

113TH ASIL ANNUAL MEETING

International Law as an Instrument

**March 27-30, 2019
Washington Hilton
Washington, DC**



**American Society
of International Law**

About ASIL

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.

The Society's 3,500 members from more than 100 nations include attorneys, academics, corporate counsel, judges, representatives of governments and nongovernmental organizations, international civil servants, students and others interested in international law. Through its meetings, publications, information services and outreach programs, ASIL advances international law scholarship and education for international law professionals as well as for broader policy-making audiences and the public.

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Dear Colleagues,

A tumultuous year of global crises, both current and impending, has highlighted the importance of international law as an essential tool for the international community to address global problems and to effect change on the international stage. From Venezuela to Brexit, international law is an instrument deployed to complement, to bolster, and to check the formal and informal political processes that shape the future lives of people. In developing this year's program, we sought to explore the ways in which international law is invoked and deployed as an instrument by national and international actors, both public and private, in addition to the ways in which it serves to constrain these actors.

To this end, we asked panelists and participants to consider a series of questions: How does international law shape the perceptions of the interests and problems of diverse global actors and help frame solutions? Is international legal language a useful medium for the development and dissemination of globalized norms? Under what conditions is international law most effective? Are international institutions effective instruments for addressing complex global challenges?

We do not expect that the Society's 113th Annual Meeting will provide a definitive answer to all these questions. Rather, we hope that the issues they raise spur a conversation that will help us to understand the ways in which we can better use and develop international law to improve our global community. We look forward to engaging you in this conversation over the coming days.

Thank you for joining us.

Co-Chairs

2019 ASIL Annual Meeting Committee



A blue ink signature of Rebecca Ingber, written in a cursive style.

Rebecca Ingber



A blue ink signature of Neha Jain, written in a cursive style.

Neha Jain



A blue ink signature of Rahim Moloo, written in a cursive style.

Rahim Moloo

Welcome to the 113th Annual Meeting of the American Society of International Law—one of the largest and most diverse gatherings of international lawyers, jurists, scholars, and diplomats in the world. The Annual Meeting offers an unparalleled opportunity to engage in dialogue with leading figures in international law, and to explore virtually every aspect of the field through over 50 substantive programs and seven thematic tracks.

This year's Annual Meeting theme, International Law as an Instrument, invites us to reflect on the myriad ways in which actors on the global stage use international law to advance their interests, resolve disputes, and address global challenges.

On Wednesday, the Meeting will open with the 21st Annual Grotius Lecture, presented in cooperation with American University Washington College of Law and featuring remarks by Professor Martti Koskenniemi of the University of Helsinki. Professor Koskenniemi will consider the use and efficacy of international law throughout history, in remarks entitled, "Enchanted by the Tools? International Law and Enlightenment." Professor Anne Orford of the University of Melbourne School of Law will deliver the response.

On Thursday evening, the Society will hold its fourth annual Assembly, featuring honors, awards, memorials, and the election of new members of our Executive Council. Highlights of the Assembly will include the presentation of the Goler T. Butcher Medal to Zeid Ra'ad Al Hussein, the former U.N. High Commissioner for Human Rights, and the presentation of the first David D. Caron Prize. The Assembly Address will be delivered by this year's recipient of the Society's Honorary Member Award, Professor Mónica Pinto of the University of Buenos Aires Faculty of Law. Following the Assembly we will welcome conferees to enjoy the Gala Reception, to be held outdoors in the Heights Courtyard, weather permitting, followed by dessert at the President's Reception, sponsored by George Washington University Law School.

Our two luncheon programs (both ticketed events) are always special occasions and this year will be no exception. At Thursday's luncheon we will present the Society's highest honor, the Manley O. Hudson Medal, to Associate Justice Stephen Breyer of the U.S. Supreme Court. The event will feature a conversation between Justice Breyer and Jennifer Newstead, the Legal Adviser of the U.S. Department of State. On Friday, Tracy Robinson, of the University of the West Indies Faculty of Law, will be the featured speaker at the 26th Annual Women in International Law Interest Group Luncheon, where she will receive the 2019 Prominent Woman in International Law Award.

On Friday evening, we will hear keynote remarks on the future of international criminal justice by Judge Chile Eboe-Osuji, President of the International Criminal Court. The keynote program will be followed by the traditional Members' Reception and a special screening of the documentary "Prosecuting Evil: The Extraordinary World of Ben Ferencz." The screening will be preceded by a discussion featuring Ben Ferencz and the film's producer, Barry Avrich.

Other programs of note will include the seventh annual Charles N. Brower Lecture on International Dispute Resolution, which will be delivered by Judge Peter Tomka of the International Court of Justice, and the fourth annual Detlev F. Vagts Roundtable on Transnational Law, featuring a discussion of "Corporate Liability for Human Rights Violations."

The conference will conclude on Saturday morning with a plenary session on "International Law as an Instrument for Development." Sponsored by the City of The Hague and the Embassy of the Netherlands, this high-level discussion will examine the effectiveness and utility of international law as a means of promoting sustainable economic and social development.

Finally, we are pleased to host a special photo exhibit created by the Codification Division of the U.N. Office of Legal Affairs to commemorate the 70th session of the International Law Commission. The exhibit, which will be on display in the main registration area in the Terrace Foyer throughout the Annual Meeting, describes the progressive development of international law over the past two centuries, with particular focus on the contributions of the ILC. The exhibit has previously been seen only at U.N. Headquarters in New York, the Palais des Nations in Geneva, and the Peace Palace in The Hague.

As always, there will be numerous other receptions, meetings, exhibits, and informal opportunities to renew longstanding friendships and develop new ones. If you are a longtime member and you see someone with a "new member" ribbon, please take a moment to introduce yourself and make him or her feel at home.

Finally, we would like to express our deep appreciation to the Annual Meeting Committee, led by co-chairs Rebecca Ingber, Neha Jain, and Rahim Mooloo; to our speakers, sponsors, partners and exhibitors; to our event planner, Eden Capuano, and her team at Voila! Inc.; and to the leaders and staff of the Society, who have labored for so many months to create this experience.

Thank you for joining us, and best wishes for a productive and enjoyable meeting.



Sean D. Murphy

Sean D. Murphy
President



Mark David Agrast

Mark David Agrast
Executive Director

113th ASIL Annual Meeting

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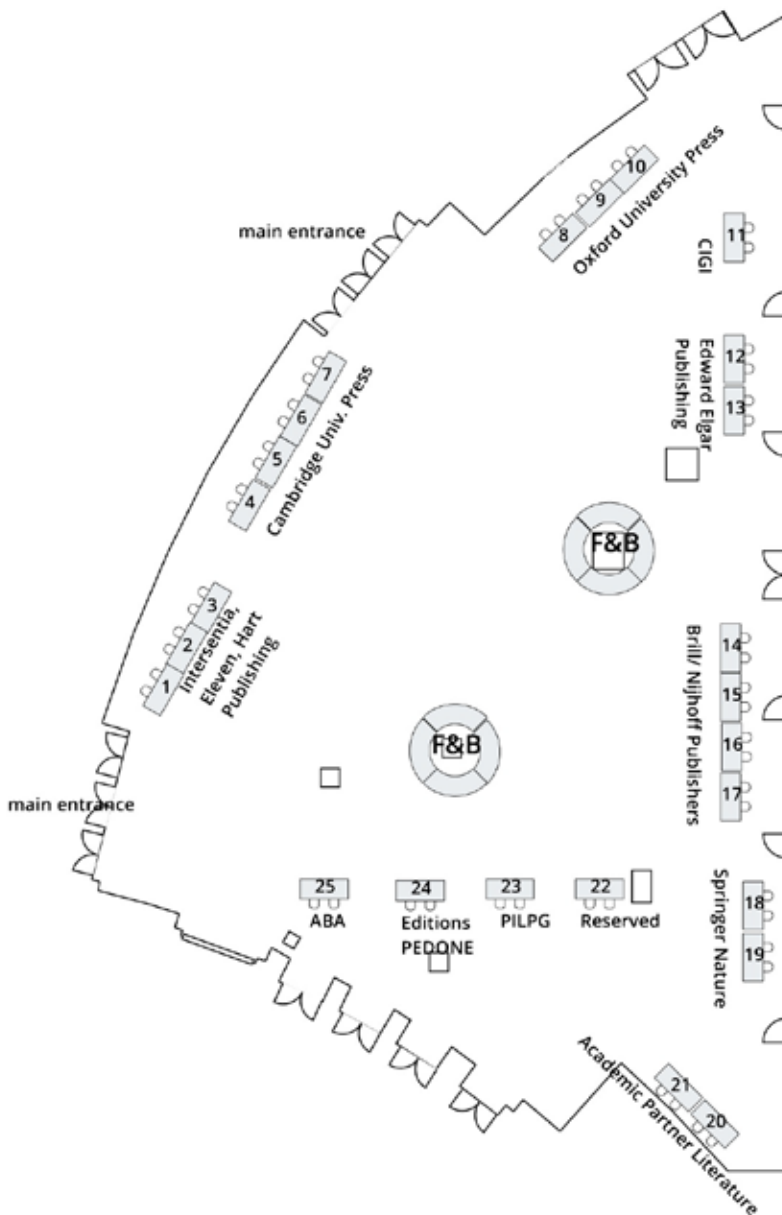
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Exhibitor Floor Plan



By table number

1	Intersentia Publishing
2	Eleven International Publishing
3	Hart Publishing
4-7	Cambridge University Press
8-10	Oxford University Press
11	Centre for International Governance Innovation
12-13	Edward Elgar Publishing
14-17	Brill/Nijhoff Publishers
18-19	Springer Nature
20-21	Academic Partner Literature
22	Reserved
23	Public International Law & Policy Group
24	Editions PEDONE
25	American Bar Association Section of International Law

By Alphabetical Order

Academic Partner Literature	20-21
American Bar Association Section of International Law	25
Brill/Nijhoff Publishers	14-17
Cambridge University Press	4-7
Centre for International Governance Innovation	11
Editions PEDONE	24
Edward Elgar Publishing	12-13
Eleven International Publishing	2
Hart Publishing	3
Intersentia Publishing	1
Oxford University Press	8-10
Public International Law & Policy Group	23
Reserved	22
Springer Nature	18-19

Program at a Glance

WEDNESDAY, MARCH 27, 2019				
START TIME	END TIME	SESSION	ROOM	CLE CREDITS
8:30 AM	10:00 AM	ASIL Executive Council Orientation Meeting	Fairchild	N/A
9:00 AM	12:30 PM	ITA-ASIL Conference: Contract Based Public-Private International Arbitration	Columbia 7, 9, 10	N/A
10:30 AM	4:00 PM	ASIL Executive Council Meeting	Columbia 3-4	N/A
12:30 PM	2:00 PM	ITA-ASIL Conference Luncheon	International Terrace West	N/A
1:00 PM	4:30 PM	Intellectual Property IG Business Meeting	Du Pont	N/A
2:30 PM	4:00 PM	Victims of Hate Crimes in the Criminal Justice System: A Practical Guide	Fairchild West	1.5
3:00 PM	4:30 PM	Transitional Justice and Rule of Law IG Business Meeting	Fairchild East	N/A
5:00 PM	6:30 PM	Grotius Lecture – Enchanted by the Tools? International Law and Enlightenment	Columbia 5-8	1.5
6:30 PM	8:00 PM	Grotius Reception	International Terrace West	N/A
7:00 PM	8:30 PM	AJIL Board Meeting & Dinner	Fairchild	N/A
THURSDAY, MARCH 28, 2019				
START TIME	END TIME	SESSION	ROOM	CLE CREDITS
7:45 AM	8:45 AM	Colleague Societies Breakfast	Holmead	N/A
8:30 AM	9:00 AM	Coffee Break		
9:00 AM	10:30 AM	Challenges and Prospects for International Peace and Security: UN peacekeeping, NATO, and the UDHR at 70	Columbia 5-8	1.5
9:00 AM	10:30 AM	Obligations to Negotiate and Consult: Worthwhile tool or exercise in futility?	Columbia 1-2	1.5
9:00 AM	10:30 AM	Who's Minding the Farm? Trade law and agricultural exports	Columbia 3-4	1.5
9:00 AM	10:30 AM	Fragmentation in International Data Protection Law	Columbia 9-10	1.5
9:00 AM	10:30 AM	Diverse Perspectives on the Impact of Colonialism in International Law	Columbia 11-12	1.5
10:30 AM	11:00 AM	Coffee Break		
11:00 AM	12:30 PM	International Law as a Counterweight to Power Asymmetries in International Politics	Columbia 5-8	1.5
11:00 AM	12:30 PM	Regional Human Rights Bodies as Instruments of International Law	Columbia 1-2	1.5
11:00 AM	12:30 PM	Emerging Technologies as a Source of Increased International Humanitarian Law Compliance and Enforcement	Columbia 3-4	1.5
11:00 AM	12:30 PM	San Francisco 2.0: Constructing a global governance architecture for the 21st century	Columbia 9-10	1.5

THURSDAY, MARCH 28, 2019

11:00 AM	12:30 PM	International Law as an Instrument to Regulate the Behavior of Non-state Actors in Areas Beyond National Jurisdiction	Columbia 11-12	1.5
11:00 AM	12:30 PM	International Environmental Law IG Business Meeting	Cardozo	N/A
11:00 AM	12:30 PM	International Economic Law IG Business Meeting	Du Pont	N/A
11:00 AM	12:30 PM	Women in International Law IG Business Meeting	Fairchild East	N/A
1:00 PM	2:30 PM	Junior-Senior Scholars Pitch Session	Cardozo	N/A
12:30 PM	1:00 PM	Break		
1:00 PM	2:30 PM	Hudson Medal Luncheon (Ticketed): Justice Stephen G. Breyer	International Terrace West	N/A
1:00 PM	2:30 PM	The Law (and Politics) of Displacement	Columbia 5-8	1.5
1:00 PM	2:30 PM	UNCLOS: A tool for peace and stability?	Columbia 1-2	1.5
1:00 PM	2:30 PM	Federalism Strikes Back	Columbia 3-4	1.5
1:00 PM	2:30 PM	The Critical Contribution of Law towards Global Efforts to Mitigate Disaster Risk	Columbia 9-10	1.5
1:00 PM	2:30 PM	OPEN	Columbia 11-12	1.5
1:00 PM	2:30 PM	Space Law IG Business Meeting	Du Pont	N/A
2:30 PM	3:00 PM	Coffee Break		N/A
3:00 PM	4:30 PM	Senate v. President: A Moot Court on Treaty Withdrawal Powers	Columbia 5-8	1.5
3:00 PM	4:30 PM	Fourth Annual Detlev F. Vagts Roundtable on Transnational Law: Corporate Liability for Human Rights Violations	Columbia 1-2	1.5
3:00 PM	4:30 PM	Deep Seabed Mining in Crowded Oceans	Columbia 3-4	1.5
3:00 PM	4:30 PM	The Remedial Function in International Economic Law	Columbia 9-10	1.5
3:00 PM	4:30 PM	Preventing Violence and Atrocities through International Disarmament Law	Columbia 11-12	1.5
3:00 PM	4:30 PM	BASIL Speed Mentoring Session	International Terrace West	N/A
3:00 PM	4:30 PM	International Refugee Law IG Business Meeting	Cardozo	N/A
3:00 PM	4:30 PM	Human Rights Law IG Business Meeting	Du Pont	N/A
3:00 PM	4:30 PM	Dispute Resolution IG Business Meeting	Fairchild East	N/A
3:00 PM	4:30 PM	Latin America IG Business Meeting	Fairchild West	N/A
5:00 PM	6:30 PM	ASIL Assembly and Keynote: "International Law as an Instrument: Dialogues, Tensions, Accomplishments"	Columbia 5-8	N/A
6:30 PM	8:00 PM	Gala Reception	Heights Courtyard	N/A
6:30 PM	7:30 PM	Patrons' Reception	Holmead	N/A
7:15 PM	8:15 PM	President's Reception	Kalorama	N/A

FRIDAY, MARCH 29, 2019

START TIME	END TIME	SESSION	ROOM	CLE CREDITS
8:00 AM	9:00 AM	ASIL Executive Council Breakfast Meeting	Holmead	N/A
8:30 AM	9:00 AM	Coffee Break		
9:00 AM	10:30 AM	Debate: Designing the Investor-State Dispute Resolution System from Scratch	Columbia 5-8	1.5
9:00 AM	10:30 AM	Litigating Climate Change: New legal challenges	Columbia 1-2	1.5
9:00 AM	10:30 AM	Legal Techniques for Resolving Armed Conflicts with Non-State Actors	Columbia 3-4	1.5
9:00 AM	10:30 AM	Assessing Professional and Judicial Integrity in International Tribunals	Columbia 9-10	1.5
9:00 AM	10:30 AM	Late Breaking Panel: BREXIT and International Law	Columbia 11-12	1.5
9:00 AM	10:30 AM	International Legal Theory IG Business Meeting	Cardozo	N/A
9:00 AM	10:30 AM	ASIL-Midwest IG Business Meeting	Du Pont	N/A
10:30 AM	11:00 AM	Coffee Break		
11:00 AM	12:30 PM	Anatomy of a Trade War	Columbia 5-8	1.5
11:00 AM	12:30 PM	A State's Many Roles in International Adjudication	Columbia 1-2	1.5
11:00 AM	12:30 PM	Who Speaks for Earth? International law and interstellar events	Columbia 3-4	1.5
11:00 AM	12:30 PM	Climate Change as a Concern in Negotiating Mine Development Agreements	Columbia 9-10	1.5
11:00 AM	12:30 PM	Late Breaking Panel: Crisis in Venezuela	Columbia 11-12	1.5
11:00 AM	12:30 PM	Lieber Society on the Law of Armed Conflict Business Meeting	Cardozo	N/A
11:00 AM	12:30 PM	International Criminal Law IG Business Meeting	Du Pont	N/A
11:00 AM	12:30 PM	Cultural Heritage and the Arts IG Business Meeting	Fairchild East	N/A
12:30 PM	1:00 PM	Break		
1:00 PM	2:30 PM	Women in International Law Luncheon (Ticketed)	International Terrace West	N/A
1:00 PM	2:30 PM	The Innovative Structural Features of the Paris Agreement	Columbia 5-8	1.5
1:00 PM	2:30 PM	Sovereign Immunity Revisited	Columbia 1-2	1.5
1:00 PM	2:30 PM	International Disability Law and the Experience of Marginality	Columbia 3-4	1.5
1:00 PM	2:30 PM	Courts and Anti-Migrant Border Policy	Columbia 9-10	1.5
1:00 PM	2:30 PM	OPEN	Columbia 11-12	N/A
1:00 PM	2:30 PM	International Law and Technology IG Business Meeting	Cardozo	N/A
2:30 PM	3:00 PM	Coffee Break		
3:00 PM	4:30 PM	Brower Lecture: 2019 Brower Lecture on International Dispute Resolution	Columbia 5-8	1.5
3:00 PM	4:30 PM	The Last Drop: Practical tools for addressing transboundary water crises	Columbia 1-2	1.5

