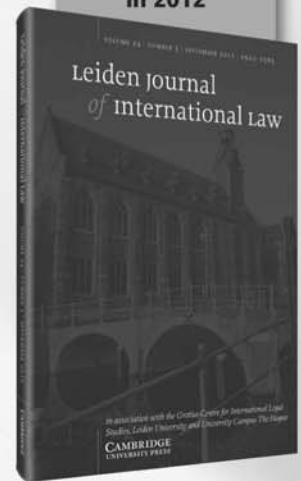
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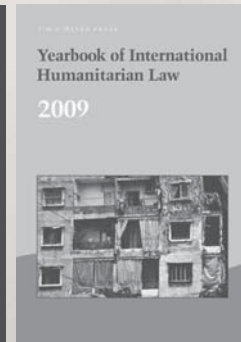
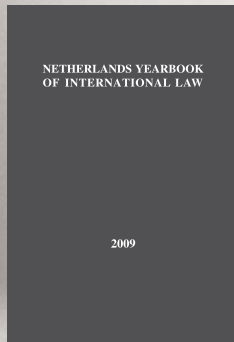
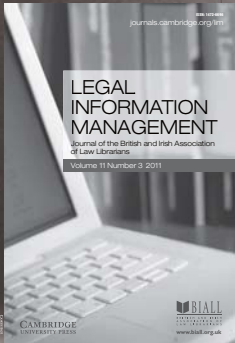
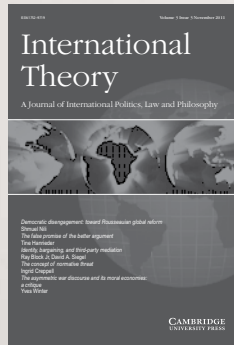
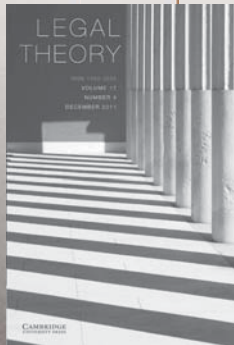


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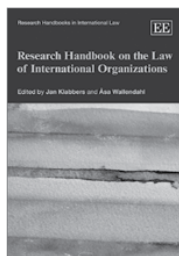


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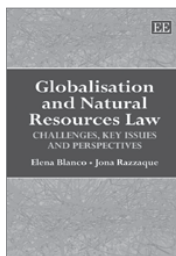
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'The book is the first of its kind to deal in depth with complex, cross-cutting issues relating to globalization and natural resources. The authors demonstrate not only a broad range of knowledge but also provide deep insights into what will be needed to make the transition from economic globalization to sustainable globalization, including improved resource efficiency and sustainable development, and inclusive and participatory governance. In particular, the authors consider specific approaches in such sectors as water resources, renewable energy, and biological resources. The book has carefully documented and analyzed numerous international, regional, and national legal frameworks as well as relevant theories and principles. It is a must for every law library as well as for policy makers, administrators, academics, non-governmental bodies, and civil societies. We owe a great debt to the authors for their painstaking, comprehensive research.'

— Koh Kheng-Lian, National University of Singapore



Conservation, Biodiversity and International Law

Alexander Gillespie, University of Waikato, New Zealand

'Humanity has been gambling for generations with the extent to which it can degrade nature and continue to prosper. Now the environmental debt is being called in and the ability of international diplomacy and law, government policy and political will to deal with the issues is being tested. Conservation, Biodiversity and International Law is a must read for any practitioner in the high-stakes business of restoring our ability to live in harmony with the natural world that sustains us.'

— Alastair Morrison, Department of Conservation, New Zealand



Research Handbook on the WTO Agriculture Agreement

New and Emerging Issues in International Agricultural Trade Law

Edited by Joseph A. McMahon, University College Dublin, Ireland and Melaku Geboye Desta, University of Dundee, UK

Agriculture has been the unruly horse of the GATT/WTO system for a long time and efforts to halter it are still ongoing. This *Research Handbook* focuses on aspects of agricultural production and trade policy that are recognized for their importance but are often kept out of the limelight, such as the implication of national and international agricultural production and trade policies on national food security, global climate change, and biotechnology. It provides a summary of the state of the WTO agriculture negotiations as well as the relevant jurisprudence, but also, and uniquely, it focuses on the new and emerging issues of agricultural trade law and policy that are rarely addressed in the existing literature.

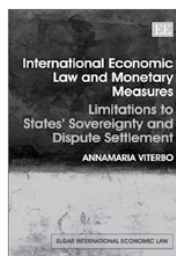


International Economic Law and Monetary Measures

Limitations to States' Sovereignty and Dispute Settlement

Annamaria Viterbo, University of Turin, Italy

The 2007–2010 global financial crisis re-opened the debate on the reform of the international monetary and financial system. This well-argued book demonstrates the strategic role of international economic law in ensuring international monetary stability and global financial stability.



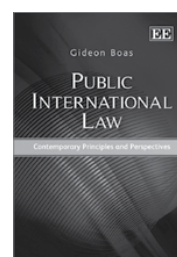
Public International Law

Contemporary Principles and Perspectives

Gideon Boas, Monash University, Australia

'Gideon Boas's experience as an international litigator and his renown as an academic practitioner mean he was well-placed to write a book on international law that both covers this growing field and enters it at key moments to illustrate important themes. This book accomplishes the difficult task of offering a wide-ranging perspective on the whole field, as well as conveying the ferment that surrounds it. Students of international law will derive great benefit from it.'

— Gerry Simpson, University of Melbourne, Australia



Environmental Governance and Sustainability

Edited by Paul Martin, University of New England, Australia, Li Zhiping, Sun Yat-Sen University, China, Qin Tianbao, Wuhan University, China, Anel Du Plessis, North-West University, South Africa and Yves Le Bouthillier, University of Ottawa, Canada

'A unique publication that examines emerging and cutting-edge environmental issues from no less than seven countries including Africa and China. These issues are examined mainly from a trans-disciplinary environmental governance perspective that includes law, ecology, economics, policy and management. The contributors to the book include some exceptional young scholars. They together with other contributors, who are distinguished environmental legal experts, have advanced the scholarship of environmental governance.'

— Koh Kheng-Lian, National University of Singapore



Research Handbook on the Theory and History of International Law

Edited by Alexander Orakhelashvili, University of Birmingham, UK

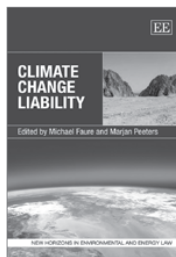
This pioneering *Research Handbook*, with contributions from renowned experts, provides a comprehensive scholarly framework for analyzing the theory and history of international law. Given the multiplication of theoretical approaches over the last three decades, and attendant fragmentation of scholarly efforts, this edited collection presents a useful doctrinal platform that will help academics and students to see the theory and history of international law in its entirety, and to understand how interdependent various aspects of the theory and history of international law really are.

Climate Change Liability

Edited by Michael Faure, Maastricht University and Erasmus University Rotterdam and Marjan Peeters, Maastricht University, The Netherlands

'Since the 2009 Copenhagen Climate Change conference, international efforts to stop global warming are in disarray, making the need for innovative approaches all the more urgent. This book explores the utility of litigation as an alternative to conventional measures in the battle against climate change. While acknowledging the difficulties that attempting to impose liability can pose, it suggests and assesses solutions to meet these challenges, thus paving the way for taking the fight against global warming to the court room.'

— René Lefebvre, University of Amsterdam, the Netherlands



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Conference Information

Registration and Name Badges

The Annual Meeting Pre-registration Desk is located on the Mezzanine Level of the main stairway. The Onsite Registration Desk is located on the Basement level directly in front of the main stairway.

Registration Hours

Wednesday, March 28	7:00 am - 6:30 pm
Thursday, March 29	7:00 am - 6:00 pm
Friday, March 30	7:00 am - 6:00 pm
Saturday, March 31	7:00 am - 10:00 am

All conference attendees will receive their conference badge and printed program at either the pre-registration or onsite registration desks.

For safety and security reasons, photo ID will be required to pick-up conference badges. Name badges must be worn for admittance to all meetings, sessions, receptions, lunches, and the dinner. The badges also contain a bar code for scanning attendance at each session for Continuing Legal Education purposes.

Continuing Legal Education (CLE) credit

The 2012 ASIL Annual Meeting offers attendees 42 Continuing Legal Education (CLE) sessions on a wide variety of topics presented by seasoned international legal experts. We encourage all attendees to pre-select the sessions that they are interested from the printed program to maximize on accruing as much CLE as possible.

In order to streamline the accreditation process, CLE participants will record their attendance at each session by scanning the bar code on their name tag at the entrance of each session room at the start and end of each scheduled session time. Staff and volunteers will be monitoring each scanner and can assist you with any questions you may have. Badges will be scanned if you exit a session early and partial credit will be given (based on either a 50-minute or 60-minute increment). Data collected by this process is used by ASIL and will not be shared with any

other organization for any purpose other than state-required audits. After you have completed all of your courses, please stop by the CLE Help Desk to pick up your CLE attendance certificates, located next to the onsite registration table on the basement level of the Fairmont Hotel.

Internet Access

Wireless Internet is complimentary in the hotel lobby. If you are a guest of the hotel, Internet access is available for a fee of \$14.95/24 hours. In-room business amenities include: computer data port; high-speed Internet access.

Information Research Kiosk

The International Legal Research Interest Group (ILRIG), comprised of ASIL members who are legal information professionals and legal scholars, is offering new research services to Annual Meeting participants. Please stop by the kiosk located near the onsite registration table on the basement level of the hotel for more info.

Family & Child Care

The ASIL does not provide childcare services on-site at the conference. However, in support of participants in need of professional childcare services while on-site at the conference, the following referral is provided solely for the convenience of conference attendees. Please contact Hazel Henningan at (202) 723-2051 for more information. The ASIL assumes no liability regarding the service they provide. We encourage all participants to also do their due diligence when selecting a childcare provider.

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We kindly ask that you silence your electronic devices during the meeting sessions.

Non-Smoking Law

Washington DC law prohibits smoking in all areas of the hotel except for designated smoking guest rooms. Guestrooms and all public spaces at The Fairmont, Washington, DC are non-smoking.

Photography

ASIL will have a photographer onsite taking photographs in sessions, special events, keynote addresses, and throughout the Fairmont documenting the 2012 Annual Meeting. Sixteen sessions will be video-recorded for broadcast on Fora. TV. Photos and videos taken of attendees during ASIL events will remain the property of ASIL and may be used in future marketing materials.

Message Board

Messages may be left with ASIL staff at the Annual Meeting registration desk or on a provided bulletin board, located on the Mezzanine Level of the hotel. ASIL staff will endeavor to forward your message to the relevant party.

ASIL Annual Meeting Blog

For the first time in its history, the Society's Annual Meeting is hosting a blog. ASIL Cables, at asilcables.org, will publish daily reports on discussions and events, as they occur at the Meeting, and connect – almost in real time – conferees with the rest of the world. ASIL Cables is a way to stay abreast of the latest ideas generated at the Meeting – session by session – and is also another arena for ASIL members to engage each other in conversations, either as contributors to ASIL Cables or by posting comments. ASIL Cables contributors reflect the diversity and richness of the Society's membership. And, just as the physical meeting now brings together several organizations, this online arena will collaborate with other internet fora, cross-posting with the Opinion Juris, IntLawGrrls, and Global Arbitration Review blogs. Learn more during the Meeting by visiting asilcables.org.

