



INTERNATIONAL LAW ASSOCIATION

AMERICAN BRANCH

EST. 1921

# INTERNATIONAL LAW WEEKEND

*98th Annual Meeting of the American Branch of the  
International Law Association*

OCT. 10-12  
2019

## *The Resilience of International Law*

*Organized by the American Branch of the International Law Association (ABILA)*

**Thursday, October 10, 2019 | Opening Plenary and Reception**

New York City Bar Association  
42 West 44th Street, New York City, NY 10036

**Friday and Saturday, October 11-12, 2019 | ILW Panels and Meetings**

Fordham University School of Law  
150 West 62nd Street, New York City, NY 10023

**Friday, October 11, 2019 | UN Mission Reception**

The Permanent Mission of the Republic of Singapore  
318 East 48th Street, New York, NY 10017

[www.ila-americanbranch.org/ilw](http://www.ila-americanbranch.org/ilw)

# Welcome to ILW 2019



The American Branch of the International Law Association (ABILA) welcomes you to the annual International Law Weekend (ILW) conference in New York City. The theme of ILW 2019 is ***The Resilience of International Law***.

In recent years, the international legal system has been challenged at home and abroad. Growing nationalism, shifts in geo-political power, deepening economic inequality, climate change, and a global migration crisis have generated cracks in the established international order. These schisms have been exacerbated by other factors, including the power of private corporations over speech platforms and personal data and the rapid progression of new technologies such as artificial intelligence and machine learning. Even our discipline is being challenged to meet the growing calls for inclusivity of diverse voices. Can the international legal system adapt to address these profound developments? ILW 2019 will address these issues and explore international law's capacity to preserve the rule of law, promote both peace and justice, and maintain stability in the face of growing fault lines. The world is changing. ILW 2019 seeks to answer whether its theme—*The Resilience of International Law*—is a question or an affirmation.

ILW 2019 begins Thursday evening, October 10, 2019 with an **Opening Plenary Panel and Reception** sponsored by Debevoise & Plimpton at the New York City Bar Association (42 West 44th Street). Moderated by ABILA President Leila Sadat, speakers include H.E. Judge Kimberly Prost (International Criminal Court), Mr. Miguel de Serpa Soares (U.N. Under-Secretary-General for Legal Affairs), and Dr. Christopher Ward SC (President of the International Law Association). The conference continues Friday and Saturday, October 11-12, 2019, at Fordham University School of Law (150 West 62nd Street) and features **35 panels** on a range of topics. Keynote speakers include William Burke-White (Director of Perry World House, University of Pennsylvania Law School) and Ambassador Stephen Rapp (former U.S. Ambassador-at-Large for War Crimes Issues). These events are open to conference attendees.

The Permanent Mission of the Republic of Singapore reception will generously host the U.N. reception on Friday evening (318 East 48th Street, New York, NY 10017). For security reasons, only those who have pre-registered for the reception may attend (photo ID required at check-in). A nominal registration fee of \$10 will be charged to confirm participation and cover other costs of the Weekend not related to the reception. The support of the Permanent Mission of the Republic of Singapore is greatly appreciated.

Multiple panels are designated for **continuing legal education (CLE)** credit. CLE credit is 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 LLP.

The Saturday program will begin with **ABILA Annual Meeting and Plenary**, which will feature a keynote speaker. The Annual Meeting is open to members and non-members alike.

## Join the American Branch (ABILA) Today!

Your ABILA membership opens a world of intellectual and professional engagement opportunities at a reasonable price. Value for members includes:

- ◆ Invitation to join in the work of the Branch's Committees
- ◆ A discounted rate for International Law Weekend (free registration