

ANNUAL MEETING PROGRAM

WEDNESDAY, APRIL 6, 2022

ITA-ASIL Conference: Arbitration in Changed Circumstances

9:00 am – 12:30 pm

Columbia 5-8

Separate registration with the ITA is required.

The world has changed dramatically in recent years, and arbitration is changing with it. On the one hand, the institutions of international arbitration are in flux. Major arbitral institutions are undergoing processes of reform, while novel institutional arrangements are emerging as competitors to arbitration—from mediation to international commercial courts to the proposed multilateral investment court in the context of investor-state dispute settlement. On the other hand, major global upheavals like the COVID-19 pandemic are increasingly leading to demands for flexibility in dispute resolution as circumstances change—under the rubric of doctrines ranging from force majeure to exceptions clauses, to doctrines associated with the measure of damages. Questions have emerged as to how well arbitration has contended with these challenges, both in the context of commercial disputes and investor-state disputes. This conference will examine the changing face of international arbitration in changed circumstances, in comparison to existing and emerging alternatives.

ASIL Executive Council Meeting

10:30 am – 4:00 pm

Offsite

Bias Motivated Violence and Armed Conflict: Ensuring the protection of civilians

12:30 pm – 1:30 pm

Columbia 9-10

Organized and sponsored by the OSCE Office for Democratic Institutions and Human Rights

From internal unrest to armed conflict, manifestations of violence occur in a multiplicity of forms throughout the world. While the exact nature of the violence determines the regulatory legal frameworks that apply, the fact that States remain responsible for protecting civilians remains constant. The escalatory nature of bias motivated violence poses a unique threat to international peace and security. Violence which prevents groups from expressing their identity freely can instill a sense of fear and insecurity among individuals and members of affected communities and, if left unchecked, can undermine the security of societies by creating or exacerbating wider tensions. Effective conflict prevention and resolution must consider the potential severity of bias motivated violence, and commit to addressing it when it arises. This side event will examine States' legal obligations vis-à-vis civilians throughout the conflict cycle. Speakers will address how international human rights law and international humanitarian law respectively and collectively seek to protect civilians, how the 1949 Fourth Geneva Convention is interpreted appropriately to protect civilians in armed conflicts today, the specific impact of violence and conflict on civilian women,

and the ways in which governments and militaries are implementing their legal obligations towards civilian protection.

Speakers:

- Brigadier General Garba Ajala Wahab, Nigerian Army Military History Institute
 - Christie J. Edwards (moderator), Tolerance and Non-Discrimination Department, OSCE ODIHR
 - Ezequiel Heffes, Geneva Call
 - Savita Pawnday, Global Centre for the Responsibility to Protect
 - Tamar Tomashvili, Free University of Tbilisi
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Migration Law Interest Group Business Meeting

12:30 pm – 1:30 pm

Virtual Platform

ITA-ASIL Conference Luncheon

12:45 pm – 2:00 pm

Rock Creek

Separate registration with the ITA is required.

Annual Meeting Registration Opens

2:00 pm

Terrace Lobby

The New State of Emergency: Individuals and international law

2:00 pm – 3:00 pm

Columbia 9-10

Organized by the Japanese Society of International Law

International Law is said to be shifting from a State-centric model to a more individual-oriented one. This shift particularly relates to both the interests to be protected by the law, and the actors involved in the creation and implementation of the law. The significance of, and challenges to, this individual-oriented approach have been already widely discussed in contexts of emergencies such as armed conflicts and internal strife, because the true value of the approach most clearly manifests itself in times of emergency. “The new state of emergency” arising from COVID-19 provides a unique and important context to further examine the issue. This panel considers if, how, and to what extent international law has helped people to get through this time of emergency and proposes the future direction of its development. The questions to be discussed include: how has the development of international human rights law affected the way States address the present crisis?; what roles have non-State actors such as the business played to protect people from human rights risks?; what lessons can we learn from each State’s experience?

Speakers:

- José Alvarez, NYU School of Law
- Atsuko Kanehara (moderator), Sophia University
- Kentaro Nishimoto, Tohoku University

- Anita Ramasastry, University of Washington School of Law
 - Tina Stavrinaki, University of Cyprus Department of Law
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Human Rights Interest Group Business Meeting

2:00 pm – 3:00 pm

Virtual Platform

Asia-Pacific Interest Group Business Meeting

3:30 pm – 4:30 pm

Embassy

International Law Publishing (New Professionals Interest Group Business Meeting)

3:30 pm – 4:30 pm

Cardozo

An informative discussion on International Law Publishing addressing international law journals, the publishing process, publishing tips, common mistakes, peer review, and alternative publishing platforms. There will be a chance for the attendees to ask the expert speakers anything about publishing after their presentations. This session will also include a presentation of Fulbright Scholarships and will conclude with an introduction to NPIG's new Articles Exchange Program.

Speakers:

- Monica Hakimi, University of Michigan Law School
 - David Wirth, Boston College Law School
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COP27: African Priorities for an African COP (Africa IG Business Meeting)

3:30 pm – 4:30 pm

Virtual Platform

Organized by the Africa Interest Group

COP27 will be the fifth Conference of the Parties of the UNFCCC to be held in Africa. This panel will examine Africa's priorities during COP27. Specifically, the panel will explore how the "polluter pays principle" could be promoted and operationalized in order to ensure that financial resources are allocated to address losses and damage suffered by African countries as a result of climate change. One strategy that African countries might explore, and which the panel could discuss, is the possibility of requiring major carbon-emitting corporations to contribute financial resources to help fund Africa's adaptation and mitigation efforts. The panel would also discuss how developmental priorities in Africa can be reconciled with the need to achieve the target of net-zero emissions.

Speakers:

- Zaheer Fakir, Department of Environmental Affairs, Republic of South Africa
 - Patricia Kamari-Mbote, Law Division UN Environment Programme
 - Ambassador Mohamed Nasr, Department of Environmental Affairs, The Arab Republic of Egypt
 - Damilola S. Olawuyi, Hamad bin Khalifa University College of Law, Qatar
 - Ijeoma Ononogbu (moderator), Co-Chair Africa IG ASIL
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2022 Grotius Lecture: The Art of International Law

5:00 pm – 6:00pm

Columbia 5-8

Sponsored by American University Washington College of Law

We study international law primarily through its texts – treaties, official documents, judgments and scholarly works – and rarely go beyond this. The point of departure for this lecture is to consider how the visual interacts with international law, both formally and informally. Given the theme of the 2022 Annual Meeting, “Personalizing International Law,” exploring the ways in which individuals experience international law is especially timely. Historian Anne Gulick described international law as both an ‘institutional reality and an imaginative project’ and our visual senses shape both aspects – institutional and imaginative. Drawing on examples such as the competition to design the Peace Palace in the Hague in 1905–1906 and the use of photographs in international court cases, Judge Hilary Charlesworth will explore how the visual dimension can both shape and transform our ideas of the discipline.

2022 Grotius Lecturer: Judge Hilary Charlesworth, International Court of Justice

Distinguished Discussant: Karima Bennouna, University of Michigan Law School

Grotius Reception

6:00 pm – 7:30 pm

Heights Courtyard

Sponsored by American University Washington College of Law

AJIL Board of Editors Reception

6:30 pm – 7:30 pm

Kalorama

By invitation only

Thursday, April 7, 2022



Coffee Break

8:30 am – 9:00 am

Can Alternative Accountability Mechanisms Provide Effective Human Rights Remedies to Project-Affected Communities?

9:00 am – 10:00 am

CLE Credit Hours: 1.0

Columbia 5-8 / Virtual Platform

Energy and infrastructure projects are the lifeblood of international development. They are essential to deliver on the ambitions of the Sustainable Development Goals and advance human dignity for the most vulnerable. But such projects often have devastating impacts on neighboring individuals and communities—from violations of labor and indigenous rights to forced displacement and environmental harms, among others. Accountability for such harms is a perennial challenge. International tribunals have limited authority over private actors.

National courts in host and home countries are frequently inaccessible for reasons legal and practical. To address this lacuna, alternative accountability mechanisms (AAMs) are receiving increasing

attention in legal scholarship and practice. AAMs capture a variety of private mechanisms to resolve project-related human rights, environment, and integrity complaints through investigation, mediation, or adjudication. The embrace of AAMs, however, masks a certain nebulosity of aims and potential. AAMs come in myriad shapes and sizes. Their ideal form is uncertain. So too is their ability to deliver meaningful redress with reference to international human rights law. The challenges are as much conceptual as they are practical. This session will seek to wrestle with these challenges to derive practical recommendations for more effective and legitimate AAMs.

