INTERNATIONAL LAW WEEKEND

95th Annual Meeting of the American Branch of the International Law Association

Oct. 27-29, **2016**

International Law 5.0

Presented by the American Branch of the International Law Association & the International Law Students Association

Thursday events will be held at the New York City Bar 42 West 44th Street, New York City

Friday and Saturday panels will be held at Fordham University School of Law 150 West 62nd Street, New York City

Admission to ILW is free for students, members of ABILA, ILSA, the New York City Bar, and other co-sponsoring organizations as well as all staff of the United Nations and Permanent Missions to the United Nations. Members of other national ILA branches are invited to attend for a reduced fee of \$100. For all others, there is a fee of \$200.

ILW 2016

Welcome

The American Branch of the International Law Association (ABILA) and the International Law Students Association (ILSA) welcome you to the annual International Law Weekend (ILW) conference in New York City. This exciting event brings together hundreds of practitioners, law professors, members of governmental and non-governmental organizations, and students.

The theme of ILW 2016 is **"International Law 5.0."** We all know the world is changing at an accelerating rate and those changes pose real challenges for our profession. From technological advances to environmental transformations, international lawyers are forced to confront emerging forces and new scenarios. Even settled principles of law are no longer settled. These tectonic shifts have been felt throughout the geography of international law. Legal professionals at every level – local, national, regional, and international – must change their approaches, indeed their practices, to meet a changing world. Innovation will become necessary for survival. ILW 2016 will explore these issues through a collection of engaging and provocative panels.

ILW begins Thursday evening, October 27, 2016 with a distinguished opening panel at the New York City Bar (42 W. 44th Street). The panel, "Leadership Transitions and International Law," will feature a discussion on the broad themes of ILW 2016 by Miguel de Serpa Soares, U.N. Under-Secretary-General for Legal Affairs and Legal Counsel; Päivi Kaukoranta, the Director General for Legal Affairs in the Finnish Ministry for Foreign Affairs; Brian Egan, the Legal Adviser of the U.S. Department of State; and Donald Francis Donovan, co-chair of the International Disputes Group at Debevoise & Plimpton LLP and former president of the American Society of International Law (ASIL). ABILA President David P. Stewart will moderate. A reception sponsored by White & Case LLP will follow and is open to all attendees.

The conference continues Friday, October 28 and Saturday, October 29, 2016 at Fordham University School of Law (150 West 62nd Street). Friday's activities feature a **keynote address by Lucinda Low**, ASIL President and partner at Steptoe & Johnson LLP. This event is open to all conference attendees. Saturday's events include meetings of ABILA and ILSA members. Those interested in joining ILSA or ABILA are invited to attend.

A number of panels this year will be designated for **continuing legal education (CLE)**. CLE credit will be offered to all ILW attendees at no additional cost through the sponsorship and assistance of White & Case LLP, which is an accredited provider of New York and California CLE credit. Attorneys licensed in other states can apply for CLE credit in their own jurisdiction using the New York CLE certificate provided by White & Case.

Due to the generosity of co-sponsoring organizations, **admission to ILW** is free for students, members of ABILA, ILSA, the New York City Bar, and other co-sponsoring organizations as well as all staff of the United Nations and Permanent Missions to the United Nations. Members of other national ILA branches are invited to attend for a reduced fee of \$100. For all others, there is a fee of \$200.

Every year, the *ILSA Journal of International and Comparative Law* publishes an issue that contains articles written by speakers and panelists at International Law Weekend. This issue is titled "The International Practitioner's Notebook." Please email <u>ilsa.journal.novasoutheastern@gmail.com</u> to subscribe to the *Journal* or purchase this issue.







At-a-Glance

		Thu	rsday, October 27, 20 New York City Bar	16	
6:30pm			ip Transitions and Internat Meeting Hall, Second Floor		
8:00pm			ception sponsored by Whit Reception Area, Second Floo		
			iday, October 28, 201 m University School o		
8:00am	Complimentar	y Coffee sponsored by Inte	rnational and Non-J.D. Pro Soden Lounge	ograms, Fordham Universit	y School of Law
9:00am	Surveillance and Human Rights Room 2-02C	Private International Law in 2016: The Year in Review Room 2-02B	Addressing Marine Biodiversity in Areas Beyond National Jurisdictions Room 2-02A	Feminist Approaches to International Law 25 Years On Room 2-01B	Challenges for the International Criminal Court in a Changing World Room 2-01A
10:30am			Break		
10:45am	Towards Chaos in Investment Arbitration? The Implications of CETA, TPP and TTIP Investment Provisions Room 2-02C	Security, Rights, and Technological Change: Emerging Issues in Applying International Law Room 2-02B	Brexit and Its Consequences Room 2-02A	Plight and Prospects: The Ongoing Crackdown on Cause Lawyers in China Room 2-01B	The Road from Paris: Implications of the Paris Agreement for Climate Policy in 2020 and Beyond Room 2-01A
12:30pm		Box Lunch sponsored by	the Leitner Center for Inte Soden Lounge	rnational Law and Justice	
1:30pm	Кеу	note Address – Lucinda Lov	w, President of the Americ Room 202 A/B	an Society of International	Law
2:45pm			Break		-
3:00pm	International Legal Regulation of Armed Conflict in/from/thru Outer Space Room 2-02C	FCPA and Law Enforcement Investigations: Their Consequences on Int'l Comity and Int'l Arbitrations Room 2-02B	Pathways to Careers in International Law Room 2-02A	International Law and Disputes in the South and East China Seas Room 2-01B	Safeguarding Democracy for the Next Generation: Case Studies in Legal Ethics Training Room 2-01A
4:30pm			Break		
4:45pm	The Investment-Related Aspects of Intellectual Property Rights Room 2-02C	The Post-9/11 Wars: Unresolved International Law Issues Facing the Next Administration Room 2-02B	International Law and Migration in the Context of Complex Humanitarian Crises Room 2-02A	The Once and Future International Law Commission Room 2-01B	The Recognition and Non-Recognition of States and Governments: Current Issues in U.S. Practice Room 2-01A







