

**ASIL Midyear Meeting Agenda  
November 10-12, 2016**

**Research Forum**

**Friday, November 11, 2016**

Leadership Meetings

(University of Washington School of Law)

8:30 – 9:00 a.m.      **Breakfast** (hallway outside Room 115)

9:00 – 12:00 p.m.    **AJIL Board Meeting & AJIL Unbound session** (Room 115)

Research Forum

(University of Washington School of Law)

12:30 – 1:45 p.m.    **International Law in Domestic Courts** (Lunch Provided) (Room 138)  
- Judge M. Margaret McKeown, U.S. Court of Appeals for the Ninth Circuit  
- Judge Richard C. Tallman, U.S. Court of Appeals for the Ninth Circuit

1:45 – 3:15 p.m.    **Research Forum Session I**

**Human Rights: New Directions** (Room 116)

- The State Strikes Back: Asymmetrical Immigrant Incorporation Obligations; Angela Banks, William & Mary Law School
- The Status of Statehood in the Age of ISIS; Noah Novogrodsky, University of Wyoming College of Law
- Can Big Data Revolutionize International Human Rights Law?; Galit Sarfaty, Allard School of Law, University of British Columbia

*Discussant: Thomas Antkowiak, Seattle University School of Law*

**International Legal History** (Room 117)

- ‘[T]hat Dusty Desert of Abstractions’: Sovereignty and rhetorical illusions; Christopher Casey, UC Berkeley (Department of History and School of Law)
- The Transformation of Latin America through International Law; Cesar Coronel Ortega, Universidad de los Hemisferios
- Spratly Islands as a Single Unit under International Law; Melissa Loja, University of Hong Kong

*Discussant: Bernard Oxman, University of Miami School of Law*

**International Trade & Natural Resources** (Room 118)

- Energy Security in the Context of WTO Law; Jenya Grigorova, Paris 1 Pantheon Sorbonne University/New York University
- How International Economic Disputes Are Constructing New Norms for the Regulation of Renewable Energy; Vyoma Jha, Stanford Law School
- Managing Discards: The challenge inherent in electronic verification and a proposal for reducing discards in mixed species catch share fisheries; Anastasia Telesetsky, University of Idaho

*Discussant: Timothy Meyer, Vanderbilt University Law School*

**Transitional Justice** (Room 119)

- Between the Devil and the Deep Blue Sea: On the lawfulness of amnesties for war crimes in civil wars; Cecilie Hellestveit, International Law and Policy Institute
- Transitional Justice in Regional Human Rights Courts and the Paradoxes of International Justice; David Kosar, Masaryk University Faculty of Law & Lucas Lixinski, UNSW Australia
- Revoking Amnesties: A conundrum at the crossroads of criminal jurisdiction and human rights; Michael Vagias, The Hague University of Applied Sciences

*Discussant: Ronald C. Slye, Seattle University School of Law*

3:15 – 3:30 p.m.      **Coffee Break** (hallway outside Room 115)

3:30 – 5:00 p.m.      **Research Forum Session II**

**International Arbitration** (Room 116)

- Precedent in Investment Arbitration; Yuka Fukunaga, Waseda University
- Legitimacy and International Arbitration: Sticky defaults, status quo bias, and the sovereign prerogative; S. I. Strong, University of Missouri School of Law
- Default Rules on Arbitrator Selection; Irene Ten Cate, Jenner & Block LLP

*Discussant: George Foster, Lewis & Clark Law School*

**International Criminal Law** (Room 117)

- Understanding International Criminal Law through an Analysis of the Defence of Mistake of Law; Antonio Coco, University of Geneva/Harvard Law School
- The Duty to Disobey: The law of conscience & compliance in armed conflict; Keith Petty, U.S. Army Judge Advocate General's Corps
- Defining Pillage in the Shadows of Resource Wars; James Stewart, Allard Law School, University of British Columbia

*Discussant: Beth Van Schaack, Stanford Law School*

**International Legal Theory: Sources of International Law** (Room 118)

- A Systems Theory of Fragmentation and Harmonization; Anthony Colangelo, SMU Dedman School of Law
- “People Power” and International Human Rights; Elizabeth A. Wilson, Rutgers Law School
- TBD

*Discussant: Harlan G. Cohen, University of Georgia School of Law*

**International Legal Discourse** (Room 119)

- The Legalization of Truth in International Fact-Finding; Shiri Krebs, Stanford Center on International Security and Cooperation
- How Information, Misinformation, and Rumors Shape Refugee Law; Katerina Linos, UC Berkeley
- Undoing International Women's Rights: Conservative counter-advocacy at the United Nations; Rebecca Sanders, University of Cincinnati

