

114TH ASIL ANNUAL MEETING

***The Promise of
International Law***

June 25-26, 2020



American Society
of International Law

ASIL

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

The Society's 3,500 members from more than 100 nations include attorneys, academics, corporate counsel, judges, representatives of governments and nongovernmental organizations, international civil servants, students and others interested in international law. Through 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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©2020 ASIL Annual Meeting

Dear Colleagues,

The start of a new decade is an especially good opportunity to take stock of what works and what needs to change. In this spirit, the 2020 ASIL Annual Meeting is a time for reflection on the promise of international law. The past decade has seen dramatic transformations around the world, and this year has been no exception. Through our annual meetings over the last ten years, we have examined harmony and dissonance in international law, confronted varied complexities, and explored the role international law plays as an instrument to shape perceptions of the interests of diverse global actors. Recognizing that we live in a multipolar world, the effectiveness of international law is frequently called into question, as is its adaptability in a rapidly changing world.

This year, amidst a global pandemic, let us convene to assess critically whether international law has lived up to its full potential. Is international law equipped to safeguard the peaceful coexistence of its subjects, to protect human rights and the environment, and to contribute to the attainment of shared prosperity? Has international law held states, military forces, multinational corporations, and other actors – both public and private – to account for their international obligations? What role do regulatory bodies, international institutions, and non-governmental organizations play in actualizing the objectives of international law? Can and should international law be expected to produce just outcomes in all circumstances?

By gathering at the first ever virtual Annual Meeting, we hope to focus our collective energy and intellect toward an honest reflection and reaffirmation of the promise and promises of international law. We do not expect that the Society's 114th Annual Meeting will provide a definitive answer to all these questions. Rather, it is our hope that by engaging in this conversation, we remind ourselves of our global community, understand ways in which we can innovate through international law to create solutions, and renew our sense of purpose in our work as advocates, students, critics, scholars, and practitioners of international law.

Thank you for joining us virtually.

Co-Chairs

2020 ASIL Annual Meeting Committee



A handwritten signature in black ink, appearing to read "Babington-Ashaye".

Joké Babington-Ashaye



A handwritten signature in black ink, appearing to read "Ruchi G. Gill".

Ruchi G. Gill



A handwritten signature in black ink, appearing to read "Jarrod Wong".

Jarrod Wong

We are delighted to welcome you to the 114th Annual Meeting of the American Society of International Law—one of the largest and most diverse gatherings of international lawyers, jurists, scholars, and diplomats in the world. Over the next two days, you will have the opportunity to engage with thought leaders in international law and related disciplines through more than 50 substantive sessions and six thematic tracks, as well as special interactive sessions designed expressly for this year's virtual format.

The 2020 Annual Meeting theme, *The Promise of International Law*, invites us to reflect on the successes and failures of international law, while reaffirming our commitment to achieving its promise of a more just and peaceful world. At this troubling and pivotal moment in world affairs, it is especially important for us to come together as a global community to consider and debate these matters.

The Annual Meeting will begin on Thursday morning with the Opening Ceremonies, featuring a number of special presentations, including the dedication of a new book award honoring the late Robert E. Dalton, and a keynote conversation between Ambassador William J. Burns (Carnegie Endowment for International Peace) and Avril Haines (Columbia University).

The Opening Ceremonies will be followed by our first substantive breakout sessions. Among the highlights will be the presentation of the 2020 Manley O. Hudson Medal to Rüdiger Wolfrum (Max Planck Foundation), with keynote remarks by Professor Wolfrum on "The Normativity of Public International Law Reconsidered," and a conversation between Professor Wolfrum and the 2010 Hudson Medal recipient, Edith Brown Weiss.

At the end of our first day of substantive programs, we will recognize the recipients of the Society's honors and awards, including, in addition to Professor Wolfrum, two leading figures in international human rights law—Hina Jilani, who will receive the Honorary Member Award, and Claudio Grossman, who will receive the Goler T. Butcher Medal.

The Thursday sessions will conclude with the 22nd annual Grotius Lecture, presented in cooperation with American University Washington College of Law. The lecture will be delivered by James Gathii (Loyola University Chicago School of Law), on "The Promise of International Law: A Third World View." Fleur Johns (University of New South Wales Faculty of Law) will deliver the response.

The Friday sessions will begin with a plenary conversation between Professor Grossman and Ms. Jilani, moderated by ASIL's Immediate Past President Sean D. Murphy. Other programs of note on Friday morning will include the Fifth Annual Detlev F. Vagts Roundtable on Transnational Law, convened by Rochelle Dreyfuss, on "Conceptualizing Intellectual Property as a Social Determinant of Health"; and the Eighth Annual Charles N. Brower Lecture on International Dispute Resolution, to be delivered by Sir Daniel Bethlehem on "The Greening of International Dispute Settlement? Stepping Back a Little."

On Friday afternoon, Judge Elizabeth Odio Benito of the Inter-American Court of Human Rights will be the featured speaker at the 27th annual Women in International Law Interest Group program, where she will receive the 2020 Prominent Woman in International Law Award.

The closing plenary will feature a roundtable discussion, sponsored by the Asser Institute for International and European Law and the Municipality of The Hague, on "Cities and Other Sub-National Entities: What promise do they hold for international law?"

Throughout the Annual Meeting, we invite you to take advantage of a variety of interactive sessions designed for our virtual format. These will include mentoring sessions that will connect students and new professionals with leading scholars and practitioners and "Ask Me Anything" sessions with leaders in the field answering questions on everything from their career paths to their thoughts on current international legal issues. We also invite you to participate in the member meetings that the Society's Interest Groups will be hosting over the course of the Annual Meeting, and to visit our virtual Expo Hall to explore the information and resources presented by our sponsors and exhibitors.

Finally, we would like to express our deep appreciation to the Annual Meeting Committee, led by co-chairs Joké Babington-Ashaye, Ruchi Gill, and Jarrod Wong; to our speakers, sponsors, partners and exhibitors; to our technology partner, Silo Virtual Event Solutions, our event planner, Eden Capuano, and her team at Voila! Inc.; and to the leaders and staff of the Society, all of whom have labored for many months to create this experience.

Thank you for joining us, and best wishes for an enjoyable and rewarding meeting.



A blue ink signature of Catherine Amirfar.

Catherine Amirfar
President



A blue ink signature of Mark David Agrast.

Mark David Agrast
Executive Director



114th ASIL Annual Meeting

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Program at a Glance

THURSDAY, JUNE 25, 2020			
START TIME	END TIME	SESSION	CLE CREDITS
9:00 AM	10:00 AM	Opening Ceremonies and Assembly Keynote (William J. Burns)	N/A
10:00 AM	10:15 AM	Break	N/A
10:15 AM	11:15 AM	ISDS and Climate Change Policies: A barrier, facilitator, or neither (Live)	1.0
		Reforming the WTO through the Prism of Rules- versus Power-based Trade Relations (Live)	1.0
		Hudson Medal Program: Rüdiger Wolfrum (Live)	1.0
		Between Participation and Capture: Non-state actor participation in international rule-making	1.0
		Space Law Interest Group Business Meeting	N/A
		New Professionals Interest Group Business Meeting	N/A
		Ask Me Anything: Catherine Powell	N/A
		Virtual Mentoring Session: Jay Butler	N/A
11:15 AM	11:30 AM	Break	N/A
11:30 AM	12:30 PM	The Case for Self Determination in the 21st Century (Live)	1.0
		Using Old Tools in New Ways: Towards a new economic world order (Live)	1.0
		What Promises Will States Keep Beyond National Jurisdiction? (Signature Topics)	1.0
		Climate Change Litigation and the Future of the International Climate Change Legal Regime	1.0
		Private International Law Interest Group Business Meeting	N/A
		Teaching International Law Interest Group Business Meeting	N/A
		Ask Me Anything: Ernst Hirsch Ballin	N/A
		Virtual Mentoring Session: Aya Fujimara-Fanselow	N/A
12:30 PM	1:00 PM	Break	N/A

THURSDAY, JUNE 25, 2020

START TIME	END TIME	SESSION	CLE CREDITS
1:00 PM	2:00 PM	Protecting Human Rights in the Digital Age: Can international law provide the necessary framework? (Live)	1.0
		The U.S. and International Courts and Tribunals: A historical approach to the current dilemma (Live)	1.0
		Promise or Peril? Towards an international data protection regime	1.0
		Head of State Immunity	1.0
		ASIL-Midwest Interest Group Business Meeting	N/A
		Africa Interest Group Business Meeting	N/A
		Ask Me Anything: John Bellinger	N/A
		Virtual Mentoring Session: Tafadzwa Pasipanodya	N/A
2:00 PM	2:15 PM	Break	N/A
2:15 PM	3:15 PM	Imprisoning Schindler: Responding to the legal vulnerability of those who aid refugees (Live)	1.0
		Where Next? The international arms control framework (Live)	1.0
		The Singapore Convention on Mediation and the Future of Appropriate Dispute Resolution	1.0
		The Promise and Limits of Cyber Power in International Law	1.0
		Publishing Tips with the AJIL Editors-in-Chief (Live)	1.0
		Disaster Law Interest Group Business Meeting	N/A
		Women in International Law Interest Group Business Meeting	N/A
		Ask Me Anything: Blanca Montejo	N/A
		Virtual Mentoring Session: Sarah Freuden	N/A
3:15 PM	3:30 PM	Break	N/A

THURSDAY, JUNE 25, 2020

START TIME	END TIME	SESSION	CLE CREDITS
3:30 PM	4:30 PM	Sustainable Development and International Law: Fragmentation, disconnects and the challenge of international policy coherence in meeting the SDGs (Live)	1.0
		Protecting Human Rights through International Adjudication (Live)	1.0
		Transitional Justice in a Hostile Climate	1.0
		New Voices in International Law	1.0
		International Economic Law Interest Group Business Meeting	N/A
		Minorities in International Law Interest Group Business Meeting	N/A
		Ask Me Anything: Natalie Reid	N/A
		Virtual Mentoring Session: MJ Durkee	N/A
4:30 PM	5:00 PM	Honors and Awards Ceremony	N/A
5:00 PM	6:00 PM	2020 Grotius Lecture: The Promise of International Law: A Third World View	N/A

FRIDAY, JUNE 26, 2020

START TIME	END TIME	SESSION	CLE CREDITS
9:00 AM	10:00 AM	Morning Keynote: A Conversation with Hina Jilani and Claudio Grossman	N/A
10:00 AM	10:15 AM	Break	N/A
10:15 AM	11:15 AM	The CJEU and the Future of the Multilateral Investment Court (Live)	1.0
		The ICC and Beyond: Re-evaluating the promise of international criminal justice (Live)	1.0
		Reforming International Environmental Law for the Anthropocene	1.0
		Which Way to the Stars? Challenges to regulation of “new space” activities	1.0
		Rights of Indigenous Persons Interest Group Business Meeting	N/A
		International Organizations Interest Group Business Meeting	N/A
		Ask Me Anything: Dapo Akande	N/A
		Virtual Mentoring Session: Isavella Vasilogeorgi	N/A
11:15 AM	11:30 AM	Break	N/A

FRIDAY, JUNE 26, 2020

START TIME	END TIME	SESSION	CLE CREDITS
11:30 AM	12:30 PM	Eighth Annual Charles N. Brower Lecture on International Dispute Resolution: Sir Daniel Bethlehem (Live)	1.0
		Has International Law Lived Up to its Promise in Advancing the Rights of Women and Girls? (Live)	1.0
		Contemporary Human Rights Research	1.0
		Legal Advisers' Roundtable (Live)	1.0
		Nonproliferation, Arms Control, and Disarmament Interest Group Business Meeting	N/A
		Anti-corruption Law Interest Group Business Meeting	N/A
		Ask Me Anything: Tendayi Achiume	N/A
12:00 PM	12:30 PM	Virtual Mentoring Session: Doug Cantwell	N/A
12:30 PM	1:00 PM	Break	N/A
1:00 PM	2:00 PM	The Duty to Litigate in Good Faith in International Dispute Settlement (Live)	1.0
		Recent Peace Agreement Negotiations: Successes and challenges from the Eritrea-Ethiopia, US-Taliban & Hudaydah (Live)	1.0
		Addressing the Law of the Sea Challenges to Sea-Level Rise	1.0
		International Law and Theories of Global Justice	1.0
		Second Annual International Law Review Editors Roundtable (Live)	1.0
		Human Rights Interest Group Business Meeting	N/A
		Ask Me Anything: Harold Koh	N/A
		Virtual Mentoring Session: Michelle Jonker-Argueta	N/A
2:00 PM	2:15 PM	Break	N/A

FRIDAY, JUNE 26, 2020

START TIME	END TIME	SESSION	CLE CREDITS
2:15 PM	3:15 PM	Accountability Is an IO's Jam? International organizations and immunity one year after Jam v. International Finance Corp (Live)	1.0
		Does International Law Make the World More Equal? (Live)	1.0
		The Great Transformation and the Promise of International Economic Law	1.0
		Fifth Annual Detlev F. Vagts Roundtable: Conceptualizing Intellectual Property as a Social Determinant of Health (Live)	1.0
		International Refugee Law Interest Group Business Meeting	N/A
		Lieber Society on the Law of Armed Conflict Business Meeting	N/A
		Ask Me Anything: Beth Van Schaack	N/A
		Virtual Mentoring Session: Matiangai Sirleaf	N/A
3:15 PM	3:30 PM	Break	N/A
3:30 PM	4:30 PM	The Promise of Multilateralism in Latin America (Live)	1.0
		Responding to Atrocity Crimes and the Security Council's Veto Power (Live)	1.0
		The Promise and Prospects of the 2019 Hague Convention on the Recognition and Enforcement of Foreign Judgments	1.0
		Presentation of the Prominent Woman in International Law Award (Live)	N/A
		Ask Me Anything: José Alvarez	N/A
		Virtual Mentoring Session: Luli Hemmingsen	N/A
4:30 PM	5:00 PM	Break	N/A
5:00 PM	6:00 PM	Closing Plenary	N/A