Leitner Center for International Law and Justice

At-a-Glance

			urday, October 29, 20 am University School			
8:00am	Complimentary Coffee sponsored by International and Non-J.D. Programs, Fordham University School of Law Soden Lounge					
8:00am		ABI	LA Committee Chairs Mee Room 4-02	eting		
9:00am	International Arbitration 5.0: Technology-Driven Innovation in Dispute Resolution Room 2-02C	Current Failures and Future Prospects for Addressing the Crisis in Syria Room 2-02B	Empirical Research on International Legal Education Room 2-02A	Home Room 2-01B	Change and Stability (or Instability) in the Edges of the Oceans: Coastal Baselines, Rising Seas: The Effect of Climate Change Room 2-01A	
		ILS	A Board of Directors Mee	ting		
10:30am			Room 4-03 Break			
	Innovations in	International Arbitration	Above the Law?	Alternation Denied:	Emerging Voices in	
10:45am	International Trade and Investment Agreements Room 2-02C	in Latin America: Are We Innovating or Catching Up? Room 2-02B	Innovating New Legal Responses to Build a More Accountable U.N. Room 2-02A		International Law Room 2-01A	
			Lunch Break			
12:30pm		ABILA Board of Directors Meeting (Lunch Provided) Room 4-02				
		ILSA Congress, N	Neeting of ILSA Members Room 2-01B	(Lunch Provided)		
1:45pm	ICTY Convicts Karadzic: A Roundtable Discussion About a New Interpretation of Genocide? Room 2-02C	International Health Emergencies – Is the Existing Framework Sufficient? Room 2-02B	2017 Jessup Compromis Panel Room 2-02A	New Satellite Technologies and the Challenges for Space Law Evolution: Is Space Law Ready for Satellite 5.0? Room 2-01B		
3:15pm			Break			
	ABILA Members Meeting					
3:30pm	FILM: Seeking Truth in the Balkans Room 2-02C		Room 4-02 Careers in International Development Room 2-02A	FILM: Never Again: Forging a Convention for Crimes Against Humanity Room 2-01B	FILM: <i>ALL RISE: Journeys</i> <i>to a Just World</i> <i>Room 2-01A</i>	







Leitner Center for International Law and Justice AT FORDHAM LAW SCHOOL, NEW YORK CITY

Thursday, October 27

6:30pm 2 nd Floor Meeting Hall New York City Bar	Opening Panel: Leadership Transitions and International Law The panel will feature a moderated discussion among the panelists on the challenges posed for international law and lawyers by the epochal changes – political, economic, environmental, and technological – which are taking place in our global community. Members of the audience will have an opportunity to pose their own questions to the panelists.		
	 Moderator: David Stewart, President, American Branch of the International Law Association Panelists: Miguel de Serpa Soares, Under-Secretary-General for Legal Affairs and Legal Counsel, United Nations Päivi Kaukoranta, Director General for Legal Affairs (Legal Adviser), Finnish Ministry for Foreign Affairs Brian Egan, Legal Adviser, U.S. Department of State Donald Francis Donovan, Partner and Co-Head of the International Disputes Group, Debevoise & Plimpton LLP 		
8:00pm 2 nd Floor Reception Area	Opening Reception sponsored by White & Case LLP The wine and cheese reception at the New York City Bar is open to all ILW attendees.		

New York City Bar







Friday, October 28

8:00am Soden Lounge	Complimentary Coffee sponsored by International and Non-J.D. Programs, Fordham University School of Law
9:00am	Surveillance and Human Rights
Room 2-02C	NSA surveillance drives several disputes about international law. For example, in Schrems v. Data Protection Commissioner, the Court of Justice of the European Union (CJEU) invalidated the U.SEU data transfer agreement, Safe Harbor, based on concerns about the scope of U.S. surveillance. A new trans- Atlantic agreement, Privacy Shield, seeks to address the CJEU's concerns. Our panel will discuss the
*This panel is approved for	prospects for Privacy Shield, as well as the human rights implications of foreign surveillance.
CLE credit	 Moderator: Peter Margulies, Roger Williams University School of Law Panelists:
	 Faiza Patel, Co-Director, Liberty & National Security Program, Brennan Center for Justice/NYU Sudha Setty, Professor and Associate Dean for Faculty Development and Intellectual Life, Western New England University School of Law
	Zachary Goldman, Executive Director, NYU Center for Law and Security
	Ira Rubinstein, Senior Fellow, Information Law Institute, NYU School of Law
	 Margaret Hu, Assistant Professor, Washington & Lee University School of Law Gil Avriel, Legal Adviser, National Security Council, State of Israel
9:00am	Private International Law in 2016: The Year in Review
Room 2-02B	This panel, a perennial favorite of ILW, will provide multiple perspectives on new developments in private international law during the past year, including those that arise close to the time of International Law Weekend. Presentations will include coverage of recent judicial and other decisions, recent actions on treaties, work of intergovernmental organizations, regional developments, including Latin America and
*This panel is approved for CLE credit	the EU, and domestic work of the American Law Institute. Much of the discussion will be in the form of a roundtable, looking at the trends and implications of these new developments. Time will be reserved for questions from the audience.
	Moderators:
	 Ronald A. Brand, Professor of Law and Director, Center for International Legal Education, University of Pittsburgh School of Law
	 Louise Ellen Teitz, Professor of Law, Roger Williams University School of Law Panelists:
	 John J. Kim, Assistant Legal Adviser for Private International Law, U.S. Department of State Marta Pertegás, First Secretary, Hague Conference on Private International Law Linda J. Silberman, Martin Lipton Professor of Law and Co-Director, Center for Transnational Litigation, Arbitration, and Commercial Law, NYU School of Law
	 Karen Vandekerckhove, Acting Head of Unit, Directorate General Justice and Consumers, European Commission, Brussels









Friday, October 28

9:00am Addressing Marine Biodiversity in Areas Beyond National Jurisdictions

Room 2-02A

Our oceans contain the greatest diversity of life on earth, but vast expanses of ocean extend beyond national jurisdictions. An effective regime is critical for maintaining the viability and long-term sustainability of marine life in these areas. This panel examines the new United Nations process to develop an international legally binding instrument under the United Nations Convention on the Law of the Sea for the conservation and sustainable use of marine biological diversity in areas beyond national jurisdictions.