*Discussant: Rachel Cichowski, Law, Societies, and Justice Program, University of Washington*

5:00 – 6:00 p.m.      **Welcome Reception** (hallway outside Room 115)  
*Sponsored by the University of Washington School of Law*

## Saturday, November 12, 2016

### Leadership Meetings

(University of Washington School of Law)

9:00 – 12:00 p.m. **ASIL Executive Council Meeting** (Room 115)

### Research Forum (University of Washington School of Law)

9:00 – 10:30 a.m. **Research Forum Session III** (Rooms 116, 117, 118, 119)

#### **Gender and International Law** (Room 116)

- Forced Contraception as a Means of Torture; Christie Edwards, American Red Cross
- Ireland, Abortion, and International Law; Aisling McMahon, Newcastle University & Brid Ni Ghraíne, University of Sheffield
- Fashioning Freedom: The dichotomy between direct and indirect regulation of religious dress; Desireé C. Slaybaugh, Baron & Budd, PC

*Discussant: Katerina Linos, UC Berkeley*

#### **Human Rights & International Development** (Room 117)

- Valuing Life: A human rights perspective on the calculus of regulation; William Aceves, California Western School of Law
- Practicing Human Rights in the Arab World: International law in late 20th century advocacy; Catherine Baylin Duryea, Stanford University
- Realizing the Post-2015 UN Sustainable Development Goals: Geopolitical dimensions and trade law disciplines; Pasha Hsieh, Singapore Management University School of Law

*Discussant: Mark Chinen, Seattle University School of Law*

#### **International Courts & Tribunals** (Room 118)

- International Law-making by International Judicial Bodies: Towards a more effective role for women's participation; Ali Aghahosseini Dehaghani, University of Nantes Faculty of Law
- Sources of International Courts' Legitimacy: A comparative study; Cosette Creamer, University of Minnesota
- Rethinking Compulsory Jurisdiction: The case for U.S. re-entry into the ICJ's optional clause system; Brian McGarry, Geneva Center for International Dispute Settlement, The Graduate Institute of International and Development

*Discussant: Chiara Giorgetti, University of Richmond School of Law*

#### **Regulation** (Room 119)

- US-COOL: How the appellate body misconstrued the national treatment principle, severely restricting agency discretion to promulgate pro-consumer, labeling rules; William P. Canterbury & Juscelino Colares, Case Western Reserve University School of Law
- From Structural Changes to Tobacco Carve-Out: Seeking to save ISDS and the right to regulate; Vera Korzun, Fordham Law School
- Systemic Hierarchies in International Law; Annecoos Wiersema, University of Denver Sturm College of Law

*Discussant: José Alvarez, New York University School of Law*

10:30 – 10:45 a.m. **Coffee Break** (hallway outside Room 115)

10:45 – 12:15 p.m.    **Research Forum Session IV**

**International Trade & the Environment** (Room 116)

- WTO Law Issues of Emission Trading; Kateryna Holzer, World Trade Institute, University of Bern
  - Warming to the TPP, T-TIP, and CETA: Genuine progress or more of the same for climate change?; Melinda Kuritzky, Foley Hoag LLP
  - How Differential Enforcement Stifles Innovation; Timothy Meyer, Vanderbilt University Law School
- Discussant: Dongsheng Zang, University of Washington School of Law*

**Responsibility in International Law** (Room 117)

- Sovereignty as Responsibility: Human rights, refugees, and the Syrian conflict; Elizabeth Bruch, University of Washington Tacoma
  - Ebola Does Not Fall From the Sky: Global structural violence and international responsibility; Matiangai Sirleaf, University of Pittsburgh School of Law
  - Control-Based Attribution: The practice of human rights courts; Andrea Varga, Lauterpacht Centre for International Law, University of Cambridge
- Discussant: Kristen Eichensehr, UCLA School of Law*

**Transnational Crime** (Room 118)

- Article 33 of the UN Convention on the Rights of the Child: Restraining states or a licence for state action in drug control?; Damon Barrett, Stockholm University
  - The Panama Papers as Training Wheels for Corruption Prosecutions; Philip Nichols, University of Pennsylvania
  - Trafficking in Persons and the Rule of Law: Looking for a “Victim”; Anette Sikka, University of Illinois Springfield
- Discussant: Anthony Colangelo, SMU Dedman School of Law*

**Treaties** (Room 119)

- The Treaty Interpretation of Investor-State Arbitration: Through the lens of the concept of sovereignty; Ying-Jun Lin, Leicester Law School, Leicester University
- Fragile Treaties; Jide Nzelibe, Northwestern University School of Law
- Does Exposure to Preparatory Work Affect Treaty Interpretation? An experimental study on international law students and experts; Tom Noah, The Hebrew University of Jerusalem & Yahli Shereshevsky, University of Michigan Law School