Recycling

When you are finished with the conference, please recycle your name badge by handing them to the designated registration representative onsite during posted hours.

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Accommodations

ASIL is able to provide reasonable accommodations for attendees with disabilities, so long as we are informed of your disability in writing prior to our meeting. Please contact Ann Parnow at asil@courtesyassoc.com, if you have special needs.

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Europe and Extraterritorial Asylum

Maarten den Heijer

This book focuses on the legal implications of external mechanisms of migration control for the protection of refugees and irregular migrants. The book explores how refugee and human rights law has responded to the new measures adopted by states, and how states have sought cooperation with other actors in the context of migration control. The book will be essential reading for scholars and practitioners of asylum and refugee law throughout Europe and the wider world.

Maarten den Heijer is Assistant Professor in the department of Public International Law and European Law at the University of Amsterdam.

Mar 2012 342pp Hbk 9781849462709 £55 / US\$ 110



Terrorism

Ben Saul

This book brings together a diverse range of legal developments which address terrorism into a single reference work. Bringing the original documents together provides for ease of reference and enables scholars, practitioners and students to more easily compare and contrast various sources.

Ben Saul is Professor of International Law and an Australian Research Council Future Fellow at The University of Sydney.

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The Right to Development and International Economic Law

Legal and Moral Dimensions

Isabella D Bunn

This book examines the legal and moral foundations of the right to development, addressing the major questions in the debate. An on-going dilemma centres on the role of the right in instigating reforms within the global economic system. Thus, the book considers the right to development in the global economy, noting the challenges of globalisation.

Isabella D Bunn is affiliated with Regent's Park College, University of Oxford, and serves as Professor of Ethics at the Florida Institute of Technology.

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Multilevel Regulation of Military and Security Contractors

The Interplay between International, European and Domestic Norms

Edited by Christine Bakker and Mirko Sossai

This book analyses and discusses the interplay between international, European, and domestic regulatory measures in the field of private military and security companies. It presents a comprehensive assessment of the existing domestic legislation in EU Member States and relevant Third States, and identifies implications for future international regulation.

Christine Bakker is a Research Fellow at the European University Institute in Florence specialising in human rights law, including children's rights.

Mirko Sossai is lecturer in international law at the University of Rome III.

Feb 2012 540pp Hbk 9781849462488 £65 / US\$ 130



Promises of States under International Law

Christian Eckart

with a Foreword by Christian Tomuschat

This is currently the only book to present a comprehensive overview of the legal effect of promises by states in international law. After a brief introduction state promises in international law are defined and contrasted with other unilateral acts of states, and the history of promises in state practice and court decisions is delineated, together with scholarly opinion. The book then provides a detailed picture of the international legal framework governing promises of states, and ends with a brief assessment of the *raison d'être* for promises as a binding mechanism in international law, along with their advantages and disadvantages in comparison with the classical mechanism for assuming international obligations - the international treaty.

Christian Eckart is an article clerk at the Higher Appellate Court of Berlin.

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The Concept of Unity in Public International Law

Mario Prost

'Fragmentation' has become a defining metaphor of international law scholarship in the era of globalisation, albeit the subject is highly controversial among international lawyers. There is near-consensus about the fact that something is happening today which challenges established visions of international law as a unitary whole. At the same time, the concept of unity, which lies at the very core of the fragmentation debate, is hardly ever rationalised in the literature. Unity is presented as fragmentation's theoretical opposite but its meaning remains vague and intuitive. This book attempts to dispel that vagueness by exploring the various possible meanings of the concept of unity in international law.

Mario Prost is a Law Lecturer at Keele University.

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The Practice of International and National Courts and the (De-)Fragmentation of International Law

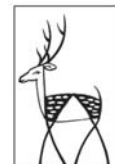
Edited by Ole Kristian Fauchald and André Nollkaemper

Against the background of differing normative appraisals of the phenomenon of fragmentation, this book aims to enhance our understanding of how international and national courts can, and do, contribute to or mitigate problems associated with fragmentation. It contains case studies from international regimes and from various national jurisdictions providing an improved basis for conclusions to be drawn in the final chapter. In particular this conclusion examines the principles and techniques that international and national courts have applied to counteract the negative effects of fragmentation.

Ole Kristian Fauchald is Professor of Law at the Department of Public and International Law, University of Oslo.

André Nollkaemper is Professor of Public International Law, Director of the Amsterdam Center for International Law, University of Amsterdam.

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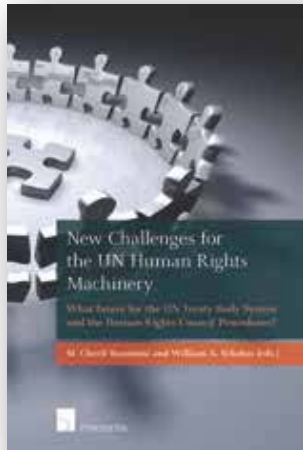
New Challenges for the UN Human Rights Machinery

What Future for the UN Treaty Body System and the Human Rights Council Procedures?

M. CHERIF BASSIOUNI and WILLIAM A. SCHABAS (eds.)

December 2011 | ISBN 978-1-78068-055-2 | xx + 480 pp. | 95 euro | 90 GB pound | 133 US dollar | paperback

With a foreword by Ms. Navi Pillay, United Nations High Commissioner for Human Rights



The authors are established scholars and practitioners in the field of human rights, many of whom are Treaty Body members or mandate holders of varied Human Rights Council Procedures.

With the growth of the Treaty Body System, harmonization and coordination of working methods between the treaty bodies became a pressing issue. Commentators spoke of a crisis of the system - victim of its own success. In 2002 the UN Secretary-General ('An agenda for future change') considered that the development of the system, among others, increased pressure on resources of both States and the secretariat and had implication on the ability of the States to continue to meet their reporting obligations, while the secretariat struggled to continue to provide quality service to all treaty bodies. The UN invited States to reflect on a number of reform initiatives that could help to modernize the system. The possibility of replacing the reporting obligations owed to each of the treaty bodies, with a single report was suggested. The UN also wished that strengthening and harmonization efforts could eventually lead to a single human rights Treaty Body, which was hoped, could enhance human rights protection at national level.

These suggestions were largely unacceptable to States parties, but the concept itself of having States submitting single reports to a single human rights mechanism was tried in the new Charter-based Universal Periodic Review mechanism of the new Human Rights Council set up in 2007. While the new procedure had little impact on the challenges to the separate Treaty Body System which continued to grow, increasing the need for its modernization; it certainly reinvigorated calls for a better coordination between the different elements of the UN Human Rights Machinery to avoid duplication of efforts that strains resources and lessens impact on the real situation of the rights holders at the national level.

This prompted the UN High Commissioner for Human Rights Navi Pillay, in 2009, to give a new impetus to the discussions started almost a decade ago, by addressing a renewed call on relevant stakeholders (States, Treaty Body members, national human rights institutions, non-governmental organizations and academic entities) to initiate a process of reflection on ways of strengthening the Treaty Body System and by extension the UN Human Rights Protection System as a whole.

This impressive collection of essays is a response to the High Commissioner's call, which joins initiatives by other stakeholders, from an academic perspective. The book has two parts: one presents reflections on the Treaty Body System and the second on the Human Rights Council Procedures.

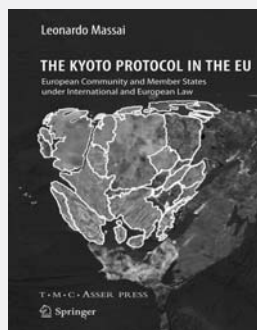
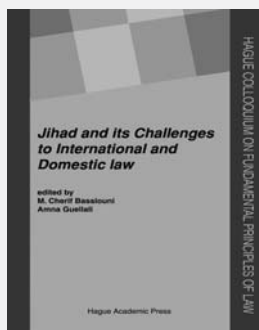
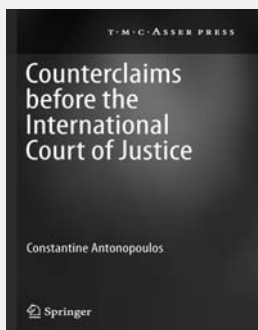
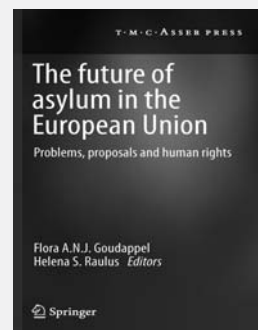
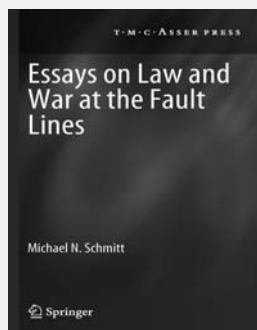
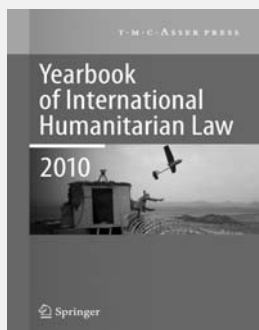
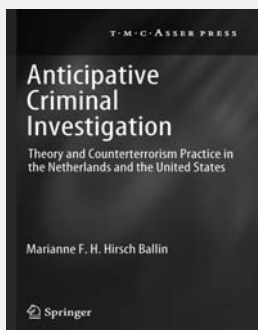
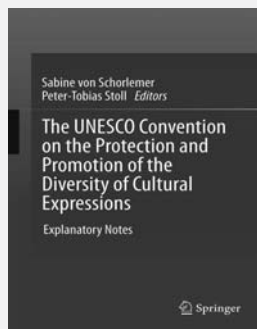
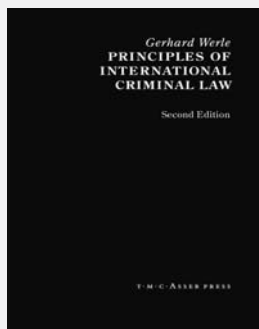
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- Get involved with one of ASIL's 29 Interest Groups and exchange ideas with other members on everything from dispute resolution to nonproliferation.
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- Locate and/or contribute international law events by visiting ASIL's online calendar.

Whatever you need to succeed, ASIL has you covered. Stop by the ASIL Annual Meeting exhibit booth today to update your contact information, register your interests and areas of expertise, and have an ASIL staff member show you all that's available online.

Check us out at asil.org, and follow us on



Wednesday, March 28, 2012

9th ITA-ASIL Conference

9:00 am - 12:30 pm
Grand Ballroom I

Separate registration with the ITA is required.

Executive Council Orientation Meeting

9:00 am - 11:30 am
Longworth

ASIL Executive Council Meeting

12:00 pm - 4:00 pm
Grand Ballroom II

9th ITA-ASIL Conference Luncheon

12:20 pm - 1:30 pm
Colonnade

Separate registration with the ITA is required.

International Legal Research Interest Group Kiosk Orientation

3:00 pm - 4:30 pm
Potomac

Grotius Lecture: Confronting Complexity Through Law

4:30 pm - 6:00 pm
Grand Ballrooms I/II

Co-sponsored by American University Washington College of Law

The 2012 Grotius Lecturer and recipient of ASIL's Honorary Member Award, Jakob Kellenberger, has served as President of the International Committee of the Red Cross since 2000. His Grotius Lecture will reflect on the meeting theme--"Confronting Complexity"--in the context of contemporary international humanitarian law.