Moderator:

Mark Simonoff, Legal Adviser, U.S. Mission to the United Nations •

Panelists:

- Gina Guillen-Grillo, Legal Adviser, Minister Counsellor, Permanent Mission of Costa Rica to the United Nations
- Cymie Payne, Professor, Rutgers University
- Dr. Nilüfer Oral, İstanbul Bilgi University, Law School

9:00am Feminist Approaches to International Law 25 Years On

Room 2-01B

This year marks the 25th anniversary of the groundbreaking article, Feminist Approaches to International Law. This panel will not only take stock, but tackle where feminism should travel in the next 25 years. The issue is timely, given the campaign for a woman U.N. Secretary General and Hillary Clinton's run for the U.S. presidency. Panelists will address: How can feminism secure support without being co-opted through the commodification, militarization, and criminalization of women's rights (and related) violations? How can we develop more inclusive feminism(s), given intersections based on, for example, race, class, North/South, generational, and sexual identity? How useful are "women" and "gender" as categories, given that they can both liberate and restrict, in light of gender stereotypes as well as the fluidity of gender and other identities?

Moderator:

Catherine Powell, Fordham University School of Law (and Council on Foreign Relations) • Panelists:

- Nienke Grossman, University of Baltimore School of Law •
- Aeyal Gross, Tel Aviv University Faculty of Law
- Darren Rosenblum, Pace Law School
- Chantal Thomas, Professor, Fordham University School of Law
- Hilary Charlesworth, University of Melbourne Law School; Australian National University; Australian Research Council Federation; Co-author of Feminist Approaches in International Law (Discussant via Skype)







Friday, October 28

9:00am	Challenges for the International Criminal Court in a Changing World
Room 2-01A	The International Criminal Court has had both recent successes (the first case for destruction of cultural heritage property; the Bemba conviction) and seemingly glaring failures (the end of the Kenya cases). How can the Court be strengthened in the face of state non-cooperation? How can the Court ultimately be successful when states willingly let those against whom the ICC has issued warrants freque travel in their territories? And what does the future of U.S. (ICC relations hold on the ave of a
Sponsored by the ABILA, International	freely travel in their territories? And, what does the future of U.S./ICC relations hold, on the eve of a new Administration? What work has the Court done to advance accountability for gender-related atrocity crimes? These and other questions will be explored.
Criminal	Moderator:
Court Committee	David Donat-Cattin, Secretary-General, Parliamentarians for Global Action (PGA); Adjunct Clinical Professor, The Center for Global Affairs, NYU School of Professional Studies Panelists:
	Karen Mosoti, Head, Liaison Office at Court Pénale Internationale – International Criminal Court
	 Jelena Pia-Comella, Program Director, Coalition for the International Criminal Court (CICC) Jennifer Trahan, Associate Clinical Professor, The Center for Global Affairs, NYU School of Professional Studies; Chair, ABILA, ICC Committee
	 Elise Keppler, Associate Director, International Justice Program, Human Rights Watch Benjamin Ferencz, Chief Prosecutor for the United States, The Einsatzgruppen Case, IMT, Nuremberg (by video link)
10:45am	Towards Chaos in Investment Arbitration? The Implications of CETA, TPP and TTIP Investment
Room 2-02C	Provisions This panel of expert negotiators and practitioners will examine an element of the Weekend's unifying theme – that international lawyers are forced to confront emerging forces and new scenarios. This is
*This panel is approved for CLE credit	particularly evident in the field of investment treaty arbitration. Indeed, "settled principles of law are no longer settled" – as demonstrated in the stark contrasts in the proposed provisions of the investment chapters of CETA, TPP and TTIP. All this in the context of high profile arbitration awards. The panel will also assess the impact of hostility to investment protection provisions from the presidential candidates in the United States, as well as Brexit.
	Moderator:

Moderator:

• Mélida Hodgson, Partner, Foley Hoag LLP

- Matthew Kronby, Partner, Bennett Jones LLP, Toronto, Canada
- Natalie Morris-Sharma, Counsellor, Legal, Permanent Mission of Singapore to the United Nations
- Karl Sauvant, Senior Fellow, Columbia University Center on Sustainable Development
- Katia Yannaca-Small, Counsel, Shearman & Sterling







Friday, October 28

10:45am <i>Room 2-02B</i>	Security, Rights, and Technological Change: Emerging Issues in Applying International Law The panel will consider the challenges that domestic and international bodies currently face in applying international humanitarian law. These challenges stem from several overlapping factors, including rapid technological innovation, the evolving nature of armed conflict, and the dynamic threat posed by terrorist organizations. The panelists include scholars and practitioners with deep experience in the field. Their presentations will address the following topics: how advances in autonomous weapons are affecting the legal framework for the proportionality of applied force and state accountability; how the increasing use of armed conflict as a counterterrorism tool is impacting the traditional distinction between combatants and civilians; extraterritorial targeting and the geographical scope of international humanitarian law's application; and the role the fear incurred to civilians can play for the operational and criminal repercussions any application of international humanitarian law can entail.
	 Moderator: Karen Greenberg, Director, Center on National Security, Fordham University School of Law Panelists: Jonathan Hafetz, Professor, Seton Hall University School of Law Jonathan Horowitz, Legal Officer at the Open Society Justice Initiative Thomas Lee, Professor, Fordham University School of Law Hina Shamsi, Director, National Security Project, ACLU
10:45am <i>Room 2-02A</i>	Brexit and Its Consequences The passage of the referendum for the United Kingdom to withdraw from the European Union proved shocking, particularly given how closely intertwined members' economies and legal systems become with the European Union. While we can read about the economic consequences in the press, legal consequences require more analysis and perspective. This Roundtable will involve a preliminary exploration of some of the potential consequences that may result the Brexit referendum. Is it possible for the U.K. to separate its legal system from that of the European Union, and if so, how? What would the consequences be for the U.K and for the European Union? Who, if anyone, benefits from this withdrawal? What are the broader effects for other transnational projects?
	 Moderator: Darren Rosenblum, Professor, Pace Law School Panelists: Andrea Bjorklund, Professor, McGill University Faculty of Law Gráinne de Burca, Professor, NYU Law School Roger Goebel, Professor, Fordham Law School Timothy Nelson, Partner, Skadden Arps Slate Meagher and Flom, LLP Julie Suk, Professor, Cardozo Law School







Friday, October 28

10:45amPlight and Prospects: The Ongoing Crackdown on Cause Lawyers in ChinaRoom 2-01BChinese authorities have amplified their efforts to constrain China's small but growing community of
rights defense lawyers and legal advocates since Xi Jinping rose to power. An ongoing crackdown
continues to ensnare hundreds of lawyers across China. Chinese lawyers and legal experts will discuss
why it is crucial that the legal profession worldwide speak out for Chinese colleagues, who are being

Moderator:

work as lawyers.