FRIDAY, MARCH 29, 2019				
3:00 PM	4:30 PM	The American Declaration on the Rights of Indigenous Peoples 2016	Columbia 3-4	1.5
3:00 PM	4:30 PM	Tabletop Simulation: Atrocity Prevention Decision-Making in the U.S. Government	Columbia 9-10	1.5
3:00 PM	4:30 PM	New Voices in International Law	Columbia 11-12	1.5
3:00 PM	4:30 PM	International Law in Domestic Courts IG Business Meeting	Cardozo	N/A
3:00 PM	4:30 PM	International Courts and Tribunals IG Business Meeting	Du Pont	N/A
3:00 PM	4:30 PM	Government Attorneys IG Business Meeting	Fairchild East	N/A
3:00 PM	4:30 PM	UCLA Law Alumni Reception	Kalorama	N/A
4:30 PM	5:00 PM	Break		
5:00 PM	6:00 PM	Policy Keynote: Judge Chile Eboe-Osuji President, International Criminal Court	Columbia 5-8	1.0
6:00 PM	7:30 PM	Members' Reception	International Terrace West	N/A
6:30 PM	7:30 PM	New Professionals Reception	Cardozo	N/A
6:30 PM	7:30 PM	L Alumni Reception	Kalorama	N/A
7:45 PM	9:45 PM	Film Screening: Prosecuting Evil	Columbia 5-8	N/A
SATURDAY, MARCH 30, 2019				
START TIME	END TIME	SESSION	ROOM	CLE CREDITS
7:30 AM	9:00 AM	Interest Group Co-Chair Breakfast	Holmead	N/A
8:30 AM	9:00 AM	Coffee Break		
9:00 AM	10:30 AM	Emerging Accountability Mechanisms: Innovative or ineffective?	Columbia 5-8	1.5
9:00 AM	10:30 AM	The European Commission and International Investment Arbitration	Columbia 1-2	1.5
9:00 AM	10:30 AM	Theft in War: Using international law to reign in pillage of natural resources	Columbia 3-4	1.5
9:00 AM	10:30 AM	Asia's Response to the US Indo-Pacific Strategy	Columbia 9-10	1.5
9:00 AM	10:30 AM	Late Breaking Panel II	Columbia 11-12	N/A
9:00 AM	10:30 AM	International Law Review Editors Roundtable	Cardozo	N/A
9:00 AM	10:30 AM	BASIL Task Force Meeting	Fairchild West	N/A
12:30 PM	11:00 AM	Coffee Break		
11:00 AM	12:30 PM	Closing Plenary: International Law as an Instrument for Development	Columbia 5-8	1.5
12:30 PM	1:30 PM	The Municipality of The Hague Closing Luncheon Reception	International Terrace West	N/A

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Damrosch, Donald Francis Donovan,
Lucinda A. Low, Lucy F. Reed, Arthur
W. Rovine, Anne-Marie Slaughter,
Peter D. Trooboff, Edith Brown Weiss

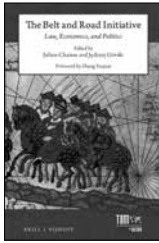
* Nominees. If elected, nominees will take office at the conclusion of the Annual General Meeting on March 28, 2019.

Interest Group Co-Chairs as of March 27, 2019

Group	Chair(s)	Group	Chair(s)
Africa	Agejo Patrick and Damilola Olawuyi	International Legal Theory	Evan Criddle
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ASIL-Midwest	Neha Jain and Yvonne Dutton	International Refugee Law	Kate Jastram and Guy Goodwin-Gill
ASIL-Southeast	Kish Parella and Lorena Perez McGill	Latin America	Cesar Coronel Ortega and Lorena Perez McGill
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Intellectual Property Law	Paolo Davide Farah and Jennifer Vanderhart	New Professionals	Patricia Cruz Trabanino
International Courts and Tribunals	Celia Goldman and Stuart Ford	Nonproliferation, Arms Control, and Disarmament	Rebecca Gerome
International Criminal Law	Milena Sterio and Jenia Turner	Private International Law	Kabir Duggal and Frédéric Sourgens
International Economic Law	Julie Maupin and Jarod Wong	Rights of Indigenous Peoples	Brenda Gunn and Kirsty Gover
International Environmental Law	Etelle Higonnet and Cinnamon Carlarne	Space Law	George Long and Jack Beard
International Law in Domestic Courts	Kristina Daugirdas and Jean Galbraith	Teaching International Law	Pammela Quinn and Jessica Simonoff
International Law and Technology	Amy Porges and Deborah Housen-Couriel	Transitional Justice and Rule of Law	Laurel E. Fletcher, Matiangai Sirleaf, and Zinaida Miller
International Legal Research	Heidi Kuehl and Peter Roudik	Women in International Law	Milena Sterio and Shana Tabak

New and Forthcoming titles

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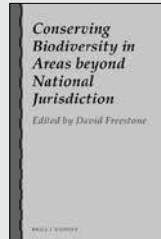


The Belt and Road Initiative: Law, Economics, and Politics, Edited by **Julien Chaisse**, The Chinese University of Hong Kong, and **Jędrzej Górski**, The Chinese University of Hong Kong, September 2018, Hardback (xxvi, 760 pp), ISBN 9789004373785, Price US\$ 229, E-ISBN 9789004373792, E-Price US\$ 229

This 28-chapter volume brings together academics and practitioners to provide a comprehensive legal, economic and political analysis of the Belt and Road (BRI) initiative that has emerged since 2013 as a key feature of China's international economic policy.

"This book is essential reading for anyone who wants to better understand the Belt and Road Initiative and how it will define law, economics, and politics in the years to come."

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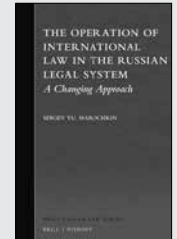
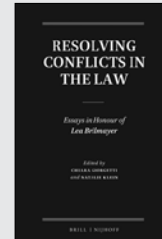
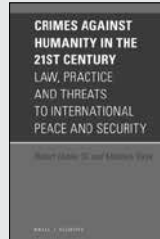
A Landscape of Contemporary Theories of International Law, **Emmanuel Roucouнас**, *Academy of Athens*, April 2019, Hardback (approx. 690 pp.), ISBN 9789004385351, Price US\$ 456, E-ISBN 9789004385368, E-Price US\$ 456

Conserving Biodiversity in Areas beyond National Jurisdiction, **David Freestone**, George Washington University Law School, March 2019, Paperback (i-xii, pp. 341), ISBN 9789004391697, Price € 83 / US\$ 96, E-ISBN 9789004391703, E-Price € 75 / US\$ 87

Counterterrorism Law and Practice in the East African Community, **Christopher E. Bailey**, U.S. National Intelligence University, February 2019, Hardback (xxiv, 319), ISBN 9789004389885, Price US\$ 149, E-ISBN 9789004389892, E-Price US\$ 149

Crimes against Humanity in the 21st Century: Law, Practice and Threats to International Peace and Security, **Dr Robert Dubler SC** and **Matthew Kalyk**, August 2018, Hardback (xvi, 1090 pp.), ISBN 9789004347670, Price US\$ 331, E-ISBN 9789004347687, E-Price US\$ 331

New Issues in Mediating the Israel-Palestine Deadlock, Edited by **Barry H. Steiner**, *Professor Emeritus of Political Science, CSULB*, January 2019, Paperback (vi, 123 pp.), ISBN 9789004393288, Price US\$ 59, E-ISBN 9789004393295, E-Price US\$ 59



Peremptory Norms of General International Law (*Jus Cogens*) and the Prohibition of Terrorism, **Aniel de Beer**, University of Johannesburg, March 2019, Hardback (XXXII, 270), ISBN 9789004391536, Price US\$ 147, E-ISBN 9789004391543, E-Price US\$ 147

Resolving Conflicts in the Law: Essays in Honour of Lea Brilmayer, Edited by **Chiara Giorgetti**, Richmond Law School and **Natalie Klein**, UNSW Sydney Faculty of Law, January 2019, Hardback (xx, 415 pp.), ISBN 9789004316522, Price US\$ 199, E-ISBN 9789004316539, E-Price US\$ 199

The Operation of International Law in the Russian Legal system: A Changing Approach, **Sergey Yu Marochkin**, University of Tyumen, January 2019, Hardback (xvi, 308 pp.), ISBN 9789004390201, Price US\$ 222, E-ISBN 9789004391017, E-Price US\$ 222, *Brill's Asian Law Series*, 8

The Right to Development: Sustainable Development and the Practice of Good Governance, Editor in Chief: **Wei Zhang**, June 2019, Hardback (appr. 312 pp.), ISBN 9789004364448, Price US\$ 173, E-ISBN 9789004364455, E-Price US\$ 173, *Chinese Perspectives on Human Rights and Good Governance*, 3

The Future of EU Criminal Justice Policy and Practice: Legal and Criminological Perspectives, Edited by **Jannemieke Ouwerkerk**, Leiden University, March 2019, Hardback (approx. 280 pp.), ISBN 9789004367364, Price US\$ 198, E-ISBN 9789004367371, E-Price US\$ 198, *European Criminal Justice Series*, 1

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The Law and Practice of International Courts and Tribunals

Editor-in-Chief: **Pierre Bodeau-Livinec**
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Editors-in-Chief: **Hélène Ruiz Fabri**, Max Planck Institute Luxembourg for Procedural Law;
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European Journal of Migration and Law

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The International Journal of Children's Rights

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International Criminal Law Review

Editor-in-Chief: **Caroline Fournet**, Faculty of Law, Criminal Law and Criminology, University of Groningen

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Global Governance

Editors-in-Chief: **Kendall Stiles**, Brigham Young University, **Alyssa Lyon**, University of New Hampshire

2019: Volume 25, in 4 issues
ISSN 1075-2846 / E-ISSN 1942-6720
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British Contributions to International Law, 1915-2015 (Set): *An Anthology Set*, Edited by **Jill Barrett** and **Jean-Pierre Gauci**, May 2019, Hardback (approx. 4000 pp.), ISBN 9789004386235, Price US\$ 1,740, E-ISBN 9789004386242, E-Price US\$ 1,740

The original documentary sources of key British contributions to international law spanning the past 100 years are collected for the first time in this unique anthology (set of 4 books). These range from seminal writings of highly qualified British scholars of international law, to international legal drafting, legislation and parliamentary debates.

European Investment Law and Arbitration Review: Volume 3 (2018), *Published under the auspices of Queen Mary University of London and EFILA*, Edited by **Loukas Mistelis**, Queen Mary University of London, and **Nikos Lavranos**, LLM, Secretary General of EFILA, December 2018, Hardback (xii); 368 pp.), ISBN 9789004387560, Price US\$ 380, *European Investment Law and Arbitration Review*, 3

The Companion to International Humanitarian Law, Edited by **Dražan Djukić**, Pre-Trial Division of the International Criminal Court and **Niccolò Pons**, Kosovo Specialist Chambers, September 2018, Hardback (xl, 719 pp.), ISBN 9789004342002, Price US\$ 331, E-ISBN 9789004342019, E-Price US\$ 331, *International Humanitarian Law Series*, 55

Investigating Civilian Casualties in Time of Armed Conflict and Belligerent Occupation: Manoeuvring between Legal Regimes and Paradigms for the Use of Force, **Dr. Alon Margalit**, July 2018, Hardback (xii, 292 pp.), ISBN 9789004368200, Price US\$ 155, E-ISBN 9789004368217, E-Price US\$ 155, *International Humanitarian Law Series*, 54

Exile within Borders: A Global Look at Commitment to the International Regime to Protect Internally Displaced Persons, **Gabriel Cardona-Fox**, SAIS, Johns Hopkins University, January 2019, Hardback (xiv, 214 pp.), ISBN 9789004375550, Price US\$ 159, E-ISBN 9789004375567, E-Price US\$ 159, *International Refugee Law Series*, 15

Petulant and Contrary: Approaches by the Permanent Five Members of the UN Security Council to the Concept of 'threat to the peace' under Article 39 of the UN Charter, **Tamsin Phillipa Paige**, UNSW Canberra, March 2019, Hardback (approx. 305 pp.), ISBN 9789004391390, Price US\$ 166, E-ISBN 9789004391420, E-Price US\$ 166, *International Humanitarian Law Series*, 56

Returns of Internally Displaced Persons during Armed Conflict: International Law and its Application in Colombia, **Dr David James Cantor**, University of London, May 2018, Hardback (xxii, 652 pp.), ISBN 9789004202665, Price US\$ 202, E-ISBN 9789004364363, E-Price US\$ 202, *International Refugee Law Series*, 12

Protecting Stateless Persons: The Implementation of the Convention Relating to the Status of Stateless Persons across EU States, **Dr. Katia Bianchini**, Max Planck Institute, Göttingen, April 2018, Hardback (xiv, 382 pp.), ISBN 9789004362895, Price US\$ 192, E-ISBN 9789004362901, E-Price US\$ 192, *International Refugee Law Series*, 11

The Åland Strait, **Pirjo Kleemola-Juntunen**, University of Lapland, May 2019, Hardback (approx. 190 pp.), ISBN 9789004364172, Price US\$ 153, E-ISBN 9789004364189, E-Price US\$ 153, *International Straits of the World*, 18

Consensus-Based Interpretation of Regional Human Rights Treaties, **Francisco Pascual-Vives**, University of Alcalá, March 2019, Hardback (approx. 305 pp.), ISBN 9789004375529, Price US\$ 159, E-ISBN 9789004375512, E-Price US\$ 159, *International Studies in Human Rights*, 129

The Right to Appeal in International Criminal Law: Human Rights Benchmarks, Practice and Appraisal, **Dražan Djukić**, *International Criminal Court*, May 2019, Hardback (approx. 305 pp.), ISBN 9789004366695, Price US\$ 157, E-ISBN 9789004366688, E-Price US\$ 157, *International Criminal Law Series*, 14



Regaining Paradise Lost: Indigenous Land Rights and Tourism: *Using the UNGPs on Business and Human Rights in Mainstreaming Indigenous Land Rights in the Tourism Industry*, Mary Kristerie A. Baleva, November 2018, Hardback (xxii, 322 pp.), ISBN 9789004376779, Price US\$ 151, E-ISBN 9789004376786, E-Price US\$ 151, *International Studies in Human Rights*, 126

The Inter-State Application under the European Convention on Human Rights: *Between Collective Enforcement of Human Rights and International Dispute Settlement*, Dr Isabella Risini, Ruhr-University, May 2018, Hardback (xvi, 278 pp.), ISBN 9789004357259, Price US\$ 138, E-ISBN 9789004357266, E-Price US\$ 138, *International Studies in Human Rights*, 125

UN Security Council Referrals to the International Criminal Court: *Legal Nature, Effects and Limits*, Alexandre Skander Galand, December 2018, Hardback (xxii, 268 pp.), ISBN 9789004342224, Price US\$ 174, E-ISBN 9789004342217, E-Price US\$ 174, *Leiden Studies on the Frontiers of International Law*, 5

Regulation on Navigation of Foreign Vessels: *Asia-Pacific State Practice*, Ted L. McDorman, University of Victoria, Keyuan Zou, University of Central Lancashire, and Seokwoo LEE, Inha University, April 2019, Hardback (approx. 230 pp.), ISBN 9789004396265, Price US\$ 134, E-ISBN 9789004396272, E-Price US\$ 134, *Maritime Cooperation in East Asia*, 6

New Zealand Yearbook of International Law: *Volume 15, 2017*, Edited by Róisín Burke, University of Canterbury, New Zealand) and Christian Riffel, University of Canterbury, New Zealand, April 2019, Hardback (approx. 290 pp.), ISBN 9789004387911, Price US\$ 281, E-ISBN 9789004387935, E-Price US\$ 281, *New Zealand Yearbook of International Law*, 15

Presumption of Innocence in EU Anti-Cartel Enforcement, Aisté Mickonyté, University of Graz, December 2018, Hardback (xiv, 234 pp.), ISBN 9789004384668, Price US\$ 179, E-ISBN 9789004384651, E-Price US\$ 179, *Nijhoff Studies in European Union Law*, 15

Historic Waters and Historic Rights in the Law of the Sea: *A Modern Reappraisal, 2nd Edition*, Clive R. Symmons, Trinity College, Dublin, February 2019, Hardback (approx. 520 pp.), ISBN 9789004377011, Price US\$ 228, E-ISBN 9789004377028, E-Price US\$ 228, *Publications on Ocean Development*, 89

Gender and the Law of the Sea, Edited by Irini Papanicolopulu, University of Milano-Bicocca, February 2019, Hardback (xxii, 368), ISBN 9789004375161, Price US\$ 159, E-ISBN 9789004375178, E-Price US\$ 159, *Publications on Ocean Development*, 88