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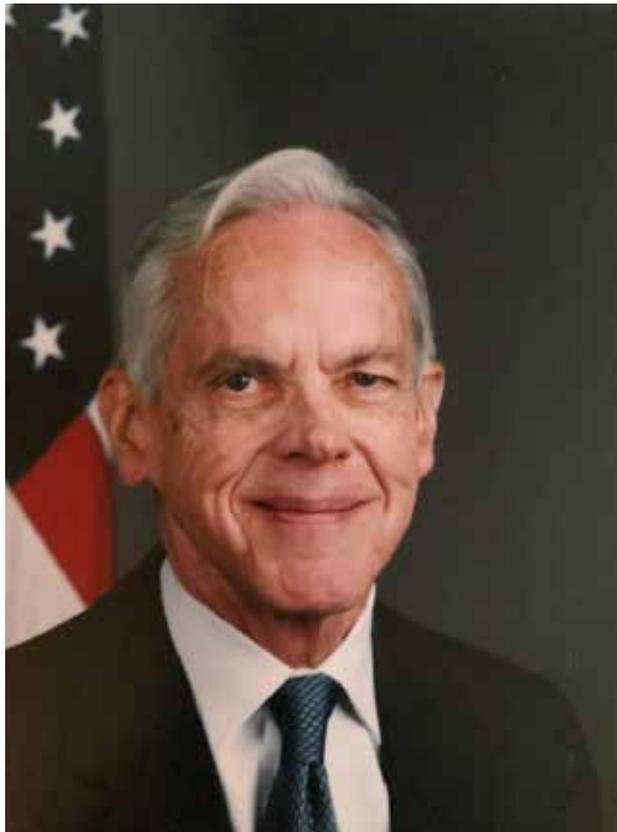
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Gabrielle Kaufmann-Kohler
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Governance of Offshore Freshwater Resources

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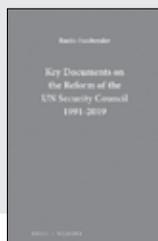
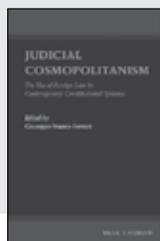
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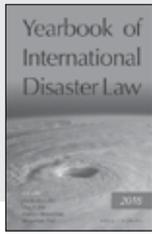
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December 2019 | Hardback (xiv, 946 pp.) | ISBN 9789004227569 | Price US\$ 1,032



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Available in **print** and **online**, the aim of the *Yearbook of International Disaster Law* is to foster the interest of academics and practitioners on legal and institutional issues relevant to all forms of natural, technological/human-made disasters, including rapid and slow onset events, but excluding armed conflicts or political/financial crises per se. The Yearbook fills a current gap in international journals as there is no a specific hub devoted to this area of law notwithstanding the increasing academic interest towards such issues. *Volume One* features a thematic section on the Draft Articles of the ILC on the "Protection of Persons in the Event of Disasters" as well as a general selection of articles, and an international and regional review of International Disaster Law in Practice, plus book reviews and bibliography.

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Ocean Yearbook 34

Edited by **Aldo Chircop**, Dalhousie University, **Scott Coffen-Smout**, Dalhousie University, and **Moirá McConnell**, Dalhousie University

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

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

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

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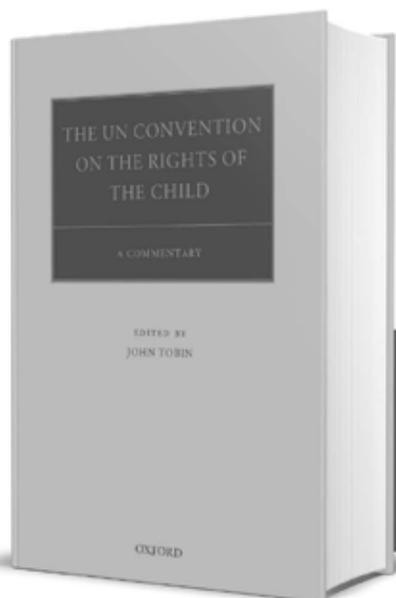
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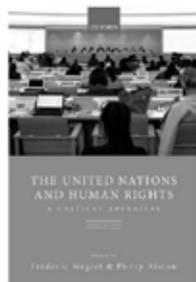
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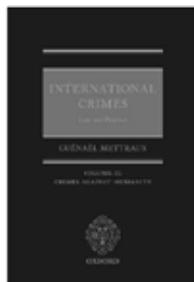
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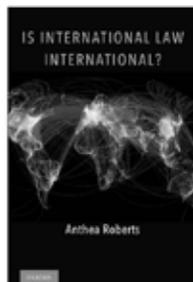
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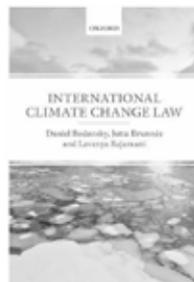
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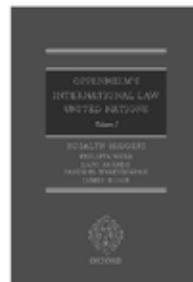
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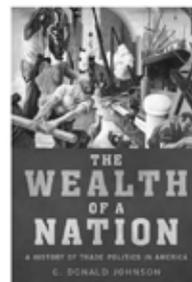
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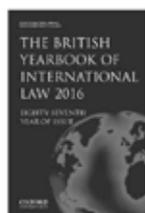
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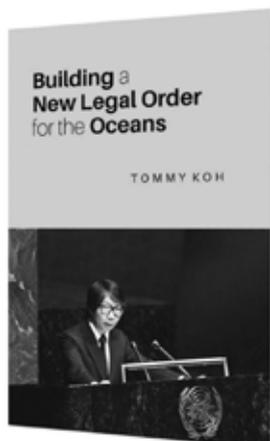
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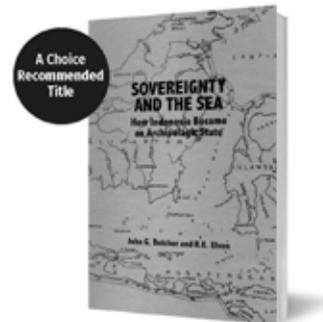


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Thursday, June 25, 2020

Opening Ceremonies and Assembly Keynote (William J. Burns)

9:00 am – 10:00 am

Featured Speaker: William J. Burns, Carnegie Endowment for International Peace

Moderator: Avril Haines, Columbia Law School

Break

10:00 am – 10:15 am

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10:15 am – 11:15 am

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As countries grapple with how best to regulate conduct within their borders to attempt to mitigate climate change and to meet the objectives of international commitments, including the Paris Agreement, policies have taken various forms – from offering “carrots” in the form of green energy subsidies, to “sticks” aimed at sanctioning disfavored energy uses or sources. Such regulatory decisions have impacted a broad spectrum of investors, resulting in a spate of recent investment claims. Dozens of investment claims have been brought by renewable energy investors under the Energy Charter Treaty, asserting that states have reneged on favorable terms offered to incentivize the massive private investment in green energy during the global financial crises and in the face of budget shortfalls. Nuclear power has been steadily in decline in Europe for at least the last decade, with Germany expediting its exit from nuclear power following the Fukushima disaster, which prompted an investment claim from Vattenfall asserting the value of its nuclear assets has been stranded. And fossil fuel investors have threatened investment claims, asserting that policies impairing conventional energy production denies them their legitimate expectations of returns on their investments. This panel will address, in the context of policies enacted by states to mitigate the effects of climate change, where the line is between compensable investment claims where investors’ legitimate expectations have been frustrated by climate policies, on the one hand, and non-compensable claims resulting from states’ climate policies? Is the threat of ISDS a barrier to government policies encouraging the shift to green energy? Or do investment treaties and free trade agreements encourage foreign investment into local green economies? And, if there is uncertainty as to where the “right to regulate” in the climate space without triggering compensable investment claims, how does that uncertainty affect new investments in green or conventional energy projects? Italy has withdrawn from the ECT in an apparent response to the number of claims it was defending following its retroactive measures relating to renewable investments, and there are threats

of additional withdrawals or modifications to the ECT and other ISDS mechanisms. If states withdraw from, or agree to modify the terms of, investment treaty protections, will that discourage private investment required for renewable energy sources? Alternatively, should modifications to international agreements be embraced and what should they look like to meet states' challenges in regulating to mitigate climate change? This panel will explore the impact ISDS has on achieving internationally agreed-upon goals and individual states' policy objectives on climate change.

Panelists:

- Kasturi Das, Institute of Management Technology, Ghaziabad, Delhi-NCR, India (Speaker)
- Gabriela Alvarez Avila, Curtis, Mallet-Prevost, Colt & Mosle, S.C. (Speaker)
- Danielle Morris, Wilmer Cutler Pickering Hale and Dorr LLP (Moderator)
- Carlos Sole, Socio KPMG (Speaker)
- Kevin D Mohr, King & Spalding (Speaker)

• **Reforming the WTO through the Prism of Rules- versus Power-based Trade Relations (Live)**

CLE Credit Hours: 1.0

Sponsored by Dechert LLP

The post-war rules-based global trading system stands at a crossroads. All three of the WTO's main functions—monitoring member states' trade policies, serving as a forum for trade negotiations, and providing a mechanism to settle trade disputes—are facing criticism and the pressure to reform. While this presents a much needed opportunity to modernize the current system, it is unclear whether a "rules-based" system anchored in binding adjudication in relation to multilaterally-negotiated treaty commitments is stable or even viable over the long-term. Shocks to the system lead major players such as the United States to consider opting out of or undercutting multilateral rules, and emergent powers like China to challenge the adequacy of the established rules. Renegotiation is exceedingly difficult and has not succeeded on a large scale since the Uruguay Round, flexibility mechanisms have failed in many respects, and a reversion toward power-based trade diplomacy seems underway. This panel will address fundamental questions relating to the WTO reform process through John Jackson's conceptual framework: Is a rules-based system doomed to fail? Can it be rescued? And, more importantly, should it be rescued?

Panelists:

- Stephen de Boer, Ambassador of Canada to the WTO (Speaker)
- Henry Gao, Singapore Management University (Speaker)
- Jennifer Hillman, Council on Foreign Relations (Speaker)
- Gabrielle Z. Marceau, World Trade Organization - UNIGE (Moderator)

- **Annual Hudson Medal Discussion: Prof. Dr. Rüdiger Wolfrum (Live)**

CLE Credit Hours: 1.0

Honoree: Rüdiger Wolfrum, Max Planck Foundation

Discussant: Edith Brown Weiss, Georgetown University Law Center

- **Between Participation and Capture: Non-state actor participation in international rule-making**

CLE Credit Hours: 1.0

At a moment when global governance is heavily criticized for being led by and devoted to the interests of the few, a fireside conversation with a panel of experts will examine different efforts to address the risks of capture in international rule-making and seek to draw lessons emerging from these cases. Over the past decades, non-state actors—particularly industry representatives—have been increasingly admitted to international rule-making as providers of legitimacy, expertise and funds. This trend towards inclusiveness is likely to increase, owing among other reasons to the endorsement of the Sustainable Development Goals to objectives such as “inclusive institutions at all levels”, “enhancing multi-stakeholder partnerships” and promoting “public-private partnerships.” Yet, it is often overlooked that increased non-state actor participation may skew agenda-setting and ultimately international rule-making in a way that disproportionately reflects sectoral interests. Criticism has emerged in this regard in different areas of governance: UN climate change bodies have been criticized for cozying up to corporate fossil fuel lobbies, global financial governance institutions are charged with leaning towards the interests of the large banking and financial industry they are meant to regulate, and the pharmaceutical industry is accused of exerting outsized influence in health-related international standard-setting, sometimes in contradiction with public health objectives such as access to medicines. Moreover, philanthropic foundations earmark their contributions, thereby de facto steering the decision-making processes in international organizations that rely on these funds. Some organizations, such as the WHO’s Framework of Engagement with Non-State Actors, have recently sought to address these concerns.

Panelists:

- Melissa (“MJ”) Durkee, University of Georgia School of Law (Speaker)
 - Igor Barbosa, Ministry of Foreign Affairs – Brazil (Speaker)
 - Ayelet Berman, National University of Singapore (Moderator)
 - Hassane Cisse, International Development Lawyer and Former Governance Director, World Bank Group (Speaker)
 - Nancy Thevenin, US Council of International Business (Speaker)
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- **Space Law Interest Group Business Meeting**

- **New Professionals Interest Group Business Meeting**

- **Ask Me Anything: Catherine Powell, Fordham Law School**

Catherine Powell is a professor at Fordham Law School, where she teaches constitutional law, human rights, and digital rights. She is also an Adjunct Senior Fellow at the Council on Foreign Relations (CFR) and serves on the American Journal of International Law board of editors. She took a leave from academia from 2009 to 2012 to serve in Secretary of State Hillary Clinton's Policy Planning Office and in the White House National Security Council as Director for Human Rights in the Obama Administration. Powell was founding director of both the Human Rights Institute and the Human Rights Clinic at Columbia Law School. Her current academic work focuses on federalism, equality law, human rights, and digital rights.