• Martin Flaherty, Professor, Woodrow Wilson School of Public and International Affairs, Princeton University; Leitner Center for International Law and Justice, Fordham University School of Law

intimidated, harassed, attacked, detained, or even forcibly disappeared for simply performing their

Panelists:

- Lu Jun, Visiting Scholar, U.S.-Asia Law Institute, NYU School of Law
- Teng Biao, Visiting Scholar, U.S.-Asia Law Institute, NYU School of Law
- Liu Wei, Asia Law and Justice Program, Leitner Center for International Law and Justice, Fordham University School of Law
- Ira Belkin, Executive Director, U.S.-Asia Law Institute, NYU School of Law

10:45am

Room 2-01A

The Road from Paris: Implications of the Paris Agreement for Climate Policy in 2020 and Beyond At the 21st Conference of the Parties, the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) established the Paris Agreement, an instrument to establish medium and long-term climate policies to ensure that temperatures do not exceed 2°C, and perhaps more ambitiously, 1.5°C. The Agreement has been hailed by some as a "watershed" in climate policy, while others have derided it as largely a chimera. The purpose of this panel, building on three previous roundtables on developments at the UNFCCC, will be to critique key provisions of the Paris Agreement, as well as proffer suggestions on how to operationalize key provisions that require further action, including emissions targets, Loss and Damage, and adaptation actions.

Moderator:

• Andrew Strauss, Dean, University of Dayton School of Law

- Wil Burns, Co-Director, Forum for Climate Engineering Assessment, American University
- Nathaniel Keohane, Climate Director, Environmental Defense Fund
- Myanna Dellinger, Associate Professor, University of South Dakota School of Law
- Dr. Nilüfer Oral, İstanbul Bilgi University, Law School







Friday, October 28

12:30pm	Lunch sponsored by the Leitner Center for International Law & Justice
1:30pm	Keynote Address:
Room 2-02A/B	Lucinda Low, President of the American Society of International Law and Partner at Steptoe & Johnson LLP
	Dealing with Bribery and Corruption in International Trade and Investment: Still at International Law 1.0?
2:45pm	Break









Schedule Friday, October 28

3:00pm	International Legal Regulation of Armed Conflict in/from/thru Outer Space
Room 2-02C	Space is an inhospitable place. Nonetheless, given its strategic importance, public and private investment is soaring. Operations affecting space assets during an armed conflict, either within outer space or from other combat domains, is foreseeable (and in some cases may have already occurred). Given the widespread and increasing reliance of public and private concerns on space, targeting of
*This panel is approved for CLE credit	satellites either directly or indirectly could have catastrophic humanitarian and international/national security consequences. There is general consensus on the desirability of avoiding or mitigating the consequences of such targeting. This panel will explore possible conflict scenarios and consider operational concerns (such as space debris, effects of radiation, orbital mechanics, etc.), as well as the law and policy that might apply. It will also consider any available state practice as well as the advisability and likelihood of new international instruments to govern state conduct.
	Moderator:
	• Robert Ramey , Deputy Legal Advisor, International Committee of the Red Cross (ICRC) Panelists:
	 Dr. Peter L. Hays, Senior Space Policy Analyst, Office of the Principal DoD Space Advisor David A. Koplow, Professor, Georgetown University Law Center
	• Franceska O. Schroeder, Principal, Law Offices of Fish & Richardson
	• Mr. James B. Wager, Jr., Assistant General Counsel, Office of the Secretary of Defense
3:00pm	FCPA and Law Enforcement Investigations: Their Consequences on International Comity and
Room 2-02B	International Arbitrations This panel will focus on the Foreign Corrupt Practices Act (FCPA) and other law enforcement investigations in the U.S. and their impact on international comity and international arbitrations. It will address, among other things, cooperation between U.S. and foreign law enforcement authorities,
*This panel is approved for CLE credit	and the fact that principles of double jeopardy do not apply in the international context. It will also address the impact of law enforcement investigations on parallel international arbitrations.
crean	Moderator:
	Daniel Schimmel, Partner, Foley Hoag LLP
	Panelists:
	Jed S. Rakoff, U.S. District Judge, U.S. District Court for the Southern District of New York

- Carol L. Sipperly, U.S. Department of Justice
- Frederick T. Davis, Counsel, Debevoise & Plimpton LLP, Paris (Member ILA, branche française)









Friday, October 28

3:00pm

Pathways to Careers in International Law

Room 2-02A

A unique forum that brings law students and new lawyers together with experienced practitioners to discuss possible careers in international law. Learn how to network with legal experts from around the world, practice in other legal systems and cultures, become active in international organizations and societies, and develop legal interpersonal skills. Sponsored by the ABA Section of International Law and International Law Students Association.

Moderator:

• Lesley Benn, Executive Director, International Law Students Association Panelists:

- Heather Brandon, Associate Attorney, National Security, Human Rights First
- Lisl Dunlop, Partner, Manatt, Phelps & Phillips, LLP
- David Kassebaum, Assistant General Counsel, Millennium Challenge Corporation •
- Joshua M. Toman, Law Clerk to the Hon. Frank D. Whitney, Chief District Judge, U.S. District • Court, for the Western District of North Carolina

3:00pm International Law and Disputes in the South and East China Seas

Room 2-01B

Territorial and resources claims by several states in the South and East China Seas have led to increasing tensions in the region. The Permanent Court of Arbitration's award on July 12 adds a new perspective. This panel will address several international law issues related to navigation, natural resources, territorial claims, and regional security. How can international law contribute to the resolution of contending and conflicting claims and interests, and eventually lead to peaceful outcomes?

