# **109TH ASIL ANNUAL MEETING**

# Adapting to a Rapidly Changing World

Hyatt Regency Capitol Hill April 8-11, 2015 Washington, DC



www.asil.org

# 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 4,000 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 our 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**,

he world is undergoing profound and rapid change. Geopolitical developments, such as territorial disputes, energy demands, arms proliferation, human rights abuses, and shifting balances of power, all lead to questions about the adequacy of international law and international institutions. What works and what doesn't? What changes should be made and how do we achieve those changes?

During the 2015 ASIL Annual Meeting, we will explore how international law is adapting to this rapidly changing world. Have the traditional processes for making international law stagnated? And if so, how might alternative mechanisms supplement these old methods? As the world continues to move from a system where the United States in many ways dominated to a more multipolar system, how is the legal order responding? Have international organizations been able to keep pace with changes and remain effective? How has the rise of social media generated a new kind of conversation about international relations and international law? How can international law be invoked and implemented to resolve global issues?

We will consider these questions and much more during the next few days in sessions that are interdisciplinary, comparative, and interactive. Thank you for joining us. We look forward to your contributions.

# **Co-Chairs, Program Committee**

ASIL 109th Annual Meeting



Monica Hakimi



Natalie Reid



Sam Witten

# **Dear Colleagues**,



elcome to the 109<sup>th</sup> Annual Meeting of the American Society of International Law! Our program theme, "Adapting to a Rapidly Changing World," draws together more than 175 speakers and panelists over a four-day period to address both enduring challenges and late-breaking developments in the field of international law.

For some of you, this will be your first annual meeting, while others have been attending for half a century or even more. At our opening session

on Wednesday, April 8, we will welcome our newest Honorary Member and this year's Grotius Lecturer, Sir Kenneth Keith of New Zealand (fresh from having completed a nine-year term on the International Court of Justice), who recalls traveling by Greyhound bus from Boston to Washington in 1965, in the company of fellow student Peter Trooboff (who would become ASIL President in the 1990s), to take in their first annual meeting exactly fifty years ago.

For many of us, a particularly significant aspect of our annual gatherings is the opportunity to connect with colleagues who share common interests, across multiple generations. When I joined the Society as a young State Department lawyer in the late 1970s, senior colleagues from my office encouraged me to start attending ASIL's annual meetings, where I found invaluable opportunities to encounter the leading figures shaping the debates over the most significant issues in the field. The present annual meeting offers an equally enriching environment to stimulate exposure to new ideas and to facilitate interpersonal interactions, with the goal of spurring many different kinds of dialogue. As one illustration, we will be showcasing cutting-edge scholarship in our "New Voices" panels – and following the "International Criminal Law: New Voices" program, Benjamin Ferencz will share reflections from a lifetime of experience that began with the prosecutions at Nuremberg.

Our 2015 meeting continues our longstanding tradition of robust dialogue among those who bring diverse perspectives on current controversies and new trends. In recent years, we have welcomed colleagues in the field of international law who come to Washington from more than 75 countries – reflecting the fact that approximately 40% of our Society's membership is located outside the United States. This diversity is reflected in the composition of the programs, as well as in the honors and awards to be presented.

We are grateful to the annual meeting program committee, capably chaired by Monica Hakimi, Natalie Reid, and Samuel Witten and consisting of 21 ASIL members, and to the full ASIL staff under the leadership of Executive Director Mark Agrast. The members of the committee and staff are listed elsewhere in the program booklet and can be identified by their lapel badges. Please take a moment to thank them when you see them.

I invite you to turn the pages of this booklet to learn about our keynote events, late-breaking topic panels, multimedia programs, and other activities that will unfold in the coming days (with updates to be posted after the program goes to press), and I look forward to greeting you in person.

# **109th ASIL Annual Meeting**

# **Table of Contents**

# **2015 Sponsors & Partners**

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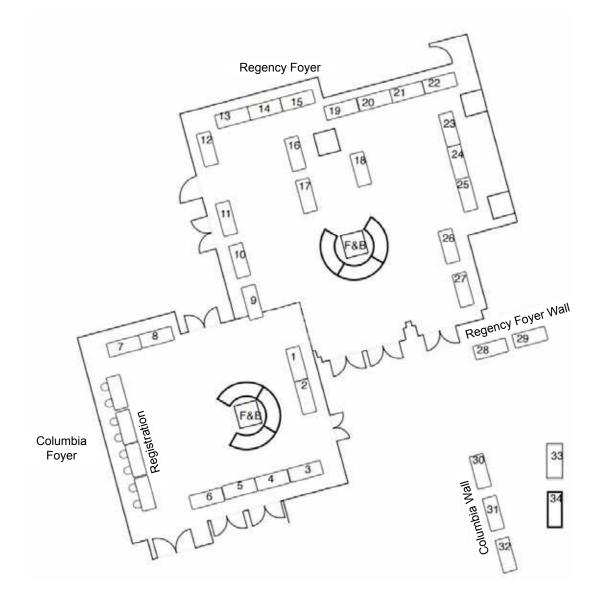
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# **Exhibitor Floor Plan**



1	Routledge	23	Hart P
2	Editions Pedone	24	ELEVE
3 - 6	Cambridge University Press	25	Interse
7	ASIL	26 - 27	Spring
8	CLE Help Desk	28 – 29	William
9 - 11	Oxford University Press	30	Public
12	Institute of International Education (IIE)	31	Americ
16 - 17	Edward Elgar	32	Americ
18	Tang Prize Foundation	33	Ashgat
19 - 22	BRILL   Nijhoff Publishers	34	Wolter

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# **Program at a Glance**

WEDNES	DAY, APRI	L 8, 2015		
START TIME	END TIME	SESSION	ROOM	CLE ELIGIBILITY
9:00 AM	11:00 AM	ASIL Executive Council Orientation Meeting	Capitol Ballroom	N/A
9:00 AM	12:30 PM	ITA-ASIL Conference	Regency C	N/A
11:30 AM	3:30 PM	ASIL Executive Council Meeting	Capitol Ballroom	N/A
12:30 PM	2:00 PM	ITA-ASIL Conference Luncheon	Regency B	N/A
2:30 PM	4:00 PM	Transitional Justice & Rule of Law IG Business Meeting	Concord	N/A
2:30 PM	4:00 PM	ASIL-Southeast IG Business Meeting	Lexington	N/A
4:30 PM	6:00 PM	Grotius Lecture	Regency A	1.5
6:00 PM	8:00 PM	Grotius Reception	Regency B&C	N/A
6:00 PM	10:00 PM	AJIL Board Meeting and Dinner	Capitol Ballroom	N/A
THURSDA	Y, APRIL	9, 2015		
START TIME	END TIME	SESSION	ROOM	CLE ELIGIBILITY
7:45AM	8:45 AM	Colleague Societies Breakfast	Capitol Ballroom	N/A
8:00 AM	9:00 AM	ASIL Executive Council Breakfast Meeting	Columbia C	N/A
8:30 AM	9:00 AM	Coffee Break	Exhibit Hall	N/A
9:00 AM	10:30 AM	International Law & the Future of the Israeli-Palestinian Conflict	Regency A	1.5
9:00 AM	10:30 AM	Foreign Relations Law in the Roberts Court: The First Decade	Regency B	1.5
9:00 AM	10:30 AM	Regional and Sub-Regional Human Rights Tribunals: The African Response	Regency C	1.5
9:00 AM	10:30 AM	Legitimacy, Adaptability, and Consent in Modern International Law	Regency D	1.5
9:00 AM	10:30 AM	Brazil, Corruption, and the 2016 Summer Olympics	Columbia B	1.5
9:00 AM	10:30 AM	Shifting Sands: The Implications of Undemocratic Election Processes and Borders	Columbia C	1.5
9:00 AM	10:30 AM	Dispute Resolution IG Business Meeting	Grand Teton	N/A
9:00 AM	10:30 AM	Disaster Law IG Business Meeting	Glacier	N/A
10:30 AM	11:00 AM	Break		N/A
11:00 AM	12:30 PM	Controlling Weapons of Mass Destruction	Lexington/Concord	1.5
11:00 AM	12:30 PM	Can International Law Help Prevent the Rapid Disappearance of Wildlife?	Regency D	1.5

THURSDA	Y, APRIL	9, 2015		
START TIME	END TIME	SESSION	ROOM	CLE ELIGIBILITY
11:00 AM	12:30 PM	Rules of the (Video) Game: IHL on the Virtual Battlefield	Regency C	1.5
11:00 AM	12:30 PM	The Use of Armed Force: Are We Approaching Normative Collapse? Regency A		1.5
11:00 AM	12:30 PM	The Stagnation of International Law	Regency B	1.5
11:00 AM	12:30 PM	The CRPD & the Treatment of Institutionalized Forensic Patients	Columbia B	1.5
11:00 AM	12:30 PM	ASIL-ICCA Task Force Report	Columbia C	N/A
11:00 AM	12:30 PM	International Organizations IG Business Meeting	Grand Teton	N/A
12:30 AM	1:00 PM	Break		N/A
12:45 PM	2:45 PM	Women in International Law Interest Group Luncheon	Capitol Ballroom	N/A
1:00 PM	2:30 PM	The ICC Crime of Aggression and the Changing International Security Landscape	Regency A	1.5
1:00 PM	2:30 PM	The Revival of Comparative International Law	Regency B	1.5
1:00 PM	2:30 PM	Energy at Sea: How Do Increased Energy Demands Test the Regime for Ocean Governance?	Regency C	1.5
1:00 PM	2:30 PM	Bribery's Victims	Regency D	1.5
1:00 PM	2:30 PM	Voices from the Field: Challenges Confronting UN Field Legal Advisers	Columbia B	1.5
1:00 PM	2:30 PM	Minorities in International Law IG Business Meeting	Grand Teton	N/A
1:00 PM	2:30 PM	International Economic Law IG Business Meeting	Glacier	N/A
2:30 PM	2:45 PM	Coffee Break	Exhibit Hall	N/A
2:45 PM	4:15 PM	Litigating the Counterterrorism Activities of the United States in Foreign Courts	Regency A	1.5
2:45 PM	4:15 PM	Intellectual Property Rights, Climate Change Technology, and Sustainable Development: Regimes in Coherence, Conflict, or Cooperation?	Regency B	1.5
2:45 PM	4:15 PM	Picture This: Survey of International Art Law Issues	Regency C	1.5
2:45 PM	4:45 PM	The Role of International Law in Negotiating Peace Regency D		N/A
2:45 PM	4:15 PM	Public Morals and Policy Space after the WTO's Seal Products Case	Columbia B	1.5
2:45 PM	4:15 PM	ASIL Annual General Meeting Lexington & Concord		N/A
2:45 PM	4:15 PM	Migration Law IG Business Meeting	Grand Teton	N/A
2:45 PM	4:15 PM	International Legal Research IG Business Meeting	Glacier	N/A
4:15 AM	4:30 PM	Break		N/A

THURSDA	Y, APRIL	9, 2015		
START TIME	END TIME	SESSION	ROOM	CLE ELIGIBILITY
4:30 PM	6:00 PM	Third Annual Charles N. Brower Lecture on International Dispute Resolution	Regency A	1.5
4:30 PM	6:00 PM	International Law and the Response to Jihadist Terrorism in 2015	Regency B	1.5
4:30 PM	6:00 PM	International Criminal Law: New Voices	Regency C	1.5
6:15 PM	7:15 PM	Keynote: Director-General, Organisation for the Prohibition of Chemical Weapons	Regency A	N/A
7:15 PM	8:30 PM	ASIL Members Reception	Columbia B & C	N/A
7:15 PM	8:30 PM	"L" Alumni Reception	Thornton	N/A
7:15 PM	8:30 PM	Women's Mentoring Program Reception	Lexington & Concord	N/A
7:15 PM	8:30 PM	ASIL Pubs & Pints	Bunker Hill	N/A
FRIDAY, A	PRIL 10, 2	2015		
START TIME	END TIME	SESSION	ROOM	CLE ELIGIBILITY
7:00 AM	8:30 AM	Intellectual Property Law IG Business Meeting	Yosemite	N/A
7:45 AM	8:45 AM	ASIL New Member Breakfast	Hall of Battles	N/A
8:30 AM	9:00 AM	Coffee Break Exhibit Hall		N/A
9:00 AM	10:30 AM	Does TTIP Need Investor-State Dispute Settlement? Regency		1.5
9:00 AM	10:30 AM	Perspectives on the Restatement (Fourth) Project Regency B		1.5
9:00 AM	10:30 AM	The International Legal Framework for Outer Space in a Rapidly Changing World	Regency C	1.5
9:00 AM	10:30 AM	Complicity in International Law	Columbia A	1.5
9:00 AM	10:30 AM	The Limits of Judicial Mechanisms for Developing and Enforcing International Environmental Norms	Columbia B	1.5
9:00 AM	10:30 AM	The Future of International Law: A Roadmap for New Professionals	Lexington & Concord	1.5
9:00 AM	10:30 AM	ASIL-Midwest IG Business Meeting	Yosemite	N/A
10:30 AM	11:00 AM	Break	ak I	
11:00 AM	12:30 PM	#int_law @social_media	Regency A	1.5
11:00 AM	12:30 PM	Overloading International Human Rights Law	Regency B	1.5
11:00 AM	12:30 PM	Global Public Interests in International Investment Law	Regency C	1.5
11:00 AM	12:30 PM	The Law of War Above the Fold Columbia C		1.5
11:00 AM	12:30 PM	International Refugee Law & Displacement: New Voices	Lexington & Concord	1.5
11:00 AM	12:30 PM	Connecting Junior and Senior ASIL Scholars	Yellowstone & Everglade	N/A
11:00 AM	12:30 PM	International Environmental Law IG Business Meeting	Yosemite	N/A

