

108TH ANNUAL MEETING PROGRAM

THEME STATEMENT: THE EFFECTIVENESS OF INTERNATIONAL LAW

International law today touches on nearly every aspect of our lives, from the price of practically everything we purchase, to the health of the environment that surrounds us, to our ability to communicate seamlessly worldwide. These encounters serve as daily reminders that, as Louis Henkin famously put it, “almost all nations observe almost all principles of international law and almost all of their obligations almost all of the time.”

Yet at the same time, there are regular reminders that not all nations, groups, or individuals observe all principles of international law or all of their obligations all of the time. International law violations such as human rights abuses, trade law breaches, and law of armed conflict violations remain all too common.

When, how, and why is international law most effective? Are there greater challenges to effectiveness in some areas of international law practice than in others? If so, what are they, and how can they be addressed? What role do domestic and international courts play in enforcing international law and thus enhancing its effectiveness? Does the increasingly intertwined transnational economy offer tools that may be used to enforce international law against states and individuals, or does it instead make international law more vulnerable by making evasion of national authority simpler? Do the challenges facing international law vary in different parts of the world, and, if so, how might those challenges be met? What role do non-state actors—nongovernmental organizations and corporations chief among them—play in making international law more or less effective? And what role should they play?

We look forward to exploring these questions with the members of the ASIL and the ILA, coming together for the first time in the history of these two great international law associations.

ANNUAL MEETING DAILY PROGRAM

WEDNESDAY, APRIL 9, 2014

ASIL Executive Council Orientation

9:00 am–12:00 pm

Hemisphere A

By invitation only.

ASIL International Organizations Interest Group Business Meeting

9:00 am–10:30 am

Polaris B

ASIL Rights of Indigenous Peoples Interest Group Business Meeting

9:00 am–10:30 am

Polaris C

Break

10:30 am–10:45 am

Lunch

12:30 pm–2:00 pm

Pavilion

Pre-purchase required. A limited number of luncheon tickets will be available on site. Please check at the Registration Desk about availability.

Corporate Responsibility and Human Rights

1:45 pm–3:15 pm

Amphitheater

CLE/CPD Credit Hours: 1.5

Co-sponsored by the ASIL Africa, Human Rights, International Environmental Law, and International Legal Research Interest Groups

This panel will examine the effectiveness of international human rights norms in regulating the conduct of businesses. Participants will discuss challenges facing industries with regard to human rights due diligence and impacts on indigenous peoples; the need to clarify the jurisdictional scope of a state's duty to regulate and adjudicate on activities of industries abroad; resolution of disputes under international treaties; and the effectiveness of non-judicial grievance procedures.

Moderator: S. James Anaya, The University of Arizona College of Law

Speakers: Jeffrey S. Collins, Chevron Corporation • Rachel Davis, Shift • Ben Juratowitch, Freshfields Bruckhaus Deringer, LLP • Sara Seck, Faculty of Law, University of Western Ontario

Connecting the Dots: Visualizing International Law

1:45 pm–2:45 pm

Oceanic A/B

CLE/CPD Credit Hours: 1.0

Sponsored by the ASIL International Legal Research Interest Group and co-sponsored by the International Law and Technology Interest Group

Visualization and database technology are providing new tools to enhance empirically based arguments in legal and policy areas, advancing the goal of making international law more effective. The presentation of complex ‘‘Big Data’’ in databases such as the *World Justice Project’s Rule of Law Index* and the *Global Health and Human Rights Database* can render a sophisticated range of concepts more intelligible. Dynamic, visual tools are enhancing dialogue as well as aiming to improve teaching, communication, and problem-solving in the transnational legal context. Three projects will be presented visually and discussed in a panel format in order to demonstrate their interactive and persuasive power.

Moderator: Marylin Raisch, John Wolff International & Comparative Law Library, Georgetown University Law Center

Speakers: Oscar A. Cabrera, O’Neill Institute for National and Global Health Law, Georgetown Law • Alejandro Ponce, World Justice Project • Jeffrey B. Ritter, Georgetown University Law Center

ASIL International Legal Research Interest Group Business Meeting

2:45 pm–3:15 pm

Oceanic A/B

Break

3:15 pm–3:30 pm

The Fourth Restatement of Foreign Relations Law of the United States

3:30 pm–5:00 pm

Oceanic A/B

CLE/CPD Credit Hours: 1.5

Co-sponsored by the ASIL International Law in Domestic Courts and International Legal Research Interest Groups and the ASIL Lieber Society on the Law of Armed Conflict

The American Law Institute has undertaken to publish a Fourth Restatement of the Foreign Relations Law of the United States. What has the function of the Restatement been in the past, and what is its value today? What should be preserved, and what corrections and revisions are needed? The Reporters are among those who will address these questions.

Moderator: Lance Liebman, Columbia Law School

Speakers: Sarah Cleveland, Columbia Law School • Georg Nolte, Humboldt University • Paul Stephan, University of Virginia Law School

The Dodd-Frank Wall Street Reform Act’s Turn to International Law

3:30 pm–5:00 pm

Hemisphere B

CLE/CPD Credit Hours: 1.5

Co-sponsored by the ASIL Africa and International Economic Law Interest Groups

The Dodd-Frank Wall Street Reform Act exemplifies the increasing influence of international law and norms on domestic regulation. For example, the Act’s conflict minerals provisions support international standards on supply chain transparency and emerging norms on business and human rights, and its derivatives reform requirements rely for content on international financial regulation. Evaluating the success of applying international rules and norms to the financial industry will in part turn on the domestic regulations implemented pursuant to the Act. This panel will explore the opportunities and challenges of that implementation.

Moderator: Christopher Brummer, Georgetown University Law Center

Speakers: Michael Barr, University of Michigan Law School • Jonathan Macey, Yale Law School • Galit Sarfaty, University of British Columbia Faculty of Law • David Zaring, the Wharton School, University of Pennsylvania

Is International Law Effective? The Case of Russia and Ukraine

3:30 pm–5:00 pm

Amphitheater

Recent events in Ukraine have raised a number of complex questions about the effectiveness of international law. Is the UN Charter's collective security system powerless in the face of the determined action of a member of the P5? Do EU and U.S. economic sanctions offer an effective alternative response to what many consider Russia's illegal actions in Crimea? What role does international law's commitment to self-determination play in evaluating the lawfulness of the secession of Crimea and its annexation by Russia in the wake of a popular referendum? Does the claim that a democratically elected (though deposed) head of state of Ukraine issued an invitation to Russia offer any legal justification for the military intervention? Do claims that intervention was necessary for the defense of nationals carry any weight? How should we evaluate President Vladimir Putin's reference to events in Kosovo, Iraq, and Libya as precedents for Russia's actions in Crimea? The panel will consider these questions and seek to offer insight into the implications of recent events in Ukraine for the effectiveness of international law—particularly the prohibition on the use of force and protection of the territorial integrity of sovereign states.

Moderator: Lori Fisler Damrosch, Columbia Law School

Speakers: Peter Olson, former NATO Legal Adviser • Additional speakers to be confirmed

Grotius Lecture: Women and Children: The Cutting Edge of International Law

5:00 pm–6:30 pm

Amphitheater

CLE/CPD Credit Hours: 1.5

Sponsored by the American University Washington College of Law and co-sponsored by the ASIL Africa and International Refugee Law Interest Groups

Speaker: Radhika Coomaraswamy, former UN Special Representative of the Secretary General on Children and Armed Conflict

Discussant: Diane Marie Amann, Emily and Ernest Woodruff Chair in International Law, University of Georgia School of Law; Special Adviser on Children in Armed Conflict, International Criminal Court, Office of the Prosecutor

Grotius Reception

6:30 pm–8:00 pm

Pavilion

Sponsored by the American University Washington College of Law

AJIL Board of Editors Business Meeting

6:40 pm–8:00 pm

Polaris A/B/C

Invitation only.