Keynote Speaker: Jakob Kellenberger, President, International Committee of the Red Cross

Discussant: Leila Sadat, Washington University School of Law

Grotius Reception

Colonnade

Co-sponsored by American University Washington College of Law

Patron and Partners Reception (invitation only)

6:00 pm – 7:30 pm

Roosevelt Room

AJIL Board Reception and Dinner

7:00 pm - 10:00 pm

Latrobe / Longworth

International Legal Materials Corresponding Editors Reception

7:00 pm - 9:00 pm

Sulgrave

Law in the Pacific Rim Interest Group Meeting

7:00 pm – 9:00 pm

Culpepper



107th ASIL Annual Meeting

Washington, DC • April 3-6, 2013

SAVE THE DATE

MAIN PROGRAM AGENDA



American Society
of International Law

To find out more about the American Society of International Law or to join, please visit www.asil.org.

THURSDAY, MARCH 29, 2012

Thursday, March 29, 2012

New Member Breakfast

7:15 am - 8:45 am

Roosevelt

International Courts and Tribunals Interest Group Meeting

7:15 am – 8:45 am

Potomac

Coffee Break

8:45 am – 9:00 am

Opening Remarks by ASIL President David D. Caron

9:00 am - 9:30 am

Grand Ballroom I/II

Plenary Opening: Military Intervention and the International Law of Peace

9:30 am - 11:00 am

Grand Ballroom I/II

CLE Credit Hours: 1.5/2.0

Co-sponsored by the International Refugee Law Interest Group and the Transitional Justice and Rule of Law Interest Group

The U.N. Security Council authorization of international military intervention in Libya reflects the complex relationship between contemporary uses of force and international law related to peace. Responsibility to protect, a concept developed to shield populations from atrocities and the ravages of armed conflict, expressly was invoked with regard to Libya. A non-U.N. entity, NATO, was given the assignment of actual intervention. But there was no Security Council consensus to apply the responsibility to protect to other conflict-ridden regions. This panel explores the current tensions within the collective security structure established after World War II and of the contours of the law of – or right to – peace.

Moderator: W. Michael Reisman, Yale University

Speakers:

- Rosa Brooks, Georgetown University Law Center
 - Ian Hurd, Northwestern University
 - Patricia O'Brien, Office of the Under-Secretary General for Legal Affairs, United Nations
 - Anne Orford, University of Melbourne Law School
-

ASIL IDEAS: Idea → Direction → Engagement → Action → Solutions...and Coffee

11:00 am - 11:30 am

Roosevelt

ASIL IDEAS are about innovation and inspiration, featuring brief talks from fascinating people representing the worlds of science, technology, journalism, entrepreneurship, philanthropy, as well as law. ASIL IDEAS are where the international legal community can open up to new people, and share ideas and best practices over a cup of coffee.

Speaker: Rebecca MacKinnon, Global Voices; New America Foundation

Topic: Consent of the Networked: The Worldwide Struggle for Internet Freedom

“A global struggle for control of the Internet is now underway,” argues Rebecca MacKinnon, Bernard L. Schwartz Senior Fellow at the New America Foundation. For MacKinnon, who conducts research, writing and advocacy on global Internet policy, free expression, and the impact of digital technologies on human rights, “it is time to stop arguing over whether the Internet empowers individuals and societies, and address the more fundamental and urgent question of how technology should be structured and governed to support the rights and liberties of all the world’s Internet users.”

The Emergence of a Human Right to Water and Sanitation: The Many Challenges

11:30 am - 1:00 pm

Grand Ballroom II

CLE Credit Hours: 1.5/2.0

Co-sponsored by the International Environmental Law Interest Group, the Rights of Indigenous Peoples Interest Group and Women in International Law Interest Group

The UN General Assembly and the Human Rights Council have recently adopted resolutions which recognize an international right to safe drinking water and sanitation, albeit in different terms. To ensure that this right becomes effective, it is crucial to take into account rights, needs and obligations in this area. The panel will assess the responsibilities of the various actors involved in this endeavor (States, companies, development partners, NGOs) and discuss the challenges linked to the delivery of water and sanitation for everyone.

Moderator: Stephen McCaffrey, University of Pacific McGeorge School of Law

Speakers:

- Mariano H. Banos, US Department of State
- Audrey Gaughran, Amnesty International
- Patricia Jones, Environmental Justice Program, Unitarian Universalist Service Committee
- Itzchak Kornfeld, Faculty of Law, The Hebrew University

Developments in UN and Regional Bodies Addressing the Human Rights of LGBTI People

11:30 am - 1:00 pm

Latrobe

CLE Credit Hours: 1.5/2.0

Co-sponsored by the International Refugee Law Interest Group, the Human Rights Interest Group and Women in International Law Interest Group

There has been significant recent activity at the UN and in regional human rights bodies regarding human rights violations that target people because of their actual or perceived sexual orientation or gender identity. Ban Ki-moon has also spoken out: "I understand that sexual orientation and gender identity raise sensitive cultural issues. But cultural practice can not justify any violation of human rights." This panel will brief participants on the latest developments at the UN and regional rights bodies and address some of the complex issues raised.

Moderator: Makau Mutua, SUNY Buffalo Law School

Speakers:

- Rose Celorio, Inter-American Commission on Human Rights
- Scott Long, Harvard Human Rights Program, Harvard Law School

An Emerging International Law of Migration

11:30 am - 1:00 pm

Longworth

CLE Credit Hours: 1.5/2.0

Co-sponsored by the International Refugee Law Interest Group and the Women in International Law Interest Group

This panel will consider both a management and a human rights paradigm of international migration law. States have moved to manage migration through such intergovernmental vehicles as the International Organization for Migration, regional consultative processes, and the Global Forum on Migration. At the same time, human rights norms relating to family unity, children's and worker rights, and nondiscrimination are being applied to migration practices, eroding traditional sovereign prerogatives in the area.

Moderator: Peter Spiro, Temple University Beasley School of Law

Speakers:

- Jacqueline Bhabha, Harvard University
 - James Goldston, Open Society Justice Initiative
 - Sebastian Kohn, Open Society Justice Initiative
 - David A. Martin, University of Virginia
 - Lesley Wexler, University of Illinois School of Law
-

Financial Crisis in the Eurozone

11:30 am - 1:00 pm

Grand Ballroom I

CLE Credit Hours: 1.5/2.0

Co-sponsored by the International Economic Law Interest Group

The European debt crisis has illustrated to an unprecedented degree not only the economic woes of weaker member states, but also flaws in the Maastricht Treaty. Although monetary issues were tackled, difficult issues regarding the full scope of necessary political union were left less than fully addressed, allowing countries to drive up unsustainable fiscal policies even as largely uncompetitive economies. Additionally, the initial responses to the crisis have once again generated queries regarding the efficiency, legitimacy and appropriateness of aid adjustment programs, both at the global level and in the Eurozone, conditioned on deep adjustment by client countries. This panel will inspect the appropriate role played by international law and multilateral institutions in addressing complexity in cross-border economic relationships, and in fostering efficient and equitable outcomes; as well as the role international law should play in the increasingly tenuous balance between preserving national economic sovereignty and fostering international economic cooperation.

Moderator: TBD**Speakers:**

- Anna Gelpern, American University, Washington College of Law
- Sean Hagan, International Monetary Fund
- Peter Kerstens, Economic and Financial Affairs Section, European Commission
- Kathleen McNamara, Georgetown University School of Foreign Service
- Stephen Richter, The Globalist
- Valerie Rouxel-Laxton, Economic and Financial Affairs Section, European Commission, Washington, DC

Courts, Commissions, and the Complexity of Claims Against States

11:30 am - 1:00 pm

Roosevelt

CLE Credit Hours: 1.5/2.0

Co-sponsored by the International Courts and Tribunals Interest Group

The settlement of individual claims against foreign governments is made increasingly complex by the number of possible actors and institutions involved. International claims settlement agreements, domestic courts, ad hoc bodies can all overlap to reach a solution. What are the lessons learnt from this process? And how can a harmonious result be achieved?

Moderator: Francis McGovern, Duke University School of Law**Speakers:**

- Joan Donoghue, International Court of Justice
- Timothy J. Feighery, Foreign Claims Settlement Commission of the United States
- Royce C. Lamberth, United States District Court for the District of Columbia

New Voices I : Humanizing Conflict

11:30 am - 1:00 pm Forum

CLE Credit Hours: 1.5/2.0

Forum

Co-sponsored by the Lieber Society on the Law of Armed Conflict

Moderator: Laura Dickinson, George Washington University Law School

Speakers:

- Adil Ahmad Haque, Rutgers University Law School, Killing in the Fog of War
 - Anna Spain, University of Colorado-Boulder School of Law, Confronting Sovereignty in Intrastate War
 - Lillian Aponte Miranda, Florida International University College of Law, The Role of International Law in Intra-State Natural Resource Conflict: Sovereignty, Human Rights, and Development
 - Markus Wagner The Dehumanization of Humanitarian Law
-

WILIG Luncheon: Internationalization of Law: Diversity, Perplexity, Complexity

1:00 pm - 3:00 pm

Colonnade

Ticketed event. Pre-registration required.

The Prominent Woman in International Law Award is awarded annually by the Women in International Law Interest Group in recognition of a woman recipient's contribution to the development of international law. The 2012 honoree and luncheon speaker, Mireille Delmas-Marty, has contributed greatly to matters related to the processes of internationalization of law, focusing on the interplay between national, regional and international norms as seen through the prism of the universalism of human rights. Professor Delmas-Marty has served as a member of the Commission on Reform of the Penal Code, President of the Criminal Justice and Human Rights Commission, the consulting committee for the revision of the Constitution, the committee on the creation of international criminal jurisdiction and the president of the committee of European Union experts in charge of directing a project on European criminal law (Corpus Juris). In May 2011, Professor Delmas-Marty was appointed as Special Adviser to the Office of the Prosecutor of the International Criminal Court.

Honoree/Speaker: Mireille Delmas-Marty, Chair of Comparative Legal Studies and Internationalization of Law at the College de France

Opening Remarks: Stephen G. Breyer, Associate Justice of the U.S. Supreme Court

Twenty Years after the Rio Earth Summit: What is the Agenda for the 2012 United Nations Conference on Sustainable Development (UNCSD)?

1:30 pm - 3:00 pm

Grand Ballroom II

CLE Credit Hours: 1.5/2.0

Co-sponsored by the International Environmental Law Interest Group

Twenty years after the Rio Earth Summit, the 2012 UN Conference on Sustainable Development (Rio + 20) will revisit sustainable development from the perspectives of institutional frameworks and the “green economy.” Yet, the world’s landscape of environmental problems, multilateral treaty regimes, and state and non-state actors is more complex than ever before. This panel will examine what we can expect of Rio+20, including the immediately-preceding UNEP World Congress on Justice, Governance and Law for Environmental Sustainability, this decade’s preeminent global meeting on the environment.

Moderator: Scott Fulton, U.S. Environmental Protection Agency; High Level International Advisory Committee to the World Congress on Justice, Governance, and Law for Environmental Sustainability

Speakers:

- Don K. Anton, Australian National University College of Law
 - Rebecca Bratspies, City University of New York School of Law
 - Amy Fraenkel, Regional Office for North America, United Nations Environment Programme
 - Kerri-Ann Jones, Oceans, International, Environmental and Scientific Affairs, U.S. Department of State
-

ILSA Panel: Conflicts in International Sports: London 2012

1:30 pm - 3:00 pm

Roosevelt

Since 1896, the modern Olympics have brought competitors from nations across the globe to compete in sports as a way to create good will among nations. More than a century has passed and in that time sports have become much more commercialized and globalized in scope. With that has come legal conflicts caused by contrasting legal systems and multinational organization, such as the International Olympic Committee (IOC). Panelists will touch upon issues that arise in the new age of globalized sports.