FRIDAY, A	PRIL 10, 2	2015		
START TIME	END TIME	SESSION	ROOM	CLE ELIGIBILITY
11:00 AM	12:30 PM	International Law and Technology IG Business Meeting	Grand Teton	N/A
11:00 AM	12:30 PM	International Courts and Tribunals IG Business Meeting	Glacier	N/A
12:30 PM	1:00 PM	Break		N/A
1:00 PM	2:30 PM	Adapting to Change: The Role of International Organizations	Regency A	1.5
1:00 PM	2:30 PM	Hudson Medal Luncheon	Regency B	N/A
1:00 PM	2:30 PM	The Rise of China and its Implications for a Changing International Legal Order	Regency C	1.5
1:00 PM	2:30 PM	The National Impact of International Criminal Law	Columbia C	1.5
1:00 PM	2:30 PM	Next Steps in Climate Change Regime: Progress on the Road to Paris?	Lexington & Concord	1.5
1:00 PM	2:30 PM	Fortresses Everywhere: The Containment Paradigm vs. the Refugee Convention's Call for Responsible Sharing	Bunker Hill	1.5
1:00 PM	2:30 PM	International Legal Theory IG Business Meeting	Yosemite	N/A
1:00 PM	2:30 PM	Rights of Indigenous Peoples IG Business Meeting	Bryce	N/A
1:00 PM	2:30 PM	Nonproliferation, Arms Control, and Disarmament IG Business Meeting	Grand Teton	N/A
2:30 PM	3:00 PM	Coffee Break	Exhibit Hall	N/A
3:00 PM	4:30 PM	Economic Sanctions – Hot Topics in 2015	Regency A	1.5
3:00 PM	4:30 PM	The Right to Privacy in the Digital Age	Regency B	1.5
3:00 PM	4:30 PM	The End of the U.S. "War on Terror": Exploring How this Conflict Might End and the Implications	Regency C	1.5
3:00 PM	4:30 PM	Human Rights and Sustainable Development in the Context of Fragile States	Columbia A	1.5
3:00 PM	4:30 PM	Creative Tools for Regulating Global Supply Chains to Advance International Environment Objectives	Columbia B	1.5
3:00 PM	4:30 PM	Transparency and Procedural Due Process in International Economic Law	Columbia C	1.5
3:00 PM	4:30 PM	International Criminal Law IG Business Meeting	Yosemite	N/A
4:30 PM	5:00 PM	Break		N/A
5:00 PM	6:00 PM	Keynote: Department of Defense General Counsel	Regency A	1.5
6:00 PM	8:00 PM	ASIL Members Reception	Regency B & C	N/A
6:00 PM	8:00 PM	New Professionals Networking Reception	Hall of Battles	N/A
6:00 PM	8:00 PM	City of The Hague Reunion Reception	Columbia Ballroom	N/A
7:00 PM	8:00 PM	Patrons' Reception	Thornton	N/A

FRIDAY, APRIL 10, 2015				
START TIME	END TIME	SESSION	ROOM	CLE ELIGIBILITY
8:00 PM	10:00 PM	Gala Dinner	Regency A	N/A
10:00 PM	12:00 AM	ILSA Dance & Dessert Party	Regency B & C	N/A
SATURDA	Y, APRIL	11, 2015		
START TIME	END TIME	SESSION	ROOM	CLE ELIGIBILITY
7:15 AM	8:45 AM	Interest Group Co-Chairs' Breakfast	Capitol Ballroom	N/A
8:30 AM	9:00 AM	Coffee Break	Exhibit Hall	N/A
9:00 AM	10:30 AM	The U.S. Role in Preserving Global Security	Regency A	1.5
9:00 AM	10:30 AM	Comparative Perspectives on Executive Unilateralism in Foreign Affairs	Columbia A	1.5
9:00 AM	10:30 AM	Ethical Issues in International Law Practice	Columbia B	1.5
9:00 AM	10:30 AM	Teaching the Skilled International Lawyer	Columbia C	1.5
9:00 AM	10:30 AM	Private International Law IG Business Meeting	Glacier	N/A
9:00 AM	10:30 AM	Law of the Sea IG Business Meeting	Yosemite	N/A
9:00 AM	10:30 AM	International Adjudication in a Changing World: How International Courts Impact Foreign Affairs and International Politics	Bunker Hill	1.5
10:30 AM	11:00 AM	Break		N/A
11:00 AM	12:30 PM	Closing Plenary: Preventing Torture in the Fight Against Terrorism	Columbia Ballroom	1.5

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Additionally, the regional maps for North America, South America, Africa, Central Pacific/East Asia, Indian Ocean/Southeast Asia, Mediterranean/Black Sea, and Northern and Western Europe were updated to reflect the latest develops in the field.

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### International Law for Common Goods Normative Perspectives on

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### Edited by Federico Lenzerini and Ana Filipa Vrdoljak

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Federico Lenzerini, Università degli Studi di Siena. Ana Filipa Vrdoljak, University of Technology, Sydney. Aug 14 9781849465199 468pp Hbk RSP: £75 / US\$150



### International Law and Child Soldiers CA Waschefort

This book commences with an analysis of the current state of child soldiering internationally. Thereafter the proscriptive content of contemporary norms on the prohibition of the use and recruitment of child soldiers is evaluated, so as to determine whether these norms are capable of better enforcement. An 'issues-

based' approach is adopted, in terms of which no specific regime of law, such as international humanitarian law (IHL), is deemed dominant. Instead, universal and regional human rights law, international criminal law and IHL are assessed cumulatively, so as to create a mutually reinforcing web of protection. Ultimately, it is argued that the effective implementation of child soldier prohibitive norms does not require major changes to any entity or functionary engaged in such prevention; rather, it requires the constant reassessment and refinement of all such entities and functionaries, and here, some changes are suggested. International judicial, quasi-judicial and non-judicial entities and functionaries most relevant to child soldier prevention are critically assessed. Ultimately the conclusions reached are assessed in light of a case study on the use and recruitment of child soldiers in the Democratic Republic of the Congo. C A Waschefort, University of South Africa.

Jan 15 264pp Hbk 9781849465205 RSP: £50 / US\$100



### Antarctica in International Law

### Edited by Ben Saul and Tim Stephens

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Ben Saul, The University of Sydney. Tim Stephens, The University of Sydney.

Mar 15 9781849467315 932pp Pbk RSP: 250 / US\$100

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Friday, April 10	7:00 am – 6:00 pm
Saturday, April 11	7:00 am – 10:00 am

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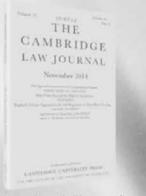
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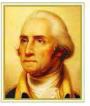
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# Wednesday, April 8, 2015

#### **ASIL Executive Council Orientation**

9:00 am ~ 11:00 am Capitol Ballroom

### ITA-ASIL Conference: Corruption in International Arbitration: Evidence and Remedies

9:00 am - 12:15 pm Regency C Separate registration with the ITA is required.

#### **ASIL Executive Council Meeting**

11:30 am – 3:30 pm Capitol Ballroom By Invitation Only

#### **ITA-ASIL Conference Luncheon**

Regency B Separate registration with the ITA is required.

#### **Annual Meeting Registration Opens**

2:00 pm Columbia Foyer

#### Transitional Justice & Rule of Law Interest Group Business Meeting

2:30 – 4:00 p.m. Concord

#### **ASIL-Southeast Interest Group Business Meeting**

2:30 – 4:00 p.m. Lexington

#### Grotius Lecture: Some Thoughts About Grotius 400 Years On

4:30 pm – 6:00 pm Regency Ballroom Sponsored by American University Washington College of Law

### **2015 Grotius Lecturer:** Sir Kenneth Keith, former Judge on the International Court of Justice

Discussant: Dame Rosalyn Higgins, former President of the International Court of Justice

#### **Grotius Reception**

6:00 pm - 8:00 pm Regency B & C Sponsored by American University Washington College of Law

#### AJIL Board of Editors Meeting & Dinner

6:00 pm ~ 10:00 pm Capitol Ballroom By Invitation Only

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> Chiara Giorgetti Assistant Professor University of Richmond School of Law, formerly of White & Case LLP

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# Thursday, April 9, 2015

#### **Colleague Societies Breakfast**

7:45 am – 8:45 am Capitol Ballroom

#### **ASIL Executive Council Breakfast Meeting**

8:00 am – 9:00 am Columbia C By Invitation Only



Coffee Break

🍠 8:30 am – 9:00 am

#### International Law and the Future of the Israeli-Palestinian Conflict

9:00 am ~ 10:30 am Regency A

#### CLE Credit Hours: 1.5

Co-sponsored by the Dispute Resolution, Human Rights, International Criminal Law, Lieber Society, and Transitional Justice & Rule of Law Interest Groups

Given the failure of the most recent round of Israeli-Palestinian peace talks, the future in the region is highly uncertain. How, if at all, might international institutions including the International Criminal Court, the International Court of Justice, the Human Rights Council, and the Human Rights Committee help shape expectations and enable compromise? How can international law best influence the realization of a lasting peace agreement? This panel will explore these questions from a range of perspectives.

**Moderator:** Sean Murphy, George Washington University Law School **Speakers:** 

- Ken Anderson, American University Washington College of Law
- Diana Buttu, Harvard Extension
- Nimrod Karin, New York University School of Law
- William Schabas, Middlesex University

#### Regional and Sub-Regional Human Rights Tribunals: The African Response

9:00 am – 10:30 am Regency C

#### CLE Credit Hours: 1.5

Co-sponsored by the Africa, Dispute Resolution, Human Rights, International Courts & Tribunals, and Women in International Law Interest Groups

The realization of human rights—particularly, economic, social and cultural rights—across Africa remains a daunting challenge. However, a number of regional and sub-regional **5012 Courts Court of Human** reflect hurdle domes these **Mode** 

courts now exist on the continent: the ECOWAS Community Court of Justice, the East African Court of Justice, the Southern African Development Community Tribunal, the African Commission on Human and Peoples' Rights, and the African Court on Human and Peoples' Rights. These courts reflect an increased attention to human rights concerns, but they also face significant hurdles, in terms of their resource constraints and their questionable support among key domestic constituencies. This session will explore the courts' prospects for overcoming these hurdles and advancing human rights.

**Moderator:** Abdulwahab O. Egbewole, University of Ilorin, Nigeria

#### Speakers:

- Michelo Hansungule, University of Pretoria
- Laurence Helfer, Duke Law School
- Azubike Chinwuba, Centre for Human Rights, University of Pretoria
- Ayodeji Perrin, City of Philadelphia Board of Ethics

#### Legitimacy, Adaptability, and Consent in Modern International Law

9:00 am – 10:30 am Regency D

#### CLE Credit Hours: 1.5

Co-sponsored by the Africa, Government Attorneys, Intellectual Property Law, International Legal Theory, and Rights of Indigenous People Interest Groups

International law has always had to balance the need to respond quickly to changed circumstances, on the one hand, with the interest in making law through broad-based, collective processes, on the other hand. This tension has arguably become more pronounced in recent years. Some have called for avoiding international law's formal, consent-based processes, and instead developing international norms through more flexible mechanisms, such as recommended codes of conduct, that do not require a broad state consensus. Yet these new mechanisms raise fresh questions about the legitimacy of the resultant norms. What weight should be given to norms that are produced through these non-traditional mechanisms? How might alternative mechanisms be structured so as to respond to modern challenges, without sacrificing too much in the way of legitimacy? And to what extent is legitimacy even a coherent metric for assessment? The panelists will be pushed hard to address these issues through Socratic questioning.