Corporal Punishment of Children: *Comparative Legal and Social Developments towards Prohibition and Beyond*, Edited by Bernadette J. Saunders, Monash University, Pernilla Leviner, Stockholm University, and Bronwyn Naylor, RMIT University, Melbourne, November 2018, Hardback (approx. 340 pp.), ISBN 9789004355941, Price US\$ 222, E-ISBN 9789004355972, E-Price US\$ 222, *Stockholm Studies in Child Law and Children's Rights*, 4

Human and Societal Security in the Circumpolar Arctic: *Local and Indigenous Communities*, Edited by Kamrul Hossain, José Miguel Roncero Martín and Anna Petrétei, Arctic Centre, Northern Institute for Environmental and Minority Law, September 2018, Hardback (xvi, 407 pp.), ISBN 9789004363014, Price US\$ 223, E-ISBN 9789004363045, E-Price US\$ 223, *Studies in Polar Law*, 1

The Yearbook of Polar Law Volume 10, 2018, Editors-in-Chief: Professor Gudmundur Alfredsson, University of Akureyri, Iceland, Professor Timo Koivurova, Northern Institute for Environmental and Minority Law, Arctic Centre, University of Lapland, Finland. June 2019, Hardback (approx. 475 pp.), ISBN 9789004396135, Price US\$ 342, *The Yearbook of Polar Law*, 10

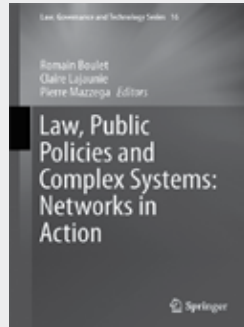
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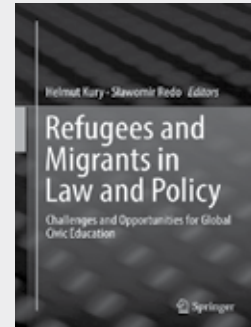
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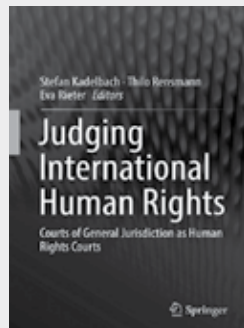
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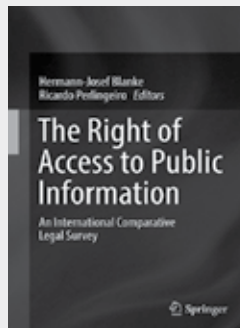
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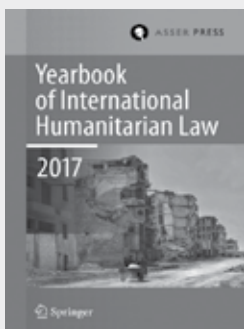
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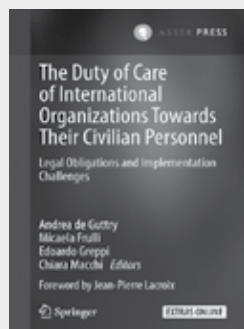
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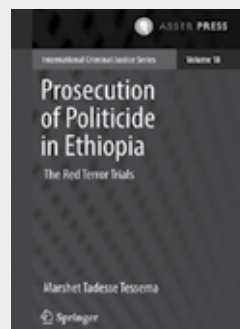
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Debevoise & Plimpton congratulates our partner, **Catherine Amirfar**, on her nomination as ASIL President-Elect.

Catherine Amirfar is a partner in the International Dispute Resolution Group, Co-Chair of the firm's Public International Law Group, and a member of the firm's Management Committee. Her practice focuses on public international law, international commercial and treaty arbitration and international and complex commercial litigation. She regularly appears in U.S. Courts and before international courts and arbitration tribunals. Ms. Amirfar has been among the youngest to advocate before the International Court of Justice and is ranked among the top international legal practitioners in the world by *Chambers Global* (2019) for both public international law and international arbitration. Prior to rejoining Debevoise in 2016, Ms. Amirfar spent two years as the Counselor on International Law to the Legal Adviser at the U.S. Department of State and received the State Department's Superior Honor Award in recognition of her contributions to the Department.

Ms. Amirfar has served as an ASIL Vice President and currently co-hosts a podcast called "*International News Behind the Headlines*." She is a member of the American Law Institute, the Council on Foreign Relations, the State Department's Advisory Council on International Law, and the Court of Arbitration of the Singapore International Arbitration Centre.

Conference Information

Registration and Name Badges

The Annual Meeting Registration Desk is located in the Terrace Foyer outside the entrance to the Columbia Conference Space.

Registration Hours

Wednesday, March 27	2:00 pm – 6:30 pm
Thursday, March 28	7:30 am – 6:00 pm
Friday, March 29	7:30 am – 6:00 pm
Saturday, March 30	7:30 am – 10:45 am

All conference attendees will receive their conference badge and printed program at either the pre-site 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 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 2019 ASIL Annual Meeting offers attendees more than 40 Continuing Legal Education (CLE) course sessions on a wide variety of topics presented by seasoned international legal experts.

CLE participants will record their attendance with a volunteer using the code on the back of their nametags at the entrance of each session room at the start and end of each scheduled session. Staff and volunteers will be present at each CLE session

and can assist you with any questions you may have. Badges will be checked if you exit a session early and partial credit will be given (based on either a 50-minute or 60-minute increment). Data will not be shared with any other organization for any purpose other than state-required audits. Your CLE certificates will be e-mailed to you approximately 6 weeks after the Annual Meeting. If you have questions, please stop by the CLE Help Desk located next to registration in the Terrace Foyer.

Please note that CLE credit will be awarded for the states of California, Pennsylvania, and Virginia, with approved jurisdiction credit for New York. All attendees will receive a uniform certificate of attendance. If they are licensed in a state other than those mentioned above, attendee is responsible for obtaining certification through their state board, ASIL will not submit on behalf of the attendee.

Internet Access

Wireless Internet is complimentary in the hotel lobby, and the Annual Meeting has its own Wi-Fi access. The Wi-Fi network is "Hilton Meeting" and the password is "ASIL19".

Conference Application

The 2019 ASIL Annual Meeting app is available through the app "Attendee Hub," supported by Cvent. The Annual Meeting app can be found as "ASIL meetings" on the Cvent app. Directions to download the app are available at the ASIL table next to registration.

Social Media

You can follow the 113th ASIL Annual Meeting on Twitter, Facebook, and LinkedIn. Please tweet about the conference using the hashtag #ASILAM.

Electronic Devices

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 Washington Hilton are non-smoking.

Photography

ASIL will have a photographer onsite taking photographs in sessions, special events, keynote addresses, and throughout the Hyatt Regency Capitol Hill documenting the 2019 Annual Meeting. Photos and videos taken of attendees during ASIL events will remain the property of ASIL and may be used in future marketing materials.

Recycling

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

Americans with Disabilities Act (ADA) 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 Eden Capuano at asilregistration@voilameetings.com, if you have special needs.

2019 ASIL Meeting

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Mohammad al Abdallah
Yasmine Ahmad
Michael Allen
Diane Marie Amann
Ginger Anders
Scott Anderson
Thomas Antkowiak
Justin Antonipillai
Julian Arato
Olufunmilayo Arewa
Ahaman Irafan Aslam
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Kent Bressie

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Tess Bridgeman
Kevin Brosch
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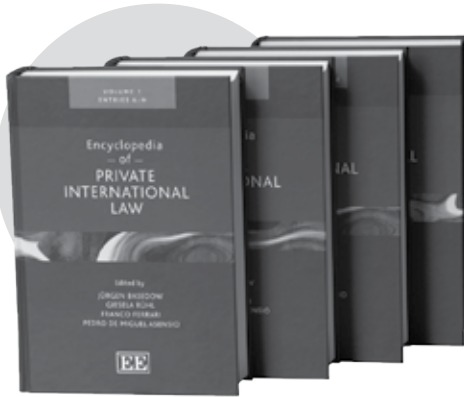
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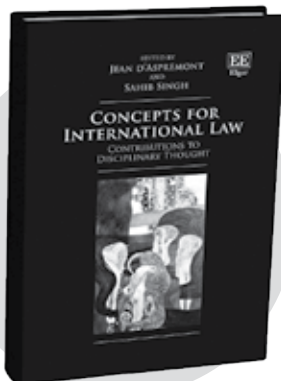
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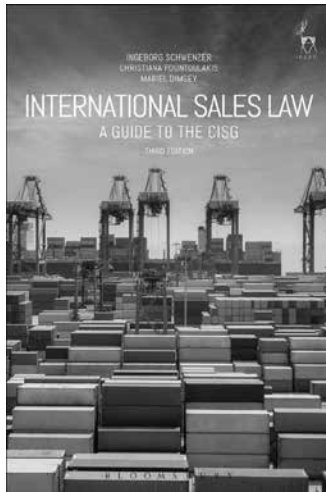
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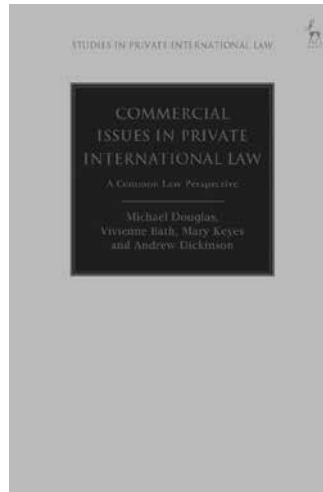
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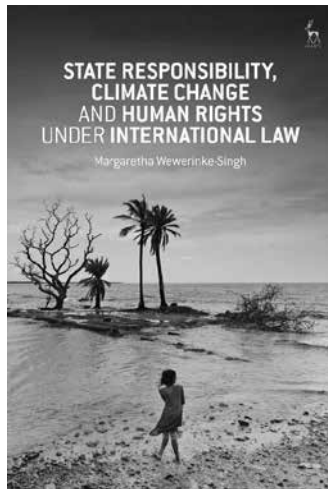
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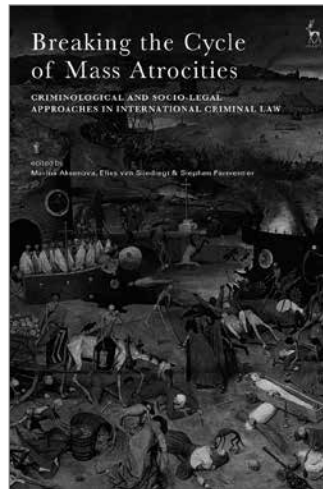
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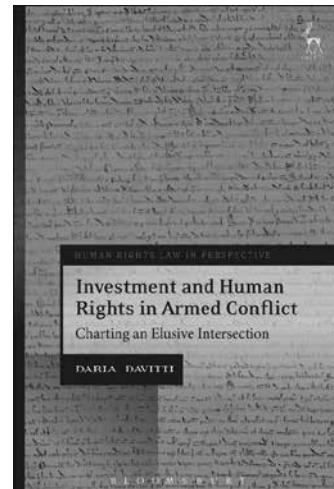
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The Hague

Wednesday, March 27, 2019

ASIL Executive Council Orientation

8:30 am – 10:00 am
Fairchild East/West

ITA-ASIL Conference

9:00 am – 12:30 pm
Columbia 7, 9, 10
Separate registration with the ITA is required.

ASIL Executive Council Meeting

10:30 am – 4:00 pm
Columbia 3-4

ITA-ASIL Conference Luncheon

12:30 pm – 2:00 pm
International Terrace West
Separate registration with the ITA is required.

Intellectual Property Interest Group Business Meeting

1:00 pm – 4:30 pm
Du Pont

The Intellectual Property Interest Group invites all annual meeting attendees to its business meeting, which will feature a roundtable discussion on the topic "Global Intellectual Property Rights Regime: Emerging Challenges and Dilemmas."

Annual Meeting Registration Opens

2:00 pm
Terrace Lobby

Victims of Hate Crimes in the Criminal Justice System: A Practical Guide

2:30 pm – 4:00 pm
Fairchild West

CLE Credit Hours: 1.5

As hate crimes are a major issue of concern for many Americans and in countries around the world, this 90-minute side event will discuss tools and programs to address hate crimes in the 57 Organisation for Security and Cooperation in Europe (OSCE) participating States (pSs), with emphasis on meeting the needs of hate crime victims. Speakers from the OSCE Office for Democratic Institutions and Human Rights (ODIHR) will be joined by hate crime specialists from US DoJ, DoS and civil society to discuss initiatives to address hate crimes domestically and globally.

National authorities across the OSCE region are responsible for addressing hate crimes, yet are often poorly equipped to do so. Most OSCE participating States (53) have provisions in their criminal codes, which specifically address bias motivation and list protected characteristics. These hate crime laws are, however, often unused, used sporadically, or their application lacks consistency. Specialized training on hate crimes for police or prosecutors, committed to by the participating States in the OSCE commitments, often does not exist or is formalistic and limited in scope. These training gaps are accompanied by missing operational guidance for police and prosecutors. Lack of implementation of criminal hate crime provisions can result in the feeling of impunity for perpetrators, and further deepen mistrust of the victims and their communities towards the criminal justice systems.

Moderator: Christie J. Edwards, Deputy Head of Tolerance and Non-Discrimination Department, OSCE ODIHR

Speakers:

- Ales Gao Hanek, OSCE ODIHR
- Jordan Long, American Bar Association Rule of Law Initiative
- Karen L. Stevens, Civil Rights Division, US Department of Justice

Transitional Justice and the Rule of Law Interest Group Business Meeting

3:00 pm – 4:30 pm

Fairchild East

Transitional Justice During Conflict: Developments in the MENA Region

Aslı Ü. Bâli, Professor and Faculty Director of the Promise Institute for Human Rights at UCLA Law, will discuss transitional justice initiatives in Libya, Syria, and Yemen. In the midst of armed conflict, transitional justice measures are being promoted in these countries as a response to mass human rights violations. Professor Bâli will put these developments in a regional context and discuss how these initiatives differentially implicate domestic, regional, and international actors.

Grotius Lecture: Enchanted by the Tools? International Law and Enlightenment

5:00 pm – 6:30pm

Columbia 5-8

CLE Credit Hours: 1.5

Sponsored by the American University Washington College of Law

2019 Grotius Lecturer: Martti Koskenniemi, University of Helsinki

Distinguished Discussant: Anne Orford, University of Melbourne

Grotius Reception

6:30 pm – 8:00 pm

International Terrace West

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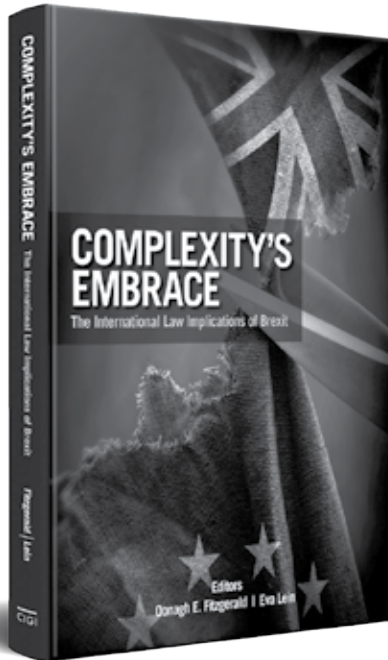
AJIL Board of Editors Meeting & Dinner

7:00 pm – 10:00 pm

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Complexity's Embrace

The International Law Implications of Brexit

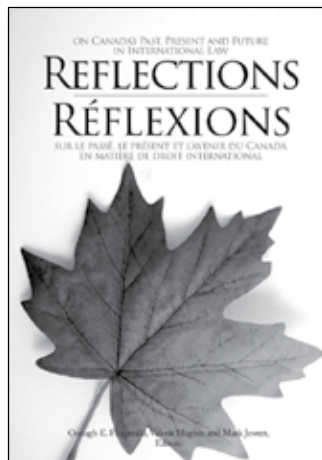
Oonagh E. Fitzgerald and Eva Lein, Editors

The United Kingdom's June 2016 Brexit vote sent shockwaves throughout the European Union and the world. Since the start of negotiations, the complexity and cost of the United Kingdom leaving the European Union has become increasingly evident.

Complexity's Embrace: The International Law Implications of Brexit looks into the deep currents of legal and governance change that will result from the United Kingdom's departure. Contributors include international law experts and academics from the United Kingdom, Europe and North America who present the challenges of Brexit from different lens and across a wide range of issues including: trade; financial services; cross-border insolvency; intellectual property rights; the environment and human rights.

As the authors of *Complexity's Embrace* peel back the layers of this onion and negotiators on both sides try to find an acceptable compromise, the question burns: will the two parties be able to achieve a mutually satisfactory separation agreement?

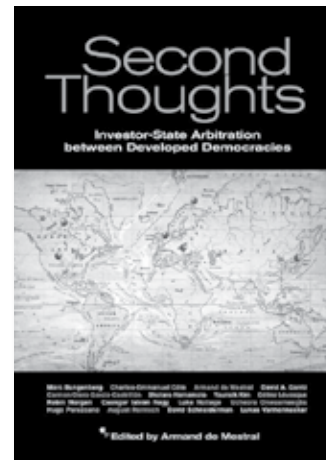
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Sean D. Murphy, Manatt/Ahn Professor of International Law, joined the GW Law faculty in 1998, where for the past two decades he has taught courses in international law, international business transactions, international environmental law, international organizations, and U.S. foreign relations law. His scholarship addresses a range of issues in the field of international law, as well as its connection to U.S. law, with a particular emphasis on international dispute settlement. His most recent books are *Litigating War: Mass Civil Injury and the Eritrea-Ethiopia Claims Commission* (Oxford University Press, 2013) (with Kidane and Snider); *International Law Relating to Islands* (Brill Nijhoff, 2017); and *Principles of International Law* (West Academic, 3d ed., 2018). In addition, he is co-author of the leading casebooks *U.S. Foreign Relations Law: Cases, Materials and Practice Exercises* (West Academic, 5th ed., 2017) (with Swaine and Wuerth) and *International Law: Cases and Materials* (West Academic, 7th ed. 2019) (with Damrosch).