Moderator:

• Ved P. Nanda, Evans University Professor and Thompson Marsh Professor of International Law, University of Denver Sturm College of Law

- Jerome Cohen, Professor of Law, NYU School of Law
- Diane Desierto, Michael J. Marks Distinguished Professor and Co-Director of the ASEAN Law • & Integration Center, University of Hawaii William S. Richardson School of Law; 2016-2017 Fellow, Center for Advanced Study in Behavioral Sciences, Stanford University
- Suisheng (Sam) Zhao, Director, Center for China-U.S. Cooperation, University of Denver Korbel School for International Studies







Friday, October 28

3:00pm	Safeguarding Democracy for the Next Generation: Case Studies in Legal Ethics Training
Room 2-01A	This panel will explore whether legal ethics training programs are an effective way to curb corruption and promote professional responsibility in developing economies. The will look at specific training training and promote professional responsibility in developing economies.
*This panel is approved for CLE	programs as case studies, with a focus on programs run by partnerships between public and private institutions.
credit	Panelists:
	Philip P. Genty, Everett B. Birch Clinical Professor in Professional Responsibility, Columbia Law School
	Jennifer Paradise, Partner and General Counsel, White & Case LLP
4:45pm	The Investment-Related Aspects of Intellectual Property Rights
Room 2-02C	In recent years, the investment-related aspects of intellectual property rights have garnered considerable attention among policymakers, commentators and nongovernmental organizations. Should intellectual property rights be treated as investments? How would the investment chapter of the Trans-Pacific Partnership Agreement be applied to these rights? Will Eli Lilly prevail in its \$500
*This panel is approved for CLE credit	million NAFTA complaint against Canada? How likely is the WTO Dispute Settlement Body to strike down Australia's plain packaging regulations? This timely panel is sponsored by the ABILA Committee on International Intellectual Property.
	Moderator:
	 Peter K. Yu, Professor of Law and Co-Director, Center for Law and Intellectual Property, Texas A&M University School of Law; Chair, ABILA Committee on International Intellectual Property Panelists:
	 Sean Flynn, Associate Director, Program on Information Justice and Intellectual Property, American University Washington College of Law
	 Dr. Burcu Kilic, Legal and Policy Director, Global Access to Medicine Program, Public Citizen Dr. Barbara Lauriat, Senior Lecturer in Law, Dickson Poon School of Law, King's College London
	 Meredith Kolsky Lewis, Professor of Law, Vice Dean for International and Graduate Programs, and Director, Cross-Border Legal Studies Center, University at Buffalo School of





Law, TheState University of New York





Friday, October 28

4:45pm	The Post-9/11 Wars: Unresolved International Law Issues Facing the Next Administration
Room 2-02B	After more than a decade at war, the rise of ISIS and growing instability in Afghanistan have derailed the Administration's hopes of shifting the United States away from a war footing. Wartime powers appear poised to remain a central component of U.S. counterterrorism efforts for the foreseeable future. But as we approach the presidential election, many aspects of the legal boundaries of these
*This panel is approved for CLE credit	powers remain disputed or unclear. This panel will discuss hotly debated legal questions with real- world consequences for counterterrorism and human rights that remain contested.
create	Moderator:
	 Charlie Savage, Pulitzer Prize-winning journalist and Washington correspondent for the New York Times and the author of Power Wars, an investigative history of national-security legal policy issues in the Obama administration
	Panelists:
	 Jen Daskal, Associate Professor of Law, American University Washington College of Law; former Counsel to the Assistant Attorney General for National Security, U.S. Department of Justice
	 Oona Hathaway, Professor of International Law and Director of the Center for Global Legal Challenges, Yale Law School
	• Rita Siemion , International Legal Counsel, Human Rights First; Adjunct Professor of Law, Georgetown University Law Center and American University Washington College of Law
	 Brian Egan, Legal Adviser at the U.S. Department of State; former Legal Adviser to the National Security Council and Deputy Counsel to the President

4:45pm International Law and Migration in the Context of Complex Humanitarian Crises

Room 2-02A

The panel will examine the role of different bodies of international law in regulating migration in the context complex humanitarian crises, highlighting gaps and grey areas, and seeking to provide a framework through which protection will be afforded to individuals in need in a consistent and coherent manner. To this end, the panel will explore the interaction between relevant bodies of international law – namely refugee law, human rights law, humanitarian law, the law of the sea, and international criminal law – to identify the normative, implementation, and enforcement gaps, and their consequences for states, other entities, and individuals; and finally to develop recommendations on possible ways through which those gaps could be effectively addressed.

Moderator:

• Stephane R. Ojeda, Deputy Permanent Observer & Legal Adviser, ICRC Delegation to the United Nations - New York

- John Cerone, Professor, The University of Windsor and The Fletcher School
- Andrew Painter, Senior Policy Advisor, U.N. High Commissioner for Refugees









Friday, October 28

4:45pm

Room 2-01B

The Once and Future International Law Commission

In 1947, the U.N. General Assembly created the International Law Commission to initiate studies and to make recommendations for the purpose of encouraging the progressive development of international law and its codification. Many (but not all) of its projects have become cornerstone treaties or restatements of the system of international law. As the Commission approaches its 70th anniversary, what is the role of the Commission today and where should it be headed in the future?

Moderator:

• Lori Damrosch, Hamilton Fish Professor of International Law and Diplomacy, Columbia Law School

Panelists:

- Ambassador Mahmoud Hmoud, Director, Legal Department, Ministry of Foreign Affairs of Jordan; Member, U.N. International Law Commission (ILC)
- Ambassador Marie Jacobsson, Principal Legal Adviser on International Law, Ministry for Foreign Affairs, Sweden; Member, ILC
- Dire Tladi, Professor of International Law, University of Pretoria; Member, ILC Member
- Sean D. Murphy, Patricia Roberts Harris Research Professor of Law, George Washington University Law School; Member, ILC

4:45pm

Room 2-01A

The Recognition and Non-recognition of States and Governments: Current Issues in U.S. Practice For over five years the International Law Association's Committee on Recognition and Non-Recognition has studied how states do or do not recognize other regimes as states and governments. This panel will bring together members of the ILA Committee to discuss the findings of their reports, with a particular focus on emerging issues in U.S. practice, including responses to secessions and unilateral declarations of independence after Kosovo; the problem of two or more regimes claiming to be the government of a single state, and the U.S. domestic effects of non-recognition.