**Moderator:** Joseph Weiler, New York University School of Law **Speakers:** 

- Jutta Brunnée, University of Toronto
- Georg Notle, Humboldt University Berlin
- Benedict Kingsbury, New York University School of Law
- Joel Trachtman, Tufts Fletcher School of Law and Diplomacy

#### Foreign Relations Law in the Roberts Court: The First Decade

9:00 am – 10:30 am Regency B

#### CLE Credit Hours: 1.5

Organized by the International Law in Domestic Courts Interest Group Co-sponsored by the Government Attorneys and International Legal Research Interest Groups

In its first decade, the Roberts Court has decided a host of foreign relations law cases— Boumediene v. Bush, Medellín v. Texas, Morrison v. National Australia Bank, Zivotofsky v. Clinton, Kiobel v. Royal Dutch Petroleum Co., Republic of Argentina v. NML Capital, Ltd., and Bond v. United States, among others. Do these decisions reflect continuity with, or a break from, the decisions of the Rehnquist Court? Do they signal that "foreign relations exceptionalism" is dead? This panel will address these and other questions as it evaluates the first ten years of foreign relations law in the Roberts Court.

**Moderator:** David Moore, Brigham Young University Law School **Speakers:** 

- Melissa Arbus Sherry, Latham & Watkins LLP
- Harlan Cohen, University of Georgia School of Law
- Jean Galbraith, University of Pennsylvania Law School
- Ganesh Sitaraman, Vanderbuilt University Law School

#### Brazil, Corruption, and the 2016 Summer Olympics

9:00 am ~ 10:30 am Columbia B

#### CLE Credit Hours: 1.5

Organized by the Anti-Corruption Interest Group Co-sponsored by the International Economic Law and Latin America Interest Groups

Brazil has the unique fortune of consecutively hosting the FIFA World Cup and the Olympic Games. Brazil also finds itself in an historic anti-corruption reform movement. This panel will explore the role of anti-corruption law in curbing corruption related to these events.

**Moderator:** Shaun Freiman, University of Richmond School of Law **Speakers:** 

- Bernardo Weaver, Inter-American Development Bank
- Chris Gaffney, Department of Geography, University of Zurich
- Leonard Machado, Machado & Meyer

#### Shifting Sands: The Implications of Undemocratic Election Process and Borders

9:00 am – 10:30 am Columbia C

#### CLE Credit Hours: 1.5

Organized by the International Law Students Association Co-sponsored by the Africa and Transitional Justice & Rule of Law Interest Groups

In the rapidly changing political landscape of the Middle East, unexpected and unprecedented events often challenge existing systems of democratic governance. Elections, armed conflicts, shifting alliances, and economic development all have the power to transform the region. The rise of ISIS/ISIL, political uncertainty in Egypt, and other recent developments have stimulated debate about the role of the international community in the Middle East. Unpredictable outcomes and complex political situations complicate efforts to intervene. This panel will consider whether international intervention is necessary in the Middle East, and if so, what options should be considered. Panelists will also offer advice to students and young professionals on how they can engage in this dynamic area of international law.

#### Speakers:

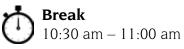
- Jim Hooper, Public International Law & Policy Group
- Maryam Jamshidi, Miller & Chevalie
- Tamer Mahmoud, White & Case LLP
- Paul Williams, American University Washington College of Law

#### **Dispute Resolution Interest Group Business Meeting**

9:00 am – 10:30 am Grand Teton

#### **Disaster Law Interest Group Business Meeting**

9:00 am – 10:30 am Glacier



#### **Controlling Weapons of Mass Destruction**

11:00 am – 12:30 pm Lexington/Concord

#### **CLE Credit Hours: 1.5**

The international regimes aimed at controlling weapons of mass destruction (WMD) have seen quite a bit of activity in recent years—on issues ranging from the destruction of Syria's declared chemical weapons (CW), to the Nuclear Security Summits initiated

by President Obama, to the upcoming Non-Proliferation Treaty Review Conference and pressure on nuclear weapon states for progress on disarmament. This roundtable will assess the driving factors behind these efforts, the key challenges that they confront, and their prospects for success."

### **Moderator:** Jeff Price, Steptoe & Johnson LLP **Speakers:**

- Deepti Choubey, SAIS Foreign Policy Institute
- Laura Holgate, Weapons of Mass Destruction Terrorism and Threat Reduction, National Security Council
- Peter Sawczak, Organisation for the Prohibition of Chemical Weapons

#### Can International Law Help Prevent the Rapid Disappearance of Wildlife?

11:00 am – 12:30 pm Regency D

#### CLE Credit Hours: 1.5

Sponsored by the International Law Research Program, Centre for International Government Innovation Co-sponsored by the Africa and International Environmental Law Interest Groups

The extent to which international environmental law is helping to prevent the trend of rapidly disappearing wildlife is unclear. Moreover, trafficking in endangered species is no longer just an environmental problem; organized criminal and military groups now traffic in endangered species to fund their illicit activities. This session will examine whether and how international law might adapt to these developments. The session will explore the enforcement problems that many countries face at the domestic level, as well as the options for addressing the problem at the international level. For example, if the trafficking in wildlife is not only an environmental but also a security problem, should it be addressed primarily through the mechanisms of international environmental law? What are the advantages and disadvantages of involving other mechanisms, like the UN Security Council? Finally, is the regulation of ivory trade a better alternative to protect the elephant population in Africa than a total banning? This panel will start with the projection of the short film "Last Days", which shows the close connection between elephant poaching and terrorism, a new and worrying aspect of wildlife trafficking.

**Moderator**: Rachelle Adam, Hebrew University **Speakers**:

- Anna Frostic, the Humane Society of the United States
- Craig Hoover, U.S. Fish and Wildlife Service
- Susan Lieberman, Federal Advisory Council on Wildlife Tracking
- John Frederick Walker, author and artist

#### Rules of the (Video) Game: IHL on the Virtual Battlefield

11:00 am – 12:30 pm Regency C

#### CLE Credit Hours: 1.5

Co-sponsored by the International Law and Technology and Lieber Society Interest Groups

Video games have a well-earned reputation for their depiction of armed conflict and portrayal of violations or disregard for the laws of war. Nevertheless, this genre informs the paradigm of armed conflict for millions of people. This session of legal and industry experts will use recorded "game walkthroughs" and commentary to demonstrate how integrating legal principles into video games actually enhances playability by making them more realistic; playing more realistic video games enhances an understanding of the rules that applying during an armed conflict; and realistic gaming can serve as a way to educate and reach large sections of the population that might not otherwise be exposed to such legal issues.

Moderator: Gary Brown, Marine Corps University

#### Speakers:

- Daniel Greenberg, International Game Developer's Association
- Seth Hudson, George Mason University
- Col. Kurt Sanger, United States Marine Corps

#### The Use of Armed Force: Are We Approaching Normative Collapse?

11:00 am – 12:30 pm Regency A

#### CLE Credit Hours: 1.5

#### Co-sponsored by the Government Attorneys and Lieber Society Interest Groups

Some have argued that the *jus ad bellum* is at serious risk of collapsing, given the kinds of legal claims that are now being advanced on humanitarian intervention and the use of defensive force. This roundtable brings together scholars with different perspectives to assess that argument. Are the current "stresses" on the *jus ad bellum* materially different from or more detrimental to the regime than the stresses of the past several decades? What factors have contributed to the regime's remarkable resilience since World War II, and will those factors continue to play this role? What is the largest current risk to the regime and how might that risk be mitigated? The roundtable will consider these questions and more through a broad historical lens.

**Moderator**: Tom Farer, Josef Korbel School of International Studies, University of Denver **Speakers**:

- Mahnoush Arsanjani, World Bank Administrative Tribunal
- Ian Hurd, Northwestern University
- John Mearsheimer, University of Chicago
- Tom Ruys, University of Ghent

#### The Stagnation of International Law

11:00 am – 12:30 pm Regency B

#### CLE Credit Hours: 1.5

Co-sponsored by the Africa, Government Attorneys, Intellectual Property Law, and International Legal Theory Interest Groups

International lawyers increasingly claim that, on many issues, the traditional processes for making international law have stagnated or become gridlocked. The claim raises questions about the continued relevance of multilateral treaties and institutions—and indeed, of international law itself. This session will assess that claim and its implications for international law. To what extent are traditional lawmaking processes actually stagnant? What accounts for any stagnation? To what extent might alternative mechanisms—like creative interpretations of existing texts, claims on customary international law, or soft law instruments—fill the gap? And what is the proper role of international lawyers if law as law is marginalized?

#### Moderator: Kal Raustiala, UCLA School of Law

#### Speakers:

- Ayelet Berman, The Graduate Institute of International and Development Studies, Geneva
- Dinah Shelton, George Washington Law School
- Edward Swaine, George Washington Law School
- Ingo Venzke, University of Amsterdam

### The Convention on the Rights of Persons with Disabilities & the Treatment of Institutionalized Forensic Patients

11:00 am – 12:30 pm Columbia B

#### CLE Credit Hours: 1.5

#### Organized by the International Disability Rights Interest Group

The UN Convention on the Rights of Persons with Disabilities (CRPD) obligates States not to discriminate on the basis of disability and sets forth steps that States must take to ensure authentic equality. It re-conceptualizes mental health rights as disability rights, requiring significant reforms to laws and policies affecting persons living with mental illness. Little attention has been paid to its potential impact on patients in forensic institutions. Even in the hidden world of those institutionalized because of psychiatric disability, forensic patients - those institutionalized because of potential or "permanent" incompetency or an insanity acquittal – are the most hidden. Conditions in forensic facilities have frequently been found to "shock the conscience," and few lawyers or advocates represent this population. This panel seeks to address this gap by critically examining: (1) the importance of key articles in the CRPD; (2) the treatment (or non-treatment) of forensic issues in the drafting process; (3)

the relationship among the CRPD and other UN instruments; and (4) a specific comparative law focus on the state of affairs in Japan and in China. The panel will begin with short presentations by experts but will also encourage input from the audience.

Moderator: Michael Perlin, New York Law School

#### Speakers:

- Yoshi Ikehara, Tokyo Advocacy Law Office
- Carole Petersen, University of Hawaii School of Law
- Maya Sabatello, Center for the Study of Social Difference, Columbia University
- Zhiyuan Guo, China University of Political Science and Law

### ASIL-ICCA Task Force on Issue Conflicts in International Arbitration: Briefing and Discussion

11:00 am – 12:30 pm Columbia C Co-sponsored by the International Economic Law Interest Group

There has been an increasing number of proposals to disqualify arbitrators in international arbitration disputes on the ground of bias arising from views expressed in prior decisions and scholarship. ASIL and ICCA have created a joint task force to explore the question of so-called "issue conflict" bias with the aim of developing some form of guidance for the international arbitration community. The Task Force has finalized its report which is now posted on the websites of ASIL and ICCA for comments. This session will allow participants in the ASIL Annual Meeting to comment on and discuss the draft report. For more information on the ASIL-ICCA Joint Task Force, please visit: <a href="http://www.asil.org/asil-icca-joint-task-force">http://www.asil.org/asil-icca-joint-task-force</a>.

#### Speakers:

- Laurence Boisson de Chazournes, University of Geneva
- John Crook, George Washington University Law School
- Christian Leathley, Herbert Smith Freehills
- Ina Popova, Debevoise and Plimpton LLP
- Ruth Teitelbaum, Debevoise and Plimpton LLP

#### International Organizations Interest Group Business Meeting

11:00 am – 12:30 pm Grand Teton



**Break** 12:30 pm – 1:00 pm

#### Women in International Law Interest Group (WILIG) Luncheon "What People-Centered International Law Would Look Like"

12:45 pm - 2:45 pm Capitol Ballroom Sponsored by the Centre for International Governance Innovation

The Prominent Woman in International Law Award is awarded annually by the Women in International Law Interest Group in recognition of a woman recipient's contribution to the development of international law.

**Honoree/Speaker**: Anne-Marie Slaughter, President & CEO, New America Foundation Tickets for this event must be purchased separately with registration.

### Energy at Sea: How Do Increased Energy Demands Test the Regime for Ocean Governance?

1:00 pm - 2:30 pm Regency C

#### CLE Credit Hours: 1.5

Sponsored by the International Law Research Program, Centre for International Government Innovation" Co-sponsored by the Dispute Resolution and International Environmental Law Interest Groups

As the global demand for energy continues to grow, international attention is increasingly focused on the oceans as a source of both renewable and non-renewable energy. Unexplored areas, like the Arctic, are estimated to contain one—fifth of the undiscovered and technically recoverable oil and gas resources on the planet. Moreover, new technologies seek to harness energy from the oceans' winds, tides, currents, and thermal gradients. This roundtable will address the legal, environmental, security, and institutional challenges that these developments raise. The participants will address whether new exploitation activities in the oceans warrant further international regulation and whether the benefits of these activities exceed their environmental risks.