Embassy Night

7:00 pm–9:00 pm

Offsite

Receptions for Meeting Attendees at their National Embassies. Inquire at Registration if your Embassy is hosting a reception.

ASIL New Professionals Interest Group Business Meeting

7:00 pm–8:30 pm

Oceanic A/B

AJIL Board of Editors Dinner

8:00 pm–10:00 pm

Polaris A/B/C

Invitation only.

THURSDAY, APRIL 10, 2014

Colleague Societies Breakfast

7:00 am–8:30 pm

Polaris A

Leaders of national and regional international law societies are invited to join us for breakfast to share information about current activities and explore possibilities for collaboration.

ASIL New Member Breakfast

7:30 am–8:30 am

Hemisphere B

ASIL UN21 Interest Group Business Meeting

7:30 am–8:30 am

Meridian C

The Approach of Courts to Foreign Affairs and National Security

9:00 am–10:30 am

Amphitheater

CLE/CPD Credit Hours: 1.5

Co-sponsored by the ASIL International Law in Domestic Courts Interest Group

This panel seeks to explore the different approaches that domestic courts have taken to judicial review of international affairs, including foreign policy and national security. This judicial panel will explore the degree to which their courts decline to review such matters on grounds of jurisdiction, justiciability, separation of powers etc.

Moderator: Ruth Wedgwood, Johns Hopkins School of Advanced International Studies

Speakers: Hon. Kenneth Keith, Judge, International Court of Justice • The Rt. Hon. Lord Jonathan Mance, Judge, Supreme Court of the United Kingdom • Hon. Brett Kavanaugh, Judge, U.S. Court of Appeals, D.C. Circuit

Countermeasures in Cyberspace

9:00 am–10:30 am

Polaris B/C

CLE/CPD Credit Hours: 1.5

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

Cyber-attacks have become increasingly common over the course of the last decade. Many state-sponsored cyber-attacks violate the prohibition on the use or threat of force in Article 2(4) of the United Nations Charter. Yet such attacks rarely rise to the level of an “armed attack” sufficient to trigger the victim state’s Article 51 right to self-defense. In the face of this void, new debate has emerged about the legality of the use of countermeasures in response to cyber-attacks. What countermeasures are permitted? Are only “defensive” countermeasures legally permissible, or are more “active” countermeasures allowed? What are the limits to such active countermeasures? May private actors respond with countermeasures, or may only states undertake such actions?

Moderator: Eric Greenwald, White House National Security Staff

Speakers: Joseph Lorenzo Hall, Center for Democracy & Technology • Alexandra Perina, Council on Foreign Relations • Michael N. Schmitt, U.S. Naval War College & University of Exeter • Shu Wenqi, Law School of Renmin University of China

Interpretive Complexity and the International Humanitarian Law Principle of Proportionality

9:00 am–10:30 am

Oceanic A/B

CLE/CPD Credit Hours: 1.5

Co-sponsored by the ASIL International Refugee Law, Transitional Justice and Rule of Law, and UN21 Interest Groups and the ASIL Lieber Society on the Law of Armed Conflict

The principle of proportionality in international humanitarian law (IHL) is a requirement to desist from forcible action where incidental harm to civilians “would be excessive in relation to the concrete and direct military advantage anticipated.” The components of this definition are contested, and proportionality’s effectiveness arguably depends on the accuracy of intelligence estimates as well as available technology. This panel will consider several fact patterns, unraveling different interpretations of the principle of proportionality in IHL and its relationship to other branches of international law.

Moderator: General Richard Gross, U.S. Joint Chiefs of Staff

Speakers: Daniel Cahen, International Committee of the Red Cross • Janina Dill, Oxford University • Yoram Dinstein, Tel Aviv University • Sandesh Sivakumaran, University of Nottingham

Break

10:30 am–10:45 am

Autonomous Weaponry and Armed Conflict

10:45 am–12:30 pm

Amphitheater

CLE/CPD Credit Hours: 1.5

Co-sponsored by the ASIL Government Attorneys, International Law and Technology, International Legal Research, and UN21 Interest Groups and the ASIL Lieber Society on the Law of Armed Conflict

This panel will address the legal, ethical, and political challenges posed by the development of increasingly autonomous weapons systems. Analyzing automated weapons systems through the lenses of international humanitarian law, international human rights law, and international criminal law, it will consider what legal or ethical limits, if any, should be placed on the use of automated weapons systems. It will also consider who should be held accountable for international law violations caused by automated weapons systems.

Moderator: Markus Wagner, University of Miami School of Law

Speakers: John Canning, Naval Surface Warfare Center Dahlgren Division • Richard Jackson, U.S. Army • Naz Modirzadeh, Harvard Law School-Brookings Project on Law and Security, Harvard Law School

The Emergence of New Funding Sources of International Development

10:45 am–12:15 pm

Continental C

CLE/CPD Credit Hours: 1.5

Co-sponsored by the ASIL Africa, International Economic Law, International Environmental Law, and Law in the Pacific Rim Region Interest Groups

This panel will consider the impact of new donors or sources of funding on international development, including private sector actors and emerging donor states. While these sources promise needed new resources for development, their involvement poses challenges for development policy, including donor coordination and consistent approaches to technical assistance, conditionality, sustainable development guidelines, and mechanisms to ensure transparency. Panelists will address these issues and will also consider the potential for cooperation among new sources and traditional donors and the future of international development in light of the increasing and varied sources of funding.

Moderator: Uche Ewelukwa, University of Arkansas School of Law

Speakers: Cecelia Akintomide, African Development Bank • Betsy Apple, Open Society Justice Initiative • Tai-Heng Cheng, Quinn Emanuel Urquhart & Sullivan, LLP • Aluisio de Lima-Campos, American University Washington College of Law • Nkunde Mwase, International Monetary Fund

The Future of International Criminal Law Annual Benjamin Ferencz Panel

10:45 am–12:15 pm

Oceanic A/B

CLE/CPD Credit Hours: 1.5

Co-sponsored by the ASIL Government Attorneys, Human Rights, International Legal Research, Transitional Justice and Rule of Law, and UN21 Interest Groups and the ASIL Lieber Society on the Law of Armed Conflict

This panel will discuss the future of international criminal law in light of the winding down of the ad hoc tribunals and the mounting challenges faced by the International Criminal Court (ICC) as it becomes fully operational. The conversation will consider perceptions about the ICC's lack of effectiveness; challenges of state compliance with the Rome Statute, court orders, and Security Council referral resolutions; the impending inclusion of the crime of aggression; the potential role of the Court in ongoing conflicts, such as Syria; and the

attitude of the three permanent members of the Council who are not parties to the Rome Statute and other states with the power to affect the work of the Court.

Moderator: David Kaye, University of California-Irvine

Speakers: Hans-Peter Kaul, International Criminal Court • Milena Sterio, Cleveland State University • Jane Stromseth, Office of Global Criminal Justice, U.S. State Department • Dire Tladi, University of Pretoria and Institute for Security Studies

Effectiveness of International Adjudication: Assessing Functions and Performance

10:45 am–12:15 pm

Polaris A

CLE/CPD Credit Hours: 1.5

Co-sponsored by the ASIL Africa, Dispute Resolution, International Courts and Tribunals, and Transitional Justice and Rule of Law Interest Groups

This roundtable, loosely built around the goals-based approach, will focus on the effectiveness of international courts and tribunals broadly defined. The roundtable participants will address a series of questions on the functions of international courts, their perceived successes and failures, possible explanations of their record of achievement, externalities generated by courts, trends in judicial effectiveness, necessary structural reforms, and directions for future research.