Professor Murphy has remained active in the practice of international law. He has served as counsel or expert in cases before numerous international courts and tribunals, including on behalf of Ethiopia, Jordan, Kosovo, Indonesia, Macedonia, Suriname, Uganda, and the United States. He also has been appointed arbitrator in cases held under the auspices of the International Centre for the Settlement of Investment Disputes and the Permanent Court of Arbitration.

In 2011, Professor Murphy was elected to a five-year term on the U.N. International Law Commission and was re-elected for a second five-year term in 2016. In 2014, the commission appointed Professor Murphy as Special Rapporteur for Crimes Against Humanity.

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Thursday, March 28, 2019

Colleague Societies Breakfast

7:45 am – 8:45 am

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Coffee Break

8:30 am – 9:00 am

Challenges and Prospects for International Peace and Security: UN peacekeeping, NATO, and the UDHR at 70

9:00 am – 10:30 am

Columbia 5-8

CLE Credit Hours: 1.5

The end of World War II and the establishment of the United Nations ushered in a new international legal order for the maintenance of international peace and security based on a commitment to multilateralism, non-use of force, and the promotion of human rights. Three important developments emerged shortly thereafter. In 1948, the first U.N. peacekeeping operation was launched, and though such action was not expressly envisaged in the U.N. Charter, it became the dominant means for U.N. efforts to address peace and security. That same year, the U.N. General Assembly adopted the Universal Declaration of Human Rights (UDHR), partially in recognition that the preservation of such rights made inter-state conflict less likely. And in 1949, the North Atlantic Treaty Organization (NATO) was created to counterbalance the Eastern bloc, creating stability through deterrence. These three pillars of the international security architecture now enter their eighth decade, but has the world changed since their establishment in ways that challenge their continued viability? U.N. peacekeeping is under-resourced and has struggled to end conflict; a backlash against the idea of universality has placed international human rights under immense pressure; and NATO has arguably failed to deter a resurgent Russia. On the occasion of their 70th anniversary, this roundtable will explore how recent developments have affected these pillars, and in particular, assess whether any or all of them can make an ongoing contribution to peace and security through the “rules-based international order.” Have they failed to deliver on their original promise or have they adapted effectively to contemporary global realities? Is their future dependent on the continuation of Western hegemony and unity? Can they adapt to the changing nature of security threats, rising powers and a waning commitment to multilateralism? Are they instruments for peace, security and the promotion of international law? What challenges and opportunities lie ahead?

Moderator: Diane Marie Amann, University of Georgia School of Law

Speakers:

- Michael Doyle, Columbia University
- Steven Hill, North Atlantic Treaty Organization (NATO)
- Bintou Keita, UN Department of Peacekeeping Operations

Obligations to Negotiate and Consult: Worthwhile tool or exercise in futility?

9:00 am – 10:30 am

Columbia 1-2

CLE Credit Hours: 1.5

Are obligations to negotiate or consult a tool of international law which States have at their disposal for helping to resolve their problems? Does the claim of an obligation to negotiate or consult bring States to the negotiating table or does it have the opposite effect? In the same vein, most investment treaties include a clause that encourages or obliges the parties involved in a dispute to engage in consultations and negotiations. In practice, however, is there any evidence, anecdotal or otherwise, that these obligations facilitate settlements? The answers to these questions depend in part on precisely what such obligations actually require States and investors to do. This panel will, through a series of rapid response questions posed by the moderator, consider obligations to negotiate or consult across international legal fora, ranging from the International Court of Justice to investor-state arbitration.

Moderator: Callista Harris, Freshfields Bruchaus Deringer LLP**Speakers:**

- Claudio Grossman, American University Washington College of Law
- Amy Sander, Essex Court Chambers
- Baiju Vasani, Jones Day LLP

Who's Minding the Farm? Trade law and agricultural exports

9:00 am – 10:30 am

Columbia 3-4

CLE Credit Hours: 1.5

It is widely agreed among economists that tariffs remain a major impediment to the financial security of farmers, particularly in the developing world, with clear corresponding implications for the long-term financial feasibility of agriculture in these countries. World Trade Organization members have agreed to eliminate export subsidies for agricultural products and to restrain export measures that have a similar effect on distorting prices in world agricultural markets ("Nairobi Package" 2015). However, despite these stated objectives, geopolitical realities make it clear that we are moving away, rather than towards these goals. For example, U.S. farmers now find the huge Chinese market partially closed in response to the current Administration's decision to levy tariffs on hundreds of billions of dollars of Chinese goods. In response, the Administration is offering an additional 12 billion dollars in subsidy-like support to U.S. farmers.

Such steps raise questions regarding compliance with international trade agreements, which seek to eliminate subsidies that distort global agricultural markets and that have enormous consequences for farmers in the developing world. A roundtable of agricultural and legal experts will assess the commitments made in the Nairobi package in light of these recent geopolitical developments and discuss the implications of these developments for UN Sustainable Development Goal #2, which aims to "end hunger, achieve food security and improved nutrition and promote sustainable agriculture."

Moderator: Jeannette Tramhel, Organization of American States

Speakers:

- Mohamed Coulibaly, International Institute for Sustainable Development
- Marsha Echols, Howard University School of Law
- Edwini Kessie, World Trade Organization
- Katrin Kuhlmann, New Market Labs
- Sophia Murphy, University of British Columbia

Fragmentation in International Data Protection Law

9:00 am – 10:30 am

Columbia 9-10

CLE Credit Hours: 1.5

In July 2018, Facebook experienced the biggest one-day loss of value in U.S. stock market history, which the company attributed, in part, to concerns about its ability to protect user privacy. The European Union has guaranteed its citizens the right to personal data protection since the adoption of the European Data Protection Directive in 1995, which it later enshrined in the EU Charter of Fundamental Rights (2000) and most recently clarified in its May 2018 General Data Protection Regulation. In contrast to the EU's fundamental rights approach, the United States has approached the problem of data protection from various sector-specific consumer protection frameworks. These contrasting approaches to data protection have resulted in significant transatlantic trade tensions most recently resolved through the U.S.-EU 2016 Privacy Shield Agreement. While there may be a growing need for legal rules to protect the processing of personal data, differences in cultural and legal approaches may foreclose greater harmonization or internationalization of legal rules in this area. This panel will explore recent efforts to address the issue of data protection at the national and bilateral level, consider the cost of compliance with these conflicting regulations for U.S. companies, and examine whether any multilateral approach to privacy protection is realistically available.

Moderator: Dawn Yamane Hewett, Quinn Emanuel Urquhart & Sullivan LLP

Speakers:

- Justin Antonipillai, WireWheel
- Geff Brown, Microsoft Corporation
- Carolina Rossini, Access Now
- Peter Swire, Georgia Institute of Technology

Diverse Perspectives on the Impact of Colonialism in International Law

9:00 am – 10:30 am

Columbia 11-12

CLE Credit Hours: 1.5*Organized by the Minorities in International Law Interest Group*

This session, will explore diverse perspectives on the impact and effect of colonialism, and the norms created thereunder, in modern international law. Our first speaker will explore theoretical approaches to the interrelationships between colonialism and international law norms. Other speakers will explore the effect of colonial norms on the development of the modern western notion of the rule of law; the ICJ's recent Chagos Archipelago Advisory Opinion on self-determination and decolonization; the colonial experience and the development of commercial law in Africa; and the effect of the colonial experience on Latin American perceptions of development and international law.

Moderator: Adrien Wing, University of Iowa College of Law**Speakers:**

- Olufunmilayo Arewa, Temple University School of Law
- Larry Backer, Penn State School of International Studies
- Ambassador Namira Negm, Legal Counsel of the African Union
- Joel Samuels, University of South Carolina

**Coffee Break**

10:30 am – 11:00 am

International Law as a Counterweight to Power Asymmetries in International Politics

11:00 am – 12:30 pm

Columbia 5-8

CLE Credit Hours: 1.5

International law has often been described as the great equalizer, giving States—big and small—an equal voice in international politics. But does international law actually constrain the exercise of power by militarily, politically, or economically stronger States? How well can international courts level the playing field? Under what conditions will they be most effective in this task? Today, there is a widespread sense that the rules-based international order is fraying, that more powerful States are increasingly using strength in international affairs, and that international institutions are less able to restrain actors that decide to work around or opt-out of the system. Revisiting in this new political context the theme of Professor Oscar Schachter's lecture at the 1999 ASIL Annual Meeting, "The Role of Power in International Law," this panel will explore the effectiveness of international law as a counterweight to power asymmetries. Some features of the international legal system actually are based on what Philip C. Jessup called "the inescapable fact of power differentials." But in most respects, international law is built upon the concept of sovereign

equality. The panel will explore how less powerful States pursue ways to keep the playing field level, for instance, through the use of contentious cases or advisory opinions at international courts, through resolutions at international organizations, or by the development of new treaty regimes.

Moderator: Michael Byers, University of British Columbia

Speakers:

- Brian Egan, Steptoe & Johnson LLP
- Victoria Hallum, Ministry of Foreign Affairs, New Zealand
- Jan Paulsson, Three Crowns LLP
- Danielle Yeow Ping Lin, Attorney General's Chambers, Singapore

Regional Human Rights Bodies as Instruments of International Law

11:00 am – 12:30 am

Columbia 1-2

CLE Credit Hours: 1.5

Regional human rights bodies function at the center of a paradox. On the one hand, their proximity to the societies they supervise allegedly contributes to their legitimacy and effectiveness. However, this very proximity encourages a regional-approach to universal values that can generate problems of fragmentation, where similar international legal issues receive different, even contradictory, treatment. This panel will focus on a series of topics and cases where regional human rights bodies such as the European Court of Human Rights, the Inter-American Court of Human Rights, and the African Court on Human and Peoples' Rights have adopted widely divergent postures in interpreting similar provisions in their respective treaty instruments. These divergences include the areas of reparations, national security considerations, and the treatment of sexual orientation. The moderator will present a series of topics and cases where the jurisprudence of each human rights body might differ. Panelists will discuss reasons for the different approaches adopted by the regional human rights bodies and explore whether they constitute instances of fragmentation or promotion of underlying universal values.

Moderator: Christina Cerna, Inter-American Commission on Human Rights (retired)

Speakers:

- Elena Abrusci, Human Rights Centre and School of Law, University of Essex
- Thomas Antkowiak, Seattle University School of Law
- Fatsah Ougurgouz, African Court of Human and People's Rights
- Silvia Serrano Guzmán, Inter-American Commission on Human Rights

Emerging Technologies as a Source of Increased IHL Compliance and Enforcement

11:00 am – 12:30 pm

Columbia 3-4

CLE Credit Hours: 1.5

Recent discussion concerning emerging technologies and armed conflict have focused almost exclusively on whether these technologies can comply with international humanitarian law (IHL). This is a vital discussion and should certainly continue. However, a useful parallel discussion would contemplate the ways in which emerging technologies could enhance compliance with IHL. Many such technologies may have the potential to provide commanders and other decision makers with increased ability to make key IHL determinations and to conduct hostilities in a way that is more IHL compliant. This session will address the challenges faced by actors in this field and these emerging technologies can assist in IHL compliance.

Moderator: Ahmed Ghappour, Boston University Law School

Speakers:

- Tess Bridgeman, *Just Security*
- Rebecca Crootof, Yale Law School
- Andrea Harrison, International Committee of the Red Cross
- Richard Jackson, U.S. Army (retired)

San Francisco 2.0: Constructing a global governance architecture for the 21st century

11:00 am – 12:30 pm

Columbia 9-10

CLE Credit Hours: 1.5

Organized by the International Organizations Interest Group

In 1945, world leaders gathered in San Francisco to sign the UN Charter, which laid the blueprint for the international system in place today. While it was well-suited for the post-World War II era, we now live in a world that is both multipolar and multiconceptual, in which nodes of power do not rest solely with States and the idea of global governance itself is being called into question. Rather than decrying the UN's shortcomings, let's be inventors. If the UN didn't exist, how would we construct it today? With experts from/on government, business, civil society, and international organizations, this simulation explores constitutional questions for a new global governance system. As a threshold matter, is a global governance organization needed? If so, who should be represented? How should it be structured? On the basis of these and other questions, the panel aims to draft a new "Charter" to address current challenges and to explore creative solutions to resolve them.

Moderator: Ian Johnstone, Tufts University

Speakers:

- Lauren C. Baillie, Public International Law & Policy Group

- Lisa L. Bhansali, World Bank
- Brian Bieron, Ebay, Inc.
- Mohamed Helal, OSU Moritz College of Law
- Tafadzwa Pasipanodya, Foley Hoag, LLP

International Law as an Instrument to Regulate the Behavior of Non-state Actors in Areas Beyond National Jurisdiction

11:00 am – 12:30 pm

Columbia 11-12

CLE Credit Hours: 1.5

As more private actors enter ABNJs (private space companies, privately owned cruise vessels in the Arctic and off the coast of Antarctica, deep seabed miners, marine genetic material prospectors), conflicts between users, safety, and environmental damage become increasing concerns. This session will examine the behavior of non-state actors in ABNJs, the role of civil society non-state actors, and the governance role of states, including state responsibility for non-state actors, and the governance role of states. They may consider, for example, state responsibility for non-state actors; the relevance today of norms created at a time when states had the technical know-how (spacecraft, icebreakers) and incentives (science, security) to operate in ABNJs; private property interests and international community interests; and conflict management in BNJ.

This event is part of the Society's Signature Topic on "Beyond National Jurisdiction: The Regulation of Human Activities in the Oceans, Polar Regions, Cyberspace and Outer Space."

Moderator: Lucinda A. Low, Steptoe & Johnson, LLP

Speakers:

- David Balton, Wilson Center
- Marie Jacobsson, Swedish Ministry of Foreign Affairs
- Chimène I. Keitner, University of California, Hastings
- Frans Von der Dunk, Nebraska College of Law

International Environmental Law Interest Group Business Meeting

11:00 am – 12:30 pm

Cardozo

International Economic Law Interest Group Business Meeting

11:00 am – 12:30 pm

Du Pont

The ASIL International Economic Law Interest Group business meeting will feature the presentation and expert critique of two unpublished papers by our Interest Group members that will be selected from a call for papers. The two unpublished papers for presentation will be selected and announced by Friday, March 1, 2019, and the two expert discussants will be identified and announced shortly thereafter.

Women in International Law Interest Group Business Meeting

11:00 am – 12:30 pm

Fairchild East

The Women in International Law Interest Group business meeting will feature a roundtable discussion and presentation of three to four papers selected from interest group members on a variety of topics in international law.

Junior-Senior Scholars Pitch Session

11:00 am – 12:30 pm

Fairchild West

The Society encourages junior academics, practitioners, and students interested in drafting scholarly works on international law topics to attend this workshop where members of the American Journal of International Law Board of Editors will be on hand to provide feedback and input on proposed ideas. Attendees are welcome to bring a short (no more than one paragraph) abstract, though this is not required.

**Break**

12:30 pm – 1:00 pm

Hudson Medal Luncheon

12:45 pm – 2:45 pm

International Terrace West

*Sponsored by Foley & Hoag LLP***Honoree:** Justice Stephen G. Breyer, United States Supreme Court**Discussant:** Jennifer Newstead, U.S. Department of State

Tickets for this event must be purchased separately with registration.

The Law (and Politics) of Displacement

1:00 pm – 2:30 pm

Columbia 5-8

CLE Credit Hours: 1.5

Migration has been a pressing issue throughout 2018 and 2019, from family separation on the southern U.S. border to the ongoing refugee crises in Myanmar, Syria, and Venezuela. States have resorted to the language of international law to address complex questions related to these and other migratory emergencies, particularly with regard to refugee-related issues. How has international law helped them address or circumvent their responsibilities in these crises? What mechanisms have States established in order to comply with international law? What are the consequences of these law and policies on the ground? This panel will tackle three specific

migratory crises: family separations at the Southern U.S. border, the Syrian refugee crisis, and the persecution of the Rohingya in Myanmar. The panelists will focus on the way in which States have invoked and established international law rules and institutions in each situation and the actions they have undertaken to comply with or avoid international legal obligations. Panelists will also discuss whether international law instruments such as the UN Global Compacts on Refugees and the Model International Mobility Convention can provide better solutions than the current international legal framework, or work with existing instruments to guide state action in the face of complex situations.

Moderator: Jill Goldenziel, Marine Corps University – Command and Staff College

Speakers:

- Lindsay Jenkins, UN Office of the High Commissioner for Refugees
- Kristina Campbell, University of the District of Columbia
- Itamar Mann, University of Haifa, Faculty of Law
- Daniel P. Sullivan, Refugees International

UNCLOS: A tool for peace and stability?

1:00 pm – 2:30 pm

Columbia 1-2

CLE Credit Hours: 1.5

Organized by the Law of the Sea Interest Group

The United Nations Convention on the Law of the Sea (UNCLOS) has been called a Constitution for the Sea. The panel will evaluate whether UNCLOS acts as a legal institution to promote order and peace on the sea either in its codified form or as Customary International Law. Is UNCLOS a tool to alleviate ocean disputes and protect the environment? Or, does it fail to fulfill this role and bring order to the ocean? This will be examined in light of maritime disputes and arbitrations. In particular, panelists will discuss the results of the South China Sea arbitration and whether it has assisted negotiations in the area, whether it has fruitfully clarified entitlements, or whether it has led to a de-legitimization of the system. The panel will also discuss jurisprudence in contentious and advisory cases that have implications for the environmental movement, and broader meaning for UNCLOS jurisdiction. The panel will evaluate whether UNCLOS is a tool to assist the global community on issues that call for a global response. UNCLOS protections for living resources will also be examined; as will conservation of the sea including alleviating pollution and rising sea levels.