- **Virtual Mentoring Session: Jay Butler, William & Mary College of Law**

The Society is pleased that many of its members have agreed to serve as virtual mentors in private video-conferences to students and new professionals throughout the Virtual Annual Meeting.

Break

11:15 am – 11:30 am

Breakout Sessions

11:30 am – 12:30 pm

- **The Case for Self Determination in the 21st Century (Live)**

CLE Credit Hours: 1.0

Sponsored by the World Justice Project

Around the world, communities have failed to fully realize their right to self-determination, despite the recognition of that right by international courts and international institutions. Sub-state political entities that have sought to assert their right to self-determination through independence referenda have faced political reprisals and charges of illegal secession. In the recent Chagos Advisory Opinion, the International Court of Justice shed light on the nature and right of self-determination in the context of decolonization. This session will address self-determination in the 21st Century in cases of unfinished decolonization and independent statehood movements. Using the Chagos Advisory Opinion (ICJ), Kosovo Advisory Opinion (ICJ), and Quebec opinion (Canada) as a legal

framework, this panel will take place in an “oral argument” format, where a judge will pose questions to attorneys representing communities who are seeking to assert their right to self-determination and attorneys representing states that are opposed to those efforts. The judge will hear oral argument from litigants debating self-determination claims in two or more cases, such as the Comoros Islands vs. France over Mayotte, the Sahrawis of Western Sahara vs. Morocco, and/or the Kurdish Region vs. Iraq. After oral argument, time will be reserved for questions from the audience, acting as part of the judicial panel. Finally, the audience will have the opportunity to vote on the separate cases.

Panelists:

- Mamadou Hébié, International Court of Justice (Speaker)
- James Kateka, International Tribunal for the Law of the Sea (Moderator)
- Marc Weller, University of Cambridge Faculty of Law (Speaker)
- Milena Sterio, Cleveland-Marshall College of Law (Speaker)
- Nawi Ukabiala, Debevoise & Plimpton LLP (Speaker)

• **Using Old Tools in New Ways: Towards a new economic world order (Live)**

CLE Credit Hours: 1.0

Sponsored by Dechert LLP

The 21st Century has witnessed a number of attempts by States to change the economic world order that had been established by the end of the 20th Century. Although the outcomes sought involve change, the international law tools being used to achieve this are not new. This session will address aspects of what is arguably the new economic world order and the old tools that States are using to further their interests, e.g., global international trade (WTO dispute settlement being weaponized to achieve broader objectives), regional international trade (CUSMA and the NAFTA denunciation/renegotiation; the African Continental Free Trade Area (AfCFTA)), the international law of foreign investment (the Multilateral Investment Court and certain capital exporting States’ reaction to being sued under BITs; the Africanization of rule-making in BITs and regional codes), bilateral trade (China’s belt and road initiative), sanctions and trade/investment blocking (Iran, Venezuela, Huawei 5G).

Panelists:

- Eric De Brabandere, Leiden University (Speaker)
- Rose Rameau, Rameau Law Firm (Speaker)
- Kory Parkhurst, Koch Companies Public Sector, LLC (Speaker)
- Céline Lévesque, University of Ottawa (Moderator)

- **What Promises Will States Keep Beyond National Jurisdiction? (Signature Topics)**

CLE Credit Hours: 1.0

Is the need for transnational cooperation in areas beyond the territorial jurisdiction of states sufficient to overcome the resentments and anxieties of polarization and nationalism? This session will test the hypothesis that increasing numbers of states engaged in increasing activities in outer space and the ocean is creating a dynamic space for international law. It will also question whether formal legal instruments, such as the marine Biodiversity Beyond National Jurisdiction agreement being negotiated at this very moment, are the ideal vehicle for promises that states will keep. If not, what are the alternatives? The session will address questions of resource and security conflicts, the actors involved in these two diverse spaces, the impetus for negotiation and decisions that led to the formal agreement that resulted, and compliance mechanisms.

Panelists:

- Stefan Kirchner, Artic Center, University of Lapland (Speaker)
- Brian Egan, Steptoe & Johnson LLP (Moderator)
- Cymie Payne, Rutgers University (Speaker)
- Lydia Slobodian, Serova (Speaker)

- **Climate Change Litigation and the Future of the International Climate Change Legal Regime**

CLE Credit Hours: 1.0

Sponsored by Intersentia Publishing Group

This panel will discuss two approaches for climate action: international law through the implementation of the Paris Agreement and transnational and domestic litigation. The panel will explore challenges and opportunities stemming from both approaches. It will also be an opportunity to discuss whether the current debate is too focused on climate change at the expense of other pressing global environmental (and non-environmental) challenges. Are we truly facing a climate emergency? If so, how can we pursue integrated governance approaches that build on effective regime interaction? If we are not experiencing a climate emergency, or if the latter should be understood in conjunction with other emergencies, what does this mean for international climate change law and transnational and domestic climate litigation?

Panelists:

- Jolene Lin, National University of Singapore (Speaker)
- Laura Shay Lynes, The Resilience Institute (TRI) (Speaker)
- Francesco Sindico, University of Strathclyde Law School (Moderator)
- Daniel Magraw, Johns Hopkins University School of Advanced International Studies (Speaker)
- Hari Osofsky, Penn State Law and School of International Affairs (Speaker)

- **Private International Law Interest Group Business Meeting**

- **Teaching International Law Interest Group Business Meeting**

- **Ask Me Anything: Ernst Hirsch Ballin, The Hague**

Ernst Hirsch Ballin is Professor of Human Rights Law at the University of Amsterdam and President of the Board of the T.M.C. Asser Instituut, as well as a Distinguished University Professor at Tilburg University. He is a member of the Royal Netherlands Academy of Arts and Sciences, and of the Advisory Council for International Affairs. Ballin served in the Government of The Netherlands in numerous roles, including as a civil servant in the Ministry of Justice, eventually being appointed to the role of Minister of Justice in 1989 and then Minister of the Interior in 1994. He was elected to the House of Representatives in 1994 and to the Senate in 1995. Ballin served as a Member of the Council of State for The Netherlands in 2000 and then was reappointed to Minister of Justice in 2006 and added the role of Minister of the Interior and Kingdom Relations in 2010. He was the longest serving Minister of Justice in The Netherlands history and has retired from public life to continue his academic scholarship on international law and human rights.

- **Virtual Mentoring Session: Aya Fujimara-Fanselow, Duke University School of Law**

The Society is pleased that many of its members have agreed to serve as virtual mentors in private video-conferences to students and new professionals throughout the Virtual Annual Meeting.

Break

12:30 pm – 1:00 pm

Breakout Sessions

1:00 pm – 2:00 pm

- **Protecting Human Rights in the Digital Age: Can international law provide the necessary framework? (Live)**

CLE Credit Hours: 1.0

Sponsored by Dechert LLP

Digital platforms have fundamentally changed the flow of information on a global scale. The effects of the digital age on human beings are widespread, from empowering individuals and advancing society on the one hand, to emboldening the spread of disinformation and enabling the spread of hate-based radicalization. There are many initiatives on the part of the private sector, States and civil society to address the increased abuse of digital platforms,

but these initiatives are largely developing as a patchwork of domestic regulation. What is still lacking is a comprehensive normative framework that addresses fundamental human rights and still enables platforms to operate cross-jurisdictionally. International human rights law can serve as the cornerstone for such a global framework. The UN Guiding Principles on Business and Human Rights entail that human rights law applies to digital platforms, wherever they are based or operating. In turn, key elements of human rights law can serve as guiding principles for both governments and digital platforms to institute regulations or policies governing online dissemination of information. Consideration must be given to the freedom of expression as well as the rights to freedom of thought and opinion and the right to privacy, but that must be weighed alongside the need for individual and public safety and security. The panel will be a robust discussion on how human rights law can inform a framework for protecting individuals in the digital age, including how to strike the right balance among fundamental human rights that at times may be in tension.

Panelists:

- Emma Llansó, Center for Democracy & Technology (Speaker)
- David Kaye, UC Irvine School of Law, UC Irvine School of Law (Speaker)
- Cindy Cohn, Electronic Frontier Foundation (Speaker)
- Juan Carlos Lara, Derechos Digitales (Speaker)
- Susan Benesch, Harvard University, Moderator (Moderator)

• **The U.S. and International Courts and Tribunals: A historical approach to the current dilemma (Live)**

CLE Credit Hours: 1.0

Sponsored by Curtis, Mallet-Prevost, Colt & Mosle LLP

Organized by the International Courts and Tribunals Interest Group

The United States has historically been at the vanguard of international dispute resolution, from the Jay Treaty through the countless cases of diplomatic protection, the Alabama Claims, the U.S.-Mexico Claims Commission, the Venezuela bond arbitration, and many others. The panel will look at a sample of those cases from the 19th and 20th centuries to examine how States (including the United States) have changed their approaches to international courts and tribunals in the 21st century. The panel will address how the procedure and structures of earlier systems influenced States' engagement with international courts and tribunals. The panel will further examine the political conditions bearing on international adjudication, both domestically and internationally, that existed at the time of the earlier cases, how those conditions compare to the current domestic and international atmosphere, and how those conditions affect States' engagement with international courts and tribunals. In the process, the panel will address the questions: has the promise of international law, laid out in previous centuries as it relates to international adjudication, been fulfilled? What lessons can be drawn from earlier approaches, as we determine how that promise will fare in the future?

Panelists:

- Amalia D. Kessler, Stanford University (Speaker)
- Natalie L. Reid, Debevoise & Plimpton LLP (Speaker)
- Jennifer Thornton, Arent Fox LLP (Speaker)
- Harold Koh, Yale Law School (Speaker)
- David Bigge, U.S. Department of State (Moderator)

- **Promise or Peril? Towards an international data protection regime**

CLE Credit Hours: 1.0

Sponsored by Dechert LLP

Organized by the International Law and Technology Interest Group

This session tackles one of the most pressing issues in transnational legal practice today: data protection and privacy rights. The EU's enactment of the General Data Protection Regulation (GDPR), which came into force in May 2018, has transformed markets around the globe as governments, multinational companies and civil society organizations with transnational activities have focused organizational resources on bringing their international practices and their accompanying data processing into compliance with the GDPR's extensive regulatory framework. Other countries, including China, Brazil and India have followed suit with their own data protection regimes, all of which incorporate elements of extra-territorial jurisdiction similar to those within the GDPR. In addition, the International Standards Organization has recently issued a data privacy information management standard, ISO/IEC 27701. The global trend towards personal data protection is well underway. In the United States several states (notably California, with its recent CCPA), have moved forward with data protection laws, yet Congress struggles to draft federal privacy legislation, grappling with core questions of proper scope and effective enforcement. These developments suggest a number of corollary questions: is an international data protection regime evolving? If not, should one be developed? What role do comparative and international law norms, including human rights, play in shaping existing and potential data protection and privacy regimes? This session will explore these and other questions to map the state of play with respect to data protection and privacy regulation from a transnational perspective.

Panelists:

- Lisl Brunner, AT&T (Speaker)
- Margaret Hu, Washington and Lee University School of Law (Speaker)
- Andrea Matwyshyn, Penn State Law (Speaker)
- Arturo J. Carrillo, George Washington University School of Law (Moderator)

- **Head of State Immunity**

CLE Credit Hours: 1.0

Organized by the International Criminal Law Interest Group

This panel will explore the concept of head-of-state immunity under international criminal law, in light of recent case law and other prosecutorial and investigative developments at the International Criminal Court, as well as the International Court of Justice and within other tribunals, on this topic. Head-of-state immunity remains a controversial topic within International Criminal Law: although many scholars and tribunal prosecutors argue that sitting heads of state should not be immune from international prosecutions if accused of atrocity crimes, multiple states as well as a minority of scholars assert the opposite. In practice, the work of the International Criminal Court as well as the work of other tribunals, such as the International Criminal Tribunal for Yugoslavia, have been hampered because of the assertion of head-of-state immunity. Moreover, immunity has been asserted by former and sitting heads of state within domestic contexts; such immunity claims impede the pursuit of justice and the imposition of individual criminal responsibility. This panel will explore head-of-state immunity, from its origins to its more recent applications at the International Criminal Court as well as at other tribunals. In addition, panelists will discuss whether the assertion of immunity differs in the context of atrocity crimes prosecutions from its assertion within other types of prosecutions for lesser crimes.

Panelists:

- Leila Sadat, Washington University School of Law (Speaker)
- Adil Haque, Rutgers University (Speaker)
- Ingrid Wuerth, Vanderbilt University School of Law (Speaker)
- David Scheffer, Northwestern Pritzker School of Law (Speaker)
- Andrew Boyle, Brennan Center for Justice (Moderator)

- **ASIL-Midwest Interest Group Business Meeting**

- **Africa Interest Group Business Meeting**

- **Ask Me Anything: John Bellinger, Arnold & Porter LLP**

John Bellinger heads the Arnold & Porter LLP Global Law and Public Policy practice. He joined the firm after holding several senior Presidential appointments in the U.S. government, including as the Senate-confirmed Legal Adviser to the Department of State and Senior Associate Counsel to the President and Legal Adviser to the National Security Council (NSC). In his role as Legal Adviser, the most senior international lawyer in the U.S. Government, he directed more than 170 lawyers on domestic and international law matters affecting US foreign relations and was awarded the Secretary of State's Distinguished Service Award.

Before joining the State Department, Bellinger managed U.S. Secretary of State Condoleezza Rice's Senate confirmation process and co-directed her State Department transition team. He has served in a variety of roles in government, including as Counsel for National Security Matters in the Criminal Division at the U.S. Department of Justice, Of Counsel to the Senate Select Committee on Intelligence, and Special Assistant to Director of Central Intelligence William Webster.