Moderator: Jan Paulsson, University of Miami School of Law

Speakers:

- James L. Bikoff, Silverberg Goldman & Bikoff
 - Angela Ciccolo, Special Olympics
 - Stefan Lorenzmeier, University of Augsburg
 - Ank Santens, White & Case LLP
-

Cyber-Security: Regulating Threats to the Internet under International Law

1:30 pm - 3:00 pm

Forum

CLE Credit Hours: 1.5/2.0

The very features of the Internet that make it valuable as an information and communications medium—online anonymity and end-to-end architecture—also make it the most difficult to protect from the dual threats of cybercrime and cyber warfare. Efforts to respond to these threats also risk undermining civil liberties. Public-private cooperation is essential in responding to cyber threats, but such cooperation raises questions about transparency, information sharing, and individual privacy. This panel will address the normative and institutional challenges associated with developing an international regulatory response to cybercrime and cyber warfare.

Moderator: Susan W. Brenner, University of Dayton School of Law

Speakers:

- Joel Brenner, Cooley LLP
 - Col. Gary D. Brown, Office of the Judge Advocate, U.S. Cyber Command
 - Christopher Soghoian, Center for Applied Cybersecurity, Indiana University
 - Eneken Tikk-Ringas, Munk School of International Affairs, University of Toronto
-

International Organizations Interest Group Meeting

1:30 pm – 3:00 pm
Longworth

International Legal Theory Interest Group Meeting

1:30 pm - 3:00 pm
Decatur

International Humanitarian Law and New Technology

3:15 pm - 4:45 pm
Grand Ballrooms I/II II
CLE Credit Hours: 1.5/2.0

Co-sponsored by the Lieber Society on the Law of Armed Conflict and the Nonproliferation, Arms Control, and Disarmament Interest Group

From new combat weapons like drones, robotics, and biotech to new forms of fighting like cyber war, the accelerating dynamic of technological change presents complex challenges to international law that strain (sometimes to the breaking point) existing humanitarian law frameworks. Responses range from new weapon-specific treaties to innovative forms of coordinated international oversight. But ad hoc or piecemeal approaches that lag behind the pace of change may prove inadequate. This roundtable brings together the premier American and international theorists of IHL strategies for the evolving modern day battlefield to discuss the legal, philosophical, and ethical challenges inherent in the spectrum of new technologies.

Moderator: P.W. Singer, Brookings Institution

Speakers:

- Kenneth Anderson, American University
 - Louise Doswald-Beck, HEI, Geneva
 - Cordula Droege, International Committee of the Red Cross
 - Claire Finklestein, University of Pennsylvania
-

Sanctions in International Investment Law

3:15 pm - 4:45 pm
Culpepper
CLE Credit Hours: 1.5/2.0

Co-sponsored by the International Economic Law Interest Group and the International Environmental Law Interest Group

An effective sanctions system is key to ensuring compliance with international rules. Through a cross-debarment system, several multilateral development banks, including the World Bank, have multiplied the effects of their sanctions for firms and individuals that have engaged in wrongdoing in development projects. How is the system performing? Is there due process?

Could it be a blueprint for other areas, such as international investment? Investor-state dispute settlement mechanisms do not include sanctions as a remedy, but if parties do not comply with awards, sanctions might become necessary. Could debarment be used in investor-state arbitration?

Moderator: Céline Lévesque, Faculty of Law, Civil Law Section, University of Ottawa

Speakers:

- Roberto Echandi, International Investment World Trade Institute; University of Bern
 - Elizabeth Lin Forder, The World Bank Group Sanctions Board
 - Anna Joubin-Bret, Foley Hoag LLP, Paris; (formerly) Division on Investment, Technology and Enterprise Development of the United Nations Conference on Trade and Development
 - Theodore R. Posner, Weil, Gotshal & Manges LLP; (formerly) International Trade and Investment at the National Security Council
-

Global Trade and Natural Capital: Ecosystems and Export-led Agricultural Strategies

3:15 pm - 4:45 pm

Longworth

CLE Credit Hours: 1.5/2.0

Co-sponsored by the International Economic Law Interest Group and the International Environmental Law Interest Group

Export-led agricultural strategies have a huge and largely unexamined impact on the world's natural capital, with implications for international law. This is particularly true for Economies Highly Dependent on Agricultural Exports (EDAEs) in developing and industrialized countries. Ramped-up bio-fuel production exacerbates pressures on ecosystems and raises issues of food security. Proliferating preferential trade agreements encourage export-led strategies, increasing potential for regulatory incoherence with environmental regulation. This panel examines ways of reconciling export-led trade regimes with sustainable environmental policies and considers the local, national, and international dimensions of integrating trade and ecosystem policy.

Moderator: James Gathii, Albany Law School

Speakers:

- Tracey Epps, University of Otago Faculty of Law; New Zealand Ministry of Foreign Affairs and Trade
 - Carmen Gonzalez, Seattle University School of Law
 - Fabio Morisini, Federal University of Rio Grande do Sul School of Law
 - Gregory Spak, White & Case LLP
-

New Voices II: Bringing International Law Home: Clarifying the Complex Relationship between International Norms and Domestic Change

3:15 pm - 4:45 pm

Roosevelt

CLE Credit Hours: 1.5/2.0

Co-sponsored by the Women in International Law Interest Group

Moderator: Anne-Marie Slaughter, Princeton University

Speakers:

- Sophia L. R. Dawkins, Conflict Dynamics International, Stable and final? Arbitration of international boundary disputes in the case of state secession
 - Bart L. Smit Duijzentkunst, University of Cambridge, Stable and final? Arbitration of international boundary disputes in the case of state secession
 - Alexandra Huneus, University of Wisconsin Law School, International Criminal Law by Other Means: Human Rights Review of National Prosecutions
 - Katarina Linos, University of California, Berkeley Law School, Legislative Borrowing
 - Yonatan Lupu, University of California, San Diego, Best Evidence: The Role of Information in Domestic Judicial Enforcement of International Human Rights Agreements
-

Preparation of Cases before International Courts and Tribunals

3:15 pm - 4:45 pm

Forum

CLE Credit Hours: 1.5/2.0

Co-sponsored by the International Courts and Tribunals Interest Group

The preparation of cases before international courts and tribunals involves logistics and overall coordination of the case, the organization of the legal and technical teams, general issues of litigation strategy, assignment of different roles amongst counsel, agents, home team representatives and experts, oral advocacy, examination of witnesses, techniques to reduce costs, etc. These panelists will analyze the issues through the prism of different legal traditions and will consider whether the composition of a court or tribunal – nationalities, legal systems represented – will influence the composition of a legal team.

Moderator: Sir Michael Wood, 20 Essex Street Chambers

Speakers:

- Sir Frank Berman, Essex Court Chambers and Oxford University
 - Meg Kinnear, Secretary-General of the International Centre for Settlement of Investment Disputes
 - Martin Pratt, International Boundaries Research Unit, Durham University
 - Paul Reichler, Foley Hoag LLP
-

International Law and Its Discontents: The Normative Implications, and Strategic Opportunities, of Complexity

3:15 pm - 4:45 pm

Latrobe

CLE Credit Hours: 1.5/2.0

Sponsored by Women in International Law Interest Group

Freud's 'Civilization and its Discontents' argued that civilization itself is the major source of human unhappiness, inhibiting instincts and generating guilt. Joseph Stiglitz's 'Globalization and its Discontents' shows how the 'economic architecture' which has produced globalization has also driven the backlash against it. In this roundtable, international law's 'discontents', those whose grievances are grounded in international law itself, consider the normative implications of international law's increasing complexity.

Moderator: Barbara Stark, Hofstra Law School

Speakers:

- Dianne Otto, University of Melbourne
 - Balakrishnan Rajagopal, Massachusetts Institute of Technology
 - Alvaro Santos, Georgetown University Law Center
 - Jeanne M. Woods, Loyola University College of Law
-

Forgotten Sisters: Violence Against Women with Disabilities--Human Rights Law and Complex Identity Status

3:15 pm - 4:45 pm

Potomac

CLE Credit Hours: 1.5/2.0

Sponsored by the International Disability Rights Interest Group and Co-sponsored by the Women in International Law Interest Group

Experts on women's rights, disability rights, and discrimination will spark a lively and practical discussion on states' due diligence obligations to prevent and remedy violence against women with disabilities. Roundtable participants will discuss ways multiple identity status exacerbates violence and effective implementation of international and comparative legal norms.

Moderator: Stephanie Ortoleva, American University Washington College of Law

Speakers:

- Caroline Bettinger-Lopez, University of Miami School of Law
 - Akiko Ito, Secretariat for the Convention on the Rights of Persons with Disabilities, United Nations Department of Economic and Social Affairs
 - Charlotte McClain-Nhlapo, The World Bank
-

International Law Students Association Congress

3:15 pm - 4:45 pm

Coffee Break

4:45 pm – 5:00 pm

Confronting Complexity in the Hague: The View from the Courts and Tribunals

5:00 pm - 6:30 pm

Grand Ballroom I and II

CLE Credit Hours: 1.5/2.0

Sponsored by the City of the Hague and The Royal Netherlands Embassy and co-sponsored by the International Courts and Tribunals Interest Group

No city in the world evokes the peaceful resolution of international disputes like The Hague in The Netherlands. Since it hosted the 1899 Peace Conference which created the Permanent Court of Arbitration, The Hague has become synonymous with international courts and tribunals. The International Court of Justice, the Iran-US Claims Tribunal, the International Criminal Tribunal for the former Yugoslavia as well as the appeal chambers for the International Criminal Court for Rwanda are all headquartered in the Dutch city. More recently, the International Criminal Court

and the Special Tribunal for Lebanon were added to the distinguished group. What is the role of these institutions and their contribution to international legal system? What are the implications of their co-location in the Hague? And what are or should be the dynamics among them? This Panel, comprising Presidents of the ICJ, ICC, ICTY and the Secretary General of the PCA, will address these and other related issues to reflect on the role of The Hague as the judicial capital of the world.

Introductory Remarks: Jozias van Aartsen, Mayor of the Hague

Moderator: Willem van Genugten, The Hague Institute for Global Justice

Speakers:

- Brooks Daly, Permanent Court of Arbitration
 - Theodor Meron, International Criminal Tribunal for the former Yugoslavia
 - Sang-Hyun Song, International Criminal Court
 - Peter Tomka, International Court of Justice
-

Transitional Justice and the Rule of Law Interest Group Meeting

6:30 pm - 8:00 pm

Culpeper

UN21 Interest Group Meeting

6:30 pm – 8:00 pm

Latrobe

International Environmental Law Interest Group Meeting

6:30 pm - 8:00 pm

Decatur

Members' Reception

6:30 pm - 8:00 pm

Colonnade

City of The Hague Reunion Reception

6:30 pm - 8:00 pm

Roosevelt

Sponsored by the City of the Hague

The Hague is known all over the world as the 'City of Peace and Justice'. Currently The Hague is home to 131 international institutes. The Hague stands for hope in places as diverse as Tripoli, Nairobi and Kabul. Hope for millions of citizens. Hope that the crimes inflicted on them will not remain unpunished. Hope for a peaceful future. All Annual Meeting participants who have been or still are part of The Hague endeavour, are invited to an inspiring and 'historic' reunion hosted by Mr. Jozias van Aartsen, a former Dutch Minister of Foreign Affairs and since 2008 the Mayor of The Hague. This Hague reunion is to be 'historic' in the sense that so many judicial experts at the Annual Meeting have a 'history' with The Hague, for instance because of a (former) position or a summer course in the Peace Palace. The Hague Reunion Reception will also feature introduction of The Hague Institute for Global Justice (THIGJ), which was created in June last

year, in an Old World villa close to the Peace Palace. THIGJ was established by The Hague Academic Coalition, the City of The Hague, The Hague Conference on Private International Law and The Hague Centre for Strategic Studies, and is supported by the Dutch government. The Institute is dedicated to the promotion of knowledge of law and justice as the basis of and in relation to peace, justice and social and economic development.