Moderator:

David Stewart, Professor from Practice, Georgetown University Law Center

- **Christopher J. Borgen**, St. John's University School of Law; Co-Rapporteur, ILA Committee on Recognition and Non-Recognition in International Law
- Margaret E. McGuinness, St. John's University School of Law; Member, ILA Committee on Recognition and Non-Recognition in International Law
- Brad R. Roth, Wayne State University; Member, ILA Committee on Recognition and Non-Recognition in International Law
- Władysław Czapliński, Institute of Law Studies, Polish Academy of Sciences; Chair, ILA Committee on Recognition and Non-Recognition in International Law







Saturday, October 29

8:00am Soden Lounge	Complimentary Coffee sponsored by International and Non-J.D. Programs, Fordham University School of Law
9:00am	International Arbitration 5.0: Technology-Driven Innovation in Dispute Resolution Panelists will first present an array of innovative uses of technology with the potential to make
Room 2-02C	international commercial arbitration more efficient, effective, and/or greener. Ideas for innovation will include the drafting of arbitration agreements, selection of arbitrators, administration of arbitrat proceedings, conduct of arbitral hearings, and arbitration by algorithm (i.e., the robot arbitrator). Commentary evaluating the realities of current and potential future uses of the innovations presented will follow.
	Panelists:
	Sophie Nappert, Independent Arbitrator, 3 Verulam Buildings (London)
	Paul Cohen, International Lawyer (New York, San Francisco, London)
	 Catherine Rogers, Professor, Penn State Law Jack Graves, Professor, Touro Law Center
	 Kevin Mulcahy, Neota Logic
9:00am	Current Failures and Future Prospects for Addressing the Crisis in Syria
Room 2-02B	This panel will be structured as a roundtable to discuss the various legal and policy problems generated by the conflict and the options now available to the international community that could help bring about a solution (or at least mitigate some of the harm). What more can be done in terms of diplomacy? What about military intervention? What prospects are there for justice and accountability for those thought to have committed atrocity crimes during the conflict? What tools do we have to bring to bear on the problems of displaced persons, and the resulting refugee and migration crisis? A group of extraordinarily well-qualified experts will provide their perspectives on the conflict and prospects for its future resolution.
	Moderator:
	 Professor Leila Sadat, James Carr Professor of International Criminal Law, Washington University School of Law; Director, Whitney R. Harris World Law Institute
	 Panelists: David Crane, Professor of Practice, Syracuse University College of Law; Former Chief Prosecutor, Special Court for Sierra Leone
	• Firas Kayal, Sr. External Relations Officer, United Nations High Commissioner for Refugees
	Richard Dicker, Director, International Justice Program, Human Rights Watch Charles Correveau International Humanitarian East Finding Commission
	 Charles Garraway, International Humanitarian Fact-Finding Commission Milena Sterio, Professor and Associate Dean for Faculty Enrichment, Cleveland-Marshall College of Law







Saturday, October 29

9:00am

Room 2-02A

Empirical Research on International Legal Education

International law courses are a staple of law school curricula around the world. Yet comparatively little is known about how different countries instruct students in international law and how international law practitioners learn to operate in transnational settings and fora. This panel seeks to fill this gap by presenting quantitative and qualitative data concerning the backgrounds of international law professors, cross-national disparities in the pervasiveness of international legal training, and the dissemination of best practices and legal knowledge among networks of international law practitioners.

Moderator:

• James Cooper, Professor, California Western School of Law

Panelists:

- Ryan Scoville, Associate Professor, Marquette University Law School
- Elena Baylis, Associate Professor, University Pittsburgh School of Law
- Milan Markovic, Associate Professor, Texas A&M University School of Law

9:00am Bringing International Human Rights Law Home

Room 2-01B

The enforcement mechanisms for international human rights law (IHRL) are notoriously weak and uncertain. The United Nations system largely relies on informal pressure and a mild form of "naming and shaming." It is well known that the European system has unusually effective mechanisms, and the Latin American and African systems are starting to blossom. But the United States holds itself aloof from international enforcement, relying instead on a contestable belief in its strong compliance with IHRL and the effectiveness of its domestic, mainly judicial enforcement mechanisms. This panel will examine how IHRL is currently enforced in the United States and the desirability and feasibility of strategies--political, legal and juridical--for improving U.S. conformity to international human rights norms.

Moderator:

• Aaron Fellmeth, Professor, Arizona State University College of Law; ABILA Co-Director-of-Studies and Chair, International Human Rights Committee

- William Aceves, Professor, California Western School of Law
- Dinah Shelton, Professor, George Washington University School of Law
- Martin Flaherty, Professor, Leitner Center for International Law and Justice, Fordham University School of Law









Saturday, October 29

9:00am

Room 2-01A

Change and Stability (or Instability) in the Edges of the Oceans: Coastal Baselines, Rising Seas: The Effect of Climate Change

Measurement of coastal baselines, from which all seaward boundaries, including the territorial sea, the exclusive economic zone and the continental shelf are measured, continues to present debatable issues under the U.N. Convention on the Law of the Sea and customary international law. Sometimes boundaries fixed under longstanding rules are under study in the ongoing phenomenon of rising ocean levels due to climate change and other factors. The panel will review the results of the work of the International Law Association Baselines Committee and the ILA Sea Level Rise Committee through a panel discussion, followed by questions and answers, and discussion from and with the floor, after brief analysis from panel members.

Moderator:

• **George Walker**, Dean's Research Professor of Admiralty and International Law, Wake Forest University School of Law

Panelists:

- Ashley Roach, retired Captain, U.S. Navy Judge Advocate General's Corps; retired attorneyadviser, Office of the Legal Adviser, U.S. Department of State
- **Davor Vidas**, Research Professor and Director of the Law of the Sea Programme, The Fridjof Nansen Institute, Norway
- David Freestone, Visiting Scholar and Professional Lecturer, George Washington University School of Law

10:45am Innovations in International Trade and Investment Agreements

Room 2-02C

Recent years have witnessed significant changes in the ways that countries approach the regulation of international trade and investment. This panel will bring together experts to discuss emerging global innovations in free trade agreements, investment agreements, and international arbitration, with a view towards understanding the complex interactions between these mechanisms. The panel will assess the impact of these new approaches and consider possible future directions for development.