Speakers:

- Margaux Day, Accountability Counsel
- Archana Kotecha, The Remedy Project
- Natalie Reid (moderator), Debevoise & Plimpton LLP
- Suzanne Spears, Allen & Overy LLP
- Jeff Ssebagala, Witness Radio Uganda
- Mark Wielga, NomoGaia

The Reformation of International Tax: Competing models and their winners and losers

9:00 am – 10:00 am

CLE Credit Hours: 1.0

Columbia 9-10

Organized by the International Economic Law Interest Group

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

The landscape of international tax is in flux. Changing circumstances (like iterative recessions and pandemics) and dramatic revelations (like the Panama and Pandora papers) have laid bare serious weaknesses in the extant international regime – based largely on bilateral double taxation treaties. Yet we may be witnessing a moment of dramatic change in the regulation of international tax. Many governments are actively considering an array of unilateral, bilateral, and multilateral reforms to international tax disciplines. These range from sector-specific taxation like taxes on digital services, procedural anti-arbitrage mechanisms like the OECD work on base erosion and profit shifting (BEPS), and substantive reforms like an international minimum corporate tax. Although the regulation of international tax represents a pillar of international economic law, it has received far less attention among generalist international lawyers than the regulation of trade, investment, and finance. Yet the world of international tax cuts across all of these fields, interacts with them, and touches upon many of the same tensions: efficiency, fairness, and egalitarian distribution; bilateralism versus multilateralism; sovereignty versus domination; and individualism versus communitarianism – among many other familiar matters. This panel will explore the problems with contemporary international tax governance and think through the trade-offs of the leading alternatives for reform. It will focus in particular on who stands to gain from reform – as between individuals, businesses, states, and/or regions (Global North versus Global South).

Speakers:

- Joan Arnold, Troutman Pepper
- Reuven Avi-Yonah, University of Michigan Law School
- Gaute Solheim, World Bank Group
- Steven Dean (moderator), Brooklyn Law School

Where's the Community? Contours, place, and the role of communities in international law and participatory governance

9:00 am – 10:00 am

CLE Credit Hours: 1.0

Columbia 11-12

Community participation has become a common trope in global governance, international agreements and social movements in a range of international law fields, from human rights to international criminal law to cultural heritage to environmental governance. Institutions as diverse as the World Bank, UN human rights bodies, Indigenous peoples' networks and international business associations profess support for very different conceptions of community and participation through a plethora of legal mechanisms, including community consultations and free, prior and informed consultation and consent. And yet the meaning, role and impact of communities in international law remain elusive and underexamined. This panel brings aims to debate and clarify these key issues by bringing together leading voices from different institutional, conceptual, geographical and practical perspectives.

Speakers:

- Monica Aleman Cunningham, Ford Foundation
- Andrzej Jakubowski, Polish Academy of Sciences Institute of Law Studies
- Lucas Lixinski (moderator), University of New South Wales Faculty of Law
- Pooven Moodley, Natural Justice

Mentoring Session: Griffin Ferry, OSCE Office for Democratic Institutions and Human Rights

9:00 am – 10:00 am

Cardozo

Virtual Mentoring Session: To be announced

9:00 am – 10:00 am

Virtual Platform

Meet the Scholars: Cutting-Edge Issues in International Dispute Resolution (Dispute Resolution Interest Group Business Meeting)

9:00 am – 10:00 am

Gunston East/West

Two distinguished scholars will present their works in progress and recent publications on international dispute resolution, with commentary by two leading practitioners. Mohamed Mahayni (Queen Mary University) will present his research on the ideology of international investment arbitrators, with Luciana Ricart (Curtis, Mallet-Prevost, Colt & Mosle LLP) acting as commentator. Esmé Shirlow (Australian National University) will present the research on compensation in international law she has been conducting in collaboration with the International Institute for Sustainable Development, with Ben Love (Boies Schiller Flexner LLP) acting as commentator. The session will be moderated by DRIG co-chairs Simon Batifort (Curtis, Mallet-Prevost, Colt & Mosle LLP) and Rémy Gerbay (Hughes Hubbard & Reed LLP). Michele Potestà (Lévy Kaufmann-Kohler) will also join the Meeting virtually to discuss a new initiative that the DRIG co-chairs will launch at the ASIL Annual Meeting. The event will be held via Zoom. If you are attending the ASIL Annual Meeting in person at the Washington Hilton, please feel free to join

the DRIG co-chairs, who will be connecting to the Zoom call from the Gunston East/ West room. Please make sure to bring a device from which you can join the Zoom call and a headset, as the room is not equipped for a hybrid meeting.



Coffee Break

10:00 am – 10:30 am

Global Health Law and the Issue of Compliance: What will make the global system work?

10:30 am – 11:30 am

CLE Credit Hours: 1.0

Columbia 5-8 / Virtual Platform

The ongoing COVID-19 pandemic has demonstrated the significant challenges facing the international approach to pandemic preparedness and response. Weaknesses in national preparedness and response systems as well as the lack of well-coordinated international responses contributed to the breadth and depth of this pandemic. We have now clearly realized the absolute necessity of a functioning global system as the lives of individuals around the world depend on it. The International Health Regulations (IHR), first adopted in 1951 by the member states of the World Health Organization (WHO) and revised significantly in 2005, address national capacities, the system of global warning, and coordinated responses. States that do not opt out of the IHR are legally required to align domestic law and policy to achieve the objectives of the IHR. All WHO member states are parties to the IHR. While the IHR stand as a foundation for pandemic preparedness and response, the COVID-19 pandemic has revealed critical areas that were not addressed. These include: the sharing of pathogens and genetic sequence data, access to benefits, and equitable access to vaccines. The member nations of WHO are now considering the need for a new global convention or treaty for pandemic preparedness and response. The IHR carry WHO's clearest legal authority but compliance remains an outstanding and seemingly insurmountable challenge. A recent review of the IHR, assessing the IHR's effectiveness during the COVID-19 pandemic, echoes earlier review recommendations including the observation that an effective approach for compliance is lacking. Reviews stated: "The most important structural shortcoming of the IHR is the lack of enforceable sanctions (2011)" and "the IHR has no teeth (2021)". Compliance with the existing IHR and the new pandemic preparedness and response instrument (however it evolves) is central to the success of the global health system. How can compliance be strengthened, assured, and is that it even possible?

Speakers:

- Thomas Bollyky, Council on Foreign Relations
- Alexandra Phelan, Georgetown Center for Global Science and Security
- Kilaparti Ramakrishna, Woods Hole Oceanographic Institution

The Inevitability of Migration Externalization?

10:30 am – 11:30 am

CLE Credit Hours: 1.0

Columbia 1-2 / Virtual Platform (Pre-recorded)

Organized by the Migration Law Interest Group

The global north's "north star" with regard to migrants is the externalization of border control – addressing the "migrant problem" by making sure they cannot arrive. States are engaged in

processes aimed at containing refugees in the global south, deterring migration through severe treatment of those who do come, and externalizing border control to limit arrivals. This conversation takes stock of global migrant and refugee protection regimes and how migration control has involved ever more draconian mechanisms. It will also consider how such border policies makes international law meaningful – or meaningfully absent – from the lives of people on the move. Should the international migrant and refugee protection regime(s) be recalibrated to reflect these cynical practices into a more realistic understanding of global migration law? Is there still space for legal and advocacy work that can genuinely make the human rights of migrants an individual reality? What lessons should we take from south- south migration trends and innovation, including free movement regimes in Africa and the Americas? How has the COVID-19 pandemic reshaped or exaggerated these dynamics? The discussion will include a participatory segment seeking attendee input on how to address the externalization of border control.

Speakers:

- Behrouz Boochari, University of New South Wales Sydney
- Álvaro Botero Navarro, Dejusticia
- Alejandra Macías Delgadillo, Asylum Access Mexico
- Emily Ryo, University of Southern California Gould School of Law
- Shana Tabak (moderator), Georgetown Institute for Study of International Migration

The Climate Change Gap: Inequalities, narratives, and international law

10:30 am – 11:30 am

CLE Credit Hours: 1.0

Columbia 9-10

This session addresses inequalities in the face of climate change from three perspectives. From a geographical perspective, climate change engenders or aggravates inequalities, e.g., because of its impact on small island States and on drought-prone countries in the southern hemisphere. From a temporal perspective, climate change is a challenge for intergenerational justice, and confronts countries with differing degrees of emergency. From the perspective of human condition, it increases poverty and hunger, gender inequality, and the subordination of nature to human activity. The session analyzes these inequalities through a triple spectrum: testimonies, narratives, and international law. The first, factual, spectrum focuses on short video testimonies of individuals who are either victims of climate change, or grass-root activists. Each video addresses a distinct form of inequality. The narratives spectrum seeks to determine what the testimonies reveal on the individuals' perception of the role of international law. It analyzes the objectives pursued with these narratives with their pros and cons. The third spectrum relates the testimonies and narratives to relevant rules of international law: the principle of Common but Differentiated Responsibilities, the respective roles of mitigation and adaptation, human rights and rights of nature, international peace and security, etc.