- **Virtual Mentoring Session: Tafadzwa Pasipanodya, Foley Hoag LLP**

The Society is pleased that many of its members have agreed to serve as virtual mentors in private video-conferences to students and new professionals throughout the Virtual Annual Meeting.

Break

2:00 pm – 2:15 pm

Breakout Sessions

2:15 pm – 3:15 pm

- **Imprisoning Schindler: Responding to the legal vulnerability of those who aid refugees (Live)**

CLE Credit Hours: 1.0

Sponsored by the World Justice Project

The truth is that international refugee law (Art. 31) does not protect those who assist refugees, but only refugees themselves, against penalties. Hundreds of volunteers and aid workers across a number European countries have been arrested, charged or investigated for supporting persons seeking protection in the past five years and now the United States Government is following suit. Against that backdrop, this problem-solving exercise will provide a forum for international law experts on the panel and in the audience to actively think about whether other non-refugee bodies of international law, including, for example international humanitarian law, international human rights law, law of the sea, the principle of good faith, might productively be brought to bear. At this interactive event, you will hear from those who have been criminalized for helping refugees, and be part of dynamic and creative discussion exploring the promise of international law for those who have faced official sanction for aiding their fellow humans.

Panelists:

- Obiora Okafor, Osgoode Hall Law School, Toronto, Canada (Speaker)
- Gregory Kuykendall, Kuykendall Law LLP (Speaker)
- Frances Weber, Institute of Race Relations (Speaker)
- Kate Jastram, University of California Hastings College of Law (Moderator)

- **Where Next? The international arms control framework (Live)**

CLE Credit Hours: 1.0

The international legal framework governing arms control is in a state of flux. There have been significant developments in the fabric of the arms control framework in recent months and years, such as the announced U.S. withdrawal from the Intermediate-Range Nuclear Forces (“INF”) Treaty, and the uncertainty surrounding the Joint Comprehensive Plan of Action (“Iran Nuclear Deal”). There are also major milestones looming, such as the impending expiration of the New Strategic Arms Reduction (“New Start”) Treaty. This panel will address these developments and challenges and place them in the context of the broader geopolitical forces at play. These forces include the great powers’ emphasis on updating their arsenals, the increasing tensions between the United States and Russia, China’s resistance to the existing legal framework, and efforts to monitor developments in Iran and North Korea.

Panelists:

- Lynn Rusten, Nuclear Threat Initiative (Speaker)
- Izumi Nakamitsu, United Nations Under-Secretary-General of Disarmament Affairs (Speaker)
- Alexandra Bell, Center for Arms Control and Non-Proliferation (Moderator)
- Zia Mian, Princeton University (Speaker)

- **The Singapore Convention on Mediation and the Future of Appropriate Dispute Resolution**

CLE Credit Hours: 1.0

Sponsored by Curtis, Mallet-Prevost, Colt & Mosle LLP

In August 2019, the United Nations Convention on International Settlement Agreements Resulting from Mediation became open for signature in Singapore. On the very first day, forty-six countries signed what has become known as the Singapore Convention. Part of the reason for the popularity of the Convention is the structural support it offers to provide a holistic approach to the resolution of international disputes. Rather than parties having to rely exclusively on international arbitration tribunals or courts to secure compliance with legal obligations, parties have a reliable, rule-of-law-based enforcement mechanism to buttress their private mediation efforts by promoting a streamlined enforcement mechanism that ensures mediation has meaningful—rather than aspirational—value. This session will examine the genesis, current status, and utility of the Singapore Convention, drawing partly on the knowledge of persons involved in its development. Panelists will discuss practical implications for international dispute resolution practitioners, as well as potential limitations of the Convention, including how the Convention may intersect with existing domestic mediation practices and the lack of participation among European Union states. The session will also use the Singapore Convention as a springboard for discussions about exploring forms of Appropriate Dispute Resolution (ADR), particularly non-adjudicative forms of international

dispute resolution like mediation, negotiation, and community-based conflict management. By exploring how a range of dispute resolution options can be effective, whether non-adjudicative or more traditional forms like litigation and arbitration, the panel will consider how the Singapore Convention could impact parties' choices and options for identifying effective dispute resolution strategies and international conflict management. The panel will provide these insights by offering commentary reflecting a range of perspectives, including government officials, practitioners, clients, and scholars.

Panelists:

- Itai Apter, Israeli Delegation to the United Nations (Speaker)
- Andrea Schneider, Marquette University Law School (Speaker)
- Mark Califano, Nardello & Co (Speaker)
- Edwin Tong, Singapore Ministry of Law (Speaker)
- Shahla Ali, Faculty of Law, The University of Hong Kong (Moderator)

• **The Promise and Limits of Cyber Power in International Law**

CLE Credit Hours: 1.0

This session will explore the international legal framework governing cyber power, and its limits. With the 2020 U.S. elections on the horizon and increasing reports of cyber effects operations ongoing worldwide, understanding the legal frameworks within which States must work as they contemplate deploying tools in cyberspace is imperative to maintaining international peace and security. To date, only a handful of nations have publicly shared their views on the application of international law to cyberspace [this may need to be updated come next April]. In this session, intelligence, defense, and foreign affairs officials from three such nations -- the United Kingdom, United States, and [France / Estonia / other?] -- will engage with cyber experts to discuss three core questions related to the applicability of international law in the cyber sphere: What cyber activities constitute unlawful interventions into the domestic affairs of another country? What activities in cyberspace constitute an armed attack against another country? And what activities are permissible for States to respond to either of these types of events?

Panelists:

- Sue Robertson, Office of International Law, Attorney-General's Department Australia (Speaker)
- Monica Hakimi, University of Michigan Law School (Moderator)
- Charles Allen, Office of General Counsel, U.S. Dept of Defense (Speaker)
- Zhixiong Huang, Wuhan University School of Law (Speaker)
- Ann Väljataga, NATO Cooperative Cyber Defence Centre of Excellence (Speaker)

- **Publishing Tips with the AJIL Editors-in-Chief (Live)**

CLE Credit Hours: 1.0

Curtis Bradley and Laurence Helfer, the Editors-in-Chief of the American Journal of International Law (AJIL), will discuss the submission process for the journal. They will describe what they look for when reviewing submissions, and they will offer tips for developing a successful article and for navigating the peer-review process. This session is aimed at early career scholars and first-time authors who may be interested in submitting future work to the Journal.

Panelists:

- Curtis A. Bradley, Duke University School of Law, Co-Editor-in-Chief, AJIL (Speaker)
- Laurence R. Helfer, Duke University School of Law, Co-Editor-in-Chief, AJIL (Speaker)
- Meaghan Kelly, Duke University School of Law, AJIL Assistant to the EICs (Speaker)
- Rebecca O'Rourke, Cambridge University Press (Speaker)

- **Disaster Law Interest Group Business Meeting**

- **Women in International Law Interest Group Business Meeting**

- **Ask Me Anything: Blanca Montejo, United Nations**

Blanca Montejo is Senior Political Affairs Officer at the Security Council Affairs Division in the United Nations Department of Political and Peacebuilding Affairs. In her current position, she advises on all aspects of the practice and procedure of the Security Council and directs the preparation of the Repertoire of the Practice of the Security Council, as well as several other publications on the work and practice of the Council. Montejo also participates in capacity building sessions to delegations of new Council members and she heads the Secretariat of the Council's subsidiary body dedicated to the Council's governance, procedures and practice. Prior to joining the United Nations, she worked in two international law firms in Brussels, Paris and New York specializing in dispute resolution where she advised and represented states and large corporations and is licensed to practice in both Madrid and New York. Prior to joining the Security Council Affairs Division, she spent seven years at the Office of Legal Affairs as in-house counsel advising on a wide variety of issues.

- **Virtual Mentoring Session: Sarah Freuden, U.S. State Department**

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Break

3:15 pm – 3:30 pm

Breakout Sessions

3:30 pm – 4:30 pm

- **Sustainable Development and International Law: Fragmentation, disconnects and the challenge of international policy coherence in meeting the SDGs (Live)**

CLE Credit Hours: 1.0

Public international law norms are relevant to a wide range of the sustainable development goals. Yet there is a systemic failure to connect the two spheres and a dearth of literature on the interaction between public international law and the policy and political frameworks that underpin development. There are moreover few entry points in development policy for the concrete integration of binding international law norms, and the uptake of such norms in development policy, frameworks and programming is uneven at best. The disconnect between public international law and development frameworks can be viewed as yet another example of the fragmentation of international law exemplifying the challenge of international policy coherence: the same countries are parties to core international treaties and participants in international development (whether as donors or partners) and yet engage in development activities without a systematic assessment of which international norms apply even in sectors where international treaties clearly govern. Similarly, the SDGs are often viewed in isolation and in a normative and legal vacuum. The 2030 Agenda is typically discussed in terms of its goals, targets and indicators – without any effective engagement with international law norms. This session will debate the nexus between the SDGs and international law and will consider the emergence of sustainable development as a norm post-Rio Declaration. The panel will explore in concrete terms the fundamental role of international law in the attainment of the SDGs by 2030 and will assess the role of existing legal regimes (as they currently exist or as they may be bolstered or reformed) or whether new legal regimes need to be established. It will explore the proposition that a more systematic and coherent approach should be adopted in development policy and practice to promote the respect of international law in development activities, to mitigate human rights risk and to ensure a more cohesive and less fragmented approach to international law in development.

Panelists:

- Laurence Boisson de Chazournes, University of Geneva (Speaker)
- Sandra Fredman, University of Oxford Faculty of Law (Speaker)
- Rajat Khosla, Human Rights Adviser to the World Health Organization (Speaker)
- Robert McCorquodale, University of Nottingham School of Law (Moderator)
- Victor Mosoti, World Bank Group (Speaker)

- **Protecting Human Rights through International Adjudication (Live)**

CLE Credit Hours: 1.0

Sponsored by Curtis, Mallet-Prevost, Colt & Mosle LLP

Organized by the Dispute Resolution Interest Group

As human rights considerations permeate into various areas of international law, the role of international adjudication in protecting human rights has also been growing. This area has both private and public dimensions. The International Court of Justice has been recently presented with a number of inter-State disputes related to human rights abuses, including a historic lawsuit brought by The Gambia on behalf of the States of the Organization of Islamic Cooperation, seeking to hold Myanmar accountable under international law for State-sponsored genocide against the Rohingya. An investment arbitration tribunal in *Urbaser v. Argentina* for the first time accepted jurisdiction over the State's counterclaim based on human rights, confirming that the "right to water" was a human right. This past year has also seen the publication of the Hague Rules on Business and Human Rights Arbitration, which are heralded as an important development for future adjudication of human rights disputes involving private parties. This panel will address the promise of international courts and tribunals in adjudication of human rights issues and suitability of international arbitration for resolving human rights disputes that arise in connection with transnational business.

Panelists:

- Ursula Kriebaum, University of Vienna, Department of International Law (Speaker)
- Toby Landau, Essex Court Chambers (Speaker)
- Jennifer Permesly, Skadden Arps Slate Meagher & Flom LLP (Moderator)
- Diana Tsutieva, Foley Hoag LLP (Moderator)
- Penny Venetis, Rutgers Law School (Speaker)
- Bruno Simma, University of Michigan Law School (Speaker)

- **Transitional Justice in a Hostile Climate**

CLE Credit Hours: 1.0

Sponsored by Intersentia Publishing Group

Organized by the Transitional Justice and the Rule of Law Interest Group

Climate change is the greatest challenge of our time and it is already putting existing theories and institutions to a test. The most dramatic impact of climate change is expected to occur in marginalized communities that already have their livelihoods threatened by structural vulnerabilities and disaster. Climate change implicates issues of global justice, intergenerational ethics, distributive justice, moral, political and legal responsibility. Practices and tools from transitional justice have been used in numerous countries to address similar questions. This roundtable will explore what synergies exist between transitional justice theory and practice and climate change mitigation strategies.

Panelists:

- Michael Hausfeld, Hausfeld LLP (Speaker)
- Amat Al Alim Alsoswa, former Yemeni Minister of Human Rights (Moderator)
- Usha Natarajan, American University in Cairo (Speaker)
- Maxine Burkett, William S. Richardson School of Law, University of Hawai'i (Speaker)
- Gearóid Ó Cuinn, Global Legal Action Network (Speaker)
- Megan Bradley, McGill University (Speaker)

- **New Voices in International Law**

CLE Credit Hours: 1.0

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

Panelists:

- Desiree LeClercq, Office of the U.S. Trade Representative (Speaker): *A Rules-based Approach to Jam's Restrictive Immunity: Implications for International Organizations*
- Ashlee Uren, Australian Public Service (Speaker): *It's a Match! Understanding Technical Aspects of "Open Architecture" Investment Treatymaking, Interactions with International Law, and Implications*
- Jinan Bataski, United Arab Emirates University (Speaker): *Prolonged Displacement and the Right to Return: Does the Acquisition of Citizenship Erode the Right of Return to One's Former Home?*
- Julian Arato, Brooklyn Law School, (Moderator)

- **International Economic Law Interest Group Business Meeting**

- **Minorities in International Law Interest Group Business Meeting**

- **Ask Me Anything: Natalie Reid, Debevoise & Plimpton LLP**

Natalie Reid is a litigation partner in the law firm's *Debevoise & Plimpton* LLP International Disputes Group focusing on international arbitration, international law and commercial litigation matters. She regularly advises and represents multinational corporations, international organizations and non-governmental organizations in proceedings in U.S. courts and international fora. Previously she was an Associate Legal Officer at the International Criminal Tribunal for the former Yugoslavia and has served on the ASIL Executive Council, the International Commercial Disputes Committee of the New York City Bar Association, and as a Co-Chair of the 2015 ASIL Annual Meeting. Reid serves as a Board Member of the London Court of International Arbitration (LCIA), as President of the LCIA

North American User's Council, as a Member of the ICC Commission on Arbitration & ADR, and as a member of the Board of Editors of the American Journal of International Law.