Moderator:

• William J. Magnuson, Associate Professor of Law, Texas A&M University School of Law Panelists:

- Julian Arato, Assistant Professor of Law, Brooklyn Law School
- **Chester Brown,** Professor of International Law and International Arbitration, University of Sydney
- Ina Popova, Partner, Debevoise & Plimpton LLP







Saturday, October 29

10:45am	International Arbitration in Latin America: Are We Innovating or Catching Up?
Room 2-02B	Over the past decade, international arbitration in Latin America has undergone a wide range of structural, procedural and practical changes. Some countries continue to embrace international arbitration as the go-to dispute resolution mechanism with foreign investors, while others have been exploring alternatives to the usual arbitration practice. Meanwhile, in the commercial arbitration
*This panel is approved for CLE credit	sphere, parties are calling for new procedures to address their evolving needs. This panel will discuss strategies emerging in Latin America to address the changing circumstances in commercial and investor-State arbitration. Is Latin America successfully innovating the field?
	Moderator:
	Patricia Cruz Trabanino, Associate, Foley Hoag LLP, USA Panelists:
	 Francisco González de Cossío, Arbitrator, Professor of Law, Partner, González de Cossío Abogados, S.C., Mexico
	Dyalá Jiménez Figueres, Arbitrator, DJ Arbitraje, Costa Rica
	Cecilia O'Neill de la Fuente, Vice-President, School of Law, Universidad del Pacífico, Peru
	 María Angélica Burgos de la Ossa, Senior Associate, Gómez Pinzón Zuleta Abogados S.A.S., Colombia
	Manuela de la Helguera, International Associate, Foley Hoag LLP, USA
10:45am	Above the Law? Innovating New Legal Responses to Build a More Accountable U.N.
Room 2-02A	This panel will examine the evolving ways in which the United Nations is responding to allegations of harms caused by peacekeepers. This issue has come under increasing scrutiny amidst allegations of sexual exploitation and abuse and allegations that peacekeepers introduced cholera to Haiti. The panel will bring together experts on the U.N. system with practitioners who are pairing innovative legal and non-legal strategies, to discuss strengthening the U.N.'s accountability mechanisms.
	Moderator:
	Kristen Boon, Professor of Law, Seton Hall University
	Panelists:
	 Bruce Rashkow, Lecturer in Law, Columbia Law School, Former Director of General Legal Division, UN Office of Legal Affairs
	 August Reinisch, Head, Section of International Law and International Relations, University of Vienna
	Saramba Kandeh, Legal and Gender Associate, AIDS-Free World
	 Beatrice Lindstrom, Staff Attorney, Institute for Justice & Democracy (Haiti)









Saturday, October 29

10:45am Alternation Denied: Africa's Presidential 30+ Club

Room 2-01B

Sub-Saharan Africa harbors many of the longest sitting presidents in the world, some accumulating more than 30 years at the helm. From Angola to Zimbabwe, state leaders cling to power, often employing less than democratic techniques – from questionable referenda and flagrant constitutional amendments to flawed elections and excessive use of force – all with a view to defying the rules of democratic alternation. What role is there to be played by international law in contributing to curtailing these seemingly unbounded and perpetual presidencies – or is the alternative worse? This roundtable aims at highlighting some of the most notorious cases of close to unlimited governance.

Moderator:

Tom Syring, Legal Adviser, UNE/Norwegian Immigration Appeals Board, Co-Chair, Interest Group on Migration and Refugee Law, European Society of International Law

Panelists:

- Adejoké Babington-Ashaye, Counsel, World Bank Administrative Tribunal
- Angela M. Banks, Professor of Law, William & Mary Law School •
- Adrien Katherine Wing, Professor of Law, University of Iowa College of Law

10:45am **Emerging Voices in International Law**

Room 2-01A

While international law is changing, the scholars and practitioners who study and implement the law are also changing. This panel consists of individuals who have worked in the field of international law for five years or less. Their presentations represent recent scholarship on the theory and practice of international law.

Moderator:

Ruth Wedgwood, Professor, School of Advanced International Studies, The Johns Hopkins University

Paper: The Civilian in International Humanitarian Law: The Protection and Perception of Humanitarian Actors

- Presenter: Rebecca Sutton, PhD Candidate, London School of Economics; Trudeau Scholar and SSHRC Scholar
- Commentator: Robert A. Ramey, Deputy Legal Advisor, International Committee of the Red Cross (ICRC)

Paper: Protecting Particular Vulnerability: Can Intersectionality Transform Equality? The Case of Non-Discrimination at the European Court of Human Rights,

- Presenter: Raphaële Xenidis, Ph.D. researcher, European University Institute; Visiting Scholar, • Columbia Law School
- Commentator: Christina Cerna, Former Principal Human Rights Specialist, Inter-American • Commission on Human Rights, Organization of American States (Retired); Adjunct Professor of Law, Georgetown University Law Center







Saturday, October 29

12:30pm	Lunch	
12:30pm	ABILA Board of Directors Meeting (Lunch Provided)	
Room 4-02		
12:30pm	ILSA Congress, Meeting of ILSA Members (Lunch Provided)	
Room 2-01B		









Saturday, October 29

1:45pm Room 2-02C	Yugoslavia (ICTY)'s conviction of former Bosnian Serb leader, Radovan Karadzic, for genocide and other crimes. The panel will specifically focus on the interpretation of genocide, espoused by the ICTY judges in this recent decision. Panelists will discuss the Genocide Convention and the evolving definition of		
*This panel is approved for CLE credit	genocide under the convention as well as in more recent case law, with specific emphasis on the recent Karadzic conviction.		
	Moderator:		
	 Milena Sterio, Professor and Associate Dean for Faculty Enrichment, Cleveland-Marshall College of Law 		
	Panelists:		
	Michael Scharf, Dean and Joseph C. Hostetler-BakerHostetler Professor of Law, Case Western Reserve University School of Law		
	Paul Williams, Rebecca Grazier Professor in Law and International Relations, American University, Washington College of Law		
	 Margaret deGuzman, Associate Professor, Temple University Beasley School of Law Jenia lontcheva Turner, Professor, Southern Methodist University Dedman School of Law Beth Van Schaack, Leah Kaplan Visiting Professor in Human Rights, Stanford Law School; Professor, Santa Clara Law School 		
1:45pm	International Health Emergencies – Is the Existing Framework Sufficient?		
Room 2-02В	International health emergencies have become more common and more severe. This panel will assess		
100111 2-02 0	the existing framework to respond to health emergencies, in light of the response to the Ebola virus and the outbreak of the Zika virus. Is the international community prepared?		
	Moderator:		
	Chiara Giorgetti, Professor, Richmond University Law School		

- **Gian Luca Burci**, Professor, Graduate Institute in Geneva and Georgetown University Law Center; former Legal Counsel, World Health Organization
- Rebecca Katz, Professor, Georgetown University Medical Center
- **Ian Johnstone,** Professor of International Law, Fletcher School of Law and Diplomacy, Tufts University









Saturday, October 29

1:45pm Room 2-02A

2017 Jessup Compromis Panel

A panel of experts will discuss some of the key topics of the 2017 Jessup Compromis which addresses human rights such as the right to food and water, transboundary water aquifers, and cultural heritage. This panel will be recorded and made available online for all Jessup participants after the conference.