Moderator: Tracy Roosevelt, Foley Hoag LLP

Speakers:

- Freya Baetens, University of Oslo
- Henry Bensurto, Philippine Consul General to San Francisco
- Alan Boyle, Essex Court Chambers
- John Norton Moore, University of Virginia Law School

Federalism Strikes Back

1:00 pm – 2:30 pm

Columbia 3-4

CLE Credit Hours: 1.5

This panel will focus on the role of the several states and localities within the states, such as cities, in pursuing actions and relationships that shape foreign relations. For example, California, Massachusetts, and other states—on their own or through regional agreements—have enacted laws and regulations seeking to uphold targets and timetables consistent with climate change agreements. On the other side of the Atlantic, in the United Kingdom, sub-federal governments—such as Northern Ireland and Scotland, but also cities like London—have been playing an almost decisive role in the context of Brexit negotiations, holding separate negotiations with the European Union about a potential future relationship. Do these developments signal a new approach to foreign affairs and the end of the one-voice doctrine? The panel examines the current role of sub-federal entities in foreign affairs both within the US and the UK, as well as in cities across the globe.

Moderator: Marissa Jackson, New York City Commission on Human Rights

Speakers:

- Michael J. Glennon, Tufts University
- David H. Moore, U.S. Agency for International Development
- Janne Nijman, Amsterdam Center for International Law, University of Amsterdam
- Dan Sarooshi, Essex Court Chambers
- Shana Tabak, Tahirih Justice Center, Atlanta

The Critical Contribution of Law towards Global Efforts to Mitigate Disaster Risk

1:00 pm – 2:30 pm

Columbia 9-10

CLE Credit Hours: 1.5

Organized by the Disaster Law Interest Group

The scale and impact of disasters is rising exponentially, with insurance sector cost estimates for 'natural' disasters increasing from \$188 billion (2016) to \$300 billion (2017). In response, the global shift since the 1990s, reflected in the Sendai Framework on Disaster Risk Reduction (DRR) (2015-2030), has been towards concentrating resources on disaster prevention and mitigation, including through improved preparedness and response mechanisms. The Sendai Framework establishes ambitious goals, exhorting the development of innovative approaches and dynamic cross-sectoral partnerships. Yet, to date, the legal community has largely not been fully integrated into existing efforts or collaborations, including with the scientific, technological or health sectors. This is partly attributable to commonly poor levels of understanding about the dynamic role of law as a tool of disaster risk mitigation, including developing DRR law. As this panel explores, there is a critical need for public/private stakeholders, whether national or

international, to more actively draw upon and embed legal instruments (e.g. international human rights, environmental, disaster, health and maritime law) within their mechanisms and responses to reduce disaster risk and impacts: for instance, through improving consistency and coherence of standards, strengthening existing weak governance mechanisms, ensuring greater compliance and accountability, whilst better protecting vulnerable populations.

Moderator: Katja Samuel, Global Security and Disaster Management, Ltd.

Speakers:

- Kirsten Bookmiller, Millersville University Center for Disaster Research and Education
- Giulio Bartolini, Department of Law, Roma Tre University
- Michael Cooper, The Ploughshare Group LLC
- Hugo Cahueñas-Muñoz, Colegio de Jurisprudencia, Universidad San Francisco de Quito

Space Law Interest Group Business Meeting

1:00 pm – 2:30 pm

Du Pont



Coffee Break

2:30 pm – 3:00 pm

Senate v. President: A Moot Court on Treaty Withdrawal Powers

3:00 pm – 4:30 pm

Columbia 5-8

CLE Credit Hours: 1.5

Recent skepticism of long-standing U.S. alliances and international institutions has reinvigorated the debate over the respective roles of the President and Congress in the withdrawal of the United States from treaties. One area where this issue has arisen concerns the North Atlantic Treaty Organization (NATO), where President Trump reportedly has suggested the possibility of a U.S. withdrawal, which in turn has triggered some calls in Congress for legislation that would preclude him from doing so. Using this as the backdrop, this session will take the form of a moot court to explore the extent of congressional vs. executive control over U.S. withdrawal from NATO. The session will address questions about the evolution of U.S. practice leading to the contemporary mainstream position asserting unilateral presidential withdrawal authority where a treaty itself contemplates withdrawal (as does the NATO treaty), what constitutional limits (if any) there are on that authority, and what may be learned from treaty withdrawal debates in other countries, including the United Kingdom's withdrawal from the European Union. The session will also look at the extent to which the Youngstown framework may support shared, as opposed to exclusive, authority over treaty withdrawal, particularly in light of the Supreme Court's 2015 decision in *Zivotofsky v. Kerry*.

Moderator: Scott R. Anderson, The Brookings Institution

Counsels:

- Ginger Anders, Munger & Olson LLP
- Chris Fonzzone, Sidley Austin LLP

Judges:

- Curtis Bradley, Duke University School of Law
- Catherine Powell, Fordham University School of Law
- Donald Verrilli Jr., Munger & Olson LLP

Fourth Annual Detlev F. Vagts Roundtable on Transnational Law: Corporate Liability for Human Rights Violations after *Jesner v. Arab Bank*

3:00 pm – 4:30 pm

Columbia 1-2

CLE Credit Hours: 1.5*This session made possible by a generous contribution from the Vagts Family*

In *Jesner v. Arab Bank*, the U.S. Supreme Court held that the Alien Tort Statute could not be used to sue foreign corporations for human rights violations. This Roundtable will discuss possibilities for human rights suits against both U.S. and foreign corporations after *Jesner*. The paper will focus on European rules of jurisdiction and will outline the options for civil cases in Europe. The commentators will discuss the possibilities of U.S. and non-U.S. litigation from doctrinal, empirical, and litigation perspectives.

Convener: William S. Dodge UC Davis School of Law**Presenter:** Lucas Roorda, Utrecht University**Speakers:**

- Shayak Sarkar, UC Davis School of Law
- Beth Stephens, Rutgers University School of Law

Deep Seabed Mining in Crowded Oceans

3:00 – 4:30 pm

Columbia 3-4

CLE Credit Hours: 1.5

Twenty-five years after entry into force of the U.N. Convention on the Law of the Sea, the International Seabed Authority (ISA)'s efforts to regulate deep seabed mining present a salient case study in the challenges facing international organizations with respect to common ocean spaces. Set up to administer what was once regarded as a relatively empty and remote terrain, the ISA must now contend with crowded oceans: crowded with multiple users laying claim to the same areas, with overlapping jurisdictional regimes, and with fundamentally different conceptions of what sharing the ocean commons should mean. These tensions are increasingly coming to a head in the drafting of the ISA's mining code. Here, the ISA must balance a regime that is attractive to investors with one which meets developing States' needs for equitable

sharing of benefits. At the same time, it must respond to NGOs' demands for effective protection of the marine environment and accommodate the growing strategic and political importance which certain States attach to seabed mining operations and other uses in our ever-shrinking oceans, including shipping, fishing, and laying submarine cables. Does the ISA have the capacity to manage these competing legal, economic, and environmental imperatives? Through what means should it engage with parallel and competing regimes of ocean use? Whose concerns will our deep seabed mining regime vindicate?

Moderator: Isabel Feichtner, Wurzburg University

Speakers:

- Kent Bressie, Harris, Wiltshire & Grannis LLP
- Tara Davenport, National University of Singapore
- Kate Neilson, Government of New Zealand
- Daniel Rincon, DEME Group
- Steve Roady, Duke University School of Law

The Remedial Function in International Economic Law

3:00 pm – 4:30 pm

Columbia 9-10

Organized by the International Economic Law Interest Group

Remedies are a perennial problem in international trade and investment law. Much attention has been given to difficulties with the technical calculation of damages in the context of investor-state dispute settlement (ISDS), or disentangling the remedial possibilities under the World Trade Organization rules or under free trade agreements. These questions are interesting and important. But this session will not linger on this well-trodden ground. Instead, participants will explore, compare, and reassess the remedial standards in both fields from the perspective of function and policy. As a baseline, it is clear that trade remedies are designed to be prospective, while remedies in ISDS are retrospective and compensatory. But to what end? What are the functions of these very different approaches? What policy aims are they designed to pursue? And how effective are they? Beyond mere enforceability, are the remedial aspects of these regimes fulfilling their purported functions? What ancillary legal concepts remain underdeveloped? The session will explore and compare the nature, function, and goals of the remedial systems in trade and investment as designed. The speakers will then turn to how these systems have developed in practice. The panel will consider what kinds of remedies are actually available (such as damages, preliminary measures, specific performance, and countermeasures), and whether they should be interchangeable. The panel will also explore the appropriate and available standards of damages (fair market value, reliance, restitution, etc.), as well as ancillary remedial concepts that may be underdeveloped in international case law (e.g., causation, mitigation, the presumption against speculative damages, and the new business rule). The panel will then turn to how these remedial mechanisms work in practice. The speakers will examine how effective they are in view of their intended ends. The panel will also examine whether these systems have developed new or underappreciated functions in practice.

Moderator: Julian Arato, Brooklyn Law School

Speakers:

- Christina L. Beharry, Foley Hoag LLP
- Donald McRae, University of Ottawa Faculty of Law
- Patrick Pearsall, Jenner & Block LLP
- Jan Yves Remy, University of the West Indies

Preventing Violence and Atrocities through International Disarmament Law

3:00 pm – 4:30 pm

Columbia 11-12

CLE Credit Hours: 1.5

Organized by the Nonproliferation, Arms Control, and Disarmament Interest Group

In the past five years, two landmark disarmament treaties were adopted: the Arms Trade Treaty and the Treaty on the Prohibition of Nuclear Weapons. Both were the result of sustained advocacy by civil society to develop disarmament law and arms control policies that would be effective at preventing violence and atrocities. This panel will discuss how relevant international stakeholders, including non-governmental organizations, governments and the UN community, use disarmament law and policy to prevent daily violence and mass atrocities. Panelists will discuss the development of the Arms Trade Treaty, the Treaty on the Prohibition of Nuclear Weapons, and the Nuclear Non-Proliferation Treaty, their contributions to international disarmament law, their potential and actual impacts, as well as their gaps and limitations.

This event is part of the Society's Signature Topic on "Atrocity Prevention: The Role of International Law and Justice."

Moderator: Rebecca Gerome, Foley Hoag, LLP

Speakers:

- Yasmine Ahmad, Rights Watch UK
- John Burroughs, Lawyers Committee on Nuclear Policy
- Jean Krasno, City College of New York
- Pranay Vaddi, Carnegie Endowment for International Peace

BASIL Speed Mentoring Session

3:00 pm – 4:30 pm

International Terrace West

Organized by the Blacks of the American Society of International Law Task Force

The Blacks of the American Society of International Law Task Force (BASIL) will host a professional development event that will introduce law students and new legal professionals to experienced international practitioners. Attendees will participate in a 90 minute speed mentoring activity with mentors hosting a table where a small group of attendees can spend 10-12 minutes asking more personal, directed questions of the mentors. Participants will then be able to rotate to a new table, gaining the chance to learn about several different avenues of international employment.

International Refugee Law Interest Group Business Meeting

3:00 pm – 4:30 pm

Cardozo

The IRL IG invites AM Attendees to its Business Meeting which will feature a hot topics discussion sparked by short presentations by Co-Chairs Guy Goodwin-Gill and Kate Jastram and IRLIG Member Luis Campos. Luis will present on emerging architectures of resistance, with an update on U.S. asylum law and policy and the legal bar's response; Kate will brief on international law issues in *Matter of A-B-*, *Grace v. Whitaker*, and *Innovation Law Lab v. Nielsen* (challenging the "Remain in Mexico" program); and Guy will provide perspective on international refugee law in the face of crisis and chaos. The Interest Group will also be honoring the winner of the 5th Annual International Refugee Law Student Writing Competition.

Human Rights Law Interest Group Business Meeting

3:00 pm – 4:30 pm

Du Pont

The Human Rights Interest Group invites AM attendees to its business meeting, which will host a reporting panel on "International Human Rights Law in Practice." IG members will discuss amicus brief practice in U.S. courts, petitions to the Inter-American Commission on Human Rights, submissions to the U.N. Human Rights Committee, and the U.N. Global Compact for Migration.

Dispute Resolution Interest Group Business Meeting

3:00 pm – 4:30 pm

Fairchild East

The DRIG invites all AM attendees to its Business Meeting, which will feature a round-table discussion led by the DRIG ISDS Reforms Working Group on the most recent developments in the investor-state dispute settlement reforms, including the UNCITRAL Working Group III, ICSID rules amendment, and the EU Commission's Multilateral Investment Court project. We will be joined by guest speaker Colin Brown, Deputy Head of the Dispute Settlement and Legal Aspects of Trade Policy of the Directorate General for Trade of the European Commission.

Latin America Interest Group Business Meeting

3:00 pm – 4:30 pm

Fairchild West

The Latin America Interest Group invites all AM attendees to its Business Meeting, which will feature an off the record round-table discussion on recent developments in Venezuela, focusing on the repercussions of the recognition by some countries and international institutions of the new interim government. Discussants include Clara Poffenberger, formerly of Baker Botts LLP and ExxonMobil, and Ignacio Alvarez, former Special Rapporteur for Freedom of Expression at the Inter-American Commission on Human Rights.

ASIL Assembly and Keynote: International Law as an Instrument: Dialogues, Tensions, Accomplishments

5:00 pm – 6:30pm

Columbia 5-8

The Assembly program will include the presentation of the Society's annual honors and awards, remembrances of those we have lost during the past year, and the election and introduction of incoming officers and Executive Council members.

Speaker: Mónica Pinto, University of Buenos Aires Law School

Gala Reception

6:30 – 8:00 pm

Heights Courtyard

Patrons' Reception

6:30pm – 7:30 pm

Holmead

Sponsored by Debevoise & Plimpton LLP

By invitation only

President's Reception

7:15pm – 8:15 p.m.

Kalorama

Join Society President Sean D. Murphy for a dessert reception.

Sponsored by the George Washington University Law School

CONGRATULATIONS



The University of Miami
School of Law congratulates

**PROFESSOR
KATHLEEN CLAUSSEN**

on her appointment to the governing
Executive Council for the American
Society of International Law.



UNIVERSITY OF MIAMI
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Dean Matthew Diller and **Fordham Law School**
congratulate

Catherine Powell,

professor of law at Fordham Law, and new member
of the executive council of the American Society of
International Law.

Professor Powell has been instrumental in fostering a
robust academic partnership between Fordham Law
and ASIL, and we are proud that she is being installed
in a leading role with the society's governing body.



FORDHAM UNIVERSITY

THE SCHOOL OF LAW

Friday, March 29, 2019

2019-2020 Executive Council Breakfast Meeting

8:00 am – 9:00 am

Holmead East/West

Debate: Designing the Investor State Dispute Resolution System from Scratch

9:00 am – 10:30 am

Columbia 5-8

CLE Credit Hours: 1.5

How would or should the investor-State dispute settlement system look if we had to start from scratch? This session will be an Oxford Union style debate with the resolution: "This house would design the investor-state dispute resolution system from scratch." Among other things, the debate will consider various system-design issues such as: (a) ad hoc versus standing body; (b) "double hatting" of arbitrators; (c) unilateral versus institutional appointments; (d) appellate review, and if so by whom. The debate will also consider whether the rules amendments of ICSID go far enough to address current controversies.

Moderator: Gabrielle Kauffman-Kohler, University of Geneva

Speakers:

- Ahaman Irfan Aslam, International Disputes Unit, Office of the Attorney General of Pakistan
 - Salim Moollan, Essex Street Chambers
 - Ina C. Popova, Debevoise & Plimpton LLP
 - Jeffrey Sullivan, Gibson Dunn LLP
-

Litigating Climate Change: New legal challenges

9:00 am – 10:30 am

Columbia 1-2

CLE Credit Hours: 1.5

Numerous lawsuits are being filed all over the world against a host of defendants, including multinational companies and governments, alleging that they are to blame for climate change that results in a violation of either national laws or international law. As examples: (a) nearly 900 Dutch citizens have filed a lawsuit in a district court in the Netherlands seeking that the court order the government to cut greenhouse gas emissions faster; (b) Greenpeace has appealed after an Oslo court rejected its argument that Norway's oil and gas exploration in the Arctic violates citizens' rights to a clean environment; (c) a Peruvian farmer who lives in Huarez, Peru, has brought a lawsuit against a German electricity producer alleging that it knowingly contributed to climate change by emitting greenhouse gases that bore some responsibility for the melting of mountain glaciers located near his hometown; and (d) a number of U.S. cities, such as New York, Oakland, and San Francisco, have filed climate change lawsuits against oil companies seeking

to recover the cost of infrastructure needed to protect against rising sea levels. Additionally, the Permanent Court of Arbitration has advocated for the use of arbitration to resolve climate-change disputes, including disputes arising under the UN Framework Convention on Climate Change and the Paris Agreement. The panel will discuss these recent cases, as well as the success or failure of earlier litigation, with a view to understanding the role that international law will play in the climate change debate.

Moderator: Judith Levine, Permanent Court of Arbitration

Speakers:

- Kristin Casper, Greenpeace International
- Michael Gerrard, Columbia Law School
- Wendy Miles, Debevoise & Plimpton LLP

Legal Techniques for Resolving Armed Conflicts with Non-state Actors

9:00 am – 10:30 am

Columbia 3-4

CLE Credit Hours: 1.5

In an age when armed conflicts with non-state actors are increasing around the world, often with no clear end in sight, international law and institutions play a critical but often hidden role in resolving such conflicts. From international lawyers negotiating the terms of ceasefire agreements and peace treaties to international institutions facilitating transitional justice and economic stability, international law and institutions are important instruments for addressing today's conflicts. This rapid-response discussion will highlight the unique experience and expertise of a diverse set of players who use international law or institutions to resolve armed conflicts involving non-state actors in a diverse range of entities from ISIS to the FARC. Experts will address such questions as how does one begin negotiating a peace deal with a non-state actor? What role does international law play in such agreements? What security, economic, or political conditions are essential for ending these types of armed conflicts? Are international law and its related institutions effective instruments for facilitating an end to such conflicts or have they failed to adapt to today's conflicts?