Moderator: Yuval Shany, Hebrew University of Jerusalem

Speakers: Joan Donoghue, International Court of Justice • Victor Peskin, School of Politics and Global Study, Arizona State University • Sivan Shlomo-Agon, New York University Law School • Geir Ulfstein, University of Oslo

Lunch

12:30 pm–2:00 pm

Polaris A/B/C

Pre-purchase required. A limited number of luncheon tickets will be available on site. Please check at the Registration Desk about availability.

Women in International Law Interest Group (WILIG) Luncheon

12:30–2:15 pm

Pavilion

Co-sponsored by the ASIL Africa Interest Group Honorees: International Court of Justice Judges Joan Donoghue, Julia Sebutinde, and Xue Hanqin

Remarks: Justice Sandra Day O'Connor, U.S. Supreme Court (retired)

Tickets for this event must be purchased separately with registration.

Domestic Human Rights Enforcement After *Kiobel*

12:45 pm–2:15 pm

Meridian D/E

CLE/CPD Credit Hours: 1.5

Co-sponsored by the ASIL Africa, Human Rights, International Law in Domestic Courts, and Transitional Justice and Rule of Law Interest Groups

The U.S. Supreme Court in *Kiobel v. Royal Dutch Petroleum* narrowed the range of international human rights claims that may be brought pursuant to the Alien Tort Statute. Nonetheless, various avenues for domestic enforcement of international human rights remain. This panel will consider what is left of federal ATS litigation as well as executive, legislative, and foreign enforcement of human rights after *Kiobel*.

Moderator: Katie Redford, EarthRights International

Speakers: Curtis Bradley, Duke Law School • Agnieszka Fryszman, Cohen Milstein, LLP • Kristin Linsley Myles, Munger Tolles & Olsen, LLP • Ralph Steinhardt, George Washington University Law School

Peace Forces at War: Implications Under International Humanitarian Law

12:45 pm–2:15 pm

Oceanic A/B

CLE/CPD Credit Hours: 1.5

Co-sponsored by the ASIL Africa, Government Attorneys, International Legal Research, International Refugee Law, and UN21 Interest Groups and the ASIL Lieber Society on the Law of Armed Conflict

Over the years, the tasks assigned to multinational forces have transcended traditional “peacekeeping” and have taken on more aspects of “peace-making” and “peace enforcement.” Multinational forces are no longer limited to ensuring cease-fires or monitoring buffer zones, but are often engaged in both maintaining civil order and eradicating threats to the peace posed by a variety of actors. These changes have raised new questions about the application of international humanitarian law to multinational forces—in particular, when does the law apply, what the modifications to legal responsibility (if any) may follow, and how can states and organizations best ensure that the law will be effective?

Moderator: Bruce Oswald, Melbourne Law School

Speakers: Tristan Ferraro, International Committee of the Red Cross • Colonel Sergio Filippi, Office of Military Affairs, Department of Peacekeeping Operations, United Nations • Mona Ali Khalil, Office of the Legal Counsel, United Nations • Marten Zwanenburg, Ministry of Foreign Affairs, the Netherlands, and Leiden University

The Idea of Effective International Law

12:45 pm–1:55 pm

Hemisphere B

CLE/CPD Credit Hours: 1.0

Sponsored by the ASIL International Legal Theory Interest Group

This panel addresses the concept of effectiveness in international law, this year’s conference theme. Determining the effectiveness of international law requires considering moral, prudential and empirical questions. When does international law produce reasons for decision for states and other international actors? Can international law alter the preferences of states and other international actors, or does it appear effective only where there is a coincidence of interests between the law and those using it? What are the metrics by which one measures the effectiveness of international law, and how is international law doing on these metrics? Does effectiveness mean different things in different bodies of international law? This panel will explore these questions in an effort to clarify what it means when we speak of the effectiveness of international law.

Moderator: Vijay Padmanabhan, Vanderbilt University Law School

Speakers: Jean d’Aspremont, University of Manchester and University of Amsterdam • Rachael Kent, WilmerHale, LLP • Timothy Meyer, University of Georgia School of Law • Liam Murphy, New York University Law School

ASIL Government Attorneys Interest Group Business Meeting

12:45 pm–2:15 pm
Meridian C

ASIL International Legal Theory Interest Group Business Meeting

1:55 pm–2:15 pm
Hemisphere B

ASIL Annual General Meeting

2:30–4:00 pm
Polaris A/B

The annual business meeting of the American Society of International Law, the agenda of the Annual General Meeting will include:

- A report on the state of the Society, by ASIL President Donald Donovan
- Election of new officers and members of the Executive Council
- Questions and answers with the AJIL Editors-in-Chief
- Presentation of the Deák and Interest Group Prizes; and
- A demonstration of the Society's new *Benchbook on International Law for Judges*

Can International Norms Protect Us from Natural Disasters?

2:30 pm–4:00 pm
Hemisphere B

CLE/CPD Credit Hours: 1.5

Co-sponsored by the ASIL International Environmental Law and International Refugee Law Interest Groups

There is an increasing awareness that natural disasters can increase the risk of human rights violations, environmental harm and economic disruptions. In response, international law is consolidating and expanding international norms relating to the management and regulation of natural disasters and their aftermath. These norms are found in traditional international law instruments, as well as in many non-binding declarations, frameworks, guides, and codes. Yet even with this emerging framework, coordination problems and bottlenecks still plague major relief operations. This panel will consider the prospects for supplementary law-making in this area—beginning with the International Law Commission's project to develop 'Draft Articles on the Protection of Persons in the Event of Disasters'—and will examine what international law can do to better protect us from natural disasters.

Moderator: David Fisher, International Federation of Red Cross and Crescent Societies

Speakers: Kirsten Bookmiller, Millersville University • Elizabeth Ferris, Brookings Institution • Michael Gerrard, Columbia Law School • Ingrid Nifosi-Sutton, American University Washington College of Law

Paradigmatic Changes in the Settlement of International Investment Disputes?

2:30 pm–4:00 pm
Amphitheater

CLE/CPD Credit Hours: 1.5

Co-sponsored by the ASIL Africa, Dispute Resolution, Government Attorneys, International Courts and Tribunals, and International Economic Law Interest Groups

Investor-state arbitral tribunals have played a critical role in the development of investment law, through detailed interpretation and application of investment treaties in the context of specific disputes. Recent developments, however, have raised questions concerning the scope

of the interpretive power of investor-state tribunals. This panel will identify some of those developments and assess how they are changing the interpretation and application of investment treaties. What impact are they having on the power of arbitral tribunals or the content of decisions reached by such tribunals? Are these developments progressive or regressive?

Moderator: Hi-Taek Shin, Seoul National University School of Law

Speakers: Mark Clodfelter, Foley Hoag LLP • Friedrich Rosenfeld, Hanefeld Rechtsanwälte • Jeremy Sharpe, U.S. Department of State • Anne van Aaken, University of St. Gallen

Is Forced Feeding in Response to Hunger Strikes a Violation of the Prohibition of Torture and Cruel, Inhuman or Degrading Treatment?