Women in Arbitration Reception

6:30 pm – 8:00 pm

Longworth

Co-sponsored by the American Society of International Law, Arbitral Women, and American Bar Association Women's Interest Network

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106TH ANNUAL MEETING



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Friday, March 30, 2012

Africa Interest Group Meeting

7:15 am – 8:45 am
Lindens

Private International Law Interest Group Meeting

7:15 am – 8:45 am
Decatur

International Economic Law Interest Group Meeting

7:15 am – 8:45 am
Longworth

Annual Meeting Co-Chairs Reunion Breakfast

7:15 am - 8:45 am
Culpeper

Teaching International Law Interest Group Meeting

8:15 am – 8:45 am
Roosevelt

Coffee Break

8:45 am – 9:00 am

Late Breaking Panel: The United Nations and Syria: Changing Dynamics--New Complexities

9:00 am – 10:30 am
Grand Ballrooms I/II II

Less than a year after the Security Council supported action in Libya, the crisis in Syria is revealing a new dynamic at the United Nations. A resolution urging for a change in leadership in Syria was vetoed by Russia and China, even as it was supported by Arab countries. Soon after, a similarly worded resolution was adopted by an overwhelming majority of member states at the General Assembly. Are we witnessing a new dynamic in the power balance in the Security Council? Is the General Assembly asserting a new role? And what is the role of regional players? How has the collaboration and consensus surrounding intervention in Libya so quickly unraveled? What does the difference between the reactions to the two situations tell us about the evolving consensus regarding the UN and its role? This late-breaking panel will address these and other questions arising from the current events in Syria.

Moderator: Nicholas Rostow, National Defense University

Speakers:

- Mahnoush H. Arsanjani, International Law Associates
 - Harold H. Koh, Office of the Legal Advisor, U.S. Department of State
 - D. Stephen Mathias, Office of the Under Secretary General for Legal Affairs, United Nations
 - Saira Mohamed, University of California, Berkeley School of Law
 - Timur Soylemez, Embassy of the Republic of Turkey to the U.S.
-

Fact-Finding in Interstate Disputes

9:00 am - 10:30 am

Grand Ballroom I

CLE Credit Hours: 1.5/2.0

Co-sponsored by the International Courts and Tribunals Interest Group and the Women in International Law Interest Group

This panel will provide a comparative analysis of the law and practice of international courts and tribunals regarding fact-finding. It will review the constitutive acts of various international judicial bodies to identify and assess common fact-finding mechanisms and suggest improvements. Examples of the case law will also be examined to show the strengths and weaknesses in fact-finding, with particular emphasis on questions of burden and standards of proof, the assessment of different types of evidence and the use of witnesses and experts.

Moderator: Dame Rosalyn Higgins, British Institute of International and Comparative Law; (formerly) International Court of Justice

Speakers:

- Lisa Grosh, International Claims and Investment Disputes, Office of the Legal Adviser of the US Department of State
- Sean D. Murphy, George Washington University Law School; United Nations International Law Commission
- Lucy F. Reed, Freshfields Bruckhaus Deringer LLP
- Bruno Simma, University of Michigan School of Law; (formerly) International Court of Justice)

Indicators in International Law

9:00 am - 10:30 am

Culpeper

CLE Credit Hours: 1.5/2.0

The use of indicators to rank the laws, institutions or performance of states is an important form of power in global governance. Indicators, like international law, set standards. The World Bank Group uses rankings to encourage countries to adopt regulations favorable to foreign investment. Influential private bodies produce indexes of rule of law, corruption, state failure, and human rights. Indicators are increasingly used in courts, and in allocating foreign aid. Are indicators valuable? Should they be regulated?

Moderator: Benedict Kingsbury, New York University School of Law

Speakers:

- Juan Carlos Botero, World Justice Project
- Sophie Pouget, World Bank
- Margaret Satterthwaite, New York University School of Law
- Rene Urueña, Universidad de Los Andes, Bogotá, Colombia

New Voices from the New Professionals Interest Group

9:00 am - 10:30 am

Longworth

CLE Credit Hours: 1.5/2.0

Sponsored by New Professionals Interest Group

ASIL continues its tradition of featuring the scholarship of students and new professionals (academic or non-academic) who have been working in the field of international law for seven years or less. Chosen through a highly competitive selection process, the new voices in this session are emblematic of the promise of a new generation of scholars.

Moderator: Donald Francis Donovan, American Society of International Law; Debevoise and Plimpton, LLP

Speakers:

- Justin Fraterman, Paul, Weiss, Rifkind, Wharton & Garrison LLP, Criminalizing Humanitarian Relief: Are US Material Support for Terrorism Laws Compatible with International Humanitarian Law?
- Kari Kammel, Independent Consultant on the Middle East, How to Improve Rule of Law Legitimacy: Case Study of Afghanistan and Iraq
- Tsung Ling Lee, Georgetown Law Center, The International Human Rights Framework and the Regulatory Approach Towards Non-Communicable Diseases
- Rahim Moloo, University of Central Asia, Changing Times, Changing Obligations? The Interpretation of Treaties over Time
- Adam Raviv, Wilmer Cutler Pickering Hale & Dorr LLP, The Ironies of AT&T Mobility v. Conception

U.S. Non-Ratification of Environmental Treaties:

Why Does It Happen and How Do We Cope?

9:00 am - 10:30 am

Forum

CLE Credit Hours = 1.5 /2.0

Co-sponsored by the International Environmental Law Interest Group

For more than a century, the United States took the lead in responding to international environmental problems. Although it continues to negotiate environmental treaties, in recent years its ratification process has broken down. Ten treaties signed by the United States, including the Basel, Rotterdam, Stockholm, and Biodiversity Conventions, remain mired in the ratification process with an average time since signature of over thirteen years. This panel will examine why so many environmental agreements are stuck in ratification limbo, and the effect of the U.S. absence on efforts to address threats such as marine pollution, persistent organic pollutants, and species loss.

Moderator: Sandra Zellmer, University of Nebraska

Speakers:

- Norine Kennedy, US Council for International Business
- Daniel B. Magraw, Center for International Environmental Law
- Michael J. Mattler, US Senate Foreign Relations Committee
- Jim Willis, Secretariat of the Basel, Rotterdam and Stockholm Conventions

Teaching International Law while Confronting Current Events: Balancing Past and Present

9:00 am - 10:30 am

Roosevelt

CLE Credit Hours: 1.5/2.0

Sponsored by the Teaching International Law Interest Group

This roundtable will explore the challenges of teaching the fundamental theories and doctrines of international law while confronting current events and new legal issues that appear to cast doubts on them. The discussion will include leading case book authors and professors in legal academia and beyond.

Moderator: Karen E. Bravo, Indiana University**Speakers:**

- Dennis Mandsager, U.S. Naval War College
- Deborah Pearlstein, Benjamin N. Cardozo School of Law, Yeshiva University
- Mathias Reimann, University of Michigan Law School
- Sonia E. Rolland, Northeastern University School of Law
- Thomas Schoenbaum, George Washington University Law School

Trade in Commodities

9:00 am - 10:30 am

Latrobe

CLE Credit Hours: 1.5/2.0

Sponsored by the ASIL Midwest Interest Group

Trade in commodities – wheat, soybean, corn, meat products, and minerals are among the top fifteen exports of the United States. The states of the U.S. Midwest – Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin are major players in these sectors. This panel will consider how local, national, and international politics and interests including subsidies to guarantee farm income, production, or commodity prices interact with global trading standards and requirements.

Moderator: William J. Davey, University of Illinois College of Law**Speakers:**

- David Salmonsens, American Farm Bureau Federation
- Matt Schaefer, University of Nebraska-Lincoln College of Law
- Julia Ya Quin, Wayne State University Law School

Dispute Resolution Interest Group Meeting

9:00 am – 10:30 am

Potomac

Rights of Indigenous Peoples Interest Group Meeting

9:00 am – 10:30 am

Decatur

ASIL IDEAS: Idea → Direction → Engagement → Action → Solutions...and Coffee

10:30 AM – 11:00 AM

Roosevelt

ASIL IDEAS are about innovation and inspiration, featuring brief talks from fascinating people representing the worlds of science, technology, journalism, entrepreneurship, philanthropy, as well as law. ASIL IDEAS are where the international legal community can open up to new people, and share ideas and best practices over a cup of coffee.

Speaker: Ted Parson, University of Michigan

Topic: Climate Engineering: Challenges to International Law and Potential Responses

Engineered interventions to limit climate change, particularly high-leverage methods to reduce incoming sunlight, such as placing reflective particles in the upper atmosphere, carry multiple environmental and policy-related risks, and pose challenges to international law governance that are both novel and severe. Uncertainties notwithstanding, certain clear and emerging characteristics of these technologies suggest the outlines of their policy and political risks and their likely requirements for effective governance.

Parson's articles have appeared in *Nature*, *Science*, *Climatic Change*, *Issues in Science and Technology*, the *Journal of Economic Literature*, and the *Annual Review of Energy and the Environment*. Parson served on the scientific organizing committee for the 2010 Asilomar conference on climate intervention, and led the working group on institutional mechanisms for the 2011 Solar Radiation Management Governance Initiative, convened by the UK Royal Society, the Environmental Defense Fund, and the Academy of Sciences of the Developing World (TWAS). He holds degrees in Physics from the University of Toronto and in Management Science from the University of British Columbia, and a Ph.D. in Public Policy from Harvard, where he spent twelve years on the faculty of the Kennedy School of Government.

The Emerging System of International Arbitration

11:00 am - 12:30 pm

Grand Ballrooms I

CLE Credit Hours: 1.5/2.0

Co-sponsored by the International Courts and Tribunals Interest Group and the International Economic Law Interest Group

More than 60 states have enacted legislation based on the UNCITRAL Model Law on International Commercial Arbitration and 150 states have joined the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards. At the same, the number of international arbitral institutions is increasing, and new regional centers are emerging. Where are we heading as a result of these developments? Are we witnessing the emergence of a uniform system of international arbitration, or an increasing regional specialization of international arbitral institutions? This panel examines the extent and implications of these developments.

Moderator: Andrea Bjorklund, University of California, Davis

Speakers:

- Teresa Cheng, Des Voeux Chambers, Hong Kong
- Emmanuel Gaillard, Shearman & Sterling LLP
- Jan Paulsson, Freshfields Bruckhaus Deringer LLP

- Anthea Roberts, Harvard Law School
- Stephan W. Schill, Max Planck Institute for Comparative Public Law and International Law

Annual Ben Ferencz Panel Session: Africa and the International Criminal Court

11:00 am - 12:30 pm

Grand Ballrooms I/II II

CLE Credit Hours: 1.5/2.0

Co-sponsored by the International Criminal Law Interest Group and the Transitional Justice and Rule of Law Interest Group

Although initially a strong supporter of the International Criminal Court (ICC), the African Union (AU) has emerged in recent years as a strong opponent of the Court's work. With only African situations and accused persons in the ICC dock, the AU now insists that the ICC has become an imperialist neo-colonial institution. This interdisciplinary panel will discuss the mounting AU/ICC tension; assess the legal, historical, and policy reasons that explain the complex on-off relationship, and consider its implications for the future of the ICC.