- **Virtual Mentoring Session: MJ Durkee, University of Georgia School of Law**

The Society is pleased that many of its members have agreed to serve as virtual mentors in private video-conferences to students and new professionals throughout the Virtual Annual Meeting.

Conferring Honors and Awards Ceremony

4:30 pm – 5:00 pm

2020 Grotius Lecture: The Promise of International Law: A Third World View

5:00 pm – 6:00 pm

Sponsored by the American University Washington College of Law

2020 Grotius Lecturer: James Gathii, Loyola University Chicago School of Law

Distinguished Discussant: Fleur Johns, University of New South Wales School of Law

This is a moment of repudiation of international law. Some of the leading States that have shaped international law are not only exiting treaties, but also openly declaring and operating outside its rules. One important way to trace the promise of international law at this moment of difficulty is to go outside the beltway of our discipline to places often unfamiliar in our textbooks and the locations where we practice and teach international law. To do that, this lecture will take you to places like Arusha, Tanzania, the seat of three international courts. In doing so, it will bring into the conversation the voices of international lawyers from the Third World and the everyday issues that drive their practice and scholarship often under very difficult political circumstances. To appreciate fully the promise of international law, it is important to go beyond the usual debates, places and canons of the discipline in two ways.

First, this lecture challenges the limited geography of places and ideas that dominate the beltway of international law. This limited geography and set of ideas is characterized by the law of Geneva, the law of Strasbourg, the law of New York and the law of Washington DC. These are the places that the discipline celebrates as producers of the type of international law which in turn becomes the benchmark for the efficacy of international law produced elsewhere. These are also the locations where the bulk of international legal practice is produced and which influences and reinforces understandings not only of international practice but also of international law more generally. Second, a Third Approaches to International Law (TWAIL) perspective, speaking from a subaltern epistemic location, questions international law's presumed universality. TWAIL contests the idea that international law is applicable everywhere and that it should therefore appear as a view from nowhere. Third World States and TWAIL scholars have contested this non-situated, universal status of international law in a variety of ways. Ultimately, the Third World is an

epistemic site of production and not merely a site of reception of international legal knowledge. Recognizing and grounding the Third World as a site of knowledge production and of the practice of international law disrupts the assumptions that international legal knowledge is exclusively produced in the West for consumption and governance of the Third World.



American University Washington College of Law congratulates **Professor and Dean Emeritus Claudio Grossman** on receiving the 2020 American Society of International Law **Goler T. Butcher Medal** in recognition of his outstanding contributions to the development and effective realization of international human rights law.

40 Years of Global Leadership

American University Washington College of Law shapes legal issues that impact the world. Through our nationally ranked international law program, students choose from 100+ internationally-focused courses, learn from expert faculty, and become part of a vibrant global community that champions all areas of the law.

- 26 full-time faculty teaching international and comparative law
- 50+ faculty publications annually
- 22 international law programs
- 13 on-going externally funded grants
- 22 semester exchanges, 6 dual degrees, and 65+ partnership agreements in 32 countries worldwide
- 4000+ international alumni globally

Friday, June 26, 2020

Morning Keynote: A Conversation with Hina Jilani and Claudio Grossman

9:00 am – 10:00 am

Speakers:

- Claudio Grossman, American University Washington College of Law, 2020 ASIL Goler T. Butcher Medal recipient
- Hina Jilani, Former U.N. Special Rapporteur on Human Rights Defenders, 2020 ASIL Honorary Member
- Sean D. Murphy, George Washington University School of Law

Break

10:00 am – 10:15 am

Breakout Sessions

10:15 am – 11:15 am

- **The CJEU and the Future of the Multilateral Investment Court (Live)**

CLE Credit Hours: 1.0

Sponsored by Curtis, Mallet-Prevost, Colt & Mosle LLP

The Multilateral Investment Court (MIC) is one of the most ambitious procedural reform efforts to impact international investment law since the negotiation of the ICSID Convention. Much has been said about the alleged benefits and costs of creating a new multilateral institution to replace ad hoc arbitration as the dominant method of dispute resolution. This panel will not rehash that already robust debate. Instead, the panelists will approach the MIC through the lens of the European Union and its laws. In particular, we will focus on the recent Opinion 1/17 of the Court of Justice of the European Union (CJEU), issued on April 30, 2019 regarding a standing investment court system in the Canadian-European Trade Agreement (CETA). What aspects of international investment dispute resolution are consistent with the Achmea decision? Is the CJEU approach internally consistent? What does the CJEU's approach to international investment law mean for the harmonization of intra-EU investment law and what, if anything, should investment agreement partners of the European Union now and in the future (like Canada and the United Kingdom respectively) take away from these two landmark CJEU decisions or the several currently working through the system?

Panelists:

- Jonas Hallberg, Sonder Consulting (Speaker)
- Angeline Welsh, 39 Essex Chambers (Moderator)
- Colin Brown, Legal Affairs and Dispute Settlement, European Commission (Speaker)
- Lola Fadina, Department for International Trade, United Kingdom (Speaker)

- Sylvie Tabet, Trade Law Bureau, Government of Canada (Speaker)
- Kevin D Mohr, King & Spalding (Speaker)

- **The ICC and Beyond: Re-evaluating the promise of international criminal justice (Live)**

CLE Credit Hours: 1.0

Sponsored by the World Justice Project

While the International Criminal Court (ICC) remains a necessary and vital feature of the international criminal justice landscape, events in its recent past can be characterized as anything but smooth sailing. The Court faces challenges from threatened and actual state withdrawals from the ICC to the debate over the concept of the “interests of justice” and its role in the Afghanistan investigation to the return of U.S. antagonism to the Court. However, the ICC was never designed to bear the burden alone, and this session aims to critically and constructively discuss not only the ICC but also the other justice mechanisms for core international crimes including domestic courts, regional courts, hybrid mechanisms, and specialist chambers. The participants will address emerging and pressing questions, including whether the future of international criminal law is in domestic regimes, the promise and potential of regional courts, and the when and where hybrids or specialized mechanisms are preferable.

Panelists:

- Charles Jalloh, Florida International University Law School (Speaker)
- Stephen Rapp, US Holocaust Memorial Museum, Center for Prevention of Genocide (Speaker)
- Priya Pillai, Asia Justice Coalition secretariat (Moderator)
- Lorraine Smith-van Lin, SmithvanLin Consultancy (Speaker)
- Catherine Marchi-Uhel, United Nations International, Impartial and Independent Mechanism for Syria (IIIM) (Speaker)

- **Reforming International Environmental Law for the Anthropocene**

CLE Credit Hours: 1.0

Sponsored by Intersentia Publishing Group

Organized by the International Environmental Law Interest Group

International environmental law is at a crossroads. Even as the international community struggles to cooperate and act effectively to address critical global environmental challenges, including climate change, biodiversity loss, and oceans management, efforts are afoot to consolidate and deepen the normative and institutional framework for international environmental law. We propose to hold a roundtable discussion critically exploring the degree to which ongoing efforts to develop a Global Pact for the Environment

and to expand constitutional and legislative environmental rights worldwide foster efforts to develop a set of shared norms, and to advance ambitious environmental protection efforts.

Panelists:

- Yann Aguila, Bredin Prat (Speaker)
- Louis Kotzé, North-West University (Speaker)
- Carla García Zendejas, Center for International Environmental Law (CIEL) (Speaker)
- Deepa Badrinarayana, Chapman University (Speaker)
- Cinnamon Carlarne, Moritz College of Law, Ohio State University (Moderator)

• **Which Way to the Stars? Challenges to regulation of "new space" activities**

CLE Credit Hours: 1.0

Sponsored by Intersentia Publishing Group

The imminent increase of privately-funded, commercial space flight and other operations, collectively referred to in international law literature as "New Space" activities, is often presented as a challenge to the *corpus iuris spatialis*. Truthfully, the proliferation of such "New Space" activities provides the impetus needed for a possible revamping of existing norms relating to the use, exploration and exploitation of outer space. Emphasis has been on particular space law aspects, specifically those presumed to constitute an impediment to financially profitable commercial operations. For instance, commercial endeavors regarding the exploitation of natural resources on celestial bodies are challenged by and in turn challenging the principle of non-appropriation of outer space, enshrined in Article II of the Outer Space Treaty, as well as the potential profit-sharing mechanism of Article 11 of the Moon Agreement. Efforts are already undertaken both at the governmental and non-governmental level, internationally, bilaterally or, upon occasion, unilaterally, to provide responses to such challenges. Nonetheless, there is a broader discussion to be had on the evolution of space law beyond the conceptualization of space as simply a resource. Indeed, whereas providing responses to targeted commercial issues may facilitate the evolution of a specific aspect of space law, the discipline itself will suffer if it follows a piecemeal "New Space" approach. A holistic, centrally-coordinated approach will eventually be necessary, brought about by the multitude of operational requirements and concerns of national regulators as well as the different branches of the space industry. The incentive to reach such a centrally coordinated framework for all kinds of "New Space" activities is the one element all of them have in common: movement in, through and out of outer space, including on celestial bodies, and impacts of various space uses (such as for geostationary orbits necessary for telecommunications, proposals for space mining and space debris management, space exploration and information exchanges on science, climate change, among others). Consequently, an international, cooperative system of regulatory cooperation for "New Space" activities, operated by an appropriately mandated international body, could be the institutional clearinghouse and coordinated guarantee for the orderly development of "New Space" activities, in a way that would both satisfy commercial interests, but also

safeguard the pressing jurisdictional concerns of States. Is this more functional approach a prima facie unprecedented erosion of State sovereignty?

Panelists:

- Yuri Takaya-Umehara, University of Tokyo (Speaker)
- Guoyu Wang, Academy of Air, Space Policy and Law, Beijing Institute of Technology (Speaker)
- Gérardine Goh-Escolar, Hague Conference of Private International Law (Speaker)
- Isavella Maria Vasilogi, Department of Management Strategy, Policy and Compliance, United Nations (Moderator)

• **Rights of Indigenous Persons Interest Group Business Meeting**

• **International Organizations Interest Group Business Meeting**

• **Ask Me Anything: Dapo Akande, University of Oxford**

Dapo Akande is Professor of Public International Law at the Blavatnik School of Government, a Fellow of Exeter College, Oxford and Co-Director of the Oxford Institute for Ethics, Law and Armed Conflict (ELAC). Previously he was Co-Director of the Oxford Martin Programme on Human Rights for Future Generations and was the 2015 Sir Ninian Stephen Visiting Scholar at the University of Melbourne Law School's Asia-Pacific Centre for Military Law. He is one of the authors of *Oppenheim's International Law: The United Nations*, which was awarded the 2019 Certificate of Merit by the American Society of International Law. Akande served on the International Group of Experts that prepared the Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations (2017) and is the founding editor of *EJIL:Talk!*. He has acted as consultant, expert, or adviser on international law issues to United Nations bodies, the African Union Commission, the Commonwealth Secretariat, and the Association of South East Asian Nations (ASEAN).

• **Virtual Mentoring Session: Isavella Vasilogi, United Nations**

The Society is pleased that many of its members have agreed to serve as virtual mentors in private video-conferences to students and new professionals throughout the Virtual Annual Meeting.

Break

11:15 am – 11:30 am

Breakout Sessions

11:30 am – 12:30 pm

- **Eighth Annual Charles N. Brower Lecture on International Dispute Resolution: "The Greening of International Dispute Settlement? Stepping Back a Little (Live)**

CLE Credit Hours: 1.0

The Eighth Annual Charles N. Brower Lecture on International Dispute Resolution will be presented at the 2020 ASIL Annual Meeting by Sir Daniel Bethlehem QC. Daniel Bethlehem is a barrister and Queen's Counsel practicing in the field of public international law from Twenty Essex chambers in London, in which role he acts both as counsel / adviser and as arbitrator. From May 2006 to May 2011, he was principal Legal Adviser of the U.K. Foreign & Commonwealth Office. Prior to this, in parallel with his Bar practice, he was Director of the Lauterpacht Centre of International Law at the University of Cambridge and a Fellow of Clare Hall, Cambridge. In addition to his legal practice, Bethlehem is the founder and director of Legal Policy International, a discreet strategic consultancy advising on high legal content international policy and political issues.

Speakers:

- Sir Daniel Bethlehem, Twenty Essex (Lecturer)
- Catherine Amirfar, Debevoise & Plimpton LLP; President, American Society of International Law (Moderator)

- **Has International Law Lived Up to its Promise in Advancing the Rights of Women and Girls? (Live)**

CLE Credit Hours: 1.0

Sponsored by the World Justice Project

This session will comprehensively address whether international law has lived up to the promise of upholding and advancing the rights of women and girls. It will review the various legal instruments devised with the aim of protecting and promoting these rights, as well as ensuring accountability for violation of these rights, including the various relevant international and regional instruments, international court decisions, and political resolutions that apply. Panelists will lay out the landscape of international law and assess the extent to which these elements of the legal system have achieved or failed in their effect, the gaps that exist in the current structure, and potential solutions. The participants will also identify any common threads among these international law systems, including in terms of obstacles to women and girls' enjoyment of rights and access to justice.