Moderator:

• **Tamara Kosic**, Jessup Competition Fellow, International Law Students Association Panelists:

- Renee Martin-Nagle, PhD Researcher on transboundary aquifers, University of Strathclyde; Retired Vice President/ General Counsel, Airbus Americas
- Erin Thompson, Professor of Art Crime, John Jay College of Criminal Justice
- Thomas Thompson-Flores, URBAN REFUGEES, Director of Legal Affairs

1:45pmNew Satellite Technologies and the Challenges for Space Law Evolution: Is Space Law Ready
for Satellite 5.0?

Many new satellite technologies are being developed. These technologies include large geostationary satellites with increased space situational awareness possibilities, large constellation, mass-produced smaller low-earth orbit satellites, vast numbers of cube and micro sats with increased capabilities and deployments from launch vehicles en mass, and technologies for on-orbit satellite servicing. Questions of what changes to address these new technologies, if any, will be needed to space law both internationally (treaties, codes of conduct, non-binding norms, ITU discussions, etc.) and trans-nationally in the form of new legislative and regulatory developments within national systems will be addressed.

Moderator:

• Matthew Schaefer, Law Alumni Professor of Law and Director, Space, Cyber and Telecom LL.M., University of Nebraska

- Franceska Schroeder, Principal, Fish & Richardson (D.C.)
- **Professor Jack Beard,** Associate Professor of National Security Law, University of Nebraska College of Law
- Danielle Miller, Research Associate, National Strategic Research Institute









Saturday, October 29

3:30pm

FILM: Seeking Truth in the Balkans

Room 2-02C

Come view this film about the legacy of the International Criminal Tribunal for the Former Yugoslavia (ICTY). The film is based on interviews with over 100 persons who were engaged with the ICTY, either in the region of the Balkans or in The Hague. Twenty-three years have passed since the Tribunal was created. With all indictees accounted for and the ICTY wrapping up its cases, what will be the Tribunal's true legacy? Was peace, justice, reconciliation or truth achieved by this landmark experiment in international criminal law? How do people from the region view the Tribunal today? What lessons can be learned for future tribunals? A discussion with the filmmakers and others will follow the film showing.

Discussants:

- Velma Saric, Post-Conflict Research Center, Bosnia •
- Marijana Toma, Deputy Executive Director, Humanitarian Law Center, Belgrade
- Erin Lovall, filmmaker
- Jennifer Trahan, Associate Clinical Professor, The Center for Global Affairs, NYU School of Professional Studies
- Belinda Cooper, World Policy Institute; Adjunct Professor, NYU and Columbia University

3:30pm **Careers in International Development**

Room 2-02A

This roundtable discussion features practitioners with experience in international development within the U.S. Government and other organizations involved in development work. With unique and contrasting perspectives on pursuing a career in these fields, the speakers will provide students with invaluable advice and tips on courses of study, summer and academic year jobs to pursue, how to network, and likely and unlikely paths to a career in this field.

All participants are speaking in their personal capacity.

Moderator:

Norman L. Greene, Partner, Schoeman Updike & Kaufman LLP • Panelists:

- Stacie E. Martin, Assistant General Counsel for APA (Afghanistan, Pakistan and Asia), ٠ USAID
- Amitabh Khardori, Attorney Advisor, Acquisitions and Assistance Section, Office of General Counsel, USAID
- Tamara Hoflejzer, Attorney, U.S. Department of Labor, Office of the Solicitor
- Jennifer Kwong, Associate General Counsel, Open Society Foundations
- Matthew R. Wingerter, In-House Counsel, Catholic Relief Services







Saturday, October 29

3:30pm

Room 2-01B

FILM: Never Again: Forging a Convention for Crimes Against Humanity

Following World War II, members of the Nazi regime were charged and convicted of Crimes Against Humanity at Nuremberg as a response to the widespread and systematic atrocities they committed against civilian populations during the war, especially the attempted extermination of European Jewry. Seventy years later, the world still lacks a global treaty for the prevention and punishment of crimes against humanity, despite the ongoing commission of these crimes around the globe. Combining the testimony of survivors and the commentary of internationally renowned experts, the film Never Again: Forging a Convention for Crimes Against Humanity chronicles the slow but steady effort to remedy this gap in international law and practice and makes a compelling case for the adoption of a new global treaty as part of a strategy to help prevent the commission of crimes against humanity and punish the perpetrators.

Dedicated to victims and survivors everywhere, and to the memory of the late Whitney R. Harris, former Nuremberg Prosecutor, as well as Holocaust survivor Ben Fainer, Never Again was produced by the Crimes Against Humanity Initiative at Washington University School of Law under the direction of Professor Leila Sadat, Director of the Whitney R. Harris World Law Institute located at the School of Law, and by Spot Media Production Group.

- David Donat Cattin, Secretary-General, Parliamentarians for Global Action
- Charles C. Jalloh, Professor of Law, Florida International University
- Leila Nadya Sadat, James Carr Professor of International Criminal Law, Washington University School of Law









Saturday, October 29

3:30pm

Room 2-01A

FILM: ALL RISE: Journeys to a Just World

How can international disputes be resolved in the courtroom rather than on the battlefield? ALL RISE brings this complex question into sharp and personalized focus through the journeys of seven passionate students of law from India, Israel, Jamaica, Palestine, Russia, Singapore, and Uganda to compete in the world championships in Washington, DC, of the Philip C. Jessup International Law Moot Court Competition (the "Jessup"), the world's largest simulated court competition. The "court" is the International Court of Justice ("ICJ"), the judicial arm of the United Nations. Against this backdrop, this moving film lays bare the struggles, triumphs and transformations they experience alone and together.

Diving into these stories, we see seven unique sides of the Jessup story – whether driven by individual competitiveness, the need to overcome personal challenges, cautious optimism as to the role of international law and the ICJ as possible solutions, or the personal motivation to make a difference. But we also see a shared story, as the students overcome unimaginable pressures to persevere in an intensely rigorous competition.

ALL RISE has been selected for three film festivals, including DOC NYC, the Manchester Film Festival where it received a Jury Award, and most recently the United Nations Association Film Festival in late October.

More information on ALL RISE can be found at <u>www.allrisemovie.com</u>.









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