**Moderator:** Catherine Redgwell, University of Oxford **Speakers:** 

- Maria Gavouneli, Faculty of Law, National and Kapodistrian University of Athens
- Rachael Salcido, Pacific McGeorge School of Law
- Seline Trevisanut, Utrecht Center for Water Oceans and Sustainability

#### **Bribery's Victims**

1:00 pm – 2:30 pm Regency D

#### CLE Credit Hours: 1.5

Co-sponsored by the Africa, Anti-Corruption Law, Government Attorneys, and International Economic Law Interest Groups

**THURSDAY, APRIL 9, 2015** Iaw The of o act gov and nur

For years, scholars and practitioners have debated the impact of international anti-bribery laws on the primary victims of bribery, particularly individuals in developing countries. The US FCPA, the UK Bribery Act, and other such statutes have reduced the prevalence of corporate bribery at the international level, but the extent to which enforcement has actually benefited the victims is less clear. This panel of scholars, practitioners, and former government officials will discuss how anti-bribery measures impact particular populations and how they might more directly benefit the victims. The session will also examine a number of different proposals to make the measures more effective, including proposals canvassed in the recently published white paper by the Stolen Assets Recovery Initiative, "Left Out of the Bargain."

**Moderator:** Philip M. Nichols, University of Pennsylvania School of Business **Speakers:** 

- Jeanne Hauch, World Bank, Financial Market Integrity & Stolen Asset Recovery (StAR) Initiative; George Washington University School of Law
- Michael Hershman, Fairfax Group
- Andrew Spalding, University of Richmond School of Law

#### The ICC Crime of Aggression and the Changing International Security Landscape

1:00 pm – 2:30 pm Regency A

#### CLE Credit Hours: 1.5

Co-sponsored by the Africa, Dispute Resolution, Government Attorneys, International Courts & Tribunals, International Criminal Law, Lieber Society, and Women in International Law Interest Groups

In 2017, the parties to the Rome Statute are widely expected to "activate" the jurisdiction of the International Criminal Court over the crime of aggression, under the amendments adopted in Kampala. The Kampala amendments reflect a series of compromises, and the associated ambiguities have generated considerable debate about their proper interpretation. Rather than rehash those interpretive debates, this session will focus on the practical effects of activating the ICC's jurisdiction. In a world in which many use of force decisions are shrouded in controversy over their consistency with international law, how might activating the ICC's jurisdiction affect both specific decisions to use or refrain from using force and the more general architecture on global security? Are these effects, on the whole, desirable?

**Moderator:** Michael J. Matheson, George Washington University Law School **Speakers:** 

- Mort Halperin, Open Society Foundations
- Ambassador Jonas Liisberg, Ministry of Foreign Affairs, Denmark
- Sarah Sewall, U.S. Department of State
- Ambassador Kurt Volkner, McCain Institute for International Leadership, and former United States Permanent Representative to NATO

#### The Revival of Comparative International Law

1:00 pm – 2:30 pm Regency B

#### CLE Credit Hours: 1.5

Co-sponsored by the Intellectual Property Law, International Legal Research and International Legal Theory Interest Groups

This session will examine the concept of "comparative international law"—the idea that, notwithstanding a norm's international pedigree, actors from different legal systems are likely to interpret and apply the norm differently. The idea was prominent during the Cold War because of self-evident differences between Soviet and Western approaches to international law. Yet the idea fell into disuse with the rise of the United States as a unipolar power. Now that this moment of unipolarity seems to be passing, and the fundamental architecture of world power appears to be changing, comparative international law is having something of a revival. This panel will bring together scholars who are either working on issues relating to comparative international law or developing non-Western approaches to international law.

**Moderator:** Bill Burke-White, University of Pennsylvania Law School **Speakers:** 

- Congyan Cai, Xaimen University
- James Gathii, Loyola University of Chicago School of Law
- Neha Jain, University of Minnesota Law School
- Lauri Malksoo, University of Tartu

#### Voices from the Field: Challenges Confronting UN Field Legal Advisers

1:00 pm - 2:30 pm Columbia B

#### CLE Credit Hours: 1.5

Organized by the Government Attorneys Interest Group Co-sponsored by the Lieber Society Interest Group

Legal advisers to United Nations peacekeeping missions, like others in the field, have to adapt – often very rapidly – to changes in the global and local landscape. This panel will reflect on the legal and practical difficulties that these lawyers encounter translating their mission's mandate into reality when multidimensional mandates are constantly evolving and operating environments are increasingly hostile. Among other issues, the discussion will focus on the applicability of international humanitarian law in rapidly changing and asymmetric conflicts, the political and operation constraints on legal advisers in the field, and the management of the legal and reputational risks involved for the United Nations.

**Moderator:** Mona Khalil, United Nations Office of Legal Affairs **Speakers:** 

• Manuel Calzada, African Union – United Nations Mission in Darfur

- Riccardo Maia, United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
- Aurelie Proust, United Nations Interim Force in Lebanon

#### Minorities in International Law Interest Group Business Meeting

1:00 pm - 2:30 pm Grand Teton

#### International Economic Law Interest Group Business Meeting

1:00 pm - 2:30 pm Glacier



**Coffee Break** 2:30 pm - 2:45 pm

#### Intellectual Property Rights, Climate Change Technology, and Sustainable **Development: Regimes in Coherence, Conflict, or Cooperation?**

2:45 pm - 4:15 pm Regency B

#### **CLE Credit Hours: 1.5**

Sponsored by the International Law Research Program, Centre for International Government Innovation Co-sponsored by the Intellectual Property Law and International Environmental Law Interest Groups

This session will discuss the potential role of intellectual property (IP) rights in addressing the global challenge of climate change and sustainable development. IP rights create incentives for research and development of clean technologies, as well as to mitigate against the harmful effects of climate change. However, IP rights are subject to overlapping diverse legal regimes, encompassing both international trade law (the TRIPS Agreement) and international climate change law (the UNFCCC). The session will focus on options to incentivise the IP system to become more 'eco-friendly', including the mechanisms already adopted by a number of countries for balancing the competing interests.

Moderator: Bassem Awad, Centre for International Governance Innovation Speakers:

- Thaddeus Burns, General Electric
- Fernando dos Santos, African Regional Intellectual Property Organization
- Jayashree Watal, World Trade Organization

#### Litigating the Counterterrorism Activities of the United States in Foreign Courts

2:45 pm ~ 4:15 pm Regency A

#### CLE Credit Hours: 1.5

Co-sponsored by the Dispute Resolution, Government Attorneys, Human Rights, International Law in Domestic Courts, and Lieber Society Interest Groups

Since 9/11, the United States has engaged in various covert and military activities overseas to combat terrorism. Those affected by these activities have responded by litigating cases against the United States or U.S. officials in non-U.S. courts. This panel will examine whether this kind of litigation is a productive tool for holding the United States accountable. The panel will assess the efficacy and precedential value of recent decisions by the European Court of Human Rights and various domestic courts on issues like the rendition, detention, and mistreatment of terrorism suspects. The panel will also discuss the many challenges to this kind of litigation: uncertainty as to which national or international legal standards apply, complications relating to the production and reliability of the evidence, and the discomfort among many national courts with the prospect of interfering in their countries' foreign affairs.

#### Moderator: Alka Pradhan, Reprieve

#### Speakers:

- Julia Hall, Amnesty International
- Sandra Hodgkinson, DSR Technologies, former official in U.S. Departments of State and Defense
- Wolfgang Kaleck, European Center for Constitutional and Human Rights
- Amrit Singh, Open Society Justice Initiative

#### Picture This: Survey of International Art Law Issues

2:45 pm - 4:15 pm Regency C

#### CLE Credit Hours: 1.5

Organized by the Cultural Heritage and the Arts Interest Group Co-sponsored by the Intellectual Property Law and International Legal Research Interest Groups

Art is an "expression of human creative skill and imagination, typically in a visual form such as painting or sculpture, producing works to be appreciated primarily for their beauty or emotional power." In our rapidly changing world, few things remain constant but from the earliest civilizations to the present, human beings have been compelled to create and collect works of art, as well as steal, forge and deface cultural property. In the 21st century, the art law issues have been magnified by the international art market boom, cross border ownership disputes, ever-conflicting private and public interests as well as technological advancements. For example, proliferation of forgeries produced in Russia or India is amply felt in England and the United States; violations of or threat to national patrimony laws in Turkey and Italy trigger international art loan bans; and the total number of nations that have ratified the Berne Convention is growing annually, thus making a resale royalty right available to more artists around the world. As art forgers become more creative, new technology evolves to detect fakes, but as the art prices grow, so does the push back against art authenticators -- art historians and scientists -- who threaten the investment value of art collectors with inconvenient truth about attribution. Multitude of transnational issues surround sales of valuable art works, antiquities, and ceremonial artifacts of indigenous communities is exacerbated by the disconnect between the common law system and the civil code; it is increasingly affecting private international law and the interests of claimants, collectors and auctioneers.

#### Moderator: Irina Tarsis, Center for Art Law

#### Speakers:

- Pierre Ciric, Ciric Law Firm
- Mari-Claudia Jimenez, Herrick Feinstein LLP
- James Martin, Orion Analytical, LLC

#### Public Morals and Policy Space after the WTO's Seal Products Case

2:45 pm - 4:15 pm Columbia B

#### CLE Credit Hours: 1.5

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

The WTO Appellate Body's recent ruling in the EC-*Seal Products* case confronted the issue of morality under WTO law: should a trade-restrictive measure motivated by animal welfare be justifiable on the grounds of "public morals"? This roundtable will focus on the long-term implications of this ruling. For example, how did EC-*Seal Products* redefine the meaning of public morals and what, if any, limitations did the case impose on that phrase? Were the Panel and the Appellate Body correct to be so deferential to the measures taken by individual states? How will this approach affect future cases, like *Plain Packaging*? And what is the decision's likely impact on the scope of the TBT Agreement and the meaning of discrimination in the GATT?

### **Moderator:** Joanna Langille, New York University School of Law **Speakers:**

- Pablo Bentes, Steptoe & Johnson LLP
- Laura Nielsen, University of Copenhagen Faculty of Law
- Jean Yves Remy, Sidley Austin LLP

#### **ASIL Annual General Meeting**

2:45 pm – 4:15 pm Lexington & Concord

The Annual General Meeting of the Society will include, among other agenda items:

- Remarks from the President
- Election of ASIL Executive Council and Officers
- Presentation of the Deak Prize
- Announcement of new Emeritus Members
- Tributes to ASIL members who have passed away since the last meeting

#### **Migration Law Interest Group Business Meeting**

2:45 pm – 4:15 pm Grand Teton

#### International Legal Research Interest Group Business Meeting

2:45 pm – 4:15 pm Glacier

#### The Role of International Law in Negotiating Peace

2:45 pm – 4:45 pm Regency D

#### CLE Credit Hours: 1.5

Co-sponsored by the Government Attorneys and Transitional Justice & Rule of Law Interest Groups

In 2011, representatives from Serbia and Kosovo met for the first time since Kosovo had declared independence three years earlier, and cameras recorded the action. Using this footage, the documentary "The Agreement" shows these critical talks on peaceful coexistence between Serbia and Kosovo. This two-hour session includes both a viewing and a moderated discussion of the film. The discussion, which will include the chief European Union negotiator and the film's director, will consider the following questions: To what extent can negotiators help drive the peacemaking process or achieve a lasting peace? How does international law help (or not help) bring the parties to the table, and buttress (or undermine) their positions in the negotiating process? More generally, to what extent does international law play a role in each actor's decision making process?

**Moderator:** Veronica Fikfak, University of Cambridge **Speakers:** 

- Andrew Ladley, Victoria University of Wellington
- Carne Ross, Independent Diplomat
- Marc Weller, University of Cambridge

#### Third Annual Charles N. Brower Lecture on International Dispute Resolution: "Canute Confronts the Tide: States and the Evolution of the Minimum Standard in Customary International Law"

4:30 pm – 6:00 pm Regency A

#### CLE Credit Hours: 1.5

Co-sponsored by the Government Attorneys Interest Group Lecturer: Professor Michael Reisman, Yale Law School

#### International Law and the Response to Jihadist Terrorism in 2015

4:30 pm – 6:00 pm Regency B

#### CLE Credit Hours: 1.5

Armed Islamist groups have committed or "inspired" a series of high-profile terror attacks in recent months—against a school in Peshawar, Pakistan, communities in Northern Nigeria, the offices of Charlie Hebdo and a kosher grocery store in France, across Syria and Iraq, and from Afghanistan, Libya, and Mali to Australia, Canada, Denmark, and beyond. While religious minorities and Westerners have sometimes been the targets, the vast majority of the victims have been people of Muslim heritage, killed in the thousands. This global wave of violence brings new urgency to the now longstanding question of how to effectively curb terrorism in rights-respecting ways. In what ways can international law and organizations be employed to support human rights defenders in Muslim majority contexts who are at the forefront of challenging fundamentalism? Should these attacks which threaten both international peace and security and basic human rights—be addressed under the general heading of confronting "violent extremism" as the Obama administration contends, or through a specific focus on Muslim fundamentalist violence, as some critics have asserted? In either case, what role, if any, can international law and international institutions play in helping to make progress on the ground?