Moderator: Randa Slim, Middle East Institute

Speakers:

- Kristen Boon, Seton Hall Law School
- Margaux Day, Public International Law and Policy Group
- Gregory Fox, Wayne State Law School
- Vikram Raghavan, World Bank Group

Assessing Professional and Judicial Integrity in International Tribunals

9:00 am – 10:30 am

Columbia 9-10

CLE Credit Hours (Ethics): 1.5

Organized by the Anti-Corruption Law Interest Group

Although judges, arbitrators, and counsel in international tribunals face professional ethical dilemmas just like their domestic counterparts, the existing mechanisms in place to maintain professional integrity in international tribunals suffer from significant gaps. The lack of common and agreed upon ethical norms in international dispute resolution raises a variety of procedural and substantive concerns. Procedurally, it is unclear what ethics rules apply and how to resolve conflicts of interest. Substantively, the outcomes of some international court decisions concerning judges' or arbitrators' behaviors have been criticized on the basis of underlying conflicts. Ethical concerns are particularly important in investment arbitration and have prompted calls for reform of the Investor-State Dispute Settlement (ISDS) system. The problems, however, are not limited to ISDS. This panel will address issues of professional ethics in international adjudication. Panelists will explore issues common to all international proceedings, from the perspective of both international judges and counselors and will seek to identify the deficiencies that should be addressed most urgently. These issues would include, among others, conflict of interest, attorney and judicial ethics, and the adequacy of existing codes of ethics.

Moderators:

- Jan Dunin-Wasowicz, Hughes Hubbard LLP
- Philip Nichols, University of Pennsylvania Wharton School of Business

Speakers:

- John Crook, NATO Administrative Tribunal
- Chiara Giorgetti, University of Richmond School of Law
- Kate Parlett, 20 Essex Street Chambers
- H el ene Ruiz Fabri, Max Planck Institute Luxembourg

Late Breaking Panel: BREXIT and International Law

9:00 am – 10:30 am

Columbia 11-12

Sponsored by the Centre for International Governance Innovation (CIGI)

The United Kingdom is scheduled to leave the European Union on Friday, March 29, 2019, having invoked Article 50 of the Lisbon Treaty two years prior, in 2017. Much is still unknown about the UK's impending exit, including whether an alternative agreement will be put in place, or whether the exit will take place as planned, on March 29, at all. But the plan to withdraw and the ongoing negotiations between the UK and the EU raise significant questions for both bodies, for their trading partners and allies, for corporate actors and investors, and for international law. This late-breaking panel will bring together experts from the UK, the EU, and others to discuss the international legal implications of Brexit and what role international law is likely to play in

structuring, constraining, and enabling various political, economic, and cultural arrangements between actors both within and outside the UK.

Moderator: Oonagh Fitzgerald, Centre for International Governance Innovation

Speakers:

- Robert Howse, New York University School of Law
- Jess Simonoff, United States Department of State
- Sir Michael Wood, 20 Essex Street Chambers
- João Rodrigues, European Parliament Liaison Office in Washington, DC

International Legal Theory Interest Group Business Meeting

9:00 am – 10:30 am

Cardozo

The International Legal Theory Interest Group business meeting will hold a roundtable presentation and discussion of papers presented by selected interest group members. The discussion will follow the theme of “New Perspectives in International Legal Theory,” and will feature presentations by the following scholars:

- David Hughes, University of Michigan, “How States Persuade”
- Karin Loevy, New York University, “AV Dicey, Humanitarianism, and the Legal Suffering of Russian Jews”
- Valentina Vadi, Lancaster University, “Cultural Diversity in the Early Modern Law of Nations”
- Ka Lok Yip, Hong Kong University, “Reconceptualizing Norm Conflict in International Law”

ASIL-Midwest Interest Group Business Meeting

9:00 am – 10:30 am

Du Pont

ASIL Midwest invites all annual meeting attendees to its business meeting, which will feature a roundtable discussion on the unique challenges and opportunities related to teaching and practicing international law in the heartland. This discussion will be followed by presentations of recently published scholarship from IG members.



Coffee Break

10:30 am – 11:00 am

Anatomy of a Trade War

11:00 am – 12:30 pm

Columbia 5-8

CLE Credit Hours: 1.5

Following the tit-for-tat unilateral tariff measures implemented by the Trump Administration and U.S. trading partners in 2018, the viability of the multilateral trading regime is in question. The primary objective of that regime has been to promote global economic welfare by increasing the productivity of capital, labor, and agriculture. However, as economic integration and international trade commitments have deepened, the multilateral trading regime has clashed with competing national policy priorities most recently advanced through unilateral trade remedies. Do these recent measures signal a rise in economic nationalism and the downfall of the multilateral trading system? Do unilateral trade measures have any place in a multilateral, rules-based trading system? What is the effect of unilateral trade measures targeting specific industries or regions on the way U.S. trade policy is made? This session seeks to address the impact of the burgeoning trade war on the U.S. heartland, where these tit-for-tat tariff measures are both intended to help and expected to hurt. While the trade war is a moving target, the policies on the table now will continue to raise serious questions about the appropriate balance between national trade remedies and international trade law whether one is watching from the WTO, Washington, or Wichita.

Moderator: Kathleen Claussen, University of Miami Law School

Speakers:

- Kevin Brosch, Brosch Trade
- Angela Hofmann, Farmers for Free Trade
- Ronald Kirk, Gibson Dunn & Crutcher LLP

A State's Many Roles in International Adjudication

11:00 am – 12:30 pm

Columbia 1-2

CLE Credit Hours: 1.5

States have many different roles and interests in international adjudication, which may overlap and vary in importance from case to case. States' sovereignty endows them with a special character and responsibilities in international litigation. States are heterogeneous, comprised of various national and subnational entities, and are often encumbered by laws, national constituencies, or limited resources. States often view their interests and responsibilities as extending beyond any particular dispute, and their pleadings and submissions create state practice and *opinio juris*. This panel seeks to shed light on States' manifold roles and interests in international adjudication and to examine how governments and their advisers might reconcile and protect these roles and interests.

Moderator: Floriane Lavaud, Debevoise & Plimpton LLP

Speakers:

- Gabriel Bottini, Uruia Menendez Abogados
- Anna Joubin-Bret, United Nations Commission on International Trade Law
- Carolyn Lamm, White & Case LLP
- Lionel Yee Woon Chin, Attorney-General's Chambers, Singapore

Who Speaks for Earth? International law and interstellar events

11:00 am – 12:30 pm

Columbia 3-4

CLE Credit Hours: 1.5

This session will examine what international law governs, or should govern, non-commercial State cooperation in space to address threats to global security. Through two hypotheticals, a panel of scientific experts and international and national security lawyers would examine the central question of who is empowered to make space-related decisions that could have profound effects on humankind. Hypothetical one is defensive – if a devastating asteroid is headed towards Earth, do capable states have individual or collective responsibilities to attempt to stop it? What bearing do arms control treaties have on the repurposing of anti-satellite weapons for the global defense? What is the Security Council’s role under Chapter VII? If a state does attempt to intervene, may other states cite to Article VI and VII of the Outer Space Treaty or other sources of international law to hold it liable for any harm that results despite its efforts? Hypothetical two is affirmative – looking at previous efforts to reveal Earth and earthlings to sentient alien life forms, such as NASA’s Voyager 1 and 2 Golden Records, and potential new attempts including Yuri Milner’s Breakthrough Message competition. Does international law speak to whether one state, or a group of states, may broadcast Earth-identifying signals into space or to answer signals detected from an alien source? If it does not, what if any international legal rules or processes should be developed? What actors within a state should be able to speak for it – should government control such actions or are they fair game for private citizens?

Moderator: Shane Harris, The Washington Post**Speakers:**

- Chris Borgen, St. John’s University School of Law
- Robin Frank, NASA (retired)
- Andrea Harrington, US Air Force Air Command and Staff College
- Lindley Johnson, Planetary Defense Coordination Office, NASA

Climate Change as a Concern in Negotiating Mine Development Agreements

11:00 am – 12:30 pm

Columbia 9-10

CLE Credit Hours: 1.5*Organized by the Private International Law Interest Group*

Should new mine development agreement include climate change mitigation as a consideration? The IBA’s Model Mine Development Agreement addresses both environmental and social policies throughout the draft agreement. It does not, however, deal directly with climate change-related policies or with climate change-related mitigation efforts. This session will address how such issues might arise in the context of a mine development negotiation. The session will bring together four actors for a negotiation session at the beginning stages of negotiations of a mine development agreement – a host government representative, outside counsel for the

international mining company, an NGO invited by the government particularly to address the concerns of indigenous peoples affected by the project and an academic participating as an expert with potential sway with a multilateral lending institution that could assist with funding for the project. The mock negotiations will focus on the broad concepts to be applied by the parties to address climate change mitigation in the mine development agreement. Following the mock negotiations, the players will step out of their roles to discuss the negotiation progress with the audience and highlight the conceptual challenges encountered by parties wishing to enter into a productive dialogue on climate change related questions of sustainable development and social licenses to operate.

Moderators:

- Kabir Duggal, Arnold & Porter LLP
- Frédéric Sourgens, Washburn University School of Law

Speakers:

- Poupak Bahamin, Norton Rose Fulbright US LLP
- Teddy Baldwin, Steptoe & Johnson, LLP
- Diane Desierto, University of Notre Dame Keough School of Global Affairs
- Tehtena Mebratu-Tsegaye, Columbia Center on Sustainable Investment

Late Breaking Panel: Crisis in Venezuela

11:00 am – 12:30 pm

Columbia 11-12

CLE Credit Hours: 1.5

Venezuela, until recently considered the richest country in South America, is in turmoil. The country has insufficient food and medicine for its people, has defaulted on billions of dollars in debt obligations, is subject to crippling sanctions, and now faces a constitutional crisis with both Nicolás Maduro and Juan Guaidó claiming to be the rightful president of the Republic. The two rival governments are fighting for legitimacy in the eyes of their people and the international community, leading, among other things, to a crisis over the receipt of foreign aid and ownership over foreign state assets. The U.S., along with a growing number of other nations, has recognized Guaidó, the President of the National Assembly, as the interim President citing irregularities in the election process through which Maduro claimed the Presidency. On the other hand, others (both inside and outside Venezuela) still recognize Maduro's authority. The current crisis raises new questions for governments, multinationals, aid agencies and counsel on their legal rights and obligations vis-à-vis Venezuela. This late-breaking panel will discuss the role of international law in this evolving crisis.

Moderator: Alonso Gurmendi Dunkelberg, Universidad del Pacifico

Speakers:

- Russ Dallen, Caracas Capital
- Mary Ellen O'Connell, University of Notre Dame School of Law
- Nicole Erb, White & Case LLP

Lieber Society on the Law of Armed Conflict Business Meeting

11:00 am – 12:30 pm

Cardozo

International Criminal Law Interest Group Business Meeting

11:00 am – 12:30 pm

Du Pont

The International Criminal Law Interest Group business meeting will consist of a roundtable on international criminal law. The roundtable will provide an opportunity for scholars and practitioners to present and discuss unpublished papers on international criminal law topics, with selected papers coming from interest group membership and at least one paper from a junior scholar in the field.

Cultural Heritage and the Arts Interest Group Business Meeting

11:00 am – 12:30 pm

Fairchild East

**Break**

12:30 pm – 1:00 pm

Women in International Law Luncheon

1:00 pm – 2:30 pm

International Terrace West

Sponsored by the Centre for International Governance Innovation (CIGI)

The Women in International Law Interest Group will present Tracy Robinson with the 2019 Prominent Woman in International Law Award.

Honoree: Tracy Robinson, University of the West Indies Faculty of Law

Tickets for this event must be purchased separately with registration.

The Innovative Structural Features of the Paris Agreement

1:00 pm – 2:30 pm

Columbia 5-8

CLE Credit Hours: 1.5

At the twenty-fourth Conference of the Parties to the UN Framework Convention on Climate Change (UNFCCC) in December 2018, Parties adopted the so-called Paris "rulebook," a set of key implementation guidelines called for in the Paris Agreement. Following this pivotal meeting, a roundtable of experts familiar with the negotiation of the Agreement, the rulebook, and its implementation to date will discuss the innovative structural features of the Paris Agreement (e.g.,

a hybrid of legally-binding and non-binding provisions; self-determined national contributions; a role for non-state actors, etc.) and highlight textual compromises that were essential for achieving consensus on the Agreement and the rulebook. Have these innovations and compromises succeeded in achieving buy-in and national action from all countries? Does the structure of the Paris Agreement provide the best framework for addressing the collective action challenges of climate change? Does this model have any drawbacks or room for improvements? Looking at other recent and ongoing multilateral environmental negotiations, is the traditional form of binding multilateral environmental agreements a thing of the past? Can the Paris model or variations thereof be useful in tackling other collective action environmental challenges confronting states today?

Moderator: Dan Bodansky, Arizona State University College of Law

Speakers:

- Julie Cerqueira, U.S. Climate Alliance
- Rueanna Haynes, Climate Analytics
- Todd Stern, The Brookings Institution
- Christina Voigt, University of Oslo Department of Public and International Law

Sovereign Immunity Revisited: Immunity of states and their officials for atrocities or terrorist acts

1:00 pm – 2:30 pm

Columbia 1-2

CLE Credit Hours: 1.5

This session would explore and assess key national and international developments in the law of sovereign immunity. In 2018, the U.S. Supreme Court decided *Rubin v. Iran*, barring the attachment of Iranian antiquities located in the U.S. to execute judgments against Iran issued under the terrorism exception to the Foreign Sovereign Immunities Act (FSIA). Furthermore, the Justice Against Sponsors of Terrorist Act (JASTA) was enacted in 2016, essentially broadening the terrorism exception to FSIA. Also in 2016, the Supreme Court decided *Bank Markazi v. Peterson*, in which it sanctioned the turnover of about \$1.75 billion in Central Bank of Iran assets to families of victims of terrorism. Subsequently, Iran brought a case against the United States at the International Court of Justice (ICJ). Finally, [the African Union has successfully spearheaded efforts [are currently underway] at the United Nations to secure an ICJ advisory opinion on the immunity of heads of state and other senior officials, against the backdrop of attempts to prosecute Sudan’s President Omar al-Bashir at the International Criminal Court. These developments highlight the tension between immunity and impunity when it comes to states and leaders engaged in terrorism or grave human rights violations. The panel will consider how recent U.S. cases and legislation have addressed this tension, and whether they are consistent with the international law on immunity. Questions will be posed by the moderator for rapid response by speakers addressing whether such immunity ought to be qualified in cases involving terrorism or grave human rights violations, and what, if any, other legal tools are available for addressing impunity in such cases.

Moderator: Chimène Keitner, University of California, Hastings

Speakers:

- John Bellinger, Arnold & Porter LLP
- Marko Milanovic, University of Nottingham
- Angela Mudukuti, Wayamo Foundation

International Disability Law and the Experience of Marginality

1:00 pm – 2:30 pm

Columbia 3-4

CLE Credit Hours: 1.5

Disability issues increasingly shape the content of international law, including intellectual property law, humanitarian law, criminal law, and immigration and refugee law. But are disability issues fully integrated into the agendas of international law and institutions? Does disability as a “rights marker” generate normative, theoretical, and empirical avenues to interrogate issues of intersectionality? And are international legal institutions effective instruments for addressing disability, which directly affects at least fifteen percent of people globally? This panel will engage cutting edge questions related to how international law and institutions address disability rights and whether they can do more. Panelists will speak to how international human rights law addresses or evades the interaction of multiple categories of difference or experiences of marginality; critically evaluate international-level efforts to integrate disability concerns; interrogate the ability of international human rights law to address issues of identity or marker intersectionality; and propose measures to strengthen international law to tackle disability concerns and rights intersectionality more broadly.

Moderator: Cora True-Frost, Syracuse University College of Law

Speakers:

- Janet Buchanan, Human Rights Watch
- Judith Heumann, Ford Foundation
- Siobhán Mullally, National University of Ireland, Galway
- Charlotte McClain-Nhlapo, World Bank Group

Courts and Anti-Migrant Border Policy: The transnational litigation landscape

1:00 pm – 2:30 pm

Columbia 9-10

CLE Credit Hours: 1.5/2.0

Organized by the Migration Law Interest Group

This session will examine how policies designed to restrict migration at the fault lines between the “global north” and the “global south” have been challenged through litigation initiatives. Looking at examples from the US, the European external borders, and the Australian-pacific region, speakers will comparatively examine migration or refugee bans for particular religious

or ethnic groups, and the historical origins of such bans; family separations and their review by immigration tribunals, and the extent to which governments are cooperating transnationally to consolidate anti-migrant border governance regimes. Speakers will also reflect on the role of litigation and courts in political campaigns aiming to foster greater transnational movement and regional integration.

Moderator: Jaya Ramji-Nogales, Temple University School of Law

Speakers:

- Agnès Callamard, UN Special Rapporteur on extrajudicial, summary or arbitrary executions
- Violeta Morena-Lax, Queen Mary University of London
- Diala Shamas, Center for Constitutional Rights

International Law and Technology Interest Group Business Meeting

1:00 pm – 2:30 pm

Cardozo

ILTechIG members will present and discuss ongoing writing, research and work projects in our area. One such presentation will be on net neutrality regulation policy; others may include prospects for US privacy legislation in light of the GDPR, the human rights impacts of trade in advanced technology, and the regulation of artificial intelligence.