Speakers:

- Lisa Benjamin, Lewis & Clark Law School
- Daniel Bodansky, Arizona State University College of Law
- Gabriela Eslava Bejarano, Environmental lawyer

Collision Course for Sanctions? The expanding dilemma of blocking statutes and retaliation

10:30 am – 11:30 am

CLE Credit Hours: 1.0

Columbia 11-12

The United States and its partners continue to rely on economic sanctions as a key tool of foreign policy, but targeted governments are increasingly deploying so-called blocking statutes to prohibit compliance with those sanctions, putting private actors in an increasingly complex dilemma, forcing them to choose between compliance with sanctions or compliance with local law. While the European Union originated the concept of the blocking statute, China has recently adopted similar legislation and a Russian court decision against Google has suggested that companies could face enormous fines for terminating contracts against Russian sanctions targets. How do private actors navigate these increasingly conflicting sets of laws? Are U.S. and European companies destined for a commercial disadvantage in destinations like Russia and China? Do we expect blocking statutes to be an effective tool against U.S. and European sanctions, or will they merely drive away U.S. and European companies?

Speakers:

- Maya Lester, Brick Court Chambers
- Juan C. Zarate, K2 Integrity
- Eytan Fisch, Skadden, Arps, Slate, Meagher & Flom LLP
- Julia Friedlander, Atlantic Council

Successfully Navigating the Law Teaching Market as an International Law Scholar

10:30 am – 11:30 am

Embassy

Organized by the Junior International Law Scholars Association (JILSA)

Are you interested in becoming an international law professor? This event will explain how the entry-level hiring legal academic hiring process works in the United States. In particular, a panel of U.S. international legal academics—some of whom have served on their law schools' appointments committees—will provide advice tailored to the scholarly field of international law.

Speakers:

- Guillermo Garcia Sanchez, Texas A&M University School of Law
- Rebecca Hamilton, American University Washington College of Law
- Steven Koh, Boston College Law School
- David Sloss, Santa Clara University School of Law
- Brian Richardson (moderator), Cornell Law School

Virtual Mentoring Session: Marissa Jackson Sow, St. John's University

10:30 am – 11:30 am

Virtual Platform

Evaluating the International Criminal Court after 20 Years (International Criminal Law Interest Group Business Meeting)

10:30 am – 11:30 am

Gunston East/West

Organized by the International Criminal Law Interest Group

Over the first two decades of its existence, the work of the International Criminal Court (ICC) has come under intense scrutiny. Authors of the Elgar Companion to the International Criminal Court will discuss the dominant narratives and counter-narratives that have emerged about the institution and its work. They will consider topics ranging from the ICC's overarching mission and contributions to peace and justice, to admissibility, accountability of leaders, gender-sensitivity, and the role of the Assembly of States Parties.

Speakers:

- Margaret M. deGuzman, Beasley School of Law, Temple University
- Yvonne Dutton, McKinney School of Law, Indiana University
- Alexander K.A. Greenawalt, Elizabeth Haub School of Law, Pace University
- Valerie Oosterveld (moderator), Western University Faculty of Law
- Leila Sadat, Washington University in St. Louis School of Law
- Jennifer Trahan, Center for Global Affairs, New York University



Break

11:30 am – 12:00 pm

Hudson Medal Luncheon

12:00 pm – 1:30 pm

International Terrace West

Sponsored by Allen & Overy LLP

The Manley O. Hudson Medal is the Society's most prestigious award and has been conveyed to a distinguished person of American or other nationality for outstanding contributions to scholarship and achievement in international law since its creation and conferral on Manley O. Hudson in 1956.

Honoree: Lori Damrosch, Columbia Law School, 2022 Manley O. Hudson Medal recipient

Discussant: José Alvarez, NYU School of Law

Tickets for this event must be purchased separately with registration.

Indigenous Languages in Focus: Welcoming the decade of indigenous languages

12:00 pm – 1:00 pm

CLE Credit Hours: 1.0

Columbia 5-8 / Virtual Platform

Indigenous Languages in Focus: Welcoming the decade of indigenous languages (Livestreamed)

The United Nations Declaration on the Rights of Indigenous Peoples provides that Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their languages. It also calls on states to take effective measures to protect this right. Other international instruments may also support the protection of indigenous languages, including article 27 of the ICCPR, article 15 of the ICESCR and article 27 of the UDHR. However, Indigenous languages are critically threatened, with United Nations estimates suggesting that one indigenous language dies every two weeks. Indeed, despite guarantees in the UNDRIP and related protections in the ICCPR, ICESCR and the UDHR, States continue to engage policies that place less value on the preservation of indigenous languages or even deny the existence of Indigenous Peoples in an effort to

assimilate them into a homogenized state. This issue is particularly pressing. Climate change will place increasing pressure on Indigenous languages, as environmental harms affect Indigenous Peoples most severely. Yet, indigenous languages are crucial to community membership and underpin indigenous health, heritage, identity, connection to land and self-determination.

Speakers:

- Kristen Carpenter, University of Colorado School of Law
- Leonardo Crippa, Indian Law Resource Center
- Paul John Murdoch, Murdoch Archambault
- Dianna Pizarro (moderator), World Bank Group

Afghanistan and the Future of International Law

12:00 pm – 1:00 pm

CLE Credit Hours: 1.0

Columbia 9-10

Organized by the Asia-Pacific Interest Group

The U.S. withdrawal from Afghanistan and the Taliban assumption of power in late August 2021 has sent shockwaves throughout the Asia-Pacific region and beyond. The event has been construed by some to signal the end of American nation-building overseas, yet the effects for the region, international relations, and international law may be more complicated than this one-sided reading. Most immediately, the victory of the Taliban regime raises basic human rights questions for the people of Afghanistan including security, subsistence, public health, education, and justice. The World Health Organization has warned that up to a million Afghan children face the danger of starvation this winter. Neighboring states are faced with both refugee inflow and the resumption of trans-border crime syndicates. Further afield, a Taliban- led Afghanistan tilts the ever-fragile U.S.–China relationship towards Chinese approaches of aid and development, as the Chinese Ministry of Foreign Affairs has announced that China will provide aid and investment to the country in the wake of the U.S. withdrawal. For Afghan children, women, and refugees, as well as those with views that differ from the Taliban's, international law questions surrounding the future of Afghanistan could not be more personal. As such, Afghanistan thus is the center of a number of critical questions of international law, including the recognition of states, humanitarian intervention, use of force, human rights and sharia, law and development, corruption, and transitional justice. This roundtable, comprised of experts from government, think tanks, academia, and the Afghan judiciary, will examine these issues from their diverse professional and disciplinary perspectives.

Speakers:

- Sarah Chayes, former special advisor to the Chairman of the Joint Chiefs of Staff
- Matthew Erie (moderator), University of Oxford Faculty of Laws
- Bashir Mobasher, American University of Afghanistan
- Andrew Scobell, U.S. Institute for Peace
- Fahima Sirat, former Judge, Afghan Anti-Corruption Court

Territory, Tribe, and Trade: The symbiotic relationship between States and individuals in State-State dispute settlement

12:00 pm – 1:00 pm

CLE Credit Hours: 1.0

Columbia 11-12

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

For centuries, the State has been the central actor in international law. At the core of State relations are territory and trade – and disputes between States over boundaries and cross-border economic activity have produced many of the key public international law principles. But the legal fiction of the State as the central actor of international law obscures the reality that State actions result from individuals and the international rules governing States action in fact govern individuals. This session will examine how State-State disputes over boundaries and trade emerge from the actions of individuals and how their resolution affects individuals on different sides of a boundary, whether it remains fixed or changed. In looking at selected disputes from the prism of the individual actions that cause State-State disputes and how the rules resolving the disputes impacted those individuals, the session will take on the theme of “What about me?” in international law, highlighting not just how individuals experience international law in their daily lives and contribute to its creation, but what elements of their experience do State-State disputes take into account and which are jettisoned or ignored. Examples of the symbiotic relationship between States and individuals include issues the determination of compensation for impacts on livelihood, the displacement of individuals or communities when boundaries are redrawn, and how trade rules can create winners and losers both at home and abroad.

Speakers:

- John R. Crook, George Washington University Law School
- Chiara Giorgetti (moderator), University of Richmond Law School
- Massimo Lando, City University of Hong Kong School of Law
- Aristeo Lopez Sanchez, Clark Hill Law
- Yusra Suedi, London School of Economics and Political Science

Careers in International Humanitarian Law and the Law of Armed Conflict

12:00 pm – 1:00 pm

Cardozo

Organized by: Lieber Society on the Law of Armed Conflict

Please join the Lieber Society on the Law of Armed Conflict for an informal chat with IHL/LOAC experts about their career paths. We welcome non-members to learn more about careers in this field, and to have an opportunity to informally network with members of the Lieber Society.