**Moderator:** Stephanie Farrior, Vermont Law School **Speakers:** 

- Karima Bennoune, University of California-Davis School of Law
- Sadia Abbas, Rutgers, Newark College of Arts and Sciences
- Stephen I. Vladeck, American University Washington College of Law

#### **International Criminal Law: New Voices**

4:30 pm – 6:00 pm Regency C

#### CLE Credit Hours: 1.5

Co-sponsored by the International Criminal Law and Lieber Society Interest Groups

In its ongoing effort to promote new and groundbreaking scholarship in international law, the Society has set aside two substantive sessions for presentations by new professionals and non-tenured faculty. Presenters are selected from a competitive field of submissions. This panel, focusing on international criminal law, features content from three "new voices." Panelists will address new ideas in international criminal law, reflecting on recent developments in the field and setting out visions for the future. Paper topics will address provocative and far-reaching questions, such as why aggressive war has been criminalized and why that matters; why procedural issues caution against bringing terrorism into the international criminal framework; and whether the creation of a regional criminal court – the criminal chamber of the African Court of Justice and Human Rights – signals a shift in the regime. The Society is pleased to note that Benjamin B. Ferencz, former prosecutor at Nuremberg, will provide concluding remarks at this discussion.

**Moderator:** David M. Crane, Syracuse University School of Law, former prosecutor, Special Court for Sierra Leone

#### Speakers:

- Tom Dannenbaum, University College London
- Jonathan Hafetz, Seton Hall University; Princeton University
- Matiangai V.S. Sirleaf, University of Baltimore Law School

**Concluding remarks by:** Benjamin B. Ferencz, former prosecutor, *Einsatzgruppen* trial, Trials of War Criminals before the Nuremberg Military Tribunals (NMT)

### Conversation with H.E. Mr. Ahmet Üzümcü, Director-General of the Organisation for the Prohibition of Chemical Weapons

6:15 pm – 7:15 pm Regency A Sponsored by the Royal Netherlands Embassy

**Moderator:** Dr. Abiodun Williams, President of The Hague Institute for Global Justice **Speaker**: Ahmet Üzümcü, Organisation for the Prohibition of Chemical Weapons

#### **ASIL Members Reception**

7:15 pm – 8:30 pm Columbia B and C

#### "L" Alumni Reception

7:15 pm – 8:30 pm Thornton Sponsored by Arnold and Porter LLP

#### Women in International Law Mentoring Program Reception

7:15 pm – 8:30 pm Lexington & Concord

Meet other mentees and mentors in ASIL's Women in International Law Mentoring Program or attend to learn more about joining the 2015-16 class of participants. Past and future mentors and mentees are invited to attend.

#### ASIL Pubs & Pints

7:15 pm – 8:30 pm Bunker Hill

Join ASIL staff and editorial board members of *International Legal Materials*, AJIL Unbound, the American Journal of International Law, and ASIL Insights to learn more about publishing with the Society and opportunities to get involved.



### Howard M. Holtzmann Research Center for the Study of International Arbitration and Conciliation

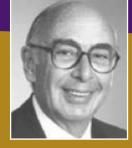
The Howard M. Holtzmann Research Center for the Study of International Arbitration and Conciliation was established by the American Society of International (ASIL) to serve as an education and research forum for individuals interested in international dispute resolution. Building on the Society's recognized expertise in this growing field, the Center will serve as an indispensable research and education resource, providing cutting-edge, expert information and analysis on significant issues and current developments in the international arbitration field. Center activities will include:

- Collection of research materials on international arbitration, including Judge Holtzmann's personal library and papers;
- A regular program of events, including a speaker series with leading figures and continuing legal education courses on hot topics in the field; and
- Working groups and task forces convened to address the key challenges and emerging issues relating to international arbitration.

The Center is conveniently located at the Society's headquarters and is open to everyone interested in learning more about international arbitration and conciliation.



For more information about the Center and its upcoming programs, please contact D. Wes Rist at dwrist@asil.org.



The ASIL Holtzmann Center is established in honor of Judge Howard M. Holtzmann. Over the course of his career, Judge Holtzmann has made enormous contributions to the field of international arbitration and conciliation, and mentored scores of young lawyers working in the field. He was central to the American Arbitration Association (AAA) work with the Arbitration Institute of the Stockholm Chamber of Commerce to build an East-West bridge through international arbitration. Notable achievements include: service as a member of the U.S. delegation to the Arbitration Working Group of the UN Commission on International Trade Law (1974-2011), which produced the UNCITRAL Arbitration Rules, the UNCITRAL Conciliation Rules, and the UNCITRAL Model Law on International Commercial Arbitration, and service as a Member of the Iran-U.S. Claims Tribunal (1981-1994). For his pioneering work, the King of Sweden inducted Judge Holtzmann as a Commander of the Royal Order of the Polar Star in 2003. In 2005, he received the Silver Medal of Honor of Vienna, and in 2006, the AAA gave him its highest honor. the Peacemaker Award, for his "work to further peace throughout the world." Judge Holtzmann has been a member of ASIL since 1972.



Careers in International Law: A Guide to Career Paths in International Law

A Resource of the American Society of International Lane



Klara Tothova Jordan Assistant Director of the Cyber Statecraft Initiative at the Atlantic Council

# The Guide to Career Paths in International Law

The 2013-14 edition of *Careers in International Law*: A *Guide to Career Paths in International Law* includes detailed, step-by-step advice for evaluating professional development choices. The Guide also provides personal insights from a variety of international law practitioners. It includes everything from study abroad options to scholarship opportunities, networking and professional presentation, and four appendices featuring more than 30 international fellowships, nearly 200 international internships, and dozens of international moot court and writing competitions.

Visit **www.asil.org/careerguide** to learn more and to purchase. ASIL *member discounts apply*.

Look for the 2015 edition in Summer 2015.



Serving International Lawyers. Strengthening International Law.

# Friday, April 10, 2015

#### Intellectual Property Law Interest Group Business Meeting

7:00 am – 8:30 am Yosemite

#### **ASIL New Members Breakfast**

7:45 am – 8:45 am Hall of Battles

Scoffee Break 8:30 am – 9:00 am

#### Complicity in International Law

9:00 am – 10:30 am Columbia A

#### CLE Credit Hours: 1.5

Co-sponsored by the Africa and International Law in Domestic Courts Interest Groups

In cases ranging from civil actions in domestic courts such as those brought under the U.S. Alien Tort Statute (ATS), to prosecutions in international criminal tribunals, courts today often must decide whether persons, corporations, or even states should be found complicit in violations of international law. U.S. courts in ATS cases wrestle, for example, with whether corporations should be deemed complicit in the actions of the local security forces they employ. International criminal tribunals address the culpability not only of direct perpetrators, but also of those actors who assist the direct perpetrators. The concept of complicity proved equally important in the understanding of state responsibility for genocide that emerged in the *Genocide* case between Bosnia and Serbia before the International Court of Justice. The explosion of policies and principles surrounding corporate social responsibility has added even more complexity to the discussion. This panel brings together leading experts in each of these sub-fields to talk about the meaning, significance, and overlap of complicity in a rapidly changing world.

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

- Chimène Keitner, University of California Hastings College of the Law
- André Nollkaemper, University of Amsterdam Faculty of Law
- James Stewart, Allard Law School, University of British Columbia
- Beth Van Schaack, Stanford Law School

#### The Limits of Judicial Mechanisms for Developing and Enforcing International Environmental Norms

9:00 am ~ 10:30 am Columbia B

#### CLE Credit Hours: 1.5

Sponsored by the International Law Research Program, Centre for International Government Innovation Co-sponsored by the International Courts & Tribunals and International Environmental Law Interest Groups

This session will ask how to develop and apply international environmental norms, where key states disengage from the available lawmaking processes or disagree on the substantive content of the norms. Given the apparent lack of commitment or consensus on these norms, are international courts and tribunals equipped to develop and apply the law case-by-case? To what extent might these bodies impede, rather than advance, positive normative developments? What are the most promising alternatives?

#### **Moderators:**

- Nienke Grossman, University of Baltimore
- Jacqueline Peel, University of Melbourne

#### Speakers:

- Alan Boyle, University of Edinburgh School of Law/Essex Court Chambers, London
- Philippe Gautier, International Tribunal for the Law of the Sea
- Marcos Orellana, Centre for International Environmental Law
- Cymie Payne, Rutgers University

#### **Does TTIP Need Investor-State Dispute Settlement?**

9:00 am – 10:30 am Regency A

#### CLE Credit Hours: 1.5

Co-sponsored by the Dispute Resolution, Intellectual Property Law, International Courts & Tribunals, and International Economic Law Interest Groups

The proposed Transatlantic Trade and Investment Partnership (TTIP) would establish a free trade and investment agreement between the US and the EU, representing the most significant international economic law treaty since the formation of the WTO. One of the most controversial issues in the negotiations is whether TTIP should include investor-state dispute settlement (ISDS). Academics and NGOs in Europe and North America have attacked ISDS in TTIP as both unnecessary and dangerous for fundamental values, such as democracy, the rule of law and human rights. Others have argued that the dangers of ISDS are overstated, and that removing ISDS from TTIP will cause a harmful precedent for future negotiations with China and other countries. The European Commission has conducted an online consultation process on the topic and received almost 150,000 responses.

Moderator: Andrea Bjorklund, McGill University Faculty of Law

#### Speakers:

- Mark Kantor, Independent Arbitrator, Georgetown University Law Center
- Ursula Kriebaum, University of Vienna
- Simon Lester, Cato Institute
- Jason Yackee, University of Wisconsin Law School

#### Perspectives on the Restatement (Fourth) Project

9:00 am ~ 10:30 am Regency B

#### CLE Credit Hours: 1.5

Co-sponsored by the International Law in Domestic Courts and International Legal Research Interest Groups

The American Law Institute's project on the Restatement (Fourth) of the Foreign Relations Law of the United States currently has three subject areas under development, relating to Treaties, Jurisdiction, and Sovereign Immunity. This Roundtable will discuss the scope, structure, and key challenges arising in the Restatement's current work and will offer a range of U.S. and comparative perspectives on the potential contribution of a Fourth Restatement.

**Moderator:** William Dodge, University of California-Hastings College of Law **Speakers:** 

- John Bellinger, Arnold & Porter LLP
- Sarah Cleveland, Columbia Law School
- Harold Koh, Yale Law School
- Campbell Alan McLachlan, Victoria University of Wellington Faculty of Law
- Paul Stephan, University of Virginia School of Law

#### The International Legal Framework for Outer Space in a Rapidly Changing World

9:00 am ~ 10:30 am Regency C

#### CLE Credit Hours: 1.5

Organized by the Space Law Interest Group Sponsored by the International Law Research Program, Centre for International Government Innovation Co-sponsored by the Lieber Society Interest Group

The panelists will debate the sufficiency of the international legal framework for outer space to address the many international governance challenges presented by rapid changes on Earth and in space, and whether the objective of international lawyers should be to extend and apply this framework to contemporary circumstances or replace it altogether.

Moderator: Brian Israel, Office of the Legal Adviser, U.S. Department of State

#### Participants:

- Michael Gold, Bigelow Aerospace
- Irmgard Marboe, University of Vienna
- Guoyu Wang, Institute of Space Law, Beijing Institute of Technology

#### The Future of International Law: A Roadmap for New Professionals

9:00 am – 10:30 am Lexington & Concord

#### CLE Credit Hours: 1.5

Organized by the New Professionals Interest Group

Co-sponsored by the International Legal Research, Minorities in International Law, and Women in International Law Interest Groups

New professionals and law students are invited to a dynamic discussion with practitioners from some of the most rapidly expanding fields of international law. In this interview (in which you can provide the questions), panelists will share their insights on the most pressing issues that face lawyers in the fields of space law, business and human rights, international environmental law, and privacy and national security. A break-out session will then allow attendees to get more personalized advice on entering these fields and on topics that new professionals can research and write on as they prepare for a career in the field. ASIL members and meeting attendees may submit questions to the moderator up to 30 minutes prior to the start of the panel.