Moderator: William Schabas, Middlesex University, London

Speakers:

- Kamari Maxine Clarke, Yale University
- Siba Grovogui, John Hopkins University
- Charles C. Jalloh, University of Pittsburgh Law School
- Olivia Swaak-Goldman, Office of the Prosecutor, International Criminal Court
- Dire Tladi, Permanent Mission of South Africa to the United Nations; International Law Commission

Opting Against International Law in International Financial Regulation

11:00 am - 12:30 pm

Longworth

CLE Credit Hours: 1.5/2.0

Co-sponsored by the International Economic Law Interest Group and Private International Law Interest Group

Financial regulation has become one of the most important and portentous areas for international coordination, cooperation, and regulation. A worldwide financial crisis that has exposed deep regulatory gaps and cross-border risks has only made those needs more obvious. Yet faced with these issues, states and regulators have consistently opted against using hard international law tools. Instead the area has been dominated by informal regulatory networks like the G20, Financial Stability Board, and Basel Committee, soft law rules, and at times national go-it-alone strategies. This stands in stark contrast to other highly complex transborder problems like the environment or trade in which treaties have played a prominent if not always dominant role. This panel will look more closely at the architecture of international financial regulation and ask why international financial actors have chosen these tools over more traditional ones. It will explore the benefits and risks of using informal mechanisms and ask whether concerns about transparency, accountability, and legitimacy are being adequately addressed. It will also explore the dangers of various uncoordinated national efforts.

Moderator: Andrew Guzman, University of California Berkeley School of Law

Speakers:

- Hassane Cisse, Office of the General Counsel, World Bank
 - Claire R. Kelley, Brooklyn University Law School
 - Robert J. Peterson, Office of International Affairs, Securities Exchange Commission
 - Yesha Yadav, Vanderbilt University
-

Jus Post Bellum in the Age of Terrorism

11:00 am - 12:30 pm

Roosevelt

CLE Credit Hours: 1.5/2.0

Sponsored by the International Refugee Law Interest Group, the Transitional Justice and Rule of Law Interest Group, the Women in International Law Interest Group, and the Lieber Society on the Law of Armed Conflict

Jus post-bellum, the law after war, has become an increasingly significant concept in the past ten years. While traditional wars between states typically have clear endings, those where terrorist groups, such as al Qa'ida, are belligerents may not. Some terrorist groups, such as the IRA, eventually lay down their arms, enter into a peace agreement, and join the political process. This panel considers the over-arching concept of jus post-bellum for terrorist groups which may never be fully vanquished or ever officially terminate their fight.

Moderator: Kristen Boon, Seton Hall University

Speakers:

- Jennifer Easterday, Jus Post Bellum Project at the Grotius Centre for International Legal Studies, Leiden University
 - Larry May, Vanderbilt University Law School
 - Fionnuala Ni Aolain, University of Minnesota Law School
 - Michael Semple, Carr Center for Human Rights Policy at the John F. Kennedy School of Government at Harvard University
-

Limitations on Freedom of Opinion and Expression: Growing Consensus or Hidden Fault Lines?

11:00 am - 12:30 pm

Latrobe

CLE Credit Hours: 1.5/2.0

Sponsored by the Human Rights Interest Group and Co-sponsored by the International Refugee Law Interest Group

This panel will explore recent developments in debates regarding the appropriate scope of limitations on the rights to freedom of opinion and expression. It will address the UN Human Rights Committee's recently-adopted General Comment No. 34 on ICCPR Art. 19 and UN resolutions passed by consensus in 2011 that address religious intolerance, discrimination and related violence. Panelists will explore the tensions that may arise between expression and other rights, and the complex task of identifying legitimate restrictions on expression, particularly in relation to advocacy of hatred that constitutes incitement to discrimination, hostility or violence.

Moderator: Charlotte Ku, University of Illinois

Speakers:

- Michael O’Flaherty, UN Human Rights Committee
- Paula Schriefer, Freedom House
- Tad Stahnke, Human Rights First
- Christopher Wolf, Hogan Lovells Privacy and Information Management practice group

International Legal Research Interest Group Meeting

11:00 am – 12:30 pm

Lindens

Asian Society of International Law Meeting

11:30 am – 1:00 pm

Potomac

This is a meeting to introduce and discuss the activities of the Asian Society of International Law and the Asian Journal of International Law. The discussion will be led by Professors Surya P. Subedi, Vice-President of the Society, Simon Chesterman, Deputy Secretary-General of the Society, Anthony Anghie, Chairman of the Research and Planning Committee, and ONUMA Yasuaki, former Vice-President of the Society. All are welcome.

Human Rights Interest Group Meeting

12:30 pm – 1:00 pm

Latrobe

Luncheon Discussion: Challenges to the Rule of Law during Democratic Transitions: A Conversation with Butcher Medalist Asma Jahangir

12:30 pm – 2:00 pm

Colonnade

Ticketed event. Pre-registration required.

Co-sponsored by the Human Rights Interest Group

Keynote Speaker: Asma Jahangir, AGHS Legal Aid Cell; (formerly) Supreme Court Bar Association of Pakistan and the Human Rights Commission of Pakistan

Discussant: Margaret E. McGuinness, St. Johns University School of Law

New Trends in the Administration of Justice of International Organizations

12:30 pm - 2:00 pm

Culpepper

CLE Credit Hours: 1.5/2.0

Co-sponsored by the International Courts and Tribunals Interest Group and the International Organizations Interest Group

The panel will discuss the recently reformed internal justice system at the United Nations, as compared to that existing in other international organizations. Panelists will discuss current trends, in light of the efforts of international organizations to respect the rule of law, and the advantages and disadvantages of each model. The case law of administrative tribunals will also be examined to assess substantive legal issues and common principles of the law of international civil service.

Moderator: Stephen Schwebel, World Bank Administrative Tribunal

Speakers:

- Antigoni Axenidou, General Legal Division, United Nations Office of Legal Affairs
 - Olufemi Elias, World Bank Administrative Tribunal
 - Brian Gorlick, Office of Staff Legal Assistance, United Nations Office of Administration of Justice
 - Maritza Struyvenberg, Office of Administration of Justice, United Nations
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The Modern Positivist Response to Confronting Complexity in International Law

12:30 pm - 2:00 pm

Roosevelt

CLE Credit Hours: 1.5/2.0

The growing complexity of international society and of the law regulating it has produced a more disparate international legal theory than ever before. The rise of a modern and rejuvenated positivist approach to international law is one of the most interesting of the many endeavors to make sense of contemporary complexity. It is the aim of this panel to explore and reflect upon the contours of this new modern positivist take on international law.

Moderator: Anne Peters, University of Basel

Speakers:

- Noora Arajarvi, Faculty of Law, University of West Indies
 - Jean d'Aspremont, University of Amsterdam
 - Jörg Kammerhofer, University of Freiburg
 - Mortimer N.S. Sellers, University of Baltimore
-

International Energy Governance

12:30 pm - 2:00 pm

Forum

CLE Credit Hours: 1.5/2.0

Co-sponsored by the International Economic Law Interest Group and the International Environmental Law Interest Group

Although international energy governance must address the imperatives of energy security, development, commerce and climate change, energy markets currently represent one of the most fragmented and least understood models of international governance: the Energy Charter Treaty, the WTO and other trade agreements, and international and regional climate change regimes all create rules that affect energy production and trade. Experts in energy law, trade law, and regime design will consider the prospects for multilateral governance frameworks and the means by which energy management may become more responsive to competing demands on the energy sector.

Moderator: Lakshman D. Guruswamy, Center for Energy and Environmental Security (CEES), University of Colorado Law School

Speakers:

- Yuka Fukunaga, Waseda University School of Social Sciences; Graduate Institute of International and Development Studies
 - Gabrielle Marceau, Legal Affairs Division, World Trade Organization; Geneva University
 - Timothy Meyer, University of Georgia School of Law
 - Yulia Selivanova, Trade and Transit Department, Energy Charter Secretariat
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UNCLOS Anniversary: What are the Challenges?

12:30 pm - 2:00 pm

Longworth

CLE Credit Hours: 1.5/2.0

Sponsored by the International Environmental Law Interest Group and the Law of the Sea Interest Group

Thirty years after the adoption of UNCLOS, the panel will assess the outreach of the Ocean's charter which in many respects has become part of customary international law. Its relevance is tested on several fronts as the challenges are numerous, be it global warming, the depletion of living marine resources or the answers to piracy. The UNCLOS dispute settlement regime, and more especially ITLOS, plays an ever growing role. Does UNCLOS provide an adequate answer to mentioned challenges? Is the link established with other treaties functioning well? How does the judicial system of UNCLOS contribute to the clarification and development of the norms and principles?

Moderator: Bernard Oxman, University of Miami School of Law

Speakers:

- Satya N. Nandan, Ambassador of Fiji; Chairman of the Western and Central Pacific Fisheries Commission
- Nilufer Oral, Faculty of Law at Istanbul Bilgi University
- Catherine Redgwell, University College London, Law Faculty
- Rüdiger Wolfrum, International Tribunal for the Law of the Sea

HeinOnline's Index to Foreign Legal Periodicals Lunch & Learn

12:30pm - 2:30pm

Dumbarton

Invitation Only.

Sponsored by William S. Hein & Co., Inc

Cultural Heritage and the Arts Interest Group Meeting

1:30 pm – 2:00 pm

Latrobe

Law of the Sea Interest Group Meeting

2:15 pm – 3:45 pm

Longworth

The Chevron-Ecuador Dispute: A Paradigm of Complexity

2:15 pm - 3:45 pm

Grand Ballrooms I/II

CLE Credit Hours: 1.5/2.0

Co-sponsored by the International Courts and Tribunals Interest Group, the International Economic Law Interest Group, the International Law in Domestic Courts Interest Group, the Private International Law Interest Group, the Rights of Indigenous People's Interest Group and the International Environmental Law Interest Group

Perhaps no presently pending case confronts the complexity of international law and its regulatory claims across boundaries so clearly as the Chevron/Ecuador proceedings filed regarding environmental damage in the Amazon. That case and related proceedings raise many of the most pressing issues important to international law scholars and practitioners, such as the efficacy of international dispute resolution, the role of international arbitration, and the role of transnational law in domestic courts. This panel will use the Chevron/Ecuador case as a starting point for discussing the relationship between public and private international law and the use of that law to regulate transnational conduct

Moderator: Dan Bodansky, Arizona State University, Sandra Day O'Connor College of Law

Speakers:

- Judith Kimerling, The City University of New York (CUNY) Queens College
- Lucinda A. Low, Steptoe & Johnson LLP
- Ralph Steinhardt, George Washington University Law School
- Christopher A. Whytock, University of California, Irvine School of Law

International Norm-Making on Forced Displacement: Challenges and Complexity

2:15 pm - 3:45 pm

Culpepper

CLE Credit Hours: 1.5/2.0

Co-sponsored by the International Refugee Law Interest Group

While forced displacement continues to be a major humanitarian concern, the further development of international norms in this area has proven to be particularly challenging. This panel will highlight such challenges by looking at normative developments to address climate-induced and other forms of forced displacement; the use and legal significance of soft law in international refugee law; and the relevance and implementation of the principle of international cooperation with respect to refugee protection.