Speakers:

- Tracey Begley, International Committee of the Red Cross
 - Laurie Blank, Emory University School of Law
 - Michael Meier, Office of the Judge Advocate General, United States Army
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Maria Antonia Tigre, Sabin Center for Climate Change Law

12:00 pm – 1:00 pm

Virtual Platform

Disaster Law Interest Group Business Meeting

12:00 pm – 1:00 pm

Embassy

International Economic Law Interest Group Business Meeting

12:00 pm – 1:00 pm

Gunston East/West

Non-Proliferation, Arms Control, and Nuclear Disarmament Interest Group Business Meeting

12:00 pm – 1:00 pm

Virtual Platform



Conference Lunch Break

1:00 pm – 2:00 pm

UCLA School of Law Alumni Reception

1:00 pm – 2:00 pm

Holmead East / West

Sponsored by the International and Comparative Law Program and the Promise Institute for Human Rights By Invitation Only

Safeguarding Freedom of the Press: The role of international law

2:00 pm – 3:00 pm

CLE Credit Hours: 1.0

Columbia 5-8 / Virtual Platform

Co-sponsored by the High Level Panel on Media Freedom

Free, independent, and fact-based journalism affords the public one of the best means of discovering and forming an opinion on the ideas and attitudes of their political leaders. It serves as essential protection against abuse of power and misinformation. It enables everyone to participate in the free political debate which is at the very core of the concept of a democratic society. Today, the free press and independent journalists are under attack in many places around the world like never before, as authoritarian regimes make every effort to suppress the free flow of information, so as to control what constitutes the truth. While freedom of expression and freedom of the press are well established rights in national and international law, the reality is that fewer than 1 in 10 people live in a country with a free press, and even some of the most established of democracies have become unsafe places for journalists. If the existing international framework for protection is not working, what more must be done to safeguard and promote media freedom around the world? And what, in particular, is the role of international law in answering this critical question?

Speakers:

- To Be Announced

Policing Black Women: Challenges and opportunities for international law

2:00 pm – 3:00 pm

CLE Credit Hours: 1.0

Columbia 1-2 / Virtual Platform (pre-recorded)

The conversations concerning policing in Black communities worldwide consistently erase or sideline the lived experiences of Black womxn and girls, as victims and survivors of police brutality and neglect, as advocates for police reform and abolition, and as potential targets for civilian vigilantism and community policing. Women of African descent are disproportionately negatively impacted by assaults on women's rights and assaults on the rights of people of African descent, and policing is often a vehicle for these negative impacts. Foundational work on these issues has been carried out by prominent legal scholars such as Patricia Williams and Dorothy Brown, and in fact, Black women are at the forefront of contemporary human rights movements across the globe. There exists an opportunity for international enforcement bodies to engage and support these women and their activism in a way that leads these enforcement bodies and mechanisms to adapt to contemporary human rights-related realities. Yet, despite their leadership in advocacy, Black women's interests remain underrepresented within national and international legal systems. This session will feature three conversations: The first will focus on the tensions between women's rights advocates seeking to abolish or overhaul policing and those feminists who rely on police for protection in societies where violence against women is otherwise supported by social and community norms. A second conversation will consider the contributions of the Black Lives Matter movement, Womanist theory, Critical Race Theory, and Post-Colonial theory to contemporary global Black women's rights movements. The third conversation will consider whether international law has a role to play in contemporary Black women's rights movements, and if so, how the movements and international law might strengthen and support each other.

Speakers:

- Karen Attiah, Washington Post
- Ana Paula Barreto, Afro Resistance
- Michele Bratcher Goodwin (moderator), University of California, Irvine School of Law
- Aissatou Sene, independent consultant
- India Thusi, Indiana University Maurer School of Law

The Individual as Protectee of International Humanitarian Law

2:00 pm – 3:00 pm

CLE Credit Hours: 1.0

Columbia 9-10

Are individuals merely beneficiaries of protection that is a by-product of obligations owed between warring parties, or do individuals enjoy legal entitlements deriving from protective norms? And do individuals enjoy IHL protection on an intra-party basis? Both questions focus on the plight of the individual in armed conflict, and the answers hinge on competing notions of the intrinsic nature of IHL. The traditional perspective, that IHL provides only for obligations owed between opposing parties to an armed conflict, precludes both the existence of individual rights in IHL, as well as

protection on an intra-party basis. Wide-ranging views on this issue are illustrated by, for example, competing views of Judges Cançado Trindade and Koroma in the Jurisdictional Immunities of the State case (ICJ, 2012); the defense put forward in the ICC case, Prosecutor v. Ntaganda; and the open question as to whether the African Court on Human and Peoples' Rights will interpret at least some IHL instruments as having a human rights character. This panel explores the relevance of IHL for the individual, and the discussion will have relevance both to the protection of individuals under IHL and the structure and functioning of IHL as a regime of international law.

Speakers:

- Laurie Blank, Emory University School of Law
- Marc Linning, Center for Civilians in Conflict
- Sandesh Sivakumaran, University of Cambridge Faculty of Law
- Gus Waschefort (moderator), University of Essex School of Law

Mentoring Session: Harpreet Kaur Dhillon, Twitter, Inc.

2:00 pm – 3:00 pm

Cardozo

Virtual Mentoring Session: Molly White, U.S. Department of Homeland Security

2:00 pm – 3:00 pm

Virtual Platform

Private International Law Interest Group Business Meeting

2:00 pm – 3:00 pm

Fairchild East / West



Coffee Break

3:00 pm – 3:30 pm

BASIL Speed Mentoring Session

3:00 pm – 4:30 pm

International Terrace West

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

Students and new professionals are invited to participate in a speed mentoring session with international lawyers from a wide variety of practice areas and professional backgrounds. Participants will spend 10-12 minutes at a table, engaging with a mentor, before switching to a new table. This session is open to all Annual Meeting attendees.

Fractures in the Foundation: Is waging aggressive war still prohibited by international law?

3:30 pm – 4:30 pm

CLE Credit Hours: 1.0

Columbia 5-8 / Virtual Platform

Organized as a Late Breaking Panel

With Russia's invasion of Ukraine, the UN Charter's general prohibition on the use of force is once again under threat. While the Rome Statute has made such acts of aggression criminal, the

International Criminal Court (ICC) has yet to prosecute this crime. From the United States' invasion of Iraq to NATO's bombing in Serbia, states have engaged in violence in ways that arguably contravene these foundational rules of international law. In a world with shifting historical alliances and where non-state actors can engage in asymmetrical warfare, the current state and future development of *jus ad bellum* is in flux. This panel will debate the continuing validity of the general prohibition on the use of force in a world where its bounds are consistently tested, the impact of the UN Charter and other "norms" on state decision-making, and what role the ICC might play in preventing aggressive war in the future.

Speakers:

- Monica Hakimi (moderator), University of Michigan Law School
- Yanar Mohammed, Organization of Women's Freedom in Iraq
- Erin Pobjie, University of Essex
- Judge Ganna Yudkivska, European Court of Human Rights

Challenges to Liberal-Led International Law

3:30 pm – 4:30 pm

CLE Credit Hours: 1.0

Columbia 1-2 / Virtual Platform (pre-recorded)

Today's international legal order and institutions, deeply infused with liberal and neoliberal values, are undergoing what many predict to be a seismic shift. In addition to domestic contestation within democracies, the current international order is being challenged by rising powers, most notably China, who are modifying existing institutional institutions as well as creating new ones that better fit their interests and worldviews. Scholars and policymakers have predicted that these actions will amount to one or more diverging normative visions on how societies should be organized, how power should be allocated, and what constitute the appropriate roles and values of international law. These challenges can be substantively "thick," gravitating towards particular visions such as non-intervention in states' domestic affairs, economic-oriented rights, and informal norms of dispute resolution. They can also be "thin," united by discontent with liberal values without necessarily offering a comprehensive prescription for the alternative. Whether thick or thin, they form a common ground that bring to the fore the value-laden cleavages that have long lurked within international law. Drawing on interdisciplinary expertise, this roundtable explores how these competing visions actively shape the development of international law, norms, and institutional practices. The focus is on both the drawbacks and opportunities of these alternative normative visions. Are the current positive values and achievements of international law under threat, or will new visions also open up promising venues that can further the collective goal of human prosperity?

Speakers:

- Cai Congyan, Fudan University School of Law
- Jacques deLisle (Moderator), University of Pennsylvania Carey Law School
- Ingrid Wuerth, Vanderbilt University Law School
- Angela Zhang, University of Hong Kong

Climate Change at the Interface of Social Movements & International Law

3:30 pm – 4:30 pm

CLE Credit Hours: 1.0

Columbia 9-10

Organized by the ASIL Climate Change Signature Topic

Climate change is profoundly reshaping our world in deeply differentiated ways. It will have devastating effects for people who are already socially, politically, and economically vulnerable. Increasingly, the voices of these historically excluded groups are seeking to draw from and shape international climate law. Prior to the adoption of the 2015 Paris Agreement, international climate change law reflected a traditional top-down paradigm of international environmental law-making. Over the past decade, the field has begun to shift course. The Paris Agreement and Glasgow Climate Pact reflect a new approach that is more flexible, and seeks to take account of the complexity of the climate challenge, and the varying needs, capacities, and potential contributions of different actors. This roundtable will explore how non-state actors, including social movements, are dynamically interacting with international climate law. This is occurring through a multitude of approaches, from domestic climate litigation considering the relevance of the Paris Agreement temperature goals, to protests and campaigns by Indigenous and youth social movements, to the development of new international law concepts, such as ecocide. These actors and movements have the potential to advance global ambition, and further our understanding of how international climate law affects multiple actors and stakeholders.