Panelists:

- Lisa Davis, The City University of New York School of Law (Speaker)
- Donald Steinberg, Our Secure Future (Speaker)

- Adwoa Kufuor-Owusu, East Africa Regional Office, UN Office of the High Commissioner for Human Rights (Speaker)
- Patricia V. Sellers, Special Advisor for Gender for the Office of the Prosecutor of the International Criminal Court (Moderator)
- Irene Khan, International Development Law Organization (Speaker)

- **Contemporary Human Rights Research**

CLE Credit Hours: 1.0

Sponsored by the World Justice Project

Organized by the International Legal Research Interest Group

Research in human rights requires resources and skills that enable access both to texts and to empirical data in all formats. What new issues and emerging technology tools enhance and enlarge international legal and human rights research, and how are law firm and academic information managers using, and training users, in familiarity with these emerging areas and tools? For what new advances should lawyers be prepared? Predictive, analytic, and data mining tools may promote or disrupt research human rights, climate change, and access to justice. Avoiding implicit bias in Artificial Intelligence and machine learning (a concern evidenced by The Toronto Declaration on Protecting the Right to Equality and Non-Discrimination in Machine Learning Systems) is a new issue that adds algorithms, used in search engines, to the contested spaces within which human rights must be asserted. This updated tour of potential platforms and applications for scholarship or practice will include presentation of current topics and technology-driven projects and, it is hoped, stimulate ideas for other use cases and research efficiencies that either facilitate or complicate the investigation of international norms.

Panelists:

- Jootaek Lee, Rutgers Law School (Speaker)
- Marilyn J. Raisch, Georgetown University Law Center (Moderator)
- Jenny Gesley, Law Library of Congress (Speaker)

- **Legal Advisers' Roundtable (Live)**

CLE Credit Hours: 1.0

Sponsored by Arnold & Porter LLP

One of our Annual Meeting traditions is the "L" Reception honoring current and former members of the State Department's Office of the Legal Adviser. This year, in lieu of a reception, we will present a roundtable of current government legal advisers from the United Kingdom, Germany, and the United States, hosted by ASIL Law Firm Partner Arnold & Porter, and moderated by former Legal Adviser John Bellinger. The panel will discuss the challenges of managing a government legal office during a pandemic as well as other current international legal issues facing their governments.

Panelists:

- Catherine Adams, Legal Director, No. 10 Task Force Europe, United Kingdom (Speaker)
 - John B. Bellinger III, Arnold & Porter LLP (Moderator)
 - Christophe Eick, Legal Adviser, German Federal Foreign Office (Speaker)
 - Marik String, Acting Legal Adviser, US Department of State (Speaker)
-

- **Nonproliferation, Arms Control, and Disarmament Interest Group Business Meeting**

- **Anti-corruption Law Interest Group Business Meeting**

- **Ask Me Anything: Tendayi Achiume, UCLA School of Law**

E. Tendayi Achiume is the fifth Human Rights Council Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. She is also a law professor at the University of California, Los Angeles (UCLA) School of Law, where she serves as faculty director of the Promise Institute for Human Rights, heads the International Human Rights Clinic, and is a core faculty member of the Critical Race Studies Program and the Epstein Program in Public Interest Law and Policy. Prior to joining UCLA Law, she was a litigation associate at the New York office of Sullivan & Cromwell LLP. Achiume co-chaired the 2016 Annual Meeting of the American Society of International Law. She has supervised litigation before the Inter-American Human Rights Commission, petitioned the UN Working Group on Arbitrary Detention, and provided legal and advocacy support to human rights NGOs all over the world.

Virtual Mentoring Session: Doug Cantwell, United States Navy Judge Advocate General's Corps

12:00 pm – 12:30 pm

The Society is pleased that many of its members have agreed to serve as virtual mentors in private video-conferences to students and new professionals throughout the Virtual Annual Meeting.

Break

12:30 pm – 1:00 pm

Breakout Sessions

1:00 pm – 2:00 pm

• The Duty to Litigate in Good Faith in International Dispute Settlement (Live)**CLE Credit Hours: 1.0***Sponsored by Curtis, Mallet-Prevost, Colt & Mosle LLP*

What does the duty of good faith require of disputing parties engaged in litigation before international courts and tribunals? The duty of good faith is well established in international law, and parties frequently invoke it, but its scope and effect in the context international dispute settlement remain unclear. How does the duty of good faith affect the making of applications for interim relief, matters of evidence and the hearing of witnesses? What of "guerilla tactics" such as ambushes, intimidation or sabotage which present the risk of serious interference or obstructive conduct by a disputing party? What role should adjudicators play in ensuring that the parties act in good faith and do not engage in abuse of process? With the proliferation of international courts and tribunals and the massive uptake in international proceedings, the stakes are high. More than ever, parties, counsel, and adjudicators must know which conduct will be permitted and which conduct will be sanctioned. Focusing on proceedings before the International Court of Justice and three other regimes in which States participate in international proceedings – international investment law, international trade law, and international human rights law – this panel will examine how different international courts and tribunals have given content to the duty to litigate in good faith. Is there a unified concept of procedural good faith or is it heavily context-dependent? Is there – and, critically, should there be – a difference in approach in State- State proceedings before the ICJ and the WTO versus proceedings in the investment or human rights spheres where individual claimants face respondent States? The adjudicators, counsel, and academics on this panel will identify parallels and differences among legal regimes, discuss recent trends, and critically evaluate the contours of the duty of good faith in international dispute settlement. The moderator-driven rapid response format will aim at fostering a lively discussion.

Panelists:

- Payam Akhavan, McGill University Faculty of Law (Speaker)
 - Emma Lindsay, Withersworldwide (Moderator)
 - Philippa Webb, King's College Faculty of Law (Speaker)
 - Campbell McLachlan, Victoria University of Wellington, New Zealand (Speaker)
 - Mélida Hodgson, Jenner & Block LLP (Speaker)
-

- **Recent Peace Agreement Negotiations: Successes and challenges from the Eritrea-Ethiopia, US-Taliban & Yemen negotiations (Live)**

CLE Credit Hours: 1.0

The recent peace agreement negotiations in the situations of Eritrea-Ethiopia, U.S.-Taliban, and Yemen each had different dynamics and prevailing considerations. They also ranged in the extent to which the parties sought to resolve disputes through recourse to adjudication rather than political settlement. The objective of the panel is to illustrate the approaches that were utilized and the extent to which international legal principles were (or were not) essential and helpful to the deliberations. This necessarily includes a discussion of the techniques that were deployed, and the experiences of individuals directly involved.

Panelists:

- Laurel Miller, Crisis Group (Speaker)
- Ibrahim Jalal, Middle East Institute (Speaker)
- Ephraim Isaac, Institute of Semitic Studies, Princeton, NJ (Speaker)
- Margaux Day, Accountability Counsel (Moderator)

- **Addressing the Law of the Sea Challenges to Sea-Level Rise**

CLE Credit Hours: 1.0

Sponsored by Intersentia Publishing Group

Sea-level rise is accelerating globally. Small island States are particularly affected by sea level rise, as are other coastal States. In light of this situation, serious legal questions arise in relation to the law of the sea. What does the UN Law of the Sea Convention (UNCLOS) provide or fail to provide concerning baselines from which maritime zones are measured when these are affected by sea level rise? Should they remain fixed or be changed to reflect new realities? Is there State practice, and if so what direction is it taking? What are the main legal and practical concerns about fixing or changing baselines? How does sea level rise affect the determination of islands/rocks/low tide elevations, and what is the direction of State practice? Are there legal implications of sea level rise for boundary delimitation, and differences in terms of agreed boundaries, as opposed to undelimited areas? What are the dispute settlement options under LOSC in relation to sea level rise?

Panelists:

- Alfred Soons, Utrecht University (Speaker)
- Patrícia Galvão Teles, Autonomous University of Lisbon (Moderator)
- Rüdiger Wolfrum, Max Planck Institute for Comparative Public Law & Int'l Law (Speaker)
- Nilufer Oral, Centre for International Law, NUS Singapore (Speaker)
- Filimon Manoni, Pacific Islands Forum Secretariat (Speaker)

- **International Law and Theories of Global Justice**

CLE Credit Hours: 1.0

Sponsored by the World Justice Project

Organized by the International Legal Theory Interest Group

International law informs, and is informed by, concerns for global justice. Yet the two fields that engage most with prescribing the normative structure of the world order – international law and the philosophy of global justice – have tended to work on parallel tracks. Many international lawyers, with their professional, methodological commitment to formal sources, regard considerations of substantive (and not merely procedural) justice as ultra vires for much of their work. Philosophers of global justice, in turn, tend to explore the moral commitments of international actors without grappling with the complexities of international legal doctrine. In recent years, however, both disciplines have begun to engage with one another more, as reflected in works such as Carmody et al, *Global Justice and International Economic Law* (CUP, 2012); Ratner, *The Thin Justice of International Law* (OUP, 2015); Haque, *Law and Morality at War* (OUP, 2017); and Linarelli et al, *The Misery of International Law* (OUP, 2018). The time is ripe, therefore, for an interdisciplinary conversation to take stock of the relationship between international law and theories of global justice. This panel will seek to inform and enlighten Annual Meeting attendees about these new interdisciplinary developments and, in particular, the role of global justice discourse for practicing and academic international lawyers. The proposed format would ask two international lawyers and two philosophers with diverse perspectives to address international law's relationship to global justice. How should international lawyers see their roles in terms of advancing different notions of global justice? Are certain types of international lawyering more or less amenable to using law as an instrument of global justice? How does the international lawyer's role as practical problem-solver allow for her or him to take into account considerations of justice?

Panelists:

- Jiewuh Song, Seoul National University (Speaker)
- Steven Ratner, University of Michigan Law School (Moderator)
- Carmen E Pavel, King's College London (Speaker)
- James Graham Stewart, Peter A. Ballard School of Law, University of British Columbia (Speaker)
- David Luban, Georgetown University Law Center (Speaker)

- **Second Annual International Law Review Editors Roundtable (Live)**

CLE Credit Hours: 1.0

In recognition of the important role that student-edited international law journals play in the dissemination of international legal scholarship, the Society hosts an annual International Law Review Editor Roundtable. This Roundtable will discuss key issues around legal scholarship, including: selecting great topics that might be more relevant to the various

audiences of law journals, including scholars and practitioners; how international law journals can be more effective at soliciting and/or selecting relevant pieces of international legal scholarship; and how to work with authors (who may have different cultural perspectives) to successfully publish their pieces. The Roundtable will be facilitated by international law experts as well as sitting editors-in-chief of law student-run international law journals. The Society invites current students and recent graduates interested in the process of scholarship and publication in international law to connect with their peers and distinguished scholars and practitioners.

- **Human Rights Interest Group Business Meeting**

- **Ask Me Anything: Harold Koh, Yale Law School**

Harold Hongju Koh is Sterling Professor of International Law at Yale Law School. He returned to Yale Law School, where he was formerly the Dean, after serving Legal Adviser at the U.S. Department of State where he was awarded the Secretary of State's Distinguished Service Award. Previously, Koh served as U.S. Assistant Secretary of State for Democracy, Human Rights and Labor and clerked for Justice Harry A. Blackmun of the United States Supreme Court and Judge Malcolm Richard Wilkey in the U.S. Court of Appeals for the D.C. Circuit. He has authored or co-authored eight books, published more than 200 articles, testified regularly before Congress, and litigated numerous cases involving international law issues in both U.S. and international tribunals.

- **Virtual Mentoring Session: Michelle Jonker-Argueta, Greenpeace**

The Society is pleased that many of its members have agreed to serve as virtual mentors in private video-conferences to students and new professionals throughout the Virtual Annual Meeting.

Break

2:00 pm – 2:15 pm

Breakout Sessions

2:15 pm – 3:15 pm

- **Accountability Is an IO's Jam? International organizations and immunity one year after *Jam v. International Finance Corp* (Live)**

CLE Credit Hours: 1.0

U.S. Supreme Court Associate Justice Stephen Breyer suggested in his dissenting opinion in *Jam v. IFC* that the majority's approach could open the flood gates to lawsuits against

international organizations in domestic U.S. courts in ways that Congress did not intend and that would inhibit IOs from carrying out their essential functions. Some commentators welcomed this opening, finding promise in *Jam* as potentially leading to better accountability outcomes, in particular with respect to human rights abuses. Others predicted that the decision would encourage international organizations to improve their “alternative means” of dispute resolution, or even to take more drastic measures like amending their charters to strengthen or clarify immunity provisions. This *Jam* session will explore the promises of *Jam* one year since the landmark SCOTUS decision. What are IOs doing, if anything, to improve their internal justice systems? What are they doing to improve project management to prevent abuses or tortious conduct? Perhaps more important, what should IOs be doing? And if IOs are not taking action themselves, are there any signs that Justice Breyer’s prophecy that U.S. domestic courts would become more accessible to lawsuits against IOs could become true? Does the case still hold promise for victims to achieve accountability for alleged abuses by IOs?