Moderator: Tom Syring, Norwegian Immigration Appeals Board

Speakers:

- Guy Goodwin-Gill, All Souls College, Oxford University
- Agnes Hurwitz, United Nations Development Programme
- Kate Jastram, University of California, Berkeley School of Law
- Jane McAdam, University of New South Wales

What Makes a State?

2:15 pm - 3:45 pm

Roosevelt

CLE Credit Hours: 1.5/2.0

Co-sponsored by the International Refugee Law Interest Group

Kosovo. South Sudan. Palestine. South Ossetia. There has been a recent surge of attempted state formations, with varying success. Recognition is a process of potentially competing decisions of individual states, groups of states, and international organizations. In such cases, statehood is not so much a simple descriptor as a complex problem. Are the time-worn Montevideo criteria still an accurate test? What makes a state? How do you know that you have succeeded?

Moderator: Karen Knop, University of Toronto

Speakers:

- Lea Brilmayer, Yale Law School
- Valerie C. Epps, Suffolk University Law School
- Deng Deng Nhial, Deputy Head of Mission, Embassy of South Sudan
- Paul R. Williams, American University
- Temur Yakobashvili, Ambassador of Georgia to the United States

International Human Rights Law, International Humanitarian Law, and Implications for Coalition Warfare

2:15 pm - 3:45 pm

Forum

CLE Credit Hours: 1.5/2.0

Sponsored by the Lieber Society on the Law of Armed Conflict and Co-sponsored by the International Refugee Law Interest Group

The panel will explore the complex interaction of human rights and the law of armed conflict on the modern battlefield. Several recent decisions from the European Court of Human Rights will serve as background for considering how state actions on the battlefield are in flux. In particular, the panel will explore how the presence of human rights norms during armed conflict may affect the missions that are assigned, the conduct of forces on the ground, rules of engagement, national caveats, public support for the missions, and interactions with non-governmental and international organizations.

Moderator: Ashley Deeks, Columbia University School of Law

Speakers:

- Daniel Bethlehem, Columbia University School of Law
- Monica Hakimi, University of Michigan School of Law
- William Lietzau, U.S. Department of Defense
- Kenneth Watkin, United States Naval War College

Confronting Complexity in the Preservation of Cultural Property: Monuments, Art, Antiquities, Archives, and History

2:15 pm - 3:45 pm

Latrobe

CLE Credit Hours: 1.5/2.0

Sponsored by the Cultural Heritage & the Arts Interest Group; Lawyers' Committee for Cultural Heritage Preservation (LCCHP); the Howard M. Squadron Program in Law, Media and Society, Benjamin N. Cardozo School of Law; and the Lieber Society on the Law of Armed Conflict

This panel will address the role of international law in protecting monuments, archives and other cultural property. Recent events in Egypt and Libya as well as new attacks on cemeteries in Lithuania and Ukraine spell a growing threat to our common cultural heritage. The speakers will discuss various responses - for example, in some instances sanctions or re-designation by UNESCO have been necessary to stop destruction of architectural monuments, while elsewhere a joint committee effort has sufficed to protect burial grounds; whereas agreements to digitize archival materials may be satisfactory, in other circumstances only an outright return and reburial of artifacts will satisfy the wronged side.

Moderator: Irina Tarsis, Benjamin N. Cardozo School of Law

Speakers:

- Bonnie Czeglédi, Czeglédi Art Law
 - Peter Gerstenblith, DePaul University College of Law
 - Jan Hladik, United Nations Educational, Scientific and Cultural Organization
 - Thomas R. Kline, Andrews Kurth LLP
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Coffee Break

3:45 pm -4:00 pm

ASIL Annual General Meeting

4:00 pm – 4:30 pm

Grand Ballrooms I/II

- Election of Executive Council and Officers
 - Report of AJIL Editors-in-Chief
 - Presentation of Deak Prize and Lieber Society Prizes
-

Hudson Medal Lecture: International Law as Discipline and Profession

4:30 pm - 6:00 pm

Grand Ballrooms I/II

Co-sponsored by George Washington University Law School

Keynote Speaker: James R. Crawford, Cambridge University

Moderator: Sean D. Murphy, George Washington University Law School

L Alumni Reception in honor of Judge George H. Aldrich, Iran-US Claims Tribunal

6:30 pm - 8:00 pm

Roosevelt

Sponsored by Covington & Burling LLP

President's Reception: Honoring 2012 Medal and Award Winners

6:00 pm - 8:00 pm

Colonnade

Co-Sponsored by George Washington University Law School

Annual Dinner: A Celebration of Distinction and Promise

8:00 pm - 10:00 pm

Grand Ballrooms I/II

(Ticketed event; Pre-registration required.)

Presentation of the Society Honors and Awards

Manley O. Hudson Medal: James R. Crawford

Goler T. Butcher Medal: Asma Jahangir

Certificates of Merit

Preeminent Contribution to Creative Scholarship:

Nico Krisch, *BEYOND CONSTITUTIONALISM* (Oxford University Press)

High Technical Craftsmanship and Utility to Practicing Lawyers and Scholars:

David L. Sloss, Michael D. Ramsey, & William S. Dodge, *INTERNATIONAL LAW IN THE U.S. SUPREME COURT* (Cambridge University Press)

Specialized Area of International Law:

Sundhya Pahuja, *DECOLONIZING INTERNATIONAL LAW* (Cambridge University Press)

2012 Arthur C. Helton Fellowship Award Winners:

Erick Antonio
Acuña Pereda
Siena Anstis
Megan A. Karsh
Oktawian Kuc
Luis Mancheno

Jennifer Marlow
Maev O'Rourke
Catarina Prata
Sam Sasan Shoamanesh
Jaclyn Sheltry
Andrew Smith

Dessert and Dance Party with ILSA

10:00 pm - 12:00 am

Colonnade



ASIL Midyear Meeting and Research Forum

October 19-21, 2012, Atlanta and Athens, GA



▪ Conference ▪ Research Forum ▪ Career Fair

Mark your calendars for the 2012 ASIL Midyear Meeting and Research Forum, October 19-21, in Atlanta and Athens, GA. Events will take place in Atlanta on October 19 and at ASIL Academic Partner University of Georgia School of Law in Athens, October 20-21.

Highlights will include a career fair, panel discussions, keynotes, the launch of ASIL Southeast, a new local chapter for members in the southeastern region of the United States, and the Second Annual ASIL Research Forum, as well as the fall meeting of the Society's Executive Council.

Research Forum Call for Papers

The American Society of International Law calls for submissions of scholarly paper proposals for the ASIL Research Forum to be held at the University of Georgia School of Law on October 20-21, 2012. Proposals must be submitted by **April 15, 2012**.

The Research Forum, a Society initiative introduced in 2011, aims to provide a setting for the presentation and focused discussion of works-in-progress by Society members. All ASIL members are invited to attend the Forum, whether presenting a paper or not.

Visit www.asil.org/midyear for details.

For more information visit
www.asil.org/midyear



Saturday, March 31, 2012

Interest Group Co-Chair Breakfast

7:15 am - 8:45 am
Linden

The Future of Alien Tort Litigation: Kiobel and Beyond

9:00 am - 10:30 am
Grand Ballroom I
CLE Credit Hours: 1.5/2.0

Sponsored by the International Law in Domestic Courts Interest Group

The oral argument in *Kiobel v. Royal Dutch Petroleum*, and the Supreme Court's subsequent order for supplemental briefing and reargument, highlight the court's concerns about the international implications of litigation under the Alien Tort Statute. These concerns may be heightened in cases that involve principles of imputed liability, which play a critical role in holding large organizations responsible for the actions of their agents. U.S. courts adjudicating human rights cases have disagreed both over the rules of imputed liability and the source of law for these rules. This roundtable will consider these choice of law questions in the context of divergent views about the appropriate role of domestic courts in adjudicating human rights and humanitarian law violations.

Moderator: Chimène Keitner, University of California, Hastings College of Law

Speakers:

- Richard Herz, EarthRights International
 - Kenneth Keith, International Court of Justice
 - Ramon Marks, Arnold & Porter LLP
 - Ingrid Wuerth, Vanderbilt University School of Law
-

Ethics for Advocates in International Adjudication

9:00 am - 10:30 am
Forum
CLE Ethics Credit Hours: 1.5/2.0

Co-sponsored by the International Courts and Tribunals Interest Group

The practice of international law has changed significantly in recent decades. There are vastly more players and institutions, including more international courts and tribunals. These changes call for a reexamination of ethics standards for participants in international dispute resolution, as existing standards arguably are too lax and difficult to enforce. The panel will examine applicable ethics rules for the various actors (including agents and counsel) in the collecting of evidence, interviewing and examination of witnesses, presentation of claims and defenses, and so forth. The panel will also discuss emerging best practices in ethics in light of conflicting, nonexistent, or unclear rules; uncertain enforcement; and overlapping and competing jurisdictions.

Moderator: James R. Crawford, University of Cambridge Lauterpacht Centre for International Law

Speakers:

- Yas Banifatemi, Shearman & Sterling LLP
- Catherine Rogers, Pennsylvania State College Law School
- Margrete L. Stevens, King & Spalding
- V.V. Veeder, Essex Court Chambers, London

Transitional Justice and the Arab Spring

9:00 am - 10:30 am

Grand Ballroom II

CLE Credit Hours: 1.5/2.0

Co-sponsored by the International Criminal Law Interest Group, the Women in International Law Interest Group, and the Transitional Justice and Rule of Law Interest Group

The centrality of transitional justice to the Arab Spring is reflected in a host of initiatives underway, including fact-finding commissions; discovery of mass graves; trials of former regime members; and reforms of the police and judiciary at the domestic level. International initiatives include the ICC arrest warrants and Human Rights Council investigations. What can MENA countries take from elsewhere? This Panel will examine the complex relationships between the various transitional justice initiatives and whether they are contributing to consolidating democratic gains in the region.

Moderator: David Tolbert, International Center for Transitional Justice

Speakers:

- Cherif Bassiouni, DePaul University College of Law
- Karima Bennoune, Rutgers University
- Mona Rishmawi, Rule of Law, Equality and Non-Discrimination Branch, Research and Right to Development Division, Office of the High Commissioner For Human Rights
- Nadim Shehadi, Chatham House

Global Environmental Protection and Transnational Conservation Contracts

9:00 am - 10:30 am

Culpeper

CLE Credit Hours: 1.5/2.0

Co-sponsored by the International Environmental Law Interest Group

Transnational conservation contracts are emerging as a favored tool of global environmental protection. Conservation organizations argue that global threats are sufficiently urgent to merit direct action such as “renting” forests in foreign countries or “leasing” fishing areas for conservation purposes. This roundtable will examine examples of transnational conservation contracts such as biodiversity and climate change offset agreements and marine resource protection contracts, associated legal issues, and implications for the complexity of international environmental law.

Moderator: Marcos Orellana, Center for International Environmental Law (CIEL)

Speakers:

- Natasha Affolder, Faculty of Law, University of British Columbia
- Peter Shelley, Conservation Law Foundation
- David Takacs, University of California, Hastings College of Law
- Chantal Thomas, Cornell University Law School

Can Private International Law Play a Role to Foster the Rule of Law, Good Governance and Economic Development?