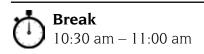
Moderator: Lisl Brunner, Global Network Initiative

#### **Participants:**

- Melissa Blue Sky, Center for International Environmental Law
- Christopher Hearsey, Bigelow Aerospace
- Alexandra (Xander) Kerr Meise, Foley Hoag LLP
- Amie Stepanovich, Access

#### ASIL Midwest Interest Group Business Meeting

9:00 am – 10:30 am Yosemite



#### Global Public Interests in International Investment Law

11:00 am – 12:30 pm Regency C

#### CLE Credit Hours: 1.5

Co-sponsored by the Africa, Government Attorneys, Intellectual Property Law, International Economic Law, International Environmental Law, Rights of Indigenous People, and Women in International Law Interest Groups

International investment treaties and investor-State arbitration are important tools to protect foreign investments. At the same time, they are criticized for leaving insufficient room for host States to protect public interests. These are not limited to purely domestic concerns. Instead, in many cases, investment disputes impact how other countries regulate to protect the same public interest, or refrain from regulation. In this sense, investment disputes increasingly touch on global public interests, including (i) public health, e.g. the tobacco cases against Uruguay and Australia; (ii) the environment, e.g. cases concerning subsidies for renewable energy against Canada, Spain and others; and (iii) indigenous peoples' (land) rights, for example in Zimbabwe and the United States. These cases not only implicate the public interest of the respondent State, but more broadly how economic and non-economic public interests are balanced on a global scale. This panel will explore how international investment law currently deals with global public interests and whether further reforms can help investment law accommodate the right balance between investment and non-investment concerns.

**Moderator:** David Caron, the Dickson Poon School of Law, Kings College London **Speakers:** 

- José Daniel Amado, Miranda & Amado Abogados
- Clara Brillembourg, Foley Hoag LLP
- Julie A. Maupin, Max Planck Institute for Comparative Public Law and International Law
- Kate Miles, Gonville and Caius College, University of Cambridge

#### The Law of War Above the Fold

11:00 am – 12:30 pm Columbia C

#### CLE Credit Hours: 1.5

Organized by the Lieber Society on the Law of Armed Conflict Co-sponsored by the Government Attorneys Interest Group

After highlighting a number of scenarios from current armed conflicts that have been featured in prominent recent news stories (at the time of the conference), speakers will identify the relevant international humanitarian law, international criminal law, or international human rights law doctrines implicated argue for or against a specific position posed by the moderator concerning that issue and that scenario. The panel will aim to

use real-life scenarios to illustrate broader dilemmas in IHL and issues that blogs and the media may not be covering with sufficient nuance from an international law perspective.

**Moderator:** Naz Modirzadeh, Program on International Law and Armed Conflict, Harvard Law School

#### Speakers:

- Robin Geiss, University of Glasgow School of Law
- Pnina Sharvit Baruch, Institute for National Security Studies
- Hina Shamsi, American Civil Liberties Union
- Sean Watts, NATO Collective Cyber Defense Center of Excellence

#### **Overloading International Human Rights Law**

11:00 am – 12:30 pm Regency B

#### CLE Credit Hours: 1.5

Co-sponsored by the Africa, Human Rights, and International Legal Theory Interest Groups

International human rights law is commonly viewed as protecting fundamental interests that might otherwise go unprotected. Precisely for this reason, many believe that the best way to advance particular interests is to incorporate them into a human rights framework. Those who advocate for causes like animal welfare, the environment, or the control over intellectual property often claim that these interests are or should be human rights. This roundtable will begin by examining how advocates use human rights law to promote interests that have not historically been grounded in the regime. The roundtable will then explore, from an interdisciplinary perspective, the advantages and disadvantages of using human rights law in this way, and the alternatives for promoting these other interests.

**Moderator:** Aaron Fellmeth, Arizona State University College of Law **Speakers:** 

- Erika George, S.J. Quinney College of Law, University of Utah
- Frederic Megret, McGill University Faculty of Law
- James Nickel, University of Miami School of Law
- Henry Shue, University of Oxford

#### #int\_law @social\_media

11:00 am – 12:30 pm Regency A

#### CLE Credit Hours: 1.5

The rise of social media has generated a new kind of conversation about international relations and international law – one that is instant, global and open to anyone with a smartphone or access to the internet. These media provide immediate analysis and debate on current issues, and during periods of rapid change, they shape public perceptions of events or even motivate individuals to take action. This roundtable will

explore the effect of social media on the international legal landscape from a range of perspectives. To what extent can these media be expected to create space for non-traditional voices to participate in international legal decisions? What is gained and what is lost when academics try to influence decision makers around the world with short, real-time posts, rather than long and heavily footnoted journal articles? Can actors have a meaningful conversation about international law in exchanges of 140 characters, or is international law being left out of important social media discussions because of its complexity and alienating specialist vocabulary?

#### Moderator: Joanne Neenan, UK Foreign Office

#### Speakers:

- Philippe Bolopion, Human Rights Watch
- Sarah Joseph, Castan Centre for Human Rights Law, Monash University
- Scott Nolan Smith, Portland Communications, Digital Diplomacy Coalition

#### International Refugee Law & Displacement: New Voices

11:00 am – 12:30 pm Lexington & Concord

#### CLE Credit Hours: 1.5

#### Co-sponsored by the International Refugee Law Interest Group

In its ongoing effort to promote new and groundbreaking scholarship in international law, the Society has set aside two substantive sessions for presentations by new professionals and non-tenured faculty. Presenters are selected from a competitive field of submissions. This panel, focusing on international refugee law & displacement, features content from four "new voices." Panelists will address emerging trends in these areas, looking in particular at how the 1951 Convention Relating to the Status of Refugees and other international agreements relating to refugee protection and migration have been interpreted. The papers presented will consider whether courts have collapsed the distinction between 'refugee' and 'migrant' to circumvent international human rights obligations; whether international tribunals are exceeding their jurisdiction by shifting their focus to questions of where displaced populations are sent, and in the process, assessing international boundaries; and whether shifting the traditional focus of the Responsibility to Protect paradigm from military intervention to refugee protection provides a framework for international cooperation to share the cost and responsibility of protecting refugees fleeing mass atrocities in Syria.

**Moderator**: James Hathaway, University of Michigan School of Law **Speakers**:

- Tendayi Achiume, University of California-Los Angeles School of Law
- Matthew Gillett, International Criminal Tribunal of the Former Yugoslavia
- Jill Goldenziel, Harvard University, Boston University School of Law
- Nema Milaninia, International Criminal Tribunal of the Former Yugoslavia

### Connecting Junior and Senior ASIL Scholars: International Law Scholarship Mentoring Session

11:00 am – 12:30 pm Yellowstone & Everglade

Co-sponsored by the ASIL Standing Committee on Membership, AJIL Board of Editors, and the Junior International Law Scholars Association

Leading scholars, including members of the American Journal of International Law Board of Editors, will be available to mentor junior scholars on their scholarship. Prospective authors will be able to discuss their article ideas, scholarly challenges, and the publishing process with senior scholars in their area of international law. Junior scholars will be able to move among senior scholars situated at small tables in order to get to know and get advice from multiple perspectives.

#### International Environmental Law Interest Group Business Meeting

11:00 am – 12:30 pm Yosemite

#### International Law and Technology Interest Group Business Meeting

11:00 am – 12:30 pm Grand Teton

#### International Courts and Tribunals Interest Group Business Meeting

11:00 am – 12:30 pm Glacier



**Break** 12:30 pm – 1:00 pm

#### The Hudson Medal Luncheon: "The Unity of International Law"

1:00 pm – 2:30 pm Regency B Sponsored by Foley Hoag LLP

Honoree/Speaker: Professor Pierre-Marie Dupuy, the Graduate Institute of International and Development Studies, Geneva Moderator: Professor Michael Reisman, Yale Law School

Tickets for this event must be purchased separately with registration

#### Next Steps in Climate Change Regime: Progress on the Road to Paris?

1:00 pm – 2:30 pm Lexington & Concord

#### CLE Credit Hours: 1.5

Sponsored by the International Law Research Program, Centre for International Government Innovation Co-sponsored by the Disaster Law, Government Attorneys, and International Environmental Law Interest Groups

The 21st conference of the parties to the UN Framework Convention on Climate Changes, also known as COP 21, will meet this December in Paris. The meeting will cap a four-year negotiation toward a new global climate change agreement to succeed the Kyoto Protocol, originally adopted in 1997. According to the Durban Platform, the negotiating mandate adopted in 2011, the post-2020 agreement is to have "legal force" and "be applicable to all." The framework expected to emerge would combine "bottom-up" and "top-down" features to encourage both broad participation and the ability to achieve ambitious goals. This spring, governments will begin submitting their "intended nationally determined contributions" to the agreement. Issues for the Paris COP 21 conference include: the legal character of countries' contributions, how they will be differentiated, adaptation, finance for developing countries, a possible new long-term goal, and ways to raise ambition over time. This session will offer a range of national perspectives on the options and priorities for Paris with a panel of experienced negotiators.

**Moderator:** Elliott Diringer, Center for Climate and Energy Solutions **Speakers:** 

- Dean Bialek, Independent Diplomat
- Sue Biniaz, U.S. Department of State
- Fabrice Vareille, EU Delegation to the United States
- Xueman Wang, World Bank

#### The National Impact of International Criminal Law

1:00 pm – 2:30 pm Columbia C

#### CLE Credit Hours: 1.5

Co-sponsored by the Africa, International Criminal Law, Lieber Society, and Transitional Justice & Rule of Law Interest Groups

As we head into the second decade of the operation of the International Criminal Court (ICC) and into the twilight years of the ad hoc tribunals for the former Yugoslavia and Rwanda, the efficacy of the international criminal justice system is open to question. This panel focuses on a particular facet of the question: the impact, if any, of international criminal justice on the laws, institutions, and social and political conditions in states affected by ICC prosecutions. The panel will explore the extent to which states have incorporated into their domestic legal systems the norms and processes of international

criminal law. How and why has the practice differed among these states? Have the ICC's practices increased or decreased local support for holding people accountable in the aftermath of mass atrocity crimes? And to what extent should the ICC take these factors into account when deciding which cases to prosecute?

Moderator: Alexander Greenawalt, Pace Law School

#### Speakers:

- Elizabeth Evenson, Human Rights Watch
- Nina H.B. Jørgensen, Chinese University of Hong Kong, Faculty of Law
- Makau Mutua, SUNY Buffalo Law School
- Sarah Nouwen, University of Cambridge, Faculty of Law

#### Adapting to Change: The Role of International Organizations

1:00 pm – 2:30 pm Regency A

#### CLE Credit Hours: 1.5

#### Co-sponsored by the Africa, Government Attorneys, and Intellectual Property Law Interest Groups

International organizations are among the key instruments by which the international community is adapting to a rapidly changing world. Many organizations were created long ago. Their original powers and institutional structures might be limited and insufficient to address a modern challenge. Have international organizations been able to keep pace with changes that occur in the areas in which they carry out their functions? If so, how? If not, why not? Against this background the panel will focus on the practices and strategies by which international organizations respond to contemporary challenges. The panel will discuss specific cases and present broader perspectives on long-term implications for institutional change.

### Moderator: Niels Blokker, Leiden University Speakers:

- Stephen Mathias, Office of the Legal Counsel, United Nations
- Kimberly Prost, United Nations Security Council 1267 Sanctions Committee
- August Reinisch, University of Vienna
- Lisa Tabassi, Organization for Security and Co-operation in Europe

#### The Rise of China and its Implications for a Changing International Legal Order

1:00 pm – 2:30 pm Regency C

#### CLE Credit Hours: 1.5

#### Co-sponsored by the Africa and Law in the Pacific Rim Region Interest Groups

Although China may be an emerging global superpower, it still refers to itself as a developing country, and its approach to many international legal issues still differs in significant respects from the approach of Western powers. This session will ask how

China's rise can be expected to shape international law and international institutions. To what extent will China seek to control the international agenda, or modify existing legal arrangements? And how might others respond to whatever approach China takes?

Moderator: Thomas Kellogg, Open Society Speakers:

- Captain J. Ashley Roach, JAGC, USN (retired), National University of Singapore, former attorney-adviser, U.S. Department of State
- Steve Wolfson, Office of the General Counsel, International Law Group, Environmental Protection Agency
- Dan Zhu, Fudan University Law School

### Fortresses Everywhere: The Containment Paradigm vs. the Refugee Convention's Call for Responsible Sharing

1:00 pm – 2:30 pm Bunker Hill

#### CLE Credit Hours: 1.5

#### Organized by the International Refugee Law Interest Group Co-sponsored by the Latin America Interest Group

From Fortress Europe to Fortress Australia, the rich and powerful countries have insulated themselves against refugee flows from the less developed world through a series of domestic laws and policies. This panel will unpack these measures worldwide and examine whether there are ways to revive the intent and purpose of the Refugee Convention regime to share responsibility for global refugee flows. Are new incentives or prohibitions necessary to ensure a fairer sharing of the refugee burden? In particular, the panel will address the situation in the Americas. The expanded definition of "refugee" in the 1984 Cartagena Declaration is spreading like wildfire: almost 20 Latin American states have adopted it, and more states are pushing it further through the Mexico Plan of Action. Latin American countries took Palestinian refugees from Iraq who were stranded in camps on the Jordanian and Syrian borders. And the US is facing domestic and international challenges to its treatment of refugee women and children coming from south of its border. What lessons can be drawn from these developments?