2:30 pm–4:00 pm

Oceanic A/B

CLE/CPD Credit Hours: 1.5

Co-sponsored by the ASIL Human Rights and International Refugee Law Interest Groups and the ASIL Lieber Society on the Law of Armed Conflict

Democratic states have long struggled with the challenges posed by politically motivated offenders choosing to hunger strike in order to ameliorate, challenge, or defy the conditions of their incarceration or for other reasons. This panel examines the human rights challenges posed by the resort to hunger strike by politically motivated prisoners, including the balancing of rights, the protection of the right to life, the right to be free from torture and cruel, inhuman or degrading treatment, and the challenge of honoring a prisoner's autonomy in the context of a state's obligations to protect all those within its effective control.

Moderator: Sir Nigel Rodley, University of Essex

Speakers: Baher Azmy, Center for Constitutional Rights • William K. Lietzau, PAE • Walter Ruiz, Walter Ruiz Law • Pnina Sharvit Baruch, Israeli Institute for National Security Studies • Rachel VanLandingham, Stetson University College of Law • Stephen N. Xenakis, Physicians for Human Rights

Break

4:00 pm–4:15 pm

Charles N. Brower Lecture on International Dispute Resolution: The Transnational Protection of Private Rights: Issues, Challenges and Possible Solutions

4:15 pm–5:45 pm

Amphitheater

CLE/CPD Credit Hours: 1.5

Co-sponsored by the ASIL Africa Interest Group

Lecturer: Sundaresh Menon, Chief Justice of Singapore

The Making of International Environmental Law: A Conversation With Two Pioneers

4:15 pm–5:45 pm

Oceanic A/B

CLE/CPD Credit Hours: 1.5

Sponsored by the ASIL International Environmental Law Interest Group and co-sponsored by the ASIL Africa and International Legal Research Interest Groups

Over 40 years ago, modern international environmental law burst on the scene at the 1972 UN Conference on Human Development. Hosted by the International Environmental Law Interest Group, this panel will hear from two scholars who were instrumental in launching

the field, Nicholas Robinson and Edith Brown Weiss. They will offer first-hand accounts of the early days of international environmental law, and offer their insights into where the field is headed. How did those “present at the creation” create a place for international environmental law on the international agenda? How did they develop bold visions for nature’s rights, planetary trusts, international environmental courts, a world habeas ecologicus, and more? And what has happened to these important ideas in the years since? The session will be led by young aspiring international environmental lawyers of the interest group who will quiz Professors Robinson and Brown Weiss about where IEL has been and where it is headed.

Discussants: Edith Brown Weiss, Georgetown University Law Center • Nicholas Robinson, Pace Law School

Questioners: Olivia Radics, Environmental Law Institute • Nick Bryner, IUCN World Commission on Environmental Law • Kiran Sahdev, Georgetown University Law Center • Carina Roselli, Environmental Law Institute

Designing Technology for Human Rights

4:15 pm–5:45 pm

Meridian C

CLE/CPD Credit Hours: 1.5

Sponsored by the ASIL International Law and Technology Interest Group

Drawing on this year’s theme of the effectiveness of international law, this session will consider the role of technology in promoting compliance with international human rights law. Technology plays an ever increasing role in a range of human rights activities—regulating freedom of expression, privacy, and security, and enabling a range of other important human rights. Technology, however, is not simply a neutral medium for promoting particular ends. The design of the technology itself reflects important choices about values and even offers the opportunity for increasing state compliance with international law. Important questions remain, however, about the extent to which international law can be embedded in software code. This session will bring together experts from fields as diverse as humanitarian law, human rights fact-finding, national security, and Internet governance to consider the promise, and limits, of using technology to advance international human rights.

Moderator: Molly Land, University of Connecticut School of Law

Speakers: Jay Aronson, Carnegie Mellon University • Laura K. Donohue, Georgetown University Law Center • Nathaniel Freitas, the Guardian Project • Dan Saxon, Leiden University College

ASIL Disaster Law Interest Group Business Meeting

4:15 pm–5:30 pm

Hemisphere B

ASIL Women in International Law Mentoring Program Reception

6:00 pm–7:00 pm

Continental C

For mentors and mentees of the ASIL Women in International Law Mentoring Program.

ASIL Law of the Sea Interest Group Business Meeting

Meridian D/E

6:00 pm–7:30 pm

ASIL International Legal Materials Corresponding Editors Reception

Hemisphere B

6:00 pm–8:00 pm

By invitation only.

Reception

6:00 pm–8:00 pm

Pavilion

L Alumni Reception

6:00 pm–8:00 pm

Rotunda

Open to current and former employees of the U.S. Department of State Office of the Legal Adviser.

FRIDAY, APRIL 11, 2014

Asian Society of International Law Breakfast Meeting

7:00 am–8:30 am

Hemisphere B

ASIL Private International Law Interest Group Business Meeting

7:30 am–8:30 am

Continental C

ASIL International Economic Law Interest Group Business Meeting

7:30 am–8:30 am

Oceanic A/B

ASIL Executive Council Meeting

8:00 am–10:30 am

Capitol Ballroom E/F, J.W. Marriott Hotel

By invitation only.

Everybody Come Together Over Me: Systemic Integration and Vienna Convention Article 31(3)(c)

9:00 am–10:30 am

Meridian C CLE/CPD

Credit Hours: 1.5

Co-sponsored by the ASIL Africa, Cultural Heritage and the Arts, Human Rights and International Economic Law Interest Groups

Article 31(3)(c) of the Vienna Convention provides that all relevant rules of international law must be considered in the interpretation of a treaty. Some tribunals have viewed this provision as a means of ensuring the effectiveness of international legal norms under conditions of fragmentation. Other tribunals, however, have taken a very narrow view of the relevance of outside norms to the interpretation of a specialized treaty regime. This panel will consider the role of Article 31(3)(c) in integrating different domains of international economic law and international investment law with general public international law, human rights law, and international environmental law.

Moderators: Barry Appleton, Appleton & Associates International Lawyers • Robert Howse, New York University School of Law

Speakers: James Thuo Gathii, Loyola Law School, Chicago • Jurgen Kurtz, Melbourne University Faculty of Law • Helene Ruiz-Fabri, Sorbonne Law School (Université Paris 1 Panthéon-Sorbonne) • Jacob Werksman, European Commission

International Trade Law and International Investment Law: Complexity and Coherence

9:00 am–10:30 am

Hemisphere A

CLE/CPD Credit Hours: 1.5

Co-sponsored by the ASIL Africa, Government Attorneys, International Economic Law, and International Legal Research Interest Groups

International trade law and international investment law are largely contained in separate but overlapping legal regimes, but both share the general objectives of providing security and predictability to economic agents and increasing world prosperity by reducing barriers to international flows of goods, services, and investment. This panel will consider whether the international trade and investment law dichotomy appears increasingly anachronistic, or whether each regime is maturing according to complementary principles. Is there a need for greater coherence?

Moderator: Andrew Mitchell, Melbourne Law School

Speakers: Mélida Hodgson, Foley Hoag LLP • Juan Millan, Office of the U.S. Trade Representative • Joost Pauwelyn, Graduate Institute of International and Development Studies • Debra Steger, University of Ottawa

Women's Economic Rights, International Law and the Financial Crisis

9:00 am–10:30 am

Continental C

CLE/CPD Credit Hours: 1.5

Co-sponsored by the ASIL Africa, Government Attorneys, Human Rights, International Economic Law, International Legal Research, and Women in International Law Interest Groups

Giving effect to the economic rights of women is increasingly viewed as an essential means of advancing equality and fair treatment standards, as well as a means to achieve broader collective development goals. This roundtable will discuss the rapidly expanding role of international law in giving effect to the economic rights of women in national courts. It will also consider the contribution of national courts in ensuring domestic enforcement of international obligations and in developing women's economic rights under international law, and the enforcement consequences of these rights arising from national judicial responses.