Panelists:

- Edward Chukwuemeka OKEKE, World Bank Group (Speaker)
- Beatrice Lindstrom, Harvard Law School (Speaker)
- Nancy L. Perkins, Arnold & Porter LLP (Speaker)
- Pablo Arrocha, Permanent Mission of Mexico to the UN (Moderator)
- Carla Ferstman, University of Essex (Speaker)
- Kenna Graziano, Earth Rights International (Speaker)

• **Does International Law Make the World More Equal? (Live)**

CLE Credit Hours: 1.0

Does international law reduce global inequality or contribute to it? This session explores the compatibility of some of the world’s most prominent international organizations and legal regimes with three Sustainable Development Goals: SDG 5 (Achieve gender equality and empower all women and girls) and SDG 10 (Reduce inequality within and among countries), and SDG 16 (Promote peaceful and inclusive societies, access to justice, and accountable and inclusive institutions at all levels). Panelists will be invited to comment on whether international legal rules and organizations address or hinder these goals across three dimensions. The first dimension explores institutional design and inequality: what institutional features, such as substantive rights, advance SDG 5, SDG 10, and SDG 16? The second dimension explores participation and inequality: how does the process of creating, modifying, and evaluating these institutions advance or undermine these same SDGs? The final dimension evaluates the practice of these institutions and inequality: does the actual operation of these institutions today advance the three identified SDG goals? By exploring inequality across these three dimensions, panelists and audience members are able to diagnose the particular institutional shortcomings that may compromise the ability of international law to achieve its promise of making the world more equal.

Panelists:

- Catherine Gibson, Office of the U.S. Trade Representative (Speaker)
- Fatema Sumar, Oxfam America (Speaker)
- Kimberly Brown, New York University (Moderator)
- Chantal Thomas, Cornell University Law School (Speaker)

- **The Great Transformation and the Promise of International Economic Law**

CLE Credit Hours: 1.0

Sponsored by Dechert LLP

The postwar international economic order, symbolized by the Bretton Woods system, has recently been questioned as the Great Divergence eclipses the Great Convergence. Brexit has challenged long-held conventional wisdom on European integration. Trade wars prompted by the Trump doctrine ("America First") have brought an existential angst to the World Trade Organization (WTO) system. At the same time, emerging economies, at the behest of China, have recently launched competitive mega projects, such as the Asian Infrastructure Investment Bank (AIIB) and the Belt and Road Initiative (BRI). Could multilateralism survive recent massive economic nationalism? Do these developments herald the end of the conventional (Western) model of global economic governance? Is China creating a new form of international trade and economic ordering based on a web of international finance, trade, and investment initiatives? Should other actors take note and look for ways to nudge the Chinese government to play a more constructive role, and to work within the system to advance its interests? Against this captivating background, this panel seeks to revisit the conventional theme of international economic law and reflect on new ones.

Panelists:

- James Gathii, Loyola University Chicago School of Law (Moderator)
- Eunkyung Kim Shin, Baker & McKenzie (Speaker)
- Cliff Manjiao, University of International Business and Economics (Speaker)
- Daphne Hong, Singapore Ministry of Foreign Affairs (Speaker)
- Simon Lester, Cato Institute (Speaker)

- **Fourth Annual Detlev F. Vagts Roundtable: Conceptualizing Intellectual Property as a Social Determinant of Health (Live)**

CLE Credit Hours: 1.0

This session made possible by a generous contribution from the Vagts Family

Public health literature has long recognized the existence of determinants of health, a set of socio-economic conditions that affect health risks and health outcomes across the world. Frameworks relying on determinants of health have been widely adopted by countries in the global South and North alike. Issues raised by the implementation of intellectual property policies, however, are seldom treated as an integral part of analyses using these

frameworks, even though IP bears direct effects on the dynamics of several determinants of health. This roundtable will discuss a paper by presenter Prof. Ana Santos Rutschman, which examines TRIPS intellectual property (IP) as a contributing element to the literature on the social and economic determinants of health (SD).

Panelists:

- Gian Luca Burci, Graduate Institute of International and Development Studies, Geneva (Speaker)
- Margaret Chon, Seattle University School of Law (Speaker)
- Rochelle Dreyfuss, New York University School of Law (Convener)
- Judit Rius Sanjuan, Doctors Without Borders (Speaker)
- Ana Santos Rutschman, Saint Louis University School of Law (Speaker)
- Bhaven Sampat, Columbia University (Speaker)

• **International Refugee Law Interest Group Business Meeting**

• **Lieber Society on the Law of Armed Conflict Business Meeting**

• **Ask Me Anything: Beth Van Schaack, Stanford Law School**

Beth Van Schaack is the Leah Kaplan Visiting Professor in Human Rights at the Law School and a faculty affiliate with Stanford's Center for Human Rights & International Justice. She returned to Stanford after serving as Deputy to the Ambassador-at-Large for War Crimes Issues in the Office of Global Criminal Justice of the U.S. Department of State. In that capacity, she helped to advise the Secretary of State and the Under Secretary for Civilian Security, Democracy and Human Rights on the formulation of U.S. policy regarding the prevention of and accountability for mass atrocities, such as war crimes, crimes against humanity, and genocide. She has been a member of the U.S. Department of State's Advisory Council on International Law, served on the United States inter-agency delegation to the International Criminal Court Review Conference in Kampala, Uganda, and practiced privately at Morrison & Foerster LLP and at the Center for Justice & Accountability. She was also a law clerk with the Office of the Prosecutor of the International Criminal Tribunal for the Former Yugoslavia.

• **Virtual Mentoring Session: Matiangai Sirleaf, University of Pittsburgh School of Law**

The Society is pleased that many of its members have agreed to serve as virtual mentors in private video-conferences to students and new professionals throughout the Virtual Annual Meeting.

Break

3:15 pm – 3:30 pm

Breakout Sessions

3:30 pm – 4:30 pm

- **The Promise of Multilateralism in Latin America (Live)**

CLE Credit Hours: 1.0*Organized by the Latin America Interest Group*

From Simon Bolivar’s 1826 Congress of Panama to the Organization of American States and the Inter-American Court of Human Rights, multilateralism has always been front and center in the history of Latin America. But is it thriving or declining today? What can it help achieve, and what obstacles is it posing? This session will explore the past, present and future of multilateralism in the region, including an assessment of multilateral institutions and groups in resolving crises in the region. Have they been successful (e.g., in Venezuela, Haiti or Nicaragua)? How should success be measured? Are the institutions that aim to promote economic integration and trade (e.g. Mercosur, Pacific Alliance) in ascendancy or decline? What is the record and promise of specialized institutions (e.g. the SIEPAC focusing on the electricity grid in Central America, or the Inter-American Development Bank)? Do ad hoc groups, like the Lima Group, hold more power and promise than formal institutions like the OAS? Are the existing institutions suited to address challenges such as migration, climate change, or trans-border criminal activities? Should new institutions, such as a regional criminal court, be created? What should be the role of these institutions with regard to corruption, a particularly “hot” topic in the region?

Panelists:

- Karen Alter, Northwestern University Pritzker School of Law (Speaker)
- Mariana Durney, Catholic University of Chile (Speaker)
- Michael Camilleri, Peter D. Bell Rule of Law Program, Inter-American Dialogue (Speaker)
- Cesar Coronel Ortega, Coronel & Pérez (Moderator)
- Jorge Kamine, Willkie Farr & Gallagher LLP (Speaker)

- **Responding to Atrocity Crimes and the Security Council’s Veto Power (Live)**

CLE Credit Hours: 1.0

This session will address how the international community has sought to and could, in the future, respond to the commission of atrocity crimes and upholding the Responsibility to Protect (R2P), through other avenues under international law, despite the constraints that have been imposed as a result of the Security Council’s veto power. The discussion is aimed at looking at the traditional and non-traditional / creative alternative measures that the international community has had to and could adopt in the future to prevent, stop and seek

accountability for atrocity crimes. First, the panel will discuss the implications that the veto power, which P5 Member States of the Security Council hold, has had on recent initiatives or intended measures by the international community to address ongoing atrocity crimes. By looking at contemporaneous examples, the panel will identify the consequences that the veto power may have had on the international community's responses. The panel will also be asked to discuss what adjustments and perhaps, sacrifices that the international community has had to make by ensuring an intended measure does not get defeated at the Security Council as a result of the veto power. Correspondingly, questions will also be posed about how the Security Council's failure to act (as a result of a P5 Member State exercising their veto power) has prompted alternative creative routes to achieve action and accountability, and has inspired other organs or Member States individually / collectively to take action. Lastly, the panel will also question what impact the Security Council's veto power, the concessions and adjustments that the international community has had to make in order to pass a measure through the Security Council, as well as the resort to other alternative routes (i.e., other UN organs or individual/collective Member State action outside of the United Nations) implies for R2P. Does lack of international consensus imply the end of the concept of R2P? Are there alternatives to R2P to prevent the commission of atrocity crimes, or can Member States still seek to abide by their R2P through non-traditional measures (i.e., those that do not pass through the Security Council)?

Panelists:

- Ana Peyro Llopis, United Nations-Office of Legal Affairs (Speaker)
- Adama Dieng, U.N. Special Adviser to the Secretary General on the Prevention of Genocide (Speaker)
- Jennifer Trahan, New York University Center for Global Affairs (Speaker)
- Elizabeth Wilson, Rutgers Law School (Moderator)
- Monica Shahanara, Permanent Mission of Bangladesh to the United Nations (Speaker)

• **The Promise and Prospects of the 2019 Hague Convention on the Recognition and Enforcement of Foreign Judgments**

CLE Credit Hours: 1.0

Sponsored by Curtis, Mallet-Prevost, Colt & Mosle LLP

On 2 July 2019, the Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters (the "Hague Judgments Convention") was concluded at the Twenty-Second Diplomatic Session of the Hague Conference on Private International Law. It was designed as a "sister convention" to the 2005 Hague Convention on Choice of Court Agreements. Heralded as a true game changer for cross-border dispute resolution, its potential effects have been likened to that of the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958. But will this new convention fulfill the "promise of international law"? This panel will consider: (i) the reasons behind the push for a new multilateral convention to promote mutual recognition and enforcement of foreign

judgments; (ii) the objectives and scope of the Hague Judgments Convention; and (iii) its prospects in terms of likely signatories, and the magnitude of its future impact. The previous treaty on this subject – the 1971 Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters – only ever garnered a handful of state parties. The panel will discuss the key differences between the two conventions, and the features of the new Hague Judgments Convention that may lead states to sign it (or not).

Panelists:

- Cara North, Graduate Institute of Geneva (Speaker)
- Yuko Nishitani, Kyoto University Graduate School of Law (Speaker)
- Shubha Sastry, U.S. Department of State (Speaker)
- Peter D. Trooboff, Covington & Burling LLP (Moderator)
- Riccarda Chanda, Embassy of Switzerland to the United States (Speaker)

• **Presentation of the Prominent Woman in International Law Award (Live)**

Organized by the Women in International Law Interest Group

A conversation with Judge Elizabeth Odio Benito of the Inter-American Court of Human Rights, recipient of the 2020 ASIL Prominent Woman in International Law Award.

• **Ask Me Anything: José Alvarez, NYU School of Law**

José Alvarez is the Herbert and Rose Rubin Professor of International Law at New York University School of Law, and was previously the Hamilton Fish Professor of International Law and Diplomacy and the executive director of the Center on Global Legal Problems at Columbia Law School. He served as president of the American Society of International Law from 2006-2008 and was co-editor-in-chief of the American Journal of International Law. Before entering academia, Alvarez was an attorney adviser with the Office of the Legal Adviser of the U.S. Department of State where he worked on cases before the Iran-US Claims Tribunal, served on the negotiation teams for bilateral investment treaties and the Canada-US Free Trade Agreement, and was the legal adviser to the administration of justice program in Latin America coordinated by the Agency of International Development. He has served as a member of the U.S. Department of State's Advisory Committee on Public International Law and as special adviser on public international law to the prosecutor of the International Criminal Court.

• **Virtual Mentoring Session: Luli Hemmingsen, King & Spalding LLP**

The Society is pleased that many of its members have agreed to serve as virtual mentors in private video-conferences to students and new professionals throughout the Virtual Annual Meeting.

Break4:30 pm – 5:00 pm

Closing Plenary

5:00 pm – 6:00 pm

*Sponsored by the Asser Institute, the Embassy of the Netherlands, and The Municipality of The Hague***Cities and Other Sub-National Entities: What Promise Do They Hold for International Law?**

Today, more than half of the world's population lives in cities. In 2050, the proportion living in cities will have risen to 75%. How does this rapid urbanization influence international law and governance? Does the changing role of cities in international law and governance apply to other sub-national entities as well? In 2001, then-UN Secretary-General Kofi Annan said, "The central challenge for the international community is clear: to make both urbanization and globalization work for all people, instead of leaving billions behind or on the margins." Cities and other sub-national entities are crucial to facing this challenge, as is confirmed by the adoption in 2015 of Sustainable Development Goal 11, to make cities and human settlements inclusive, safe, resilient and sustainable. Indeed, the UN Human Settlements Programme (UN-Habitat) was reformed to strengthen its role in the implementation of the New Urban Agenda (2016) of the UN Conference on Housing and Sustainable Urban Development.

Cities and other sub-national entities play a role in the making of international law and global policy, with their involvement in the adoption of the 2016 Paris Agreement as a case in point. They also play a role in implementing international law and global policy, sometimes even when the national government has declined to ratify a treaty or implement a policy. International organizations are engaging with city networks, such as United Cities and Local Government (UCLG), to help improve life for people in the urban sphere. How should we understand this intensifying dynamic? What is the promise of international law for cities and other sub-national entities, and what is their promise for international law? Indeed, where does this promise fall short?