**Moderator:** Susan Akram, Boston University School of Law **Participants:** 

- Eleanor Acer, Human Rights Watch
- François Crépeau, UN Special Rapporteur on the Human Rights of Migrants
- Buti Kale, Deputy Regional Representative, UN High Commissioner for Refugees
- Ron Munia, U.S. Department of Homeland Security

#### International Legal Theory Interest Group Business Meeting

1:00 pm – 2:30 pm Yosemite

#### **Rights of Indigenous People Interest Group Business Meeting**

1:00 pm – 2:30 pm Bryce

#### Nonproliferation, Arms Control, and Disarmament Interest Group Business Meeting

1:00 pm – 2:30 pm Grand Teton



**Coffee Break** 2:30 pm – 3:00 pm

### **Creative Tools for Regulating Global Supply Chains to Advance International Environment Objectives**

3:00 pm – 4:30 pm Columbia B

#### CLE Credit Hours: 1.5

Sponsored by the International Law Research Program, Centre for International Government Innovation Co-sponsored by the International Economic Law and International Environmental Law Interest Groups

Ecological threats often result not from deliberate governmental policies but from the accumulated impact of the many, uncoordinated activities of small enterprises and the purchasing decisions of large corporations. Developing countries typically lack the means or inclination to regulate these activities. This session will examine the range of mechanisms—both public and private—that might compensate for that inability or unwillingness of particular states to address sustainability issues. For example, one increasingly popular approach is for industry to work with civil society groups to establish and then meet shared standards for sustainable supply chains. Another approach is for developed countries to adopt laws that aim to fill the governance gaps in developing countries. To what extent are these sorts of approaches appropriate and to what extent are they likely to be effective?

**Moderator:** Catherine Cruvellier, formerly with World Bank **Speakers:** 

- Motoko Aizawa, Climate Bonds Initiative
- Jenny McColloch, McDonald's Corporation
- Tensie Whelan, Rainforest Alliance

## The Right to Privacy in the Digital Age

3:00 pm – 4:30 pm Regency B

## CLE Credit Hours: 1.5

Co-sponsored by the Government Attorneys and International Law & Technology Interest Groups

Well before Edward Snowden's revelations hit the newspapers, courts, lawmakers, scholars, and advocates were already engaged in a lively debate on government surveillance and the right to privacy in the digital age. The reform of the EU's data protection rules, legal challenges to the EU's Data Retention Directive, and a report on communications surveillance by UN Special Rapporteur Frank La Rue all predated the Snowden headlines. In the wake of those headlines, the issue has received even more attention: a proposed EU Data Protection Regulation finally passed the EU Parliament; the European Court of Justice issued two landmark judgments on data privacy; and the UN General Assembly has charged the Office of the High Commissioner for Human Rights with preparing a report on the right to privacy in the digital age. This rapid-response discussion will explore how international law is adapting to protect privacy in the face the competing interest in using advanced surveillance technologies to protect national security. Are the emerging national, regional, and international frameworks that govern privacy consistent with one another? What rules apply to government surveillance, what rules apply to corporate conduct, and how do these distinctions affect individuals? To the extent that government surveillance triggers privacy-related obligations under human rights law, do these obligations apply extraterritorially? The session's moderator will pose questions to each of the panelists and ask them to respond quickly, with the goal of fostering an interactive discussion among the participants.

**Moderator:** Paul Schiff Berman, George Washington University Law School **Speakers:** 

- David Lieber, Google
- Dinah PoKempner, Human Rights Watch
- Nathan Sales, Syracuse Law School
- Katherine Strandburg, New York University School of Law

# The End of the U.S. "War on Terror:" Exploring How this Conflict Might End and the Implications

3:00 pm – 4:30 pm Regency C

#### CLE Credit Hours: 1.5

Co-sponsored by the Government Attorneys and Lieber Society Interest Groups

We generally think of an armed conflict as having a discrete end, leading to a period of transition into a post-conflict, non-military regime. That paradigm is mismatched to many modern situations. In Afghanistan, the United States has announced that it intends both to end its "combat" role and to maintain a residual military force to help the Afghan government establish a more stable peace. The United States often justifies its counterterrorism operations as part of an ongoing armed conflict against "the Taliban, al Qaeda and associated forces." But to the extent that such a conflict exists, the enemy is geographically dispersed and has a fluid and changing membership; it is not clear when or how that sort of conflict ends. This session will ask how international law does and should respond to this end-of-conflict uncertainty. Can international humanitarian law be reconciled with international human rights law in these situations? How might civil society groups and domestic institutions contribute to or detract from efforts to find appropriate regulatory solutions? And to what extent is the idea of an armed conflict even a useful concept in such settings?

**Moderator:** Gabor Rona, Cardozo Law School, formerly of the International Committee of the Red Cross

#### Speakers:

- Mike Adams, U.S. Department of Defense
- Fionnuala Ní Aolaín, University of Minnesota Law School, Transitional Justice Institute Belfast
- Jen Daskal, American University Washington College of Law
- Deborah Pearlstein, Cardozo Law School

### **Economic Sanctions – Hot Topics in 2015**

3:00 pm – 4:30 pm Regency A

#### CLE Credit Hours: 1.5

Co-sponsored by the Government Attorneys and International Economic Law Interest Groups

The UN Security Council's new generation of targeted sanctions represent some of the most creative, wide-reaching and evolutionary tools that the Council uses under Chapter VII of the UN Charter. In parallel, the United States and European Union have been using a wide range of financial and sectorial sections to address varied global security threats—from Iran's nuclear program, to Libya's treatment of Civilians, to Russia's recent activities in Ukraine. This session will examine, through a moderated question and answer discussion, the most pressing issues relating to the use of sanctions as a policy tool, including: (i) the extent to which different entities do, can, and should coordinate their sanctions, (ii) the impact of these sanctions on trade and investment flows, and the associated burdens of compliance on financial institutions, businesses and non-state actors, and (iii) the tension between the security considerations that animate these sanctions and the transparency and due process considerations that favor limiting the application or implementation of sanctions.

Moderator: Kristen Boon, Seton Hall University School of Law

## Speakers:

- Daniel Glaser, Office of Terrorism and Financial Intelligence, U.S. Department of the Treasury
- Justyna Gudzowska, 1267 Sanctions Committee, UN Security Council
- Katharine Shepherd, Service for Foreign Policy Instruments, European Commission
- David Stetson, Government Sanctions Group, Goldman Sachs

## Human Rights and Sustainable Development in the Context of Fragile States

3:00 pm – 4:30 pm Columbia A

### CLE Credit Hours: 1.5

Organized by the Human Rights Interest Group Co-sponsored by the Africa Interest Group

The nexus of human rights, development, conflict and fragility is the subject of significant research, including in the lead up to the UN's adoption of a post-2015 development agenda and the proposed Sustainable Development Goals (SDGs). This panel will consider the potential relevance of human rights standards and principles for different stages of development in fragile and conflict states (FCS) Proposed questions: (i) how effectively does proposed Goal 16 address human rights in FCS (implicitly/explicitly); (ii) how can Goal 16 be strengthened to ensure the respect, protection and fulfillment of rights, including through its targets and indicators, without overburdening the Goal or making its targets and indicators too complex; (iii) how can human rights be reflected in diagnostic tools to identify risk and mitigate harm in FCS (e.g. early warning systems; *ex ante* risk assessments; analyses of discrimination); (v) how can human rights law inform responses to conflict and strategies for reconstruction; (vi) how to ensure that integrating human rights into the SDGs does not translate into human rights compliance.

Moderator: Siobhan McInerney-Lankford, World Bank

## Speakers:

- Ozong Agborsangaya-Fiteu, World Bank
- Dapo Akande, Oxford University
- Jan Wouters, University of Leuven
- Andrew Clapham, the Graduate Institute of International and Development Studies, Geneva

## Transparency and Procedural Due Process in International Economic Law

3:00 pm – 4:30 pm Columbia C

### CLE Credit Hours: 1.5

Co-sponsored by the International Economic Law Interest Group

As the role of international economic law (IEL) in global governance has increased, so too has the pressure from states and civil society for greater transparency and public participation in IEL decisions. These calls for reform can be viewed as part of the development of a "global administrative law," in which domestic standards are transplanted into IEL in an attempt to increase its legitimacy. They are also attempts to develop and implement procedural due process norms that enable affected states and non-state actors to meaningfully influence the formation and application of IEL. Recent examples include ICSID's modification of its arbitral rules to permit amicus curiae submissions and UNCITRAL's new rules on transparency in investor-state arbitration. This panel will evaluate the "state of the art" in transparency and due-process related developments in IEL, including international trade, investment, and finance. Panelists will address the goals, efficacy, and desirability of these reforms, and whether the focus on transparency ignores or obscures more fundamental issues relating to IEL's legitimacy.

**Moderator:** Jarrod Wong, University of the Pacific, McGeorge School of Law **Speakers:** 

- Padideh Ala'I, American University Washington College of Law
- Mélida Hodgson, Foley Hoag LLP
- Julia Salasky, ClientEarth, UNCITRAL Secretariat
- Gregory Shaffer, University of California, Irvine School of Law

## International Criminal Law Interest Group Business Meeting

3:00 pm – 4:30 pm Yosemite

**Break** 4:30 pm – 5:00 pm

# Policy Address: "Legal Framework for the United States' Use of Military Force Since 9/11"

5:00 pm – 6:00 pm Regency A

U.S. Department of Defense General Counsel Stephen Preston will examine the authorities for the United States' use of military force from 2001 to the present. His remarks will be the latest in a series of speeches by senior Obama Administration officials - dating back to the ASIL Annual Meeting in 2010 - explaining the legal framework for using military force as it has developed since the 9/11 attacks. After reviewing the general framework, Mr. Preston will

focus on the legal bases for ongoing U.S. military operations in Afghanistan post-2014 and against ISIL in Iraq and Syria.

Speaker: Stephen Preston, U.S. Department of Defense

## **ASIL Members Reception**

6:00 pm – 8:00 pm Regency B & C Sponsored by Wilmer Hale

## City of the Hague Reunion Reception

6:00 pm – 8:00 pm Columbia Ballroom Sponsored by the City of The Hague and co-hosted by the Hague Institute for Global Justice

Having so many judicial experts with a history with The Hague together at the Annual Meeting, for instance because of a (former) position or a summer course in the Peace Palace, warrants a reunion. Therefore, all Annual Meeting participants that have been or are still part of The Hague endeavor are invited to an inspiring reunion hosted by the City of The Hague. The Hague is known all over the world as the "International City of Peace and Justice." Currently, the Hague is home to 140 international NGOs and 25 international organizations. The Hague stands for hope for millions of citizens around the world. Hope that the crimes inflicted on them will not remain unpunished. Hope for a peaceful future. The Hague Reunion Reception is co-hosted by the Hague Institute for Global Justice (THIGJ). THIGJ was established by The Hague Academic Coalition, the City of The Hague, The Hague Conference on Private International Law, and The Hague Centre for Strategic Studies, and is supported by the Dutch government. The Institute is dedicated to the promotion of knowledge of law and justice as the basis of and in relation to peace, justice, and social and economic development. The Reception will also feature a presentation of "Art in Dialogue with International Justice" by Bradley McCallum.

Welcoming remarks by Deputy Mayor of the city of The Hague, Ingrid van Engelshoven

# New Professionals Networking Reception

6:30 pm – 8:00 pm Hall of Battles Sponsored by Debevoise & Plimpton LLP

Join other students and new professionals at this opportunity to meet the co-chairs of the New Professionals Interest Group, ASIL leadership, and the Society's Tillar House staff. Get to know leading figures in international law in this safe and friendly reception.

# ASIL Patron's Reception

7:00 pm – 8:00 pm Thornton By Invitation Only Sponsored by White & Case LLP

# Gala Dinner

8:00 pm - 10:00 pm Regency A

Speaker: Judge Rosemary Barkett, Iran-United States Claims Tribunal

Presentation of the Society Honors and Awards

- Manley O. Hudson Medal: Pierre-Marie Dupuy
- Goler T. Butcher Medal: Judge Iris Yassmin Barrios Aguilar
- Honorary Member: Sir Kenneth Keith
- Certificates of Merit
- 2015 Arthur C. Helton Fellowship Award Winners

Tickets for this event must be purchased separately with registration

# Dance & Dessert Party with ILSA

10:00 pm ~ 12:00 am Regency B & C

All are invited to attend. Join fellow competitors and attendees of the ASIL Annual Meeting for a fun night of dancing with a live acoustic duo ("The Trophy Husbands" featuring GW professor of law Peter Smith and ASIL director of technology James Steiner), a professional DJ, and a selection of tasty treats!

# BRINGING THE WORLD TO YOUR CLASSROOM: The ASIL International Law Curriculum Series







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# Debate, Discussion, and Problem Solving



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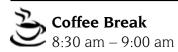
The Annual Meeting is a bit like an overflowing buffet table of international law dishes. It brings people from all over the world, interesting topics, and is truly a defining event for international law aficionados.