9:00 am - 10:30 am

Latrobe

CLE Credit Hours: 1.5/2.0

Co-sponsored by the Private International Law Interest Group and the American Bar Association Section of International Law

Public sector rule of law reform traditionally focuses on promoting judicial independence and combating corruption in developing countries. The role of private international law is often overlooked. This panel will explore the synergistic relationship between rule of law, economic development, and private international law in promoting economic development, social cohesion, and governmental legitimacy and stability. The discussion will cover harmonization and codification in such areas as commercial law, consumer protection, family law, and dispute resolution.

Moderator: Lelia Mooney, Partners for Democratic Change

Commentator: David P. Stewart, Georgetown University Law Center

Speakers:

- Jean Michel Arrighi, Office of the Secretary for Legal Affairs, Organization of American States
- Keith Loken, US Department of State Office of the Legal Adviser
- Louise Ellen Teitz, Hague Conference on Private International Law

International Criminal Law Interest Group Meeting

9:00 am – 10:30 am

Longworth

Book Roundtable: Certificate of Merit for Preeminent Contribution to Scholarship, Nico Krisch, Beyond Constitutionalism

9:00 am - 10:30 am

Roosevelt

Moderator: Tai-Heng Cheng, New York Law School

Speakers:

- Elena Baylis, University of Pittsburgh School of Law
- Jeffrey L. Dunoff, Temple University Beasley School of Law
- Pedro J. Martinez-Fraga, DLA Piper

ASIL IDEAS: Idea→Direction→Engagement→Action→Solutions...and Coffee

11:00 am - 11:30 am

Roosevelt

ASIL IDEAS are about innovation and inspiration, featuring brief talks from fascinating people representing the worlds of science, technology, journalism, entrepreneurship, philanthropy, as well as law. ASIL IDEAS are where the international legal community can open up to new people, and share ideas and best practices over a cup of coffee.

Speakers:

- Zahi Khouri, ICC Palestine; Palestine National Beverage Company
- Oren Shachor, ICC Israel

Topic: The Jerusalem Arbitration Center: Focus on Neutrality & Efficiency

Business leaders in Palestine and Israel have realized the need to find a mechanism for resolving commercial disputes between the two countries. In 2010, this initiative came to fruition with the agreement to establish the Jerusalem Arbitration Center (JAC) as an equal and just, apolitical and professional bilateral alternative dispute resolution forum.

Zahi Khouri, Founding and Board Member of ICC Palestine and Founder, Chairman and Chief Executive Officer, Palestinian National Beverage Company (NBC-Coca-Cola licensee) and (Reserve) Major General Oren Shachor, President of ICC Israel will present JAC and its accomplishments, challenges, and future activities.

Closing Plenary - Indigenous Peoples and International Law: A Conversation with UN Special Rapporteur James Anaya and Inter-American Commission Rapporteur Dinah Shelton

11:00 am - 12:30 pm

Grand Ballrooms I/II

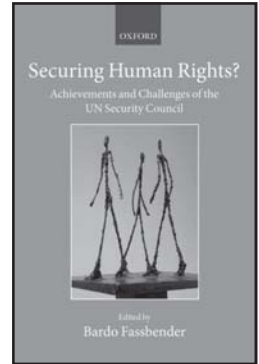
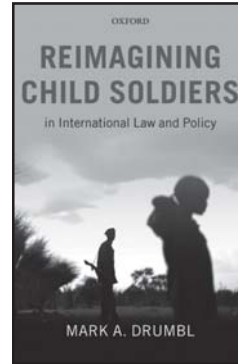
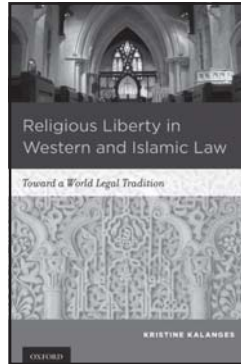
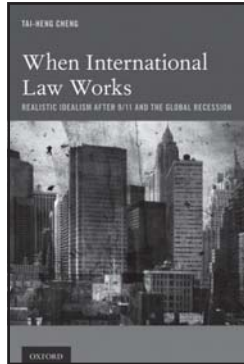
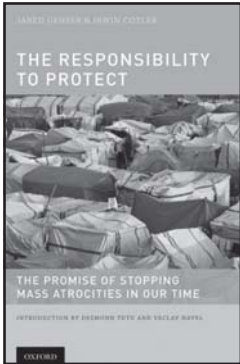
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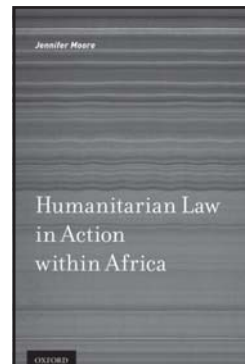
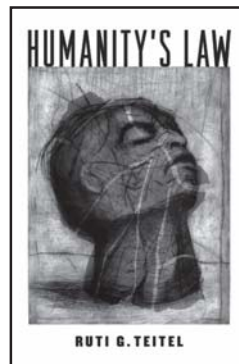
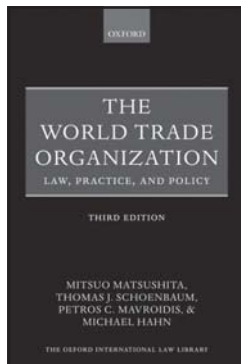
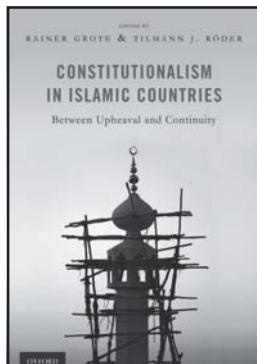
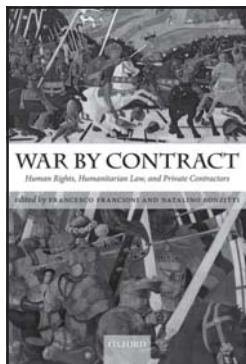
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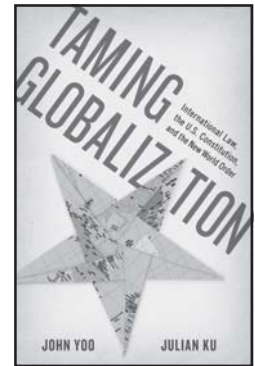
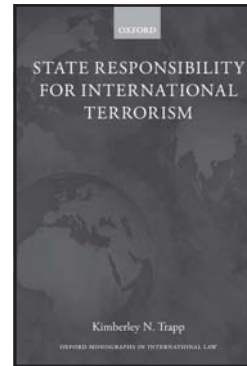
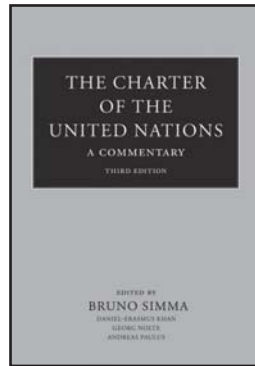
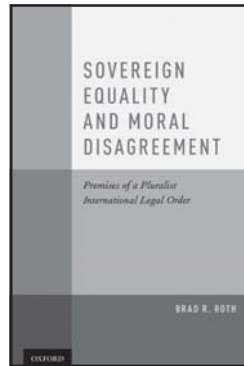
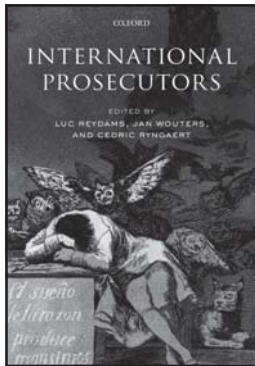
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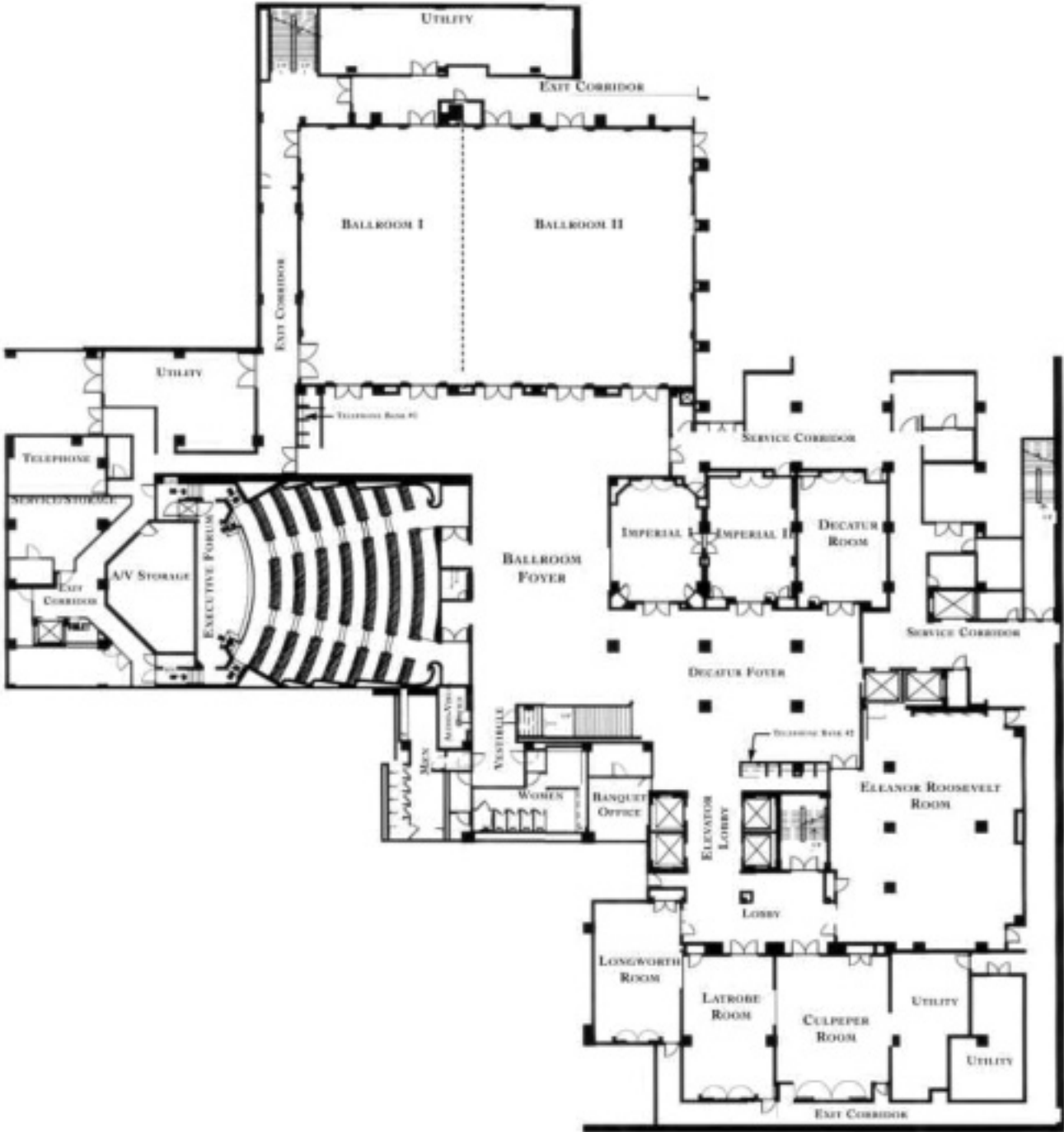
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