Speakers:

- Cinnamon Carlarne (moderator), The Ohio State University Moritz College of Law
- Sara A. Colangelo, Georgetown University Law Center
- Tessa Khan, Climate Litigation Network
- Charles Jalloh, Florida International University College of Law

Queering Atrocity Prevention

3:30 pm – 4:30 pm

CLE Credit Hours: 1.0

Columbia 11-12

Organized by Protection Approaches

The queer experience of genocide, crimes against humanity and war crimes is not new. From the Holocaust to the anti-gay purges in Chechnya, LGBTQI communities have been deliberately targeted by widespread, systematic campaigns that can be described as atrocity crimes. The (re)imposition or intensification of heteronormative, patriarchal power structures through legislation and culture come before regimes of widespread human rights violations. At the same time, prevailing heteronormative approaches to reducing conflict and instability, and in preventing atrocity crimes – even when LGBTQI communities are themselves at risk continues to leave LGBTQI people excluded from human rights and violence prevention architecture. This roundtable will discuss the challenges facing the efforts to prevent mass atrocities while including communities often at the greatest risk, including whether the tools, approaches, and policies are fit for purpose. Speakers will address the provisional findings of Protection Approaches' new paper 'Queering Atrocity Prevention' and ask questions of what it means to address the existing blind spots in the field and identify ways to recognize the importance of centering the individual in atrocity prevention, mitigation, and recovery.

Speakers:

- To Be Announced
-

Virtual Mentoring Session: Asaf Lubin, Indiana University Maurer School of Law

3:30 pm – 4:30 pm

Virtual Platform

Cultural Heritage and the Arts Interest Group Business Meeting

3:30 pm – 4:30 pm

Virtual Platform

The Importance of Feminist Judgments (Women in International Law Business Meeting)

3:30 pm – 4:30 pm

Gunston East/West

Organized by the Women in International Law Interest Group

This panel will explore the importance of the Feminist Judgments projects for international law, focusing in particular on feminist judgements at the International Criminal Court.

Speakers:

- Margaret M. deGuzman, Temple University Beasley School of Law
 - Valerie Oosterveld, Western University Faculty of Law
 - Susana SáCouto, War Crimes Research Office, American University Washington College of Law
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Break

4:30 pm – 5:00 pm

ASIL Assembly and Keynote

5:00 pm – 6:30pm

Columbia 5-8 / Virtual Platform

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

Speakers:

- Amal Clooney, President and Co-Founder, Clooney Foundation for Justice
 - Maria Ressa, Co-Founder and CEO, Rappler, 2021 Nobel Peace Prize
-

President's Gala Reception

6:30-8:00 pm

Heights Courtyard

Sponsored by Debevoise & Plimpton LLP

ABILA Centennial Reception

6:30 – 7:30 pm

Kalorama

Sponsored by the American Branch, International Law Association

Join the American Branch of the International Law Association as it celebrates 100 years of excellence during ASIL's Annual Meeting. Recent books authored by ABILA members will be featured at this event.

For ABILA Members only

ASIL Patrons' Reception

6:30 pm – 7:30 pm

Holmead East/West

By Invitation Only

FRIDAY, APRIL 8, 2022

2022-2023 Executive Council Breakfast Meeting

8:00 am – 9:00 am

Holmead East/West



Coffee Break

8:30 am – 9:00 am

Can You Hear Me? Speech and power in the global digital town square

9:00 am – 10:00 am

CLE Credit Hours: 1.0

Columbia 5-8 / Virtual Platform

With the modern marketplace of ideas and discourse increasingly centered online on digital platforms, cutting across territorial borders and communities, international law scholars and practitioners are grappling with challenging questions of who gets to speak, who gets heard, and perhaps most importantly, who gets to decide or to influence the answer to such questions. A critical confrontation of international law in the information age, its impact is felt at the individual, community and global level in social movements and regulation that requires the participation of governments and private corporations. This will be explored in a cutting-edge roundtable that brings together legal experts from various disciplines, including human rights, technology law and social activism. They will address what the right to free speech means in the digital age; whether there are issues specific to the right being thus exercised that international law does not have ready answers to; and if iterative rules are demanded or are being applied at present, what actors ought to be involved and the power dynamics it occasions. As the paradigm shift in how international law operates in our individual daily life continues to play out, are we prepared, and will we be heard?

Speakers:

- Emma Llansó, Center for Democracy and Technology
- Jacqueline Mwangi, Harvard Law School

- Catherine Powell (moderator), Fordham Law School
- Arsalan Suleman, Foley Hoag LLP

A Treaty on Single Use Plastics? Climate change at the intersection of global governance and individual choice

9:00 am – 10:00 am

CLE Credit Hours: 1.0

Columbia 1-2

Some 500 billion plastic bottles and 5 trillion plastic bags are used every year with catastrophic consequences on the environment, including the unprecedented pollution of the world's oceans and decline of marine life. At the convergence of climate change, biodiversity, and food security, this crisis must be addressed at multiple levels from global governance to individual consumer choice. This session addresses the growing momentum for adoption of a treaty on single-use plastics, including the potential influence of domestic legislation and grassroots shifts in consumer behavior on the progressive development of international legal norms and institutions regarding climate change.

Speakers:

- Alicia Cate (moderator), Oceana
- Michael Gerrard, Columbia Law School
- Marcos Orellana, United Nations Human Rights Office of the High Commissioner

The Role of Security Council Resolutions in Peacebuilding

9:00 am – 10:00 am

CLE Credit Hours: 1.0

Columbia 9-10

Organized by the International Organizations Interest Group

Under the United Nations Charter, the Security Council is the UN organ with primary responsibility for the maintenance of international peace and security. When conflicts erupt, the Security Council has issued resolutions for ceasefires, peacekeeping operations, and endeavored to create conditions for sustainable peace, as well as including women and underrepresented communities in peace processes. The negotiations regarding the goals and intent of these Security Council Resolutions (SCRs), however, require compromises and concessions, and the implementation and delivery of these resolutions have not always led to the positive outcomes envisioned. Additionally, the goals of States for peacemaking and peacebuilding may also differ from those of affected citizens, communities, and civil society organizations. This panel will look at the intent and effect of SCRs from the beginning of the negotiating process to the long-term impact in conflict-affected communities.

Speakers:

- Christie Edwards (moderator), OSCE Office for Democratic Institutions and Human Rights
- Zahra Langhi, Libyan Women's Platform for Peace
- Eric Pelofsky, The Rockefeller Foundation

Seventh Annual Detlev F. Vagts Roundtable on Transnational Law: Transnational Regulation of the Platform Economy

9:00 am – 10:00 am

Columbia 11-12

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

The global reach, power, and scale of technology companies has attracted the attention of regulators and scholars alike. To date, governance of this digital world has proceeded in a fragmented fashion across and between jurisdictions. Underlying this fragmentation are different conceptions of what is, and should be, the relationship between regulators, companies, and users of the data-driven digital ecosystem that now permeates the globe. This panel considers Salomé Viljoen's working paper, *From Data Privacy to Data Governance: Social claims to social data*, in the context of a broader conversation about competing conceptions of governance, and their implications for transnational regulation of our digital world.

Convener: Rebecca Hamilton, American University Washington College of Law

Presenter: Salomé Viljoen (presenter), Columbia Law School

Discussants:

- Asaf Lubin, Indiana University Maurer School of Law
- Kirk Nahra, WilmerHale

Mentoring Session: Jessica Polebaum, Debevoise & Plimpton LLP

9:00 am – 10:00 am

Cardozo

Virtual Mentoring Session: Jenny Domino, Oversight Board

9:00 am – 10:00 am

Virtual Platform

Government Attorneys Interest Group Business Meeting

9:00 am – 10:00 am

Virtual Platform



Coffee Break

10:00 am – 10:30 am

Debate: Is global justice (re)turning to restorative approaches? Should it?

10:30 am – 11:30 am

CLE Credit Hours: 1.0

Columbia 5-8 / Virtual Platform

Early global efforts to promote justice for large-scale human rights violations had a significant restorative focus, with truth commissions often being the modality of choice. In particular, the South African Truth and Reconciliation Commission was touted as a model of restorative accountability. Beginning with the establishment of the ad hoc tribunals, however, global justice took a sharp turn toward the punitive. The ICC is premised on the idea that “the

most serious crimes of concern to the international community as a whole must not go unpunished.” International human rights courts have struck down amnesties for international crimes, and the United Nations has refused to support amnesty provisions in peace agreements. Civil society organizations have declared that there can be “No Peace Without (criminal) Justice,” and scholars have identified a duty to prosecute serious human rights violations. On this panel, scholars and activists will debate whether the global community is beginning, or should begin, a (re)turn toward restorative approaches to justice for widespread human rights abuses. Evidence of such a return arguably exists, for instance, in the Colombian peace agreement, which makes space for amnesties and community service for certain serious human rights violations, including war crimes, as well as in the ICC’s response to the Colombian efforts.