Coffee Break

2:30 pm – 3:00 pm

The 7th Annual Charles N. Brower Lecture: A Century of Dispute Settlement through International Law (1919-2019): The role of multilateralism

3:00 pm – 4:30 pm

Columbia 5-8

CLE Credit Hours: 1.5

The Seventh Annual Charles N. Brower Lecture on International Dispute Resolution will be presented at the 2019 ASIL Annual Meeting by Judge Peter Tomka of the International Court of Justice. Judge Tomka served in the Foreign Ministry of Czechoslovakia and Slovakia and later as Slovakia's Ambassador to the United Nations. He served as a member of the United Nations International Law Commission before being elected to the International Court of Justice in 2003. Judge Tomka previously served as President of the International Court of Justice. He is the honorary president of the Slovak Society of International Law. The Brower lecture is named in honor of Judge Charles N. Brower for his many contributions to the field of international law.

Distinguished Speaker: Judge Peter Tomka, International Court of Justice

The Last Drop: Practical tools for addressing transboundary water crises

3:00 pm – 4:30 pm

Columbia 1-2

CLE Credit Hours: 1.5

Global water crises are recognized as one of the biggest threats facing the planet, raising concerns about scarcity, environmental impact, and the potential for violent conflict. With more than 270 rivers and 600 aquifers crossing an international boundary, international cooperation is an essential condition for the optimal management and utilization of freshwater resources. Yet, as consumption continues to increase, to what extent are current mechanisms for the governance of transboundary water resources adequate to face the challenges posed by population growth, geo-politics, climate change, extreme weather events, and political instability? This panel, consisting of experts from different regions and institutions, will examine this question by focusing on a few current, real-world case studies. The panel will discuss how existing governance frameworks are faring under crisis and whether – drawing from other transboundary freshwater management mechanisms across the world – there might be other practical tools or best practices that could be applied to help mitigate the situation.

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

Speakers:

- Susan Daniel, International Joint Commission
- Christina Leb, The World Bank Group
- Hannah Lobel, U.S. Department of State
- Makane Moïse Mbengue, The University of Geneva Law School

The American Declaration on the Rights of Indigenous Peoples 2016

3:00 pm – 4:30 pm

Columbia 3-4

CLE Credit Hours: 1.5

Organized by the Rights of Indigenous Peoples Interest Group

The American Declaration on the Rights of Indigenous People (ADRIP) was adopted by the Organization of American States (OAS) on June 15, 2016, after 17 years of negotiations. The Declaration is the first international instrument on Indigenous peoples' rights to have been adopted since the 2007 UN Declaration on the Rights of Indigenous Peoples. It is a major contribution to standard-setting on Indigenous peoples' rights in international law and is likely to be brought to bear on the practices of OAS members through the jurisprudence of the Inter-American system of human rights. The ADRIP extends the corpus of international human rights law by including protections not found elsewhere. This event proposes to discuss the significance of the ADRIP and critically consider the uses that might be made of it as an instrument to further Indigenous peoples aspirations in the Americas and globally.

Moderator: Kirsty Gover, University of Melbourne

Speakers:

- Brenda Gunn, Metis, University of Manitoba Faculty of Law
- June L. Lorenzo, Pueblo of Pueblo and Dine, Chief Judge, Pueblo of Zia

Tabletop Simulation: Atrocity Prevention Decision-Making in the U.S. Government

3:00 pm – 4:30 pm

Columbia 9-10

CLE Credit Hours: 1.5

This event will explore the interplay of law and diplomacy through a tabletop simulation showing how the U.S. interagency might respond to an unfolding mass atrocity. Rather than a traditional panel of presenters, the participants – all of whom were actively involved in these issues while in government -- will assume roles of Executive branch participants (State, DOD, Justice, Treasury, USAID, intelligence community, NSC) as the moderator presents the participants with information and reports about an emerging crisis. Participants would highlight the various atrocity prevention and response tools from which different entities can draw, identify domestic and international legal constraints, and explain other issues that affect their ability to respond effectively. Over the course of the session, the participants would canvass the different atrocity prevention responses available (diplomacy, sanctions, various forms of intervention within the framework of R2P or otherwise, and accountability mechanisms), explore how these tools can reinforce or conflict with each other, and reenact how the U.S. government interfaces with its allies and potential spoilers who will also be reacting to the situation.

This event is part of the Society’s Signature Topic on “Atrocity Prevention: The Role of International Law and Justice.”

Moderator: Anna Cave, Ferencz International Justice Initiative, United States Holocaust Memorial Museum

Speakers:

- Johnnie Carson, United States Institute of Peace
- Brian Egan, Steptoe and Johnson
- Victoria Holt, Stimson Center
- Sarah Mendelson, Carnegie Mellon University
- Clint Williamson, McCain Institute for International Leadership, Arizona State University

New Voices: Tuning the Instrument: Assessing and developing international law

3:00 pm – 4:30 pm

Columbia 11-12

For over a decade, the Society has reserved a session during each Annual Meeting to feature up-and-coming voices in the international law community. These presentations were selected from nearly 100 submissions and represent interesting perspectives, new ideas, and fresh takes on a wide variety of international law issues.

Moderator: To be announced**Speakers:**

- Michael Allen, Cornell University, "The Rise of International Commercial Arbitration and the Diminished Relevance of Domestic Rule of Law for Foreign Direct Investment"
- Ivana Jordanovska, New York University, "Space Mining: The Space Race of the 21st Century"
- Gor Samvel, Graduate Institute of International and Development Studies, "The Compliance Process under Multilateral Environmental Agreements and the Debate on Non-state Actors"

International Law in Domestic Courts Interest Group Business Meeting

3:00 pm – 4:30 pm

Cardozo

The International Law in Domestic Courts (ILDC) interest group will devote its business meeting to the work of two emerging scholars within its membership. Elena Chachko will present a work-in-progress currently titled Administrative Foreign and Security Policy. Farshad Ghodoosi will present a work-in-progress currently titled Fall of Last Safeguard in Global Dejudicialization. The session will be structured to allow ample opportunity for audience participation.

International Courts Interest Group Business Meeting

3:00 pm – 4:30 pm

Du Pont

Government Attorneys Interest Group Business Meeting

3:00 pm – 4:30 pm

Fairchild East

The Government Attorneys Interest Group invites AM attendees to its Business Meeting, which will focus on the topic "International Trade at a Crossroads." The discussion will feature a presentation from Kathleen Claussen, Associate Professor at the University of Miami School of Law and a veteran of the Office of the United States Trade Representative, who will lead a conversation on the future of international trade agreements as a tool of U.S. Government policy.

Kenyote Address: A Tribute to Robert H Jackson: Recalling America's contribution to international criminal justice

5:00 pm – 6:00 pm

Columbia 5-8

Speaker: Judge Chile Eboe-Osuji, President, International Criminal Court

Members' Reception

6:00 pm – 7:30 pm

International Terrace West

New Professionals Reception

6:30 pm – 7:30 pm

Cardozo room

L Alumni Reception

6:30 pm – 7:30 pm

Kalorama

*Sponsored by Arnold & Porter LLP**By Invitation Only*

Film Screening: Prosecuting Evil

7:45 pm – 9:45 pm

Columbia 5-8

Director Barry Avrich's gripping new documentary tells the fascinating story of Ben Ferencz—the last surviving Nuremberg prosecutor and lifelong advocate of "law not war." After witnessing Nazi concentration camps shortly after liberation, Ferencz became the lead prosecutor in the Einsatzgruppen case at Nuremberg, which has been called the biggest murder trial in history. All 22 Nazi officials tried for murdering over a million Jews were convicted. Ferencz went on to advocate for restitution for Jewish victims of the Holocaust and later for the establishment of the International Criminal Court. A longtime member and patron of ASIL, his fight for justice for victims of atrocity crimes continues today.

Speakers:

- Barry Avrich, Director and Producer, Prosecuting Evil
 - Benjamin B. Ferencz, former Nuremberg prosecutor
-



— YEARS —
OF THE **INTERNATIONAL
LAW COMMISSION**

*DRAWING A BALANCE
FOR THE FUTURE*

PHOTO EXHIBIT @ TERRACE FOYER (NEXT TO REGISTRATION)

CODIFICATION DIVISION, OFFICE OF LEGAL AFFAIRS, UNITED NATIONS

Saturday, March 30, 2019

Interest Group Co-Chair Breakfast

7:30 am – 9:00 am

Holmead East/West

Sponsored by the Centre for International Governance Innovation (CIGI)

By invitation only

Emerging Accountability Mechanisms: Innovative or ineffective?

9:00 am – 10:30 am

Columbia 5-8

CLE Credit Hours: 1.5

Mechanisms of accountability for serious human rights violations and war crimes have taken a wide variety of shapes and forms, with international and hybrid criminal tribunals as the most visible model, followed by prosecutions in national courts. More recently, particularly when the use of such courts or tribunals has not been possible, alternative accountability mechanisms have emerged, from investigative institutions to transitional justice mechanisms. In Syria, the UN General Assembly created an International, Impartial and Independent Mechanism (IIIM) to assist in the investigation and prosecution of persons responsible for the most serious crimes during the Syrian Civil War. As the IIIM itself states, it is neither a prosecutor's office nor a court, but a collector and analyzer of information and evidence looking to assist future criminal proceedings, whether those occur in an international tribunal or national court. Will this be an effective way to promote accountability? In Colombia, the recent Peace Agreement with the FARC armed group created the Special Jurisdiction for Peace (SJP), which resembles a traditional hybrid court, but is conceived of as a unique transitional justice mechanism geared towards reconciliation rather than punishment. The Agreement garnered criticism from human rights groups as a source for potential impunity for war criminals. Can this non-retributive form of justice appropriately promote accountability? How will this process work in parallel with the ICC preliminary examination proceedings for Colombia? This panel will explore the evolution, current status, and future of these "non-traditional" accountability mechanisms: the IIIM in Syria and the SJP in Colombia.

Moderator: Saira Mohamed, UC Berkeley School of Law

Speakers:

- Mohammad al Abdallah, Syrian Justice and Accountability Center
 - Alexandra Huneus, University of Wisconsin School of Law
 - Michelle Jarvis, International Impartial and Independent Mechanism for Syria
 - Juan Pappier, Human Rights Watch
-

The European Commission and International Investment Arbitration

9:00 am – 10:30 am

Columbia 1-2

CLE Credit Hours: 1.5

The European Commission recently emerged as a dominant actor in international investment arbitration, shaping the reform agenda, urging a new dispute-resolution system, intervening in investment disputes, and requiring Member States both to terminate intra-EU investment treaties and decline to pay arbitral awards arising from them. In *Achmea v. Slovak Republic*, the Court of Justice of the European Union endorsed the Commission's view that EU law precludes application of an ISDS clause in a bilateral investment treaty between two Member States. Does the court's reasoning extend to all Member State investment treaties, or even to agreements to which the EU itself is a party, such as the Energy Charter Treaty? What are the implications of these developments for States, investors, and interested third parties?

Moderator: George Bermann, Columbia Law School

Speakers:

- Andrea Bjorklund, McGill University Faculty of Law
- Markus Burgstaller, Hogan Lovells LLP
- Caroline Richard, Freshfields Bruckhaus Derringer LLP

Theft in War: Using international law to rein in pillage of natural resources

9:00 am – 10:30 am

Columbia 3-4

CLE Credit Hours: 1.5

The prohibition on pillage (theft) during war is a fundamental rule of international humanitarian law (IHL). When thinking about pillage, we usually envision invading armies storming villages for spoils of war. Yet, contemporary wars, and particularly natural resource wars, present complex questions on the scope and potential of the prohibition of pillage. While a belligerent may use natural resources of an occupied territory for the needs of the occupied population and to sustain its own forces, when does such use cross the line so as to constitute pillage? For instance, can pillage include granting concessions to corporations in conflict areas? Likewise, can land use by an occupying power amount, under some circumstances, to pillage? In recent years, the prohibition on pillage is increasingly used to address the growing problem of illegal exploitation of natural resources. The examples are numerous: the International Court of Justice found Uganda responsible for pillage of Congolese natural resources more than a decade ago. Since then, the Canadian and Dutch governments sponsored a major international conference at on pillage of natural resources; Swiss authorities began a formal criminal investigation against one of the leading gold refineries in the world; and Belgian authorities arrested a businessman for allegedly pillaging "blood diamonds" from Sierra Leone. Significantly, in recent months, the International Criminal Court announced a new prosecutorial policy that would give particular

consideration to illegal exploitation of natural resources. Finally, the U.S. State Department created a new \$2 million project to focus on training Congolese prosecutors on how to pursue these cases. Clearly, the legal fight against pillage is of growing importance in international law. What are the advantages and shortcoming of this development?

Moderator: Montse Ferer, Trial International

Speakers:

- Ioannis Kalpouzos, Global Legal Action Network
- Phoebe Okowa, Queen Mary University London
- Nico Schrijver, Leiden University
- James Stewart, University of British Columbia

Asia's Response to the US Indo-Pacific Strategy

9:00 am – 10:30 am

Columbia 9-10

CLE Credit Hours: 1.5

Organized by the Law in the Pacific Rim Region Interest Group

In 2018, the Trump Administration declared the "Free and Open Indo-Pacific" strategy as the new U.S. policy on Asia. The new Indo-Pacific strategy is expected to have far-reaching implications for U.S.-Asia relations. This roundtable will explore some of those issues, in particular, the impact of mega-free trade agreements and South China Sea disputes on international trade. Participants will discuss the extent to which international law facilitates or hinders US trade goals; the legal and political responses to U.S. policy available to nations in the Asia-Pacific Region; how recent diplomatic developments in China and the Association of Southeast Asian Nations (ASEAN) might serve as a counter-balance towards perceived U.S. unilateralism; and whether alternative strategies, such as the CPTPP, the RCEP and the Belt and Road Initiative, might shape international law and commercial transactions.

Moderators:

- Weixia Gu, University of Hong Kong;
- Pasha Hsieh, Singapore Management University

Speakers:

- Ronald Eberhard Tundang, Indonesian Embassy to the United States
- Matthew Erie, Oxford University
- Julian Ku, Hofstra University School of Law
- Inu Manak, Cato Institute

International Law Review Editors Roundtable

9:00 am – 10:30 am

Cardozo

In recognition of the important role that student-edited international law journals play in the dissemination of international legal scholarship, this year the Society is inaugurating a new program as part of the Annual Meeting, the International Law Review Editor Roundtable. This Roundtable will discuss key issues around legal scholarship, including: selecting great topics that might be more relevant to the various audiences of law journals, including scholars and practitioners; how international law journals can be more effective at soliciting and/or selecting relevant pieces of international legal scholarship; and how to work with authors (who may have different cultural perspectives) to successfully publish their pieces. The Roundtable will be facilitated by international law experts as well as sitting editors-in-chief of law student-run international law journals. The Society invites current students and recent graduates interested in the process of scholarship and publication in international law to connect with their peers and distinguished scholars and practitioners.

BASIL Task Force Meeting

9:00 am – 10:30 am

Fairchild West

**Coffee Break**

10:30 am – 11:00 am

Closing Plenary: International Law as an Instrument for Development

11:00 am – 12:30 pm

Columbia 5-8

CLE Credit Hours: 1.5*Co-sponsored by the Municipality of The Hague and Asser Institute for International and European Law*

International law has long been used as an instrument for economic development. Indeed, international rules and institutions have promoted trade and investment across borders, developed traditional and innovative techniques for monitoring implementation and resolving disputes, and helped harmonize development-related rules with other fields of international law, including human rights law and international environmental law. The 2015 UN Sustainable Development Goals set an optimistic agenda for using international law as a tool for accomplishing economic and human development in a sustainable manner between now and 2030. At the same time, studies indicate that while international programs of economic development have improved conditions for the worst off globally, nevertheless global economic inequality remains on the rise. Further, global competition, trends towards protectionism, and rapidly changing technology, all offer significant challenges to the use of international law to promote economic development, with natural disasters and climate change raising the spectre of long-term risk to economic growth, especially in developing nations. As such, leading figures

question the efficacy of the use of international law and institutions to promote economic development. The closing plenary of the 2019 ASIL Annual meeting will bring together leading diplomats, practitioners, and academics to consider the past, present and future use of international law as an instrument for economic and human development. What has worked? What has not worked? What changes are needed for the future?