Moderator: Patricia O'Brien, Permanent Representation of Ireland to the United Nations Office and Other International Organizations

Speakers: Justice Sujata Manohar, former member of the Supreme Court of India • Ben Saul, University of Sydney • Eric Schwartz, Hubert H. Humphrey School of Public Affairs, University of Minnesota • Anne Trebilcock, Centre de Droit international, Université Paris Nanterre-La Défense

Judges, Diplomats, and Peacebuilders: Evaluating International Dispute Resolution as a System

9:00 am–10:30 am

Meridian D/E

CLE/CPD Credit Hours: 1.5

Sponsored by the ASIL Dispute Resolution Interest Group and co-sponsored by the ASIL Africa, Government Attorneys, and International Courts and Tribunals Interest Groups

The UN Charter envisioned that the promotion of peace among nations could be achieved, in part, through the pacific settlement of international disputes as provided for in Article 33. Revisiting that vision, this panel will evaluate international dispute resolution as a system by considering the interactions between different methods, institutions, and actors. For example, what types of disputes might be best addressed through the use of both judicial and diplomatic methods? Are particular methods more effective at resolving disputes involving non-state parties? What is the appropriate relationship among the many institutions, such as the UN Security Council, the International Court of Justice, and the UN Peacebuilding Commission, that share the common aim of promoting international peace and security? This panel will engage the audience in a thoughtful discussion and debate about these and other questions as it examines the evolving purpose and function of international dispute resolution in today's world.

Moderator: Anna Spain, University of Colorado Law School

Speakers: Steven Hill, Office of Legal Affairs, North Atlantic Treaty Organization • Won Kidane, University of Seattle Law School • Stephen Schwebel, International Court of Justice and Permanent Court of Arbitration • Jolynn Shoemaker, Center for Strategic and International Studies

On *Socializing States: A Conversation with Ryan Goodman and Derek Jinks on Their Certificate of Merit Winning Book*

9:00 am–10:30 am

Oceanic A/B

The Society has awarded its 2014 Certificate of Merit for a Preeminent Contribution to Creative Scholarship to Ryan Goodman and Derek Jinks for *Socializing States: Promoting Human Rights Through International Law* (Oxford University Press 2013). Goodman and Jinks offer a groundbreaking theory of acculturation that illuminates how social processes can promote human rights and, more generally, can influence norms. “Acculturation” refers to “the general process by which actors adopt the beliefs and behavioral patterns of the surrounding culture.” The authors distinguish acculturation from two other mechanisms of social influence: “material inducement,” or the offering of rewards for conformity or punishments for nonconformity with a state’s or institution’s demands, and “persuasion,” whereby actors internalize new norms through a process of social learning and “redefine their interests and identities accordingly.” Goodman and Jinks offer a sophisticated account that both defends the relevance of acculturation and acknowledges its weaknesses in some areas. In this panel, the authors will present their book’s main arguments and contributions. They will then engage with human rights scholars and practitioners in order to explore the implications of Goodman and Jinks’s theory of acculturation. A significant amount of time will be reserved for questions and dialogue with the audience.

Moderator: Jacob Katz Cogan, University of Cincinnati College of Law

Speakers: Ryan Goodman, New York University School of Law • Derek Jinks, University of Texas School of Law

Discussants: Monica Hakimi, University of Michigan Law School • Siobhan McInerney-Lankford, World Bank • Kathryn Sikkink, Kennedy School of Government, Harvard University

Emerging Trends and Challenges in International Legal Education and Scholarship

9:00 am–10:30 am

Polaris A/B

Sponsored by the International Law Students Association

International lawyers spring from many culturally and linguistically diverse backgrounds, which helps lend the field of international law its dynamism. Varying systems of international education endow young legal professionals with differing skills and approaches to international law, and produce equally diverse legal scholarship. This panel seeks to explore some of the methodologies and challenges not only to teaching international law in various jurisdictions, but also exploring the challenges related to producing both quality international law professionals and legal scholarship in a world that communicates in different languages and cultures. How do scholars address the challenges associated with differing systems of legal education? Further, the panelists will address how legal scholars can produce scholarship that will have meaningful impact with the aim of enriching the dialogue and cooperation between international law scholars.

Moderator: Kaitlin M. Ball, President, International Law Students Association

Speakers: John Gamble, Pennsylvania State University • André Nollkaemper, Faculty of Law at the University of Amsterdam • Alberto Cerda Silva, Georgetown University Law Center

ASIL International Law in Domestic Courts Interest Group Business Meeting

9:00 am–10:30 am

Hemisphere B

ASIL Lieber Society on the Law of Armed Conflict Business Meeting

9:00 am–10:30 am

Congressional Room, JW Marriott

Break

10:30 am–10:45 am

Fast Pitch: Scholarship Speed Mentoring Session

10:45 am–12:15 pm

Hemisphere B

Co-sponsored by the Board of Editors of the American Journal of International Law, the ASIL Membership Committee, and the Junior International Law Scholars Association

Leading scholars, including members of the AJIL Board of Editors, will be available for individual “speed-mentoring” sessions. Prospective authors will be able to “pitch” their article ideas or the scholarly challenges that they face to senior scholars for reactions or suggestions for improvement. These sessions will be on a relatively short time fuse to enable mentors, organized by specializations within the field, to respond to as many inquiries as possible.

“Law of Warcraft”: New Approaches to Generating Respect for the Law

10:45 am–12:15 pm

Meridian D/E CLE/CPD

Credit Hours: 1.5

Co-sponsored by the ASIL Government Attorneys and UN21 Interest Groups and the ASIL Lieber Society on the Law of Armed Conflict

States party to the Geneva Conventions are obligated to disseminate international humanitarian law. Yet existing efforts have often proven to be ineffective in promoting compliance during armed conflict. In an effort to improve dissemination, innovative methods have recently been developed using technological, visual, and social media. This panel will discuss some of the new and creative dissemination methods that are currently being developed and used by actors working in prevention, such as virtual reality tools, revised military training, and law clinics.

Moderator: Elizabeth Stubbins Bates, SOAS, University of London

Speakers: Vincent Bernard, International Committee of the Red Cross Forum for Integration and Promotion of the Law • Laurie Blank, Emory University Law School • David E. Graham, U.S. Army Judge Advocate General's Legal Center and School • Brad Gutierrez, American Red Cross

The Effectiveness of the United Nations Human Rights Protection Machinery

10:45 am–12:15 pm

Oceanic A/B

CLE/CPD Credit Hours: 1.5

Co-sponsored by the ASIL Africa, Human Rights, International Refugee Law, Transitional Justice and Rule of Law, and UN21 Interest Groups

This is an important moment in the life of the UN human rights protection machinery. We are marking the twentieth anniversary of the establishment of the post of High Commissioner for Human Rights; the Human Rights Council has commenced its second-round country reviews under the Universal Periodic Review procedure; and we have reached the end of the first phase of the General Assembly's consultations on the strengthening of the treaty body system. This panel will take stock of the operation of the machinery, paying particular attention to its effectiveness for the protection of human rights.