Speakers:

- Almudena Bernabeu, Guernica Centre for International Justice
- Christian De Vos, Physicians for Human Rights
- James Goldston, Open Society Foundations
- Alexandra Huneeus, University of Wisconsin Law School
- Wayne Jordash (moderator), Global Rights Compliance LLP

New Voices in International Law: To Be Announced

10:30 am – 11:30 am

Columbia 1-2

The New Voices sessions at the ASIL Annual Meeting provide an opportunity for early career scholars and practitioners to present their works-in-progress to the broader international law community for constructive engagement and feedback.

Speakers to be announced

Close to Home: The role of families in personalizing international law

10:30 am – 11:30 am

CLE Credit Hours: 1.0

Columbia 9-10

This roundtable will address a major, but overlooked, issue pertaining to Personalizing International Law – the role of families. To understand how individuals experience international law in their daily lives, we must examine the role of families in shaping, implementing, and experiencing international law. Indeed, it is in families that human rights take root. Families around the world usually serve as the purveyors and guarantors of human rights for their members, especially children. The right to an “adequate standard of living,” for example, is assured for children by parents who provide sustenance and ensure they have a roof over their heads. International family law straddles both private and public international law. Several international legal instruments require the state to recognize the rights of the family as an entity, as well as the rights of the individual family members. But what happens when parents undermine the human rights of their children or others? What are the state’s obligations in these cases? Under what circumstances should international law prioritize other rights over those of the family? Such dilemmas profoundly affect families, their members, and how international law is experienced by diverse individuals, communities, and societies.

Speakers:

- Nicole Ramos, Al Otro Lado
- Ignacio Socias, International Federation for Family Development
- Bahira Sherif Trask, University of Delaware
- Barbara Stark (moderator), Hofstra University School of Law

Privatizing International Governance

10:30 am – 11:30 am

CLE Credit Hours: 1.0

Columbia 11-12

The 2030 Agenda for Sustainable Development and the UN Guiding Principles on Business and Human Rights both encourage engaging business groups as partners in developing global governance agendas. Such multi-stakeholder and public-private partnerships are increasingly common and seen as essential to the future of international business regulation. The participation of affected groups brings expertise, promotes engagement and buy-in, and secures funding. At the same time, critics have raised alarms about industry capture of the UN climate change bodies, global financial governance institutions, and international public health standard-setting efforts. In response, institutions like the World Health Organization and the Food and Agriculture Organization are implementing reforms to prevent mission- distortion by business groups. At a time when multilateral cooperation is at an ebb, public-private partnerships are indispensable, and yet the danger of undue influence is real. The time is therefore ripe to consider how to productively engage business groups in global governance. This roundtable of experts will discuss cutting-edge efforts by international organizations to capture the benefits of business participation while reducing the harms. The roundtable will consider access rules, existing and proposed reforms, and how past experience may offer lessons for future challenges.

Speakers:

- Melissa (MJ) Durkee (moderator), University of Georgia School of Law
- Patricia Kameri-Mbote, United Nations Environment Programme
- Nora Mardrossian, Columbia Center on Sustainable Investment
- Suzy Nikièma, International Institute for Sustainable Development
- Nancy Thevenin, United States Council for International Business

Virtual Mentoring Session: Philipp Kotlaba, Office of the Legal Adviser, U.S. Department of State

10:30 am – 11:30 am

Virtual Platform

**Break**

11:30 am – 12:00 pm

Climate Change and Global Migration: Locating international law in the defining crisis of our times

12:00 pm – 1:00 pm

CLE Credit Hours: 1.0

Columbia 5-8 / Virtual Platform

There is no crisis more urgent today to tackle than climate change. It has a devastating impact on millions – floods, forest fires, food insecurity – which is only set to become more pronounced. The impact on the everyday life of individuals is undeniable. A looming problem to grapple with is how international law adapts and interprets the climate crisis in relation to global migration and displacement – within borders, as well as across borders. There are multiple issues that arise from this phenomenon, that we are only just beginning to comprehend. Are norms that have evolved relating to refugee law adequate in encompassing the new patterns of migration that will emerge as a result of climate change, or do we need to bring a new perspective and approach to these issues? How do inhabitants of low-lying island states – that are in danger of complete annihilation – articulate legal claims and remedies? How will climate displacement affect atrocity prevention efforts, given competition and conflict over scarce resources? The impact of these questions on the daily lives of millions makes this a critical discussion, for us and for future generations.

Speakers:

- Madeline Garlick, Office of the UN High Commissioner on Refugees
- Cecilia Jimenez-Damary, UN Special Rapporteur on the human rights of internally displaced persons
- Walter Kälin, Envoy of the Chair of the Platform on Disaster Displacement
- Sanjula Weerasinghe (moderator), International Federation of the Red Cross and Red Crescent Societies

The Digitalization of Human Rights

12:00 pm – 1:00 pm

CLE Credit Hours: 1.0

Columbia 1-2

Sponsored by Jus Mundi

More and more our social interaction occurs in digital space. As the way we interact with each other changes, do the way our rights are expressed and recognized also change? What happens when our technologies continue to change (e.g. transitions to a shared virtual reality/metaverse)? How enforceable are such rights when the technology, platforms, and people that interact through them span multiple international boundaries and legal jurisdictions? What is the role and responsibilities of the digital platforms themselves? This session will explore the migration of human rights into cyberspace and how those rights may change by exploring how each article of the Universal Declaration of Human Rights might be transferred to digital space. There will also be a discussion of whether a coordinated international approach to these issues is preferable and whether such an approach is even plausible.

Speakers:

- Michael Kelly (moderator), Creighton University School of Law
- Miranda Sissons, Facebook

- ‘Gbenga Sesan, Paradigm Initiative
- Philippa Webb, King’s College London

Uncharted Waters: Legal considerations involving unmanned vessels and autonomy at sea

12:00 pm – 1:00 pm

CLE Credit Hours: 1.0

Columbia 9-10

Organized by the Law of the Sea Interest Group

Unmanned vessels are currently envisioned for use by both the public and private sector, for a variety of military and commercial applications, and the technology is advancing rapidly. However, the existence of unmanned vessels was not explicitly contemplated by international law, including the law of the sea. The International Maritime Organization (IMO) is engaged in ongoing scoping exercises to reach a consensus about how unmanned vessels can comply with international conventions like the Convention on the International Regulations for Preventing Collisions at Sea (COLREGs), Safety of Life at Sea, and others. This session will focus on how unmanned vessels may or may not comply with these conventions and the law of the sea more broadly, as well as some of the specific rules that may be problematic. Speakers will debate the pros and cons of autonomy at sea, and how it may impact the future of commercial shipping, state relations, and military engagements.

Speakers:

- Pia Benosa, National University of Singapore Centre for International Law
- Joel Coito, Office of Maritime and International Law, U.S. Coast Guard
- Saiful Karim, Queensland University of Technology
- Margaret Materna (moderator), National Security Law Division, Office of the Judge Advocate General, U.S. Navy

A Conversation with Fatou Bensouda: Prominent Woman in International Law Award

12:00 pm – 1:00 pm

CLE Credit Hours: 1.0

Columbia 11-12

Organized by the Women in International Law Interest Group

Join the Women in International Law Interest Group for a conversation with the 2022 recipient of the Prominent Woman in International Law, Fatou Bensouda.

Access to this session is included with purchase of a WILIG Luncheon ticket.

Mentoring Session: Başak Etkin, Université Paris 2 Panthéon-Assas

12:00 pm – 1:00 pm

Cardozo

Virtual Mentoring Session: Noha Aboueldahab, Georgetown University in Qatar

12:00 pm – 1:00 pm

Virtual Platform

International Law and Technology Interest Group Business Meeting

12:00 pm – 1:00 pm

Gunston East/West

Rights of Indigenous Peoples Interest Group Business Meeting

12:00 pm – 1:00 pm

Virtual Platform



Conference Lunch Break

1:00 pm – 2:00 pm

WILIG Reception

1:00 pm – 2:00 pm

Holmead East / West

Tickets for this event must be purchased separately with registration.

Debate: Trade, International Law, and Workers: Is the system working?