Panelists:

- Robert Lewis-Lettington, UN Habitat (Kenya) (Speaker)
 - Helmut Aust, Freie Universität, Berlin (Speaker)
 - Mauricio Rodas, United Cities and Local Governments Organization (Speaker)
 - Penny Abeywardena, New York City Mayor's Office of International Affairs (Speaker)
 - Janne Nijman, The Asser Institute (Convener)
-



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Plan to attend the 2020 American Society of International Law's **Midyear Meeting and Research Forum in Cleveland — the city that rocks!**



The 2020 American Society of International Law (ASIL) Midyear Meeting will be held on October 29-31, 2020 in Cleveland. The Practitioners Forum (October 29) will be hosted by Cleveland Marshall College of Law and the Research Forum (October 30-31) will be hosted by Case Western Reserve University School of Law.

Attendees can enjoy cutting-edge international law scholarship by more than 70 authors. The meeting also includes dinner, live music and private access to the Rock and Roll Hall of Fame in the evening on October 30.

Register online at asil.org/mym



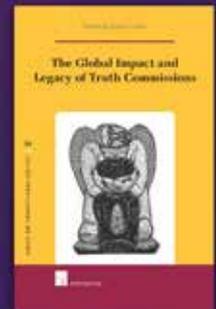
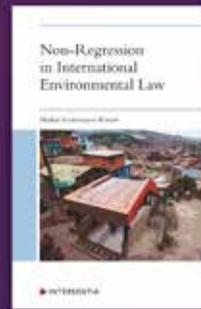
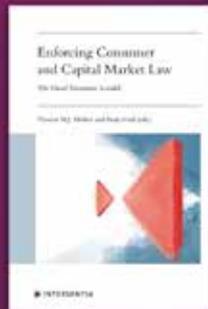
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Call for Scholarly Papers

To be selected as one of the 70 authors, interested ASIL members must submit a proposal electronically at asil.org/mym by May 11, 2020. Your proposal should include your name, institutional affiliation, professional position and email, as well as an abstract of no more than 500 words in length. Those selected will be announced by the Research Forum Committee in June 2020 and have the option of being published in the Spring 2021 volume of the *Case Western Reserve Journal of International Law*, one of the oldest and most prestigious international law journals in the world.

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Program by Track

International Human Rights, Humanitarian Law, and International Criminal Justice	
<i>All Sessions in this track sponsored by The World Justice Project</i>	
The Case of Self Determination in the 21st Century	Thursday, June 25 11:30am – 12:30pm
Imprisoning Schindler: Responding to the legal vulnerability of those who aid refugees	Thursday, June 25 2:15pm – 3:15pm
The ICC and Beyond: Re-evaluating the promise of international criminal justice	Friday, June 26 10:15am – 11:15am
Contemporary Human Rights Research	Friday, June 26 11:30am – 12:30pm
Has International Law Lived Up to its Promise in Advancing the Rights of Women and Girls?	Friday, June 26 11:30am – 12:30pm
International Law and Theories of Global Justice	Friday, June 26 1:00pm – 2:00pm
Transnational Litigation, Arbitration, and Dispute Resolution	
<i>All sessions in this track sponsored by Curtis, Mallet-Prevost, Colt & Mosle LLP</i>	
The U.S. and International Courts and Tribunals: A historical approach to the current dilemma	Thursday, June 25 1:00pm – 2:00pm
The Singapore Convention on Mediation and the Future of Appropriate Dispute Resolution	Thursday, June 25 2:15pm – 3:15pm
Protecting Human Rights through International Adjudication: Reflections on Recent Cases and Developments	Thursday, June 25 3:30pm – 4:30pm
The CJEU and the Future of the Multilateral Investment Court	Friday, June 26 10:15am – 11:15am
Eighth Annual Charles N. Brower Lecture on International Dispute Settlement: The Greening of International Dispute Settlement? Stepping back a little	Friday, June 26 11:30am – 12:30pm
The Duty to Litigate in Good Faith in International Dispute Settlement	Friday, June 26 1:00pm – 2:00pm
The Promise and Prospects of the 2019 Hague Convention	Friday, June 26 3:30pm – 4:30pm
Trade, Investment, Finance, and Technology	
<i>All sessions in this track sponsored by Dechert LLP</i>	
Reforming the WTO through the Prism of Rules- versus Power-based Trade Relations	Thursday, June 25 10:15am – 11:15am
Using Old Tools in New Ways: The New Economic World Order	Thursday, June 25 11:30am – 12:30pm
Promise or Peril? Towards an international data protection regime	Thursday, June 25 1:00pm – 2:00pm
Protecting Human Rights in the Digital Age: Can international law provide the necessary framework?	Thursday, June 25 1:00pm – 2:00pm
The Great Transformation and the Promise of International Economic Law	Friday, June 26 2:15pm – 3:15pm

Sustainable Development and Global Governance	
Between Participation and Capture: Non-state actor participation in international rule-making	Thursday, June 25 10:15am – 11:15am
What Promises will States Keep “Beyond National Jurisdiction?”	Thursday, June 25 11:30am – 12:30pm
Sustainable Development and International law: Fragmentation, disconnects and the challenge of international policy coherence in meeting the SDGs	Thursday, June 25 3:30pm – 4:30pm
Fifth Annual Detlev F. Vagts Roundtable: Conceptualizing Intellectual Property as a Social Determinant of Health	Friday, June 26 2:15pm – 3:15pm
Accountability Is an IO’s Jam? International organizations and immunity one year after Jam v. International Finance Corp	Friday, June 26 2:15pm – 3:15pm
Does International Law Make the World More Equal?	Friday, June 26 2:15pm – 3:15pm
The Promise of Multilateralism in Latin America	Friday, June 26 3:30pm – 4:30pm
Security, Foreign Relations, & the Use of Force	
Head of State Immunity	Thursday, June 25 1:00pm – 2:00pm
The Promise and Limits of Cyber Power and International Law	Thursday, June 25 2:15pm – 3:15pm
Where Next? The international arms control framework	Thursday, June 25 2:15pm – 3:15pm
Recent Peace Agreement Negotiations: Successes and challenges from the Eritrea-Ethiopia, US-Taliban and Yemen negotiations	Friday, June 26 1:00pm – 2:00pm
Responding to Atrocity Crimes and the Security Council’s Veto Power: Implications, Realities, and the Future	Friday, June 26 3:30pm – 4:30pm
Energy, Environment, Sea, and Space	
<i>All sessions in this track sponsored by Intersentia Publishing Group</i>	
ISDS and Climate Change Policies: A barrier, facilitator, or neither	Thursday, June 25 10:15am – 11:15am
Climate Change Litigation and the Future of the International Climate Change Regime	Thursday, June 25 11:30am – 12:30pm
Transitional Justice in a Hostile Climate	Thursday, June 25 3:30pm – 4:30pm
Reforming International Environmental Law for the Anthropocene?	Friday, June 26 10:15am – 11:15am
Which Way to the Stars? Challenges to regulation of “new space” activities	Friday, June 26 10:15am – 11:15am
Addressing the Law of the Sea Challenges of Sea-Level Rise	Friday, June 26 1:00pm – 2:00pm
Professional and Academic Development	
Publishing Tips with the AJIL Editors-in-Chief	Thursday, June 25 2:15pm – 3:15pm
New Voices in International Law	Thursday, June 25 3:30pm – 4:30pm
International Law Review Editors-in-Chief Roundtable	Friday, June 26 1:00pm – 2:00pm



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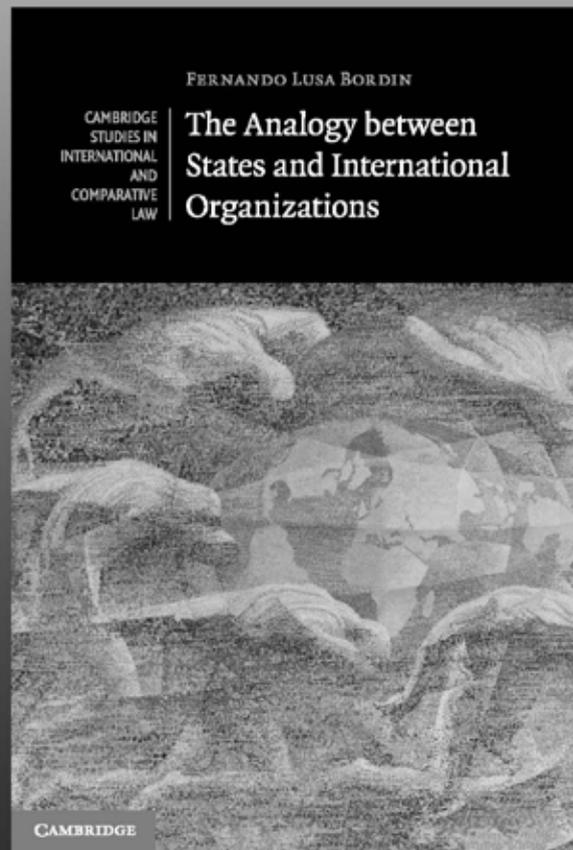
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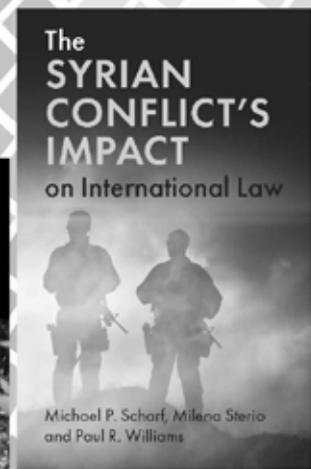
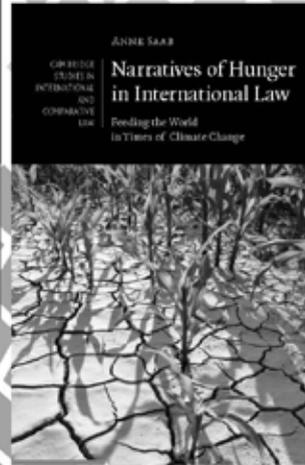
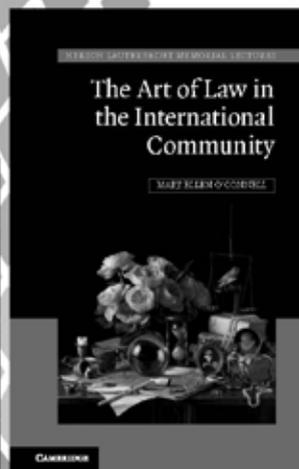
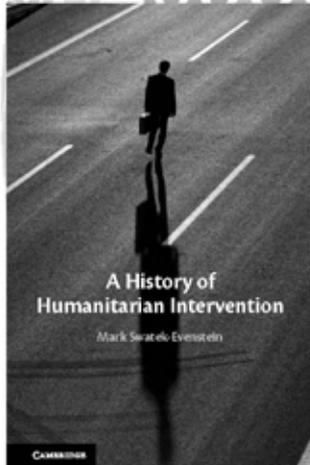


The Analogy between States and International Organizations

Fernando Lusa Bordin

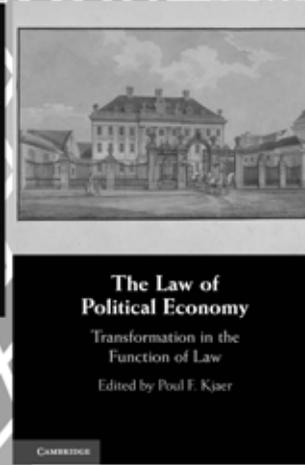
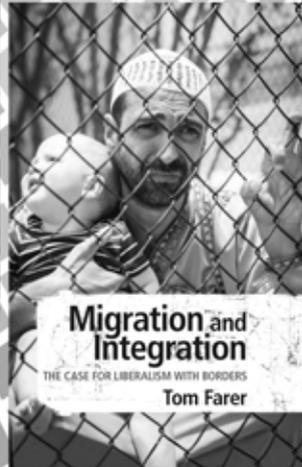
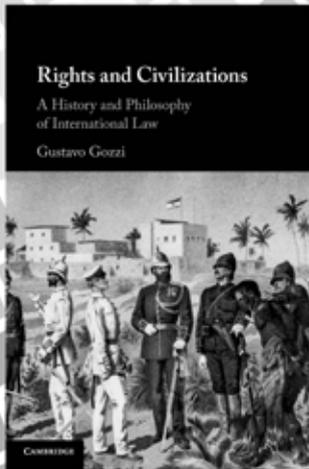
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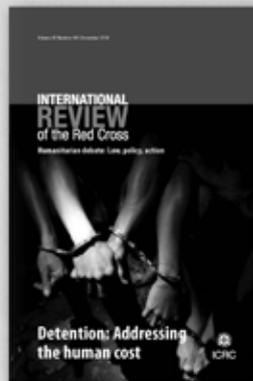
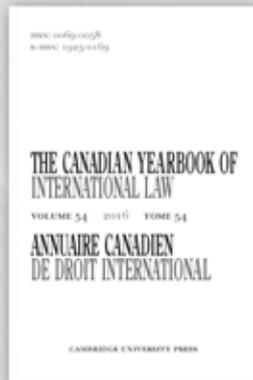
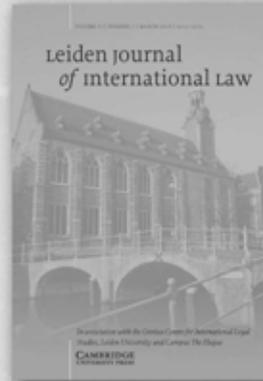
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Professor Sonia E. Rolland

on her election to the Executive Council of the American Society of International Law and on the publication of her new book, *Emerging Powers in International Economic Law – Cooperation, Competition and Transformation* (with David M. Trubek; Cambridge University Press, 2019).



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