Moderator: Kathryn Sikkink, Kennedy School of Government, Harvard University

Speakers: Felice Gaer, Jacob Blaustein Institute • Michael O'Flaherty, Irish Centre for Human Rights • Ted Piccone, Brookings Institution • Beth Simmons, Harvard University

Water: Challenges for International Law and Policy

10:45 am–12:15 pm

Hemisphere A

CLE/CPD Credit Hours: 1.5

Co-sponsored by the ASIL Africa, Government Attorneys, International Environmental Law, International Legal Research, and International Refugee Law Interest Groups

International cooperation for the sustainable use and management of water will be one of the great challenges of this century. It is also a possible source of instability that could give rise to humanitarian crises and conflict. The pressing issues include water security, competition over water as a shared natural resource, affordable access to safe drinking water (and sanitation) as a human right, the push to privatize water resources to drive efficiency, and drought management and related climate change impacts. This panel will examine these contemporary challenges for the sustainable use of the world's freshwater resources, and the effectiveness of international law to meet those challenges.

Moderator: Joe Dellapenna, Villanova University School of Law

Speakers: Laurence Boisson de Chazournes, University of Geneva • Gabriel Eckstein, Texas A&M University School of Law • Georgia Kayser, Gillings School of Public Health,

University of North Carolina at Chapel Hill • Stephen C. McCaffrey, University of the Pacific McGeorge School of Law

Punishment and Sentencing in International Criminal Law

10:45 am–12:15 pm

Meridian C

CLE/CPD Credit Hours: 1.5

Sponsored by the ASIL International Criminal Law Interest Group

International criminal law (ICL) has sought to establish effective mechanisms to hold accountable perpetrators of atrocity crimes and grave breaches of international humanitarian law. ICL sentencing, however, remains under-examined doctrinally, conceptually, and empirically. This panel will address various aspects of ICL sentencing, including an empirical assessment of the sentencing jurisprudence, the relevance and viability of the domestic experience with punishment, and the advancement of new theories and doctrinal frameworks *sui generis* to international criminal justice.

Moderator: Linda Carter, University of the Pacific-McGeorge School of Law

Speakers: Kai Ambos, Georg-August Universität Göttingen • Nancy Combs, William and Mary Law School • Shahram Dana, John Marshall Law School • Mark Drumbl, Washington & Lee University School of Law

ASIL Law in the Pacific Rim Region Interest Group Business Meeting

10:45 am–12:00 pm

Polaris C

ASIL Human Rights Interest Group Business Meeting

10:45 am–12:15 pm

Continental C

ASIL Space Law Interest Group Business Meeting

10:45 am–12:15 pm

Congressional Room, JW Marriott

Lunch

12:30 pm–2:15 pm

Polaris A/B/C

Pre-purchase required. A limited number of luncheon tickets will be available on site. Please check at the Registration Desk about availability.

Hudson Medal Luncheon: A Conversation with Hudson Medal Winner Alain Pellet

12:30 pm–2:15 pm

Pavilion

Sponsored by Foley Hoag LLP

Speaker: Alain Pellet, University Paris Ouest

Moderator: Peter Tomka, International Court of Justice

Tickets for this event must be purchased separately with registration.

The Effectiveness of Trade to Govern “Clean Energy” Strategies

12:45 pm–2:15 pm

Meridian D/E

CLE/CPD Credit Hours: 1.5

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

As the international economic order becomes more and more intertwined with concerns about climate change and increasing energy demand, the WTO finds itself at the center of global governance issues emerging in these arenas. This panel will offer diverse perspectives on the role of the international trade regime in governing clean energy strategies and in shaping views on climate change policy and energy issues. In this context, this panel will consider the ramifications of having a multiplicity of legal frameworks for dealing with these overlapping areas, and whether the WTO could serve as a unifying governing structure for the intersection of environmental sustainability, energy, and trade.

Moderator: Antonia Eliason, University of Mississippi

Speakers: Aaron Cosbey, International Institute for Sustainable Development • Susan Esserman, Steptoe & Johnson LLP • Gabrielle Marceau, World Trade Organization • Ricardo Melendez-Ortiz, International Center for Trade and Sustainable Development

New Voices in International Law: Making International Criminal Law More Effective

12:45 pm–2:15 pm

Meridian C

Co-sponsored by the ASIL Africa, International Legal Research, New Professionals, and Transitional Justice and Rule of Law Interest Groups and the ASIL Lieber Society on the Law of Armed Conflict

From the Nuremberg trials to the International Criminal Court, international criminal law has been the subject of scrutiny and criticism regarding its goals and its methods. Proponents of international criminal law point to trials as having a deterrent effect on future atrocities and acknowledging the suffering of victims, while opponents of institutions such as the ICC challenge the perceived politicization of international justice. In this panel, New Voices scholars will present research papers focusing on making international criminal law more effective from multiple perspectives. Panelists will present on: how the jurisprudence of international criminal tribunals considers the impact of mass violence on human behavior and how these approaches can further the work of international criminal justice; the ICC's legitimacy during its first operational decade, with a focus on prosecutorial discretion and practice; and the controversial relationship between the United Nations Security Council and the ICC, addressing questions of its ability to meaningfully contribute to the effectiveness of the ICC.

Moderator: Gabrielle Kirk McDonald, International Criminal Tribunal for the former Yugoslavia and Iran-US Claims Tribunal (retired)

Speakers: Adejoke Babington-Ashaye, World Bank Administrative Tribunal • Saira Mohamed, University of California-Berkeley School of Law • Maria Varaki, Hebrew University

Investment Chapters in Trade Agreements: Intellectual Property Rights as Protected Investments

12:45 pm–2:15 pm

Hemisphere A

CLE/CPD Credit Hours: 1.5

Sponsored by the ASIL Intellectual Property Interest Group and the ILA Committee on International Trade Law

Investment chapters of trade and investment agreements have attracted renewed attention due to current disputes involving intellectual property rights affecting public health interests. This panel will examine issues that may arise from treating IP rights as protected investments in trade and investment agreements. Should foreign corporations be entitled to demand host country taxpayer compensation by bringing governments before trade and investment arbitration tribunals to challenge domestic court decisions on patents? May government standards regarding intellectual property rights constitute regulatory takings entailing compensation to the intellectual property owner?

Moderator: Frederick M. Abbott, Florida State University College of Law

Speakers: James Love, Knowledge Ecology International • William New, Intellectual Property Watch • Jerome H. Reichman, Duke University School of Law • Susan K. Sell, Elliott School of International Affairs, George Washington University

Continuities of Violence: What Role for Transitional Justice and the Rule of Law?

12:45 pm–2:15 pm

Oceanic A/B

CLE/CPD Credit Hours: 1.5

Sponsored by the ASIL Transitional Justice and Rule of Law Interest Group.

To what extent can and should transitional justice contribute to the non-repetition of violations? This panel examines how the design of transitional justice processes and their connection (or lack thereof) to rule-of-law initiatives impacts efforts to prevent, ameliorate or overlook the continuity of human rights violations, crime and violence post-conflict or repression.

Moderator: Lorna McGregor, University of Essex

Speakers: Catherine O'Rourke, Transitional Justice Institute, University of Ulster • Colette Rausch, U.S. Institute of Peace • Katya Salazar, Due Process of Law Foundation • Julie Werbel, USAID

ASIL-ICCA Task Force Briefing on Issue Conflicts in International Arbitration

2:30 pm–4:00 pm

Continental C

There has been an increasing number of proposals to disqualify arbitrators in international arbitration disputes on the ground of bias arising from views expressed in prior decisions and scholarship. ASIL and ICCA have created a joint task force to explore the question of so-called "issue conflict" bias with the aim of developing some form of guidance for the international arbitration community. The Task Force will be holding meetings at the ASIL-ILA Joint Meeting and the ICCA Annual Conference to discuss preliminary observations and to receive comments and questions from the ASIL, ILA, and ICCA audiences. The Task Force is co-chaired by Professor Laurence Boisson de Chazournes and Professor John Crook, who are assisted by reporters Christian Leathley, Ina Popova, and Ruth Teitelbaum.