Moderator: Janne E. Nijman, ACIL, University of Amsterdam

Speakers:

- Irene Khan, Director-General, International Development Law Organization
 - Ulrik Vestergaard Knudsen, Organization for Economic Cooperation and Development
 - Balakrishnan Rajagopal, MIT Department of Urban Studies and Planning
 - Martijn Snoep, Netherlands Authority for Consumers & Markets
-

Closing Luncheon Reception

12:30 pm – 1:30 pm

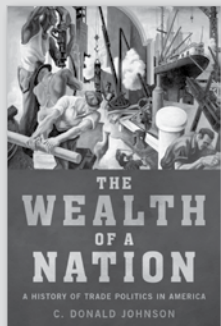
International Terrace West

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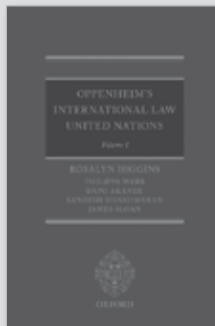
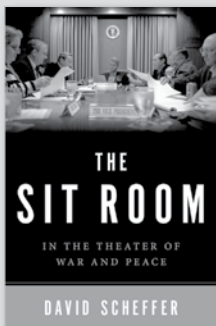
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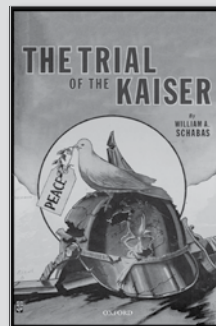
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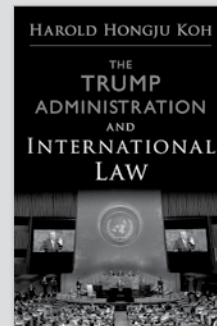
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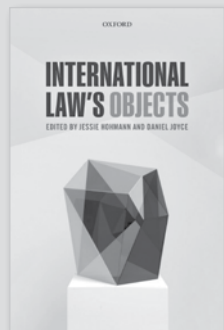
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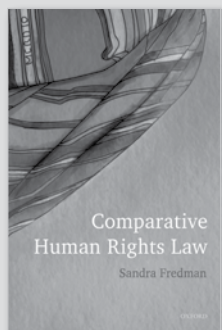
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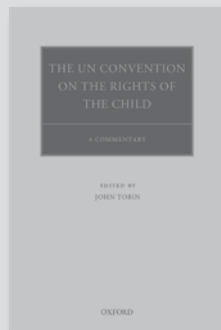
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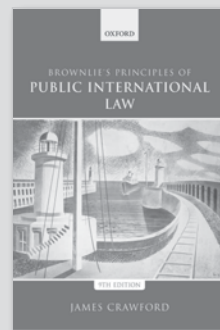
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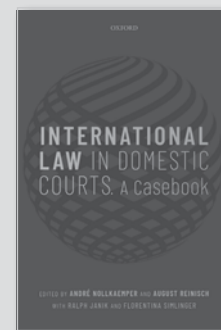
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Professor Sadat has served as the Special Adviser on Crimes Against Humanity to the International Criminal Court Prosecutor since 2012 and is Chair of the *Crimes Against Humanity Initiative*, a ground-breaking project launched in 2008 to write the world's first global treaty on crimes against humanity.

She is the President of the International Law Association (American Branch) and a member of the U.S. Council on Foreign Relations.



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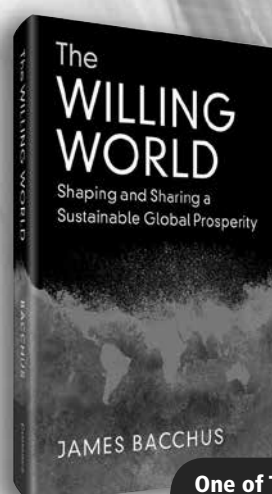
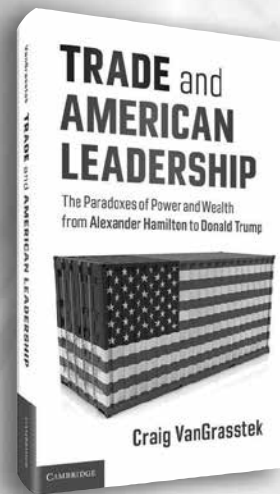
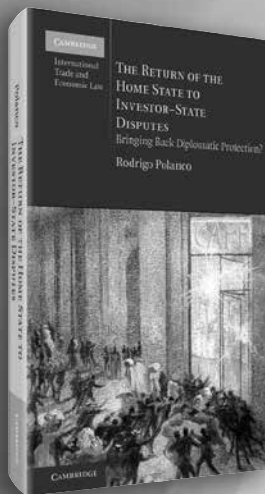
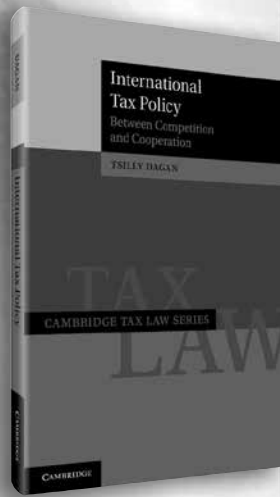
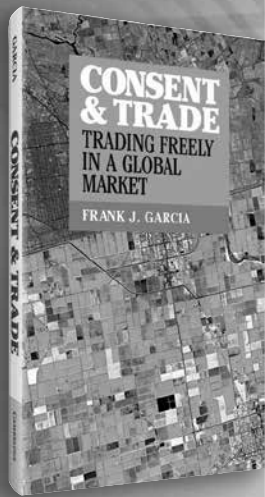
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Criminal Law, Human Rights, and Migration		
Diverse Perspectives on the Impact of Colonialism in International Law	Thursday, March 28, 9:00am – 10:30pm	Columbia 11-12
Regional Human Rights Bodies as Instruments of International Law	Thursday, March 28, 11:00am – 12:30pm	Columbia 1-2
The Law (and Politics) of Displacement: Migratory & Refugee Crises under International Law	Thursday, March 28, 1:00pm – 2:30pm	Columbia 5-8
International Disability Law and the Experience of Marginality	Friday, March 29, 1:00pm – 2:30pm	Columbia 3-4
Courts and Anti-Migrant Border Policy: The Transnational Litigation Landscape	Friday, March 29, 1:00pm – 2:30pm	Columbia 9-10
The American Declaration on the Rights of Indigenous Peoples 2016	Friday, March 29, 3:00pm – 4:30pm	Columbia 3-4
Emerging Accountability Mechanisms: Innovative or Ineffective?	Saturday, March 30, 9:00am – 10:30am	Columbia 5-8
Dispute Resolution		
Obligations to Negotiate and Consult: Worthwhile tool or exercise in futility?	Thursday, March 28, 9:00am – 10:30am	Columbia 1-2
International Courts as a Counterweight to Power/Politics	Thursday, March 28, 11:00am – 12:30pm	Columbia 5-8
Assessing Professional and Judicial Integrity in International Tribunals: Problems and Solutions	Friday, March 29, 9:00am – 10:30am	Columbia 9-10
Designing the Investor-State Dispute Resolution System from Scratch	Friday, March 29, 9:00am – 10:30am	Columbia 5-8
A State's Many Roles in International Adjudication	Friday, March 29, 11:00am – 12:30pm	Columbia 1-2
Brower Lecture: A Century of Dispute Settlement through International Law	Friday, March 29, 3:00pm – 4:30pm	Columbia 5-8
Foreign Relations and National Security		
Who Speaks for Earth? International law and interstellar events	Thursday, March 28, 11:00am – 12:30pm	Columbia 3-4
Federalism Strikes Back: Is the One-Voice Doctrine in Decline?	Thursday, March 28, 1:00pm – 2:30pm	Columbia 3-4
Senate v. President: A Moot Court on the President's Treaty Withdrawal Powers	Thursday, March 28, 3:00pm – 4:30pm	Columbia 5-8
Late Breaking Panel: BREXIT and International Law	Friday, March 29, 9:00am – 10:30am	Columbia 11-12
Late Breaking Panel: Crisis in Venezuela	Friday, March 29, 11:00am – 12:30pm	Columbia 11-12
Sovereign Immunity Revisited: Immunity of States and their Officials for Atrocities or Terrorist Acts	Friday, March 29, 1:00pm – 2:30pm	Columbia 1-2
Global Commons		
Who's Minding the Farm? Trade Law and Agricultural Exports	Thursday, March 28, 9:00am – 10:30am	Columbia 3-4
International Law as an Instrument to Regulate the Behavior of Non-state Actors in Areas Beyond National Jurisdiction	Thursday, March 28, 11:00am – 12:30pm	Columbia 11-12
The Innovative Structural Features of the Paris Agreement	Thursday, March 28, 1:00pm – 2:30pm	Columbia 5-8

The Critical Contribution of Law towards Global Efforts to Mitigate Disaster Risk	Thursday, March 28, 1:00pm – 2:30pm	Columbia 9-10
UNCLOS: A tool for Peace and Stability?	Thursday, March 28, 1:00pm – 2:30pm	Columbia 1-2
Crowded Oceans: Regulating Minerals, Cables, and Biodiversity	Thursday, March 28, 3:00pm – 4:30pm	Columbia 3-4
Climate Change as a Concern in Negotiating Mine Development Agreements	Friday, March 29, 11:00am – 12:30pm	Columbia 9-10
The Last Drop: Practical Tools for Addressing Transboundary Water Crises	Friday, March 29, 3:00pm – 4:30pm	Columbia 1-2
International Business		
Fragmentation in International Data Protection Law	Thursday, March 28, 9:00am – 10:30am	Columbia 9-10
The Remedial Function in International Economic Law	Thursday, March 28, 3:00pm – 4:30pm	Columbia 9-10
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Asia's Response to the US Indo-Pacific Strategy	Saturday, March 30, 9:00am – 10:30am	Columbia 9-10
The European Commission and International Investment Arbitration: Innovator, disruptor, spoiler?	Saturday, March 30, 9:00am – 10:30am	Columbia 1-2
International Law as an Instrument for Development	Saturday, March 30, 11:00am – 12:30pm	Columbia 5-8
International Peace and Security		
Challenges and Prospects for International Peace and Security	Thursday, March 28, 9:00am – 10:30am	Columbia 5-8
Emerging Technologies as a Source of Increased IHL Compliance and Enforcement	Thursday, March 28, 11:00am – 12:30pm	Columbia 3-4
San Francisco 2.0: Constructing a Global Governance Architecture for the 21st Century	Thursday, March 28, 11:00am – 12:30pm	Columbia 9-10
Techniques for Resolving Armed Conflicts with Non-state Actors	Friday, March 29, 9:00am – 10:30am	Columbia 3-4
Tabletop Simulation: Atrocity Prevention Decision-Making in the U.S. Government	Friday, March 29, 3:00pm – 4:30pm	Columbia 9-10
Theft in War: Using International Law to Rein in Pillage of Natural Resources	Saturday, March 30, 9:00am – 10:30am	Columbia 3-4
Professional and Academic Development		
Junior Senior Scholars Workshop	Thursday, March 28, 11:00am – 12:30pm	Fairchild West
BASIL Speed Mentoring	Thursday, March 28, 3:00pm – 4:30pm	International Terrace West
New Voices Panel	Friday, March 29, 3:00pm – 4:30pm	Columbia 11-12
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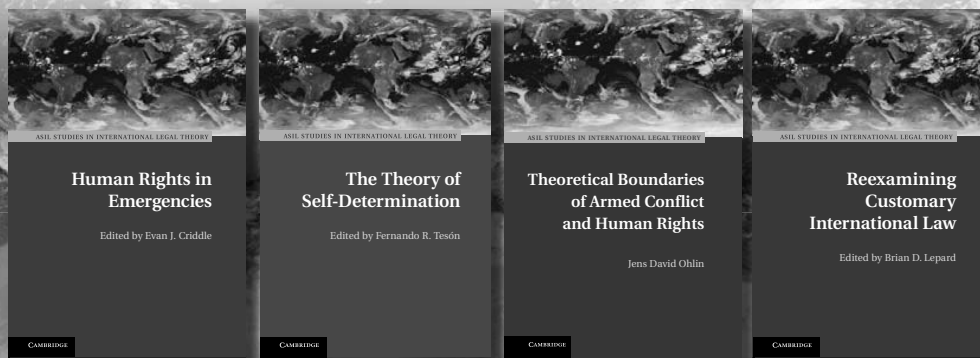
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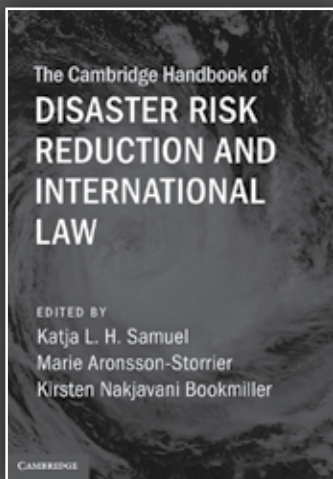
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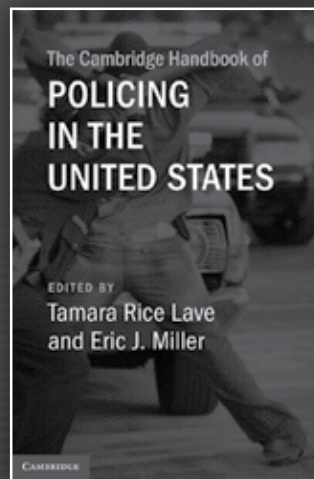


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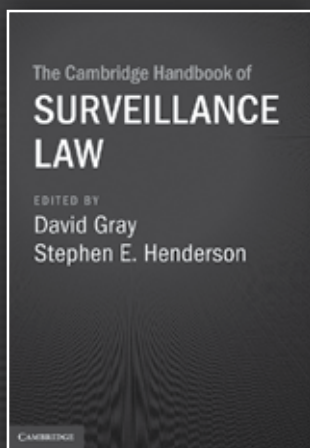
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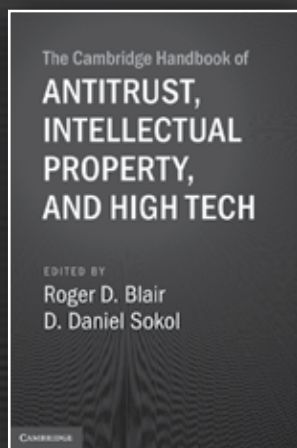
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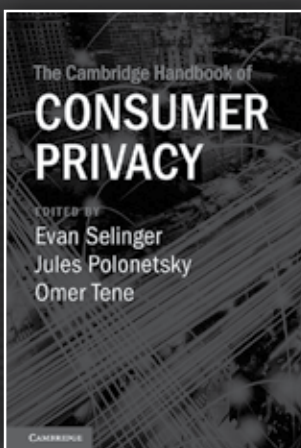
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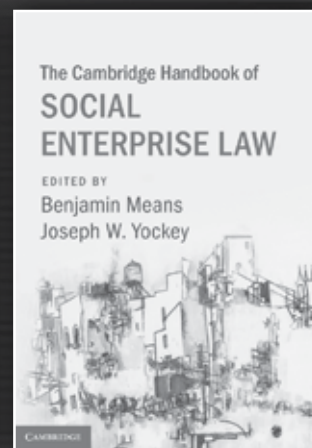
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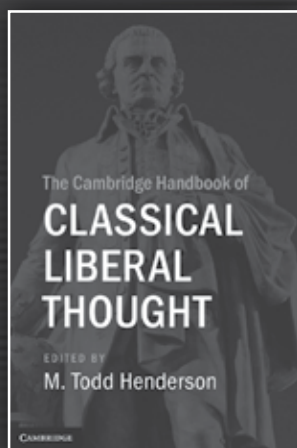
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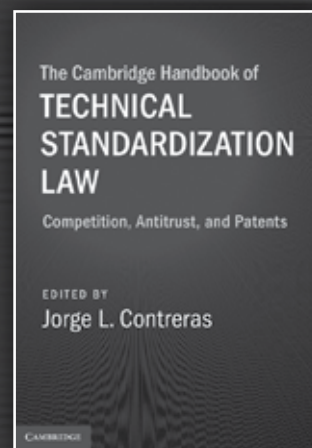
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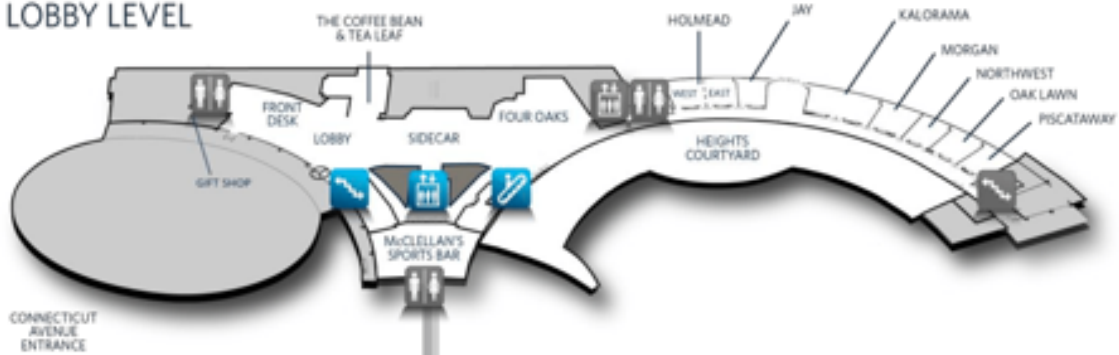
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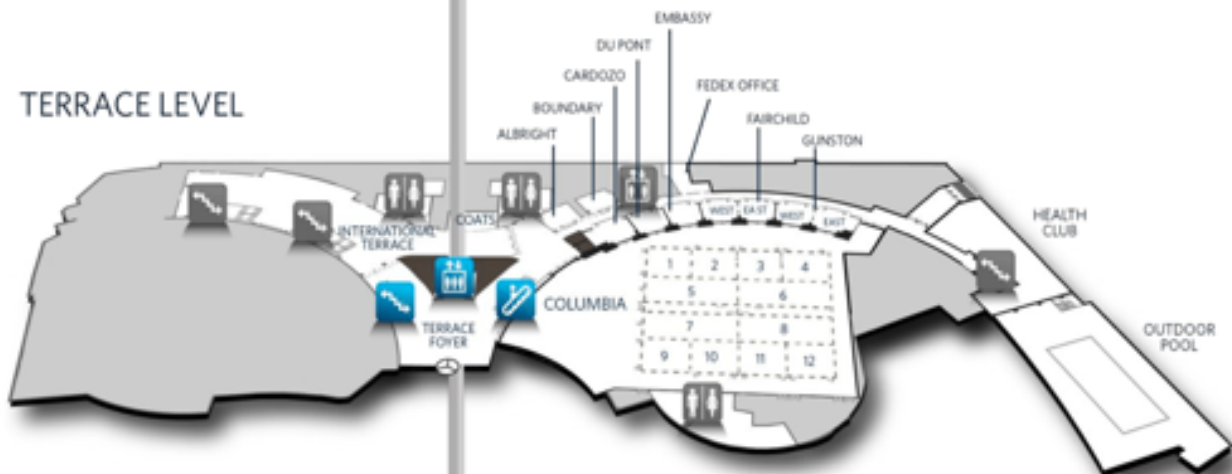
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