*Discussant: M.J. Durkee, University of Washington School of Law*

12:00 – 1:30 p.m.    **[Lunch Panel –TBD]** (Lunch provided) (Room 138)

2:00 – 3:30 p.m.      **Research Forum Session V**

**Cyber Issues in International Law** (Room 116)

- Are There Universal Standards for Net Neutrality?; Arturo J. Carrillo, George Washington University Law School
- Public-Private Cybersecurity; Kristen Eichensehr, UCLA School of Law
- Internet Governance by Other Means? The Trans-Pacific Partnership's Framework for the Digital Economy; Thomas Streinz, NYU School of Law - Institute for International Law and Justice

*Discussant: Anupam Chander, UC Davis School of Law*

**International Legal Methods** (Room 117)

- Basel III: A harmonization of methods; Stavros Gadinis, UC Berkeley Law School
- Precedent Citation at the WTO: Shifting the empirical focus to panelists; Jerome Hsiang, Shiang Law Firm, P.C. & Julian Nyarko, University of California, Berkeley School of Law
- Contracting out of Non-Refoulement Protections; William Worster, The Hague University of Applied Sciences

*Discussant: Leslie Johns, UCLA Department of Political Science*

**Regional Trade** (Room 118)

- Path Dependence and Trade Law's Next Generation; Kathleen Claussen, Office of the United States Trade Representative
- The Impact of China's Competition Law on International Competition Law and Development Policy; Wendy Ng, University of Melbourne
- How Might China Respond to the TPP?; Heng Wang, Faculty of Law, University of New South Wales

*Discussant: Gregory Shaffer, UC Irvine School of Law*

**United Nations** (Room 119)

- Interdependence, Cooperation, and the Law of Economic Conflict; Louis Laverone, Financial Integrity Network
- Think again: is the Security Council really bound by peremptory norms? A walkabout using the lens of the new jus cogens international prohibition against terrorism; Miguel Lemos, Faculty of Law of the University of Macao, China
- The Legal Nature of UN Security Council Referrals involving Non-States Parties to the International Criminal Court; Gabriel M. Lentner, Danube University Krems

*Discussant: Anna Spain Bradley, University of Colorado Boulder School of Law*

3:30 – 4:00 p.m.      **Coffee Break** (hallway outside Room 115)

4:00 – 5:30 p.m.      **Research Forum Session VI** (Rooms 116, 117, 118, 119)

**Armed Conflict and International Law** (Room 116)

- Towards a Fundamental Law of Armed Conflict Detention; Jonathan Hafetz, Seton Hall University School of Law
- Hybrid Warfare, International Humanitarian Law, and the Case of Ukraine; Jeffrey Kahn, SMU Dedman School of Law
- Imputing Accountability for Acts of Lethal Autonomous Weapons Systems: Rethinking international criminal law; Tetyana Krupiy, McGill University

*Discussant: Elena Baylis, University of Pittsburgh School of Law*

**International Organizations & Governance** (Room 117)

- Industry Associations and Transnational Governance, Sarah Dadush; Rutgers Law School
- Sectoral Fragmentation of Transnational Commercial Law; Joshua Karton, Queen's University Faculty of Law
- Law as Catalyst for Institutional Change; Kishanthi Parella, Washington & Lee University School of Law

*Discussant: Stavros Gadinis, UC Berkeley Law School*

**Jurisdiction in International Law** (Room 118)

- Constitutional Mindset: The interrelations between constitutional law and international law in the extraterritorial application of human rights; Smadar Ben-Natan, Tel-Aviv University
- Extraterritoriality of Securities Law Redux: Litigation five years after *Morrisson v. National Australia Bank*; Yuliya Guseva, Rutgers Law School
- Toward More Expansive General Personal Jurisdiction over Transnational Corporations; Gwynne Skinner, Willamette College of Law

*Discussant: Perry Bechky, International Trade & Investment Law PLLC*

**Self-Determination** (Room 119)

- Navigating New Arctic *Citizenships*: Sovereignty, self-determination & international law; Sabaa Khan, Centre for Climate Change, Energy and Environmental Law, University of Eastern Finland and Faculty of Law, McGill University
- Civil Liberties and Internal Self-Determination in Hong Kong: Has “One Country, Two Systems” failed to deliver?; Carole J. Petersen, Richardson School of Law & Matsunaga Institute for Peace, University of Hawaii at Manoa
- Secession: Proposal for a new legal framework; Milena Sterio, Cleveland-Marshall College of Law

*Discussant: Tayyab Mahmud, Seattle University School of Law*

5:30 – 6:30 p.m.      **Closing Reception** (hallway outside Room 115)