2:00 pm – 3:00 pm

CLE Credit Hours: 1.0

Columbia 5-8 / Virtual Platform

Rising populism is driven by the perception—if not the reality—that there is a disconnect between the ambitions of elites and the concerns of ordinary working people. Key international law doctrines are being challenged in this environment, particularly in the area of international trade. Trade liberalization has been good for consumers, exporters (including farmers), and many multinational corporations, but it has subjected workers to intense wage competition from countries with low wages and questionable human rights records. Is international law, as embodied in the global trading system, a threat to working people? Does it have any relevance at all? Are there situations in which policymakers in the United States should prioritize compliance with international law and norms over policies that benefit its own citizens, particularly the most vulnerable? This session will explore international law's effects on and relevance for workers and farmers. The Trump Administration responded to concerns about the effects of international trade rules on working people by breaking conventions and aggressively pursuing policies intended to rebalance trade. The Biden Administration despite differences in tone and tactics has by and large accepted key tenets of its predecessor's trade policy, seeking to adopt a "worker-focused" trade policy. What is the impact of these developments, and can internationalists offer a compelling critique or push an alternative vision? These topics will be the subject of a debate between leading critics of the international trading system and leading defenders.

Speakers:

- Daniel Ikenson, CATO Institute
 - Lori Wallach, Global Trade Watch
 - Alexandra Whitaker (moderator), Chief Trade Counsel, US House of Representatives
-

NSAGs and Good Governance: Challenges and opportunities for the realization of basic human rights

2:00 pm – 3:00 pm

CLE Credit Hours: 1.0

Columbia 1-2 / Virtual Platform (pre-recorded)

The delivery of traditional public goods by Non-State Armed Groups (NSAGs) is far from unique. For example, following territorial gains in Iraq and Syria, the Islamic State group established courts to determine legal disputes, a bureaucracy that collected taxes and rubbish, and intervened in markets, setting prices for housing rents and medicines. Other examples include the activities of the Liberation Tigers of Tamil Eelam in Sri Lanka and the Taliban in Afghanistan. The role NSAGs may play in facilitating adequate healthcare has been brought into focus by COVID, with some NSAGs adopting measures to contain the virus, such as screening and lockdowns, and seeking support from governments and aid agencies to access and distribute vaccines. The intersect between NSAGs and the delivery of, for example, healthcare, education, and justice, is far from trivial given the ICRCs estimation that over the past years “tens of millions of people lived in areas controlled by [NSAGs] and thus outside of regular services provided by state-run governance systems”. The panelists will explore the legal and practical challenges and opportunities for the realization of basic human rights, such as access to healthcare, in the context of NSAGs seeking to govern.

Speakers:

- Dapo Akande (moderator), Oxford University Faculty of Laws
- Françoise Bouchet-Saulnier, International Legal Department, Médecins Sans Frontières
- Ezequiel Heffes, Geneva Call
- Anita Ramasastry, University of Washington School of Law
- Tilman Rodenhäuser, International Committee of the Red Cross

Human Rights Law Beyond the State? From state-centric to person-centric global order

2:00 pm – 3:00 pm

CLE Credit Hours: 1.0

Columbia 9-10

The panel will analyze a widely-debated problem of state-centrism of contemporary international law and will consider whether a shift to person-centric global order could offer a viable alternative for a better realization of human rights. From normative and practical perspectives, the panel will discuss whether it is necessary and possible to shift from a state-centric to person-centric global order. Particularly, it will focus on three interrelated themes. First, how can individuals - especially the most vulnerable, underrepresented, and marginalized- fully and meaningfully participate in local and global institutions and practices, including important decision-making and norm-setting processes? Second, how can we acknowledge and institutionalize non-state actors as agents of justice and duty-bearers of human rights? Third, how can we reshape inefficient state-centric, bureaucratic and top-down governance and accountability systems and incorporate alternative bottom-up, inclusive, participatory and person-centric systems to promote human rights in different settings? The panel will also consider how this shift would influence the unique and essential role of the state in realizing human rights. In particular, how the suggested measures would make the state more accountable to persons and at the same time stimulate its’ transformation into a human-centric and rights-based political union.

Speakers:

- Surya Deva, Macquarie Law School, Macquarie University, Sydney
 - Carlos Bernal Pulido, University of Dayton
 - Maina Kiai (moderator), Human Rights Watch
 - Anne Peters, Max Planck Institute for Comparative Public Law and International Law
 - Elena Pribytkova, National University of Singapore Faculty of Law
-

Goler T. Butcher Medal Lecture: The Accountability of Sovereign Power for International Crimes

2:00 pm – 3:00 pm

Columbia 11-12

Sponsored by the Case Western Reserve University School of Law

The Goler T. Butcher Medal recognizes a distinguished person of American or other nationality for outstanding contributions to the development or effective realization of international human rights.

Honoree: Judge Chile Eboe-Osuji, former president, International Criminal Court, 2022 Goler T. Butcher Medal recipient

Discussant: Michael Scharf, Case Western Reserve University School of Law

Fulbright Scholar Program Coffee Hour

2:00 pm – 3:00 pm

Cardozo

Sponsored by the Institute of International Education – Fulbright Scholar Program

Join us for coffee to learn more about the Fulbright U.S. Scholar Program, which provides opportunities to teach, research or conduct a professional project in more than 130 countries. Fulbright staff and alumni will be available to share information and answer questions. Fulbright fact: 2021 Nobel Laureate Maria Ressa was a Fulbrighter to The Philippines in 1986.

Virtual Mentoring Session: Kayla Winarsky Green, BSR

2:00 pm – 3:00 pm

Virtual Platform

ASIL Midwest Interest Group Business Meeting

2:00 pm – 3:00 pm

Virtual Platform



Coffee Break

3:00 pm – 3:30 pm

Fourth Annual International Law Review Editors-in-Chief Roundtable

3:00 pm – 4:30 pm

Virtual Platform

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.

Transnational Discovery of e-Evidence: Is there a best practice?

3:30 pm – 4:30 pm

CLE Credit Hours: 1.0

Columbia 5-8 / Virtual Platform

Organized by the Private International Law Interest Group

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

Increasingly issues arise surrounding transnational access to evidence in electronic formats in dispute resolution proceedings. Currently there is no comprehensive solution to cross-border gathering of electronic stored information and regulations in the area remain a patchwork of divergent instruments. Over the past few years, private practitioners and in-house counsels have had to familiarize themselves with various discovery rules, data privacy laws and data localizations laws to ensure that when they transfer data in manners in compliance with strict requirements on cross-border data transfers. On the other hand, the current private international law framework seems outdated for the rapidly changing transnational e-evidence discovery needs. This rapid response panel addresses issues concerning cross-border conflicts of e-evidence in party-managed processes and whether there is a “best practice” for adjudicators and parties to co-develop such a protocol. This session will facilitate a conversation between panelists and audience members around individual practitioners’ experiences in complying with transnational e-discovery rules and tools.

Speakers:

- Megan Crowley, Covington & Burling LLP
- Vivian Curran, University of Pittsburgh School of Law
- Rekha Rangachari (moderator), New York International Arbitration Center
- Carrie Shang (moderator), California State Polytechnic University, Pomona

Quake & Shake: International Disaster Law Simulation Exercise

3:30 pm – 4:30 pm

CLE Credit Hours: 1.0

Columbia 1-2

In an area of accelerating climate change and intensifying vulnerability to other hazards, more countries than ever before are requiring international assistance following a disaster, or increasingly commonly, after simultaneous or cascading crises. Governments must accordingly commit to legal preparedness in order to ensure that incoming assistance is effective, appropriate and accountable to the communities it is intended to serve. This session will focus on the role the Guidelines on the Domestic Facilitation and Regulation of International Disaster Assistance (“IDRL Guidelines”), developed by the International Federation of the Red Cross (IFRC), can

play in shaping domestic laws and policies to facilitate incoming disaster aid from external parties. After a brief overview of current trends within cross-border disaster response, session participants will engage in a simulation involving a realistic disaster scenario, featuring a fictional country that has experienced a calamitous natural disaster and has requested international assistance. During the exercise, participants will reflect upon regulatory barriers that impede their ability to enter the country and provide assistance, as well as problems relating to aid quality and coordination. The session will conclude with a discussion as to how adherence to international legal norms and domestic legal preparedness for international disaster assistance could have prevented or mitigated the problems encountered and the IDRL Guidelines' critical role in this regard.

Speakers:

- Kirsten Bookmiller (facilitator), Millersville University
- Stacey Cummings (facilitator), International Federation of the Red Cross and Red Crescent

This session is designed for audience participation under the direction of facilitators.

Making International Law More Diverse: Practical approaches and workable solutions

3:30 pm – 4:30 pm

Columbia 9-10

Organized by the Minorities in International Law Interest Group

This session will feature short presentations by speakers who have spearheaded novel and innovative ways to increase diversity in the practice of international law, from increasing access to information to providing a platform for diverse opinions to creating economic incentives for diverse teams to systematic recruitment policies to foster diversity. The presentations will be followed by a roundtable discussion to explore the applicability and transferability of some of these approaches across various fields and practices of international law, as well as brainstorm other potential solutions.