Aggression and the Use of Force in International Law

2:30 pm–4:00 pm

Oceanic A/B

CLE/CPD Credit Hours: 1.5

Co-sponsored by the ASIL Africa, Government Attorneys, International Refugee Law, and UN21 Interest Groups and the ASIL Lieber Society on the Law of Armed Conflict

This panel will debate the motion “International law permits the provision of arms and other assistance to a rebel movement fighting against an abusive regime.” This will be followed by an audience vote and a Q&A session. The ILA Committee on the Use of Force’s Final Report 2013 will form the background to the debate.

Moderator: Noam Lubell, University of Essex

Speakers: Christine Chinkin, London School of Economics • Harold Hongju Koh, Yale Law School • Claus Kress, University of Cologne • Sean Murphy, George Washington University

Can International Law Keep Up with the Internet?

2:30 pm–4:00 pm

Hemisphere A

CLE/CPD Credit Hours: 1.5

Co-sponsored by the ASIL International Law and Technology and International Legal Research Interest Groups

This panel will discuss aspects of WTO law that need to be developed to keep pace with the Internet economy and to foster it as an acknowledged source of growth and innovation. It will critically assess the status quo of current Internet regulation, including regulation related to crossborder information and electronic financial flows, data storage and access, and the integrity of commercial data held in the “cloud” or in offshore storage. From there, the panelists will assess proposed reforms to truly address the digital trade challenge.

Moderator: Gary N. Horlick, Law Offices of Gary N. Horlick, Georgetown University Law Center and University of Barcelona

Speakers: Usman Ahmed, eBay, Inc. • Henry Gao, Singapore Management University • Hamid Mamdouh, World Trade Organization

Intelligence Materials and the Courts

2:30 pm–4:00 pm

Amphitheater

CLE/CPD Credit Hours: 1.5

Co-sponsored by the ASIL Government Attorneys Interest Group

This panel explores the use of intelligence material as evidence, and how criminal and civil courts approach the issue of secret and classified evidence. The panel will examine state secrets and public interest immunity, closed material procedures, confidentiality rings, and closed material procedures in a wide range of contexts from terrorist trials to whistleblowers.

Moderator: David Cole, Georgetown University Law Center

Speakers: Martin Chamberlain QC, Brick Court Chambers • Kimberly Prost, Office of the Ombudsperson, UN Security Council 1267 Committee • Charlie Savage, the *New York Times* • Kenneth Wainstein, Cadwalader, Wickersham & Taft LLP

The Dispute Settlement System of the United Nations Convention on the Law of the Sea: An Assessment After 20 Years

2:30 pm–4:00 pm

Hemisphere B

CLE/CPD Credit Hours: 1.5

Co-sponsored by the ASIL Cultural Heritage and the Arts, Dispute Resolution, International Courts and Tribunals, International Environmental Law, and Law of the Sea Interest Groups

This panel will take stock of 20 years of practice under the dispute settlement system of the United Nations Convention on the Law of the Sea (UNCLOS), a system that is equipped with the most complex and intricate dispute settlement system of any international legal regime. This panel will consider whether the UNCLOS dispute settlement system is fulfilling its objectives. How did 20 years of adjudication under UNCLOS shape and clarify this complex dispute settlement system? How has it been utilized, by whom, and with what results?

Moderator: Cesare Romano, Loyola Law School Los Angeles

Speakers: Natalie Klein, Macquarie University • Coalter Lathrop, Sovereign Geographic • Joanna Mossop, Victoria University at Wellington • Yoshifumi Tanaka, University of Copenhagen

New Voices in International Law: Empirical Perspectives on International Law

2:30 pm–4:00 pm

Meridian D/E

Co-sponsored by the ASIL Cultural Heritage and the Arts, International Legal Research, and New Professionals Interest Groups

Why does the United States sign bilateral investment treaties? What is the effect of law of armed conflict training on military officers' compliance with international law? What drives the reception of international law into domestic legal systems? Whose suffering really matters to international advocacy NGOs? Using empirical methods, these "New Voices" provide insight into these and other timely questions of international law.

Moderator: Gregory Shaffer, University of Minnesota Law School

Speakers: Andrew Bell, Duke University • Adam Chilton, University of Chicago • Anna Schrimpf, Princeton University • Pierre-Hugues Verdier, University of Virginia • Mila Versteeg, University of Virginia

Dworkin's Philosophy of International Law

2:30 pm–4:00 pm

Meridian C

CLE/CPD Credit Hours: 1.5

The late Ronald Dworkin, in his posthumously published first article on the philosophy of international law, argued that international law is not grounded in the consent of states. Instead, he argued, it is grounded in the duty of each state to mitigate the failures and risks that the sovereign state system poses for its own citizens. In applying his approach, he also interpretatively addressed the legality of humanitarian intervention in the absence of a Security Council authorization. This panel seeks to honor Professor Dworkin by critically discussing and assessing his account of international law, both with regard to its foundations and its implications for the interpretation and progressive development of international law.

Moderator: Mattias Kumm, New York University School of Law and WZB Social Science Research Center Berlin

Speakers: Jean Cohen, Columbia University • Liam Murphy, New York University School of Law • Scott Shapiro, Yale Law School

ASIL Cultural Heritage and the Arts Interest Group Business Meeting

2:30 pm–4:00 pm

Senate Room, J.W. Marriott

ASIL-Midwest Interest Group Business Meeting

2:45 pm–4:00 pm
Polaris C

Plenary Discussion: A Conversation with International Court of Justice Judges Joan Donoghue, Julia Sebutinde, and Xue Hanqin

4:15 pm–5:45 pm
Amphitheater

CLE/CPD Credit Hours: 1.5

Sponsored by the Royal Netherlands Embassy

Moderator: Abiodun Williams, Hague Institute of Global Justice

Speakers: Joan Donoghue, International Court of Justice • Julia Sebutinde, International Court of Justice • Xue Hanqin, International Court of Justice

ASIL International Refugee Law Business Meeting

6:00 pm–7:30 pm
Oceanic A/B

ASIL Teaching International Law Interest Group Business Meeting

6:00 pm–7:30 pm
Meridian C

ASIL Africa Interest Group Business Meeting

Meridian D/E
6:00 pm–7:30 pm

Reception

6:00 pm–8:00 pm
Pavilion

City of The Hague Reunion Reception

6:30 pm–8:00 pm
Rotunda

Sponsored by the City of The Hague and co-hosted by The Hague Institute for Global Justice

Having so many judicial experts with a history with The Hague together at the Annual Meeting, for instance because of a (former) position or a summer course in the Peace Palace, warrants a reunion. Therefore, all ASIL-ILA conference participants that have been or still are part of The Hague endeavor are invited to an inspiring reunion hosted by the City of The Hague. The Hague is known all over the world as the “International City of Peace and Justice.” The Hague is the meeting place of judicial experts, politicians, and diplomats from all over the world. The first Afghanistan conference initiated by Secretary Clinton was held in The Hague in 2009. In 2013 we celebrated 100 years of the Peace Palace. In 2014 The Hague is the proud host city of the third Nuclear Security Summit. Currently The Hague is home to 140 international NGOs and 25 international organizations. The Hague stands for hope in places as diverse as Tripoli, Nairobi and Kabul. Hope for millions of citizens. Hope that the crimes inflicted on them will not remain unpunished. Hope for a peaceful future. The Hague Reunion Reception is co-hosted by The Hague Institute for Global Justice (THIGJ). THIGJ was established by The Hague Academic Coalition, the City of The Hague, The Hague Conference on Private International Law and The Hague Centre for Strategic Studies, and is supported by the Dutch government. The Institute is dedicated to the promotion of

knowledge of law and justice as the basis of and in relation to peace, justice and social and economic development.