Lucinda Low Partner, Steptoe & Johnson, LLP

# Saturday, April 11, 2015

## Interest Group Co-Chair Breakfast

7:15 am – 8:45 am Capitol Ballroom



## The U.S. Role in Preserving Global Security

9:00 am ~ 10:30 am Regency A

#### CLE Credit Hours: 1.5

Co-sponsored by the Lieber Society Interest Group

What role should the United States play in maintaining or establishing international peace and security? Some argue that U.S. military operations have caused more harm than good, and that the United States should refrain from using military force abroad, except when its national security is directly and immediately at stake, or it acts pursuant to a UN Security Council resolution. Others contend that by not intervening in foreign conflicts the United States fails to live up to its legal or moral duties—for example, under existing security arrangements or under the Responsibility to Protect (R2P) framework—or that it leaves a void for other, less savory actors to fill. Panelists will debate these issues. To what extent can the United States realistically address threats to global security? What is the right mix of unilateral and multilateral action, of soft and hard military power, and of pushing international law in a particular direction versus accepting existing restraints under international law? And how might the United States structure its operations or legal positions to establish positive, rather than negative, precedents for international law going forward?

**Moderator:** Rosa Brooks, Georgetown University Law Center **Speakers:** 

- Kori Schake, Stanford University, Hoover Institution
- Jake Sullivan, Yale Law School

## **Comparative Perspectives on Executive Unilateralism in Foreign Affairs**

9:00 am ~ 10:30 am Columbia A

#### CLE Credit Hours: 1.5

Co-sponsored by the Government Attorneys and International Law in Domestic Courts Interest Groups

This session will examine the extent to which different countries authorize their executive branches to act unilaterally—without the formal participation of the legislature or

judiciary—on issues relating to foreign affairs. Does the executive branch's relative expertise and capacity to act quickly justify giving it substantial discretion to manage a country's foreign affairs? Or is such unilateralism dangerous in a world where decisional consequences may be difficult to assess? And to what extent might international law enhance or check an executive's unilateralism? The discussion will be grounded in the experience of five specific countries: the United States, Germany, South Africa, Israel and the United Kingdom.

Moderator: Michael Van Alstine, University of Maryland

# Speakers:

- Rebecca Ingber, Columbia Law School
- Heinz Klug, University of Wisconsin
- Shiri Krebs, Stanford University
- Gavin Phillipson, Durham University
- Ingrid Wuerth, Vanderbilt Law School

# Teaching the Skilled International Lawyer

9:00 am - 10:30 am Columbia C

# CLE Credit Hours: 1.5

Organized by the Teaching International Law Interest Group Co-sponsored by the Minorities in International Law Interest Group

As skills education becomes a priority, training international lawyers merits attention. This panel explores how law schools can better prepare students to deal with complex, transnational challenges. The dialogue supports a broader TILIG initiative exploring how the academy may better support public initiatives, civil society, and the private bar.

Moderator: Kenneth Rosen, University of Alabama School of Law Speakers:

- Tracy Higgins, Fordham School of Law
- Aparna Polavarapu, University of South Carolina School of Law
- Shruti Rana, University of Maryland School of Law

# Ethical Issues in International Law Practice

9:00 am - 10:30 am Columbia B

# CLE Credit Hours: 1.5 (Ethics)

Organized by the New Professionals Interest Group

This session will explore ethical issues in a variety of international law-related settings. Panelists will address different fields of international law and the common ethical issues new professionals and law students should be aware of when considering careers in these fields. The session will be run using a "rapid response" model, in which the moderator will pose a series of questions for quick analysis and discussion.

### Speakers:

- Brittan Heller, U.S. Department of Justice
- Milan Markovic, Texas A&M University School of Law
- Catherine Rogers, Penn State Law & Queen Mary, University of London

### Private International Law Interest Group Business Meeting

9:00 am – 10:30 am Glacier

#### Law of the Sea Interest Group Business Meeting

9:00 am – 10:30 am Yosemite

## International Adjudication in a Changing World: How International Courts Impact Foreign Affairs and International Politics

9:00 – 10:30 am Bunker Hill

#### CLE Credit Hours: 1.5

As the global legal landscape continues to change with expanded powers for "old style" and the introduction of "new style" international courts, scholars, practitioners, and governments are all raising questions about how these courts promote changes in state behavior, and analyzing how they may validate (or even create) legal rights. International courts today cover much more geographic and substantive ground than previously understood. These courts exercise significant adjudicatory functions – dispute settlement, administrative, constitutional, and law enforcement – that arguably demonstrate international courts' political influence domestically and internationally. This session will feature a discussion of how these changes have impacted the practice and study of international law and what impact they may have on the field going forward.

**Moderator:** Karen Alter (Moderator), Northwestern University **Speakers:** 

- José Alvarez, New York University Law School
- Duncan Hollis, Temple University Beasley School of Law
- Alexandra Huneeus, University of Wisconsin School of Law

**Break** 10:30 am - 11:00 am

# **Closing Plenary: Preventing Torture in the Fight Against Terrorism**

11:00 am - 12:30 pm Columbia Ballroom

# CLE Credit Hours: 1.5

The public release of the Senate Intelligence Committee's study of the CIA's detention and interrogation program has prompted renewed attention to the need for the U.S. and other nations to observe and enforce their legal obligation to prevent torture and other cruel, inhuman and degrading treatment. Among the questions the panel may address are the following:

- What steps are needed to ensure that countries engaged in counterterrorism efforts act in accordance with these obligations?
- Is the US legal framework outlawing torture sufficient to meet the requirements of international law, or does it need to be amended or supplemented?
- What obligation does international law impose on governments to hold individuals accountable for torture, and what practical and legal impediments do they face in seeking to do so?
- How can the United States and its allies partner in the fight against terrorism with countries that are known to engage in torture? How can the U.S. support those countries' military forces without running afoul of international law?

# **Moderator:** Elisa Massimino, Human Rights First **Speakers:**

- Claudio Grossman, United Nations Committee Against Torture
- John Norton Moore, Center for National Security Law, University of Virginia School of Law
- Alberto Mora, former General Counsel, United States Navy

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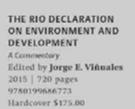
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Energy at Sea: How Do Increased Energy Demands Test the Regime for Ocean Governance?	April 9, 1:00 PM – 2:30 PM	Regency C	
Intellectual Property Rights, Climate Change Technology, and Sustainable Development: Regimes in Coherence, Conflict, or Cooperation?	April 9, 2:45 PM- 4:15 PM	Regency B	
The International Legal Framework for Outer Space in a Rapidly Changing World	April 10, 9:00 AM – 10:30 AM	Regency C	
Next Steps in the Climate Change Regime: Progress on the Road to Paris	April 10, 1:00 PM – 2:30 PM	Lexington & Concord	
Creative Tools for Regulating Global Supply Chains to Advance International Environmental Objectives	April 10, 3:00 PM – 4:30 PM	Columbia C	
International Criminal Justice, Human Rights, Humanitarian Law, and Refugees			
Rules of the (Video) Game: IHL on the Virtual Battlefield	April 9, 11:00 AM – 12:30 PM	Regency C	
The Convention on the Rights of Persons with Disabilities and the Treatment of Institutionalized Forensic Patients	April 9, 11:00 AM – 12:30 PM	Columbia B	
Litigating the Counterterrorism Activities of the United States in Foreign Courts	April 9, 2:45 PM – 4:15 PM	Regency A	
Complicity in International Law	April 10, 9:00 AM – 10:30 AM	Columbia A	
The National Impact of International Criminal Law	April 10, 1:00 PM – 2:30 PM	Columbia C	
Fortresses Everywhere: The Containment Paradigm vs. the Refugee Convention's Call for Responsible Sharing	April 10, 1:00 PM – 2:30 PM	Bunker Hill	
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Human Rights and Sustainable Development in the Context of Fragile States	April 10, 3:00 PM – 4:30 PM	Columbia A	
Courts and Tribunals, International and Regional Organizations, and other Institutions			
Regional and Sub-Regional Human Rights Tribunals: The African Response	April 9, 9:00 AM – 10:30 AM	Regency C	
Voices from the Field: Challenges Confronting UN Field Legal Advisers	April 9, 1:00 PM – 2:30 PM	Columbia B	
The Role of International Law in Negotiating Peace	April 9, 2:45 PM – 5:00 PM	Regency D	
The Limits of Judicial Mechanisms for Developing and Enforcing International Environmental Norms	April 10, 9:00 AM – 10:30 AM	Columbia C	
Adapting to Change: The Role of International Organizations	April 10, 1:00 PM – 2:30 PM	Regency A	
Economic Sanctions – Hot Topics in 2015	April 10, 3:00 PM – 4:30 PM	Regency A	
Trade, Finance, and Investment			
Brazil, Corruption, and the 2016 Summer Olympics	April 9, 9:00 AM – 10:30 AM	Columbia B	
ASIL-ICCA Task Force on Issue Conflicts in International Arbitration	April 9, 11:00 AM – 12:30 PM	Columbia C	
Bribery's Victims	April 9, 1:00 PM – 2:30 PM	Regency D	

Public Morals and Policy Space after the WTO's Seal Products Case	April 9, 2:45 PM – 4:15 PM	Columbia B	
Does TTIP Need Investor-State Dispute Settlement?	April 10, 9:00 AM – 10:30 AM	Regency A	
Global Public Interests in International Investment Law	April 10, 11:00 AM – 12:30 PM	Regency C	
Transparency and Procedural Due Process in International Economic Law	April 10, 3:00 PM – 4:30 PM	Columbia C	
The Use of Armed Force, National Legal Systems			
Foreign Relations Law in the Roberts Court: The First Decade	April 9, 9:00 AM – 10:30 AM	Regency B	
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The U.S. Role in Preserving Global Security	April 11, 9:00 AM – 10:30 AM	Regency A	
Comparative Perspectives on Executive Unilateralism in Foreign Affairs	April 11, 9:00 AM – 10:30 AM	Columbia A	
International Legal Theory, Emerging Issues			
International Law and the Future of the Israeli-Palestinian Conflict	April 9, 9:00 AM – 10:30 AM	Regency A	
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The Stagnation of International Law	April 9, 11:00 AM – 12:30 PM	Regency B	
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International Law and the Response to Jihadist Terrorism in 2015	April 9, 4:30 PM – 6:00 PM	Regency B	
Perspectives on the Restatement (Fourth) Project	April 10, 9:00 AM – 10:30 AM	Regency B	
Overloading International Human Rights Law	April 10, 11:00 AM – 12:30 PM	Regency B	
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The Rise of China and Its Implications for a Changing International Legal Order	April 10, 1:00 PM – 2:30 PM	Regency C	
Teaching the Skilled International Lawyer	April 11, 9:00 AM – 10:30 AM	Columbia C	
Student and New Professional Development			
Shifting Sands: The Implications of Undemocratic Election Processes and Borders	April 9, 9:00 – 10:30 AM	Columbia C	
International Criminal Law: New Voices	April 9, 4:30 PM – 6:00 PM	Regency C	
The Future of International Law: A Roadmap for New Professionals	April 10, 9:00 AM – 10:30 AM	Lexington & Concord	
Connecting Junior and Senior ASIL Scholars	April 10, 11:00 AM – 12:30 PM	Yellowstone & Everglade	
International Refugee Law & Displacement: New Voices	April 10, 11:00 AM – 12:30 PM	Lexington & Concord	
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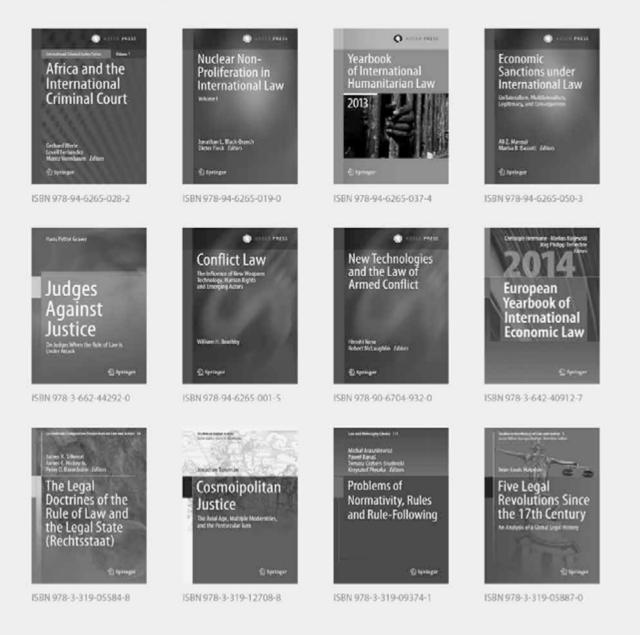
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