Speakers:

- Diane Marie Amman, University of Georgia School of Law
 - Karima Bennoune (moderator), University of Michigan Law School
 - Christiane Deniger, Buford Capital
 - Catherine Rogers, Arbitrator Intelligence
 - Shubha Sastry, U.S. Department of State
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2022 Charles N. Brower Lecture: “The Arbitrator: Reflections of a poacher turned game-keeper”

3:30 pm – 4:30 pm

CLE Credit Hours: 1.0

Columbia 11-12 (pre-recorded)

Ms. Gill has provided the following brief description of her lecture:

After more than 30 years enjoying the cut and thrust of acting as counsel, the time came when it felt right to make a permanent move to the other side of the arbitrators' table. Some four years following the transition, I can now make a more informed reflection on the contrast between the roles of counsel and arbitrator. In some respects, it is entirely as expected – the volatility of the curves plotting my personal levels of stress, exhilaration and despondency, cornerstones of a practice as counsel, predictably levelled off. But what developed instead was a strong sense that we really ought to be able to communicate better about what the

Tribunal finds helpful. Or not. Which brings me to this lecture. In a way that I hope is not too self-indulgent, I will take the opportunity to share some thoughts and reflections as an arbitrator, focusing on what I would like to have known when acting as counsel. How can counsel best deploy their persuasive talents in focusing on what will win the case? And what should they absolutely avoid?

Distinguished Speaker: Judith Gill, Twenty Essex

Mentoring Session: Craig D. Gaver, Allen & Overy LLP

3:30 pm – 4:30 pm

Cardozo

International Environmental Law Interest Group Business Meeting

3:30 pm – 4:30 pm

Gunston East/West

ASIL Southeast Interest Group Business Meeting

3:30 pm – 4:30 pm

Virtual Platform



Break

4:30 pm – 5:00 pm

Keynote Address: Remarks from the U.S. State Department

5:00 pm – 6:00 pm

Columbia 5-8

Speaker:

- Wendy Sherman, U.S. Deputy Secretary of State
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Members' Reception

6:00 pm – 7:30 pm

Heights Courtyard

Sponsored by Allen & Overy LLP

New Professionals Reception

6:30 pm – 7:30 pm

Kalorama

“L” Reception

6:30 pm – 7:30 pm

International Terrace West

Sponsored by Arnold & Porter LLP

By Invitation Only

SATURDAY, APRIL 9, 2022

**Coffee Break**

8:30 am – 9:00 am

International Law and the Corporate Lawyer: Advising clients in times of global change

9:00 am – 10:00 am

CLE Credit Hours: 1.0

Columbia 5-8 / Virtual Platform

Organized by ASIL as a Late Breaking Panel

This panel discussion explores the relevance of international law for corporate compliance, investor relations, and mergers & acquisitions (M&A). It will begin by examining the relationship between international law norms and environmental, social, and governance (ESG) standards that are increasingly demanded of corporations by investors, regulators, consumers, and other stakeholders. Among other topics, panelists will discuss why investors are concerned about international law and how they have engaged with corporations about their concerns; the relevance of international law for the selection of targets and business partners in M&A, as well as the performance of transaction due diligence; the potential impact of the newly proposed European Commission Mandatory Human Rights and Environmental Due Diligence Directive, and advising corporate clients in times of armed conflict. These developments highlight the various challenges that corporate lawyers encounter when advising clients in a rapidly changing world that demands that they consider the social, political, environmental, and ethical implications of corporate conduct.

Speakers:

- Carliss Chatman, Washington & Lee University
- Anita Dorrett, Investor Alliance for Human Rights
- Jon Drimmer, Paul Hastings
- Carmen X. Lu, Wachtell, Lipton, Rosen & Katz

Realizing Solidarity through International Law

9:00 am – 10:00 am

CLE Credit Hours: 1.0

Columbia 1-2 / Virtual Platform (pre-recorded)

The concept of solidarity in international law could be of vital importance in this moment. In an age dominated by regional and global challenges, cross-border solidarity, both at the state and grassroots levels, is critical to addressing many of these threats. But competing international law conceptions of solidarity make its implementation challenging and its relevance to non-state and non-governmental actors, like transnational solidarity movements, unclear. It is necessary, therefore, to reflect on solidarity's place within international law and relationship to popular solidarity efforts on the ground. How does international law conceive of solidarity and what is its role in different fields, like human rights, humanitarian, and environmental law? How do regional arrangements, like the EU and AU, conceptualize solidarity? Are there disconnects and/or unifying themes within these conceptions? How are these often state-centric notions of solidarity relevant to individual actors or groups building solidarity across borders? In what ways are these international law conceptions

emancipatory and in what ways are they exclusionary for these movement actors? How do conceptions of solidarity in international law comport and/or conflict with how movement actors conceive of solidarity? How can international law norms on solidarity better support these movements going forward?

Speakers:

- Noura Erakat, Rutgers University
- Maha Hilal, Justice for Muslims Collective
- Nia Holston, Abolitionist Law Center
- Cecilia Marcela Bailliet (moderator), University of Oslo
- Azadeh Shahshahani, Project South

Competing for the Spotlight: Law-making for whom?

9:00 am – 10:00 am

CLE Credit Hours: 1.0

Columbia 9-10

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

For the better half of the 20th century, international law was created by and for states. However, over the last few decades, there has been a notable shift in the work of actors involved in international law-making such as the International Law Commission. Instead of producing legal instruments aimed at assisting states in drafting treaties, these actors increasingly produce statements of principles, guidelines, and conclusions meant for the consumption and use of non-state actors, including international judges and arbitrators, NGOs, corporations, academics, and even domestic judges. What should we make of this shift in international law-making? To what extent is the shift to addressing non-state actors intentional? Substantively and formally, what changes when there is a non-State audience? Furthermore, taking a step back, does this shift tell us something more fundamental about our global legal order? For instance, does it reflect a decreased relevance of the state and state consent in international law-making or rather just a diminishing interest in multilateral treaties? Is this the sign of a more structural shift, from an actor-based order to a value-based one?

Speakers:

- Tracey Begley, International Committee of the Red Cross
- David Bigge, U.S. Department of State
- Malgosia Fitzmaurice (moderator), School of Law, Queen Mary University of London
- Gerald Pachoud, Global Business Initiative on Human Rights
- Dire Tladi, UN International Law Commission

New Voices in International Law: Remedies and Reparations for Individuals under International Law

9:00 am – 10:00 am

Columbia 11-12

The New Voices sessions at the ASIL Annual Meeting provide an opportunity for early career scholars and practitioners to present their works-in-progress to the broader international law community for constructive engagement and feedback.

Speakers:

- Ashley Barnes University of Toronto Faculty of Law, “*A Sense of Remedy: Emerging Practices in International Compensation*”
- Brian L. Cox, Cornell Law School, “*Belligerent Liability: Assessing Conceptual and Legal Frameworks for Compensating Victims of Armed Conflict*”
- Sotirios-Ioannis Lekkas, University of Groningen Faculty of Law, “*Personalising Reparations for Atrocities in Inter-State Proceedings: Armed Activities (DRC v. Uganda) Judgment on Reparations and its Legacy*”

Virtual Mentoring Session: Yurica Ramos Montes, Flex Arbitri

9:00 am – 10:00 am

Virtual Platform



Coffee Break

10:00 am – 10:30 am

Closing Plenary: International Law Needs People: Humanitarian arms control and the peace movement

10:30 am - 12:00 pm

Columbia 5-8

CLE Credit Hours: 1.5

Organized by ASIL & the T.M.C. Asser Institute

Sponsored by the Municipality of the Hague

Nuclear war, whether big or small, would have disastrous consequences for humankind. Nuclear arms control is crucial – not least in light of the humanitarian consequences. Given the failure of nuclear weapon states to implement Article VI of the Nuclear Non-Proliferation Treaty (NPT), NGOs and governments of non-nuclear weapon states pushed for the Treaty for the Prohibition of Nuclear Weapons (TPNW). Civil society has played a decisive role in bringing this treaty about – even though both nuclear weapon states and the majority of related states abstained from the negotiations. While the relationship between the NPT and the TPNW includes complex challenges, the movement is building on efforts by civil society, epistemic communities, and the general public to work towards humanitarian arms control. There is momentum for a new peace movement that challenges government and expert ownership of international law and can build on earlier experiences with Bertha von Suttner and the Hague Peace Conferences at the end of the 19th century, and the American Society of International Law’s own roots in the late 19th Century American peace movement. Is there both a need and the opportunity to enhance international law and increase law-making and implementation by leveraging these non-legal actors? Experts from diplomacy, civil society groups, and academia will discuss this challenging topic.

Speakers:

- Angela Kane, Vienna Center for Disarmament and Non-Proliferation
- Ambassador Alfredo Labbe, National Academy for Political and Strategic Studies, Santiago

- Thilo Marauhn, T.M.C. Asser Instituut for International and European Law
 - Jody Williams, International Campaign to Ban Landmines
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Closing Luncheon Reception

12:00 pm – 1:00 pm

Heights Courtyard

Sponsored by the Municipality of the Hague