Donor and Patron Reception

7:00 pm–8:00 pm

Ballroom

Gala Dinner

8:00 pm–10:00 pm

Atrium

Presentation of ASIL Honors and Awards

Manley O. Hudson Medal: Alain Pellet

Goler T. Butcher Medal: M. Cherif Bassiouni

Honorary Member: Fatou Bensouda

Certificates of Merit

2014 Arthur C. Helton Fellowship Award Winners

“International Law and Effectiveness in the Post-Cold War Era”

Speaker: Danilo Turk, former President of Slovenia

Dessert and Dance Party with ILSA

10:00 pm–12:00 am

Capitol Ballroom, JW Marriott

SATURDAY, APRIL 12, 2014

Please note: All Saturday sessions will take place on the JW Marriott Ballroom Level.

ASIL Interest Group Co-Chairs' Breakfast

7:00 am–8:30 am

Terrace Room, JW Marriott

Combating Tax Avoidance and Evasion

9:00 am–10:30 am

Salon H, JW Marriott

CLE/CPD Credit Hours: 1.5

Co-sponsored by the ASIL Cultural Heritage and the Arts and International Economic Law Interest Groups

In the wake of recent tax evasion scandals, finance ministers and tax administrators have focused their collective and transnational efforts on preventing high net worth individuals from evading their local tax burdens by investing offshore. This panel will explore the nature of such efforts, as well as the coordination problems facing international tax policy-makers. This panel will also consider how efforts to address offshore tax evasion fit within the broader international tax architecture, and how developments in addressing tax evasion through offshore accounts are changing the landscape of international tax law more generally.

Moderator: Raymond J. Wiacek, Jones Day

Speakers: Eduardo Baistrocchi, London School of Economics • Itai Grinberg, Georgetown University • Joe Guttentag, Office of Tax Policy, U.S. Treasury Department (retired) • Ruth Mason, University of Virginia

The Effectiveness of International Law in “Greening” the Economy

9:00 am–10:30 am

Salon F, JW Marriott

CLE/CPD Credit Hours: 1.5*Co-sponsored by the ASIL Africa, International Economic Law, and International Environmental Law Interest Groups*

Growth and environmental responsibility are often portrayed as irreconcilable goals. Today, however, with concerns of climate change alongside acutely felt need for job growth, governments and companies are seeking ways to reconcile the tension between the two through green growth. The challenges to green growth differ across developed and developing countries. This panel will consider the effectiveness of international law—including trade rules, international environmental law, international intellectual property rules—in facilitating and managing opportunities for green growth. How can international law more effectively facilitate government and private efforts to promote environmentally responsible economic growth?

Moderator: Elizabeth Dowdeswell, Council of Canadian Academies**Speakers:** Rebecca Bratspies, City University of New York School of Law • Dan Esty, Yale University • Markus Gehring, University of Cambridge • Kamal Hossain, Dr. Kamal Hossain & Associates**Challenges of Arbitrators in International Investment Disputes: Standards and Outcomes**

9:00 am–10:30 am

Salon E, JW Marriott

CLE/CPD Credit Hours: 1.5*Sponsored by the ASIL International Courts and Tribunals Interest Group and co-sponsored by the ASIL International Economic Law Interest Group*

The selection of international arbitrators is a fundamental part of the international arbitration process and should provide comfort and trust to users. However, the standards for arbitrators' independence and impartiality are often unclear and translate into difficult disqualification decisions. Do these threaten the legitimacy and effectiveness of international adjudication? The panelists will discuss the independence standards necessary under different international arbitration systems and assess how and if they work. Panelists will also address the impact of tactical challenges and discuss whether we are moving towards common challenge standards.

Moderator: Chiara Giorgetti, University of Richmond**Speakers:** Charles N. Brower, 20 Essex Street • Judith Levine, Permanent Court of Arbitration • Meg Kinnear, ICSID • Jan Paulsson, University of Miami School of Law**Sexual Violence in Armed Conflict**

9:00 am–10:30 am

Salon J/K, JW Marriott

CLE/CPD Credit Hours: 1.5*Co-sponsored by the ASIL Africa, International Refugee Law, Transitional Justice and Rule of Law, UN21, and Women in International Law Interest Groups and the ASIL Lieber Society on the Law of Armed Conflict*

This panel will identify and discuss key aspects related to sexual violence in conflict, including: the gender dimension (how male victims and female perpetrators are often overlooked); how women are portrayed in the jurisprudence of international criminal tribunals and whether certain gendered stereotypes inform the framing of women's roles in wartime;

how girls/boys are viewed as children or women/men; the role of non-state actors; the paucity of accountability at all levels; the responsibilities of states; and multilateral initiatives within and without the UN to address the multifaceted problem of sexual violence.

Moderator: Dawn Sedman, Oxford Brookes University

Speakers: Tonderai Chikuhwa, Office of the Special Representative of the Secretary General on Sexual Violence in Conflict • Chris Dolan, Centre for Refugee Law, Makerere University • Olga Jurasz, Open University • Kimberly Theidon, Harvard University

State Law Litigation of International Norms

9:00 am–10:30 am

Salon A/B, JW Marriott

CLE/CPD Credit Hours: 1.5

Co-sponsored by the ASIL Human Rights and International Law in Domestic Courts Interest Groups

Scholars and practitioners interested in international litigation in U.S. courts typically focus on federal courts applying federal law. But state laws also may be vehicles for litigating transnational issues, and recent decisions like *Morrison* and *Kiobel*, which narrowed the extraterritorial reach of federal law, provide new opportunities for state law to fill the gap. This panel will explore the role of state-law litigation in areas such as human rights, antitrust, and securities, and will address some of the federalism and separation of powers issues raised by such litigation.

Moderator: Simona Grossi, Loyola Law School, Los Angeles

Speakers: Cassandra Burke Robertson, Case Western University Law School • Zachary Clopton, University of Chicago Law School • Anthony Colangelo, Southern Methodist University Dedman School of Law • Beth Stephens, Rutgers University Law School

Closing Plenary: Syria: Testing the Effectiveness of International Law

11:00 am–12:30 pm

Capitol Ballroom, JW Marriott

CLE/CPD Credit Hours: 1.5

The Syrian conflict raises a range of complex challenges for international law. The watching world is acutely aware of deliberate infrastructure destruction, civilian targeting, and massive refugee flows. This panel will consider the range of options open to regional and international actors to address humanitarian suffering and breaches of international law. Can states intervene to address a humanitarian crisis even in the face of a veto by a permanent member of the Security Council? If so, what legal limits apply to such unilateral uses of force? What other options are legally available to address the crisis—such as economic sanctions, arming insurgent groups, or recognizing an emerging coalition government? And what role might the International Criminal Court or other individual accountability mechanisms play in addressing the crisis?

Moderator: Donald Francis Donovan, Debevoise & Plimpton LLP

Speakers: Awn Al-Khasawneh, former Prime Minister, the Hashemite Kingdom of Jordan; former judge, International Court of Justice • Vera Gowlland-Debbas, Graduate Institute of International and Development Studies • Michael Ignatieff, Harvard Kennedy School • Ken Roth, Human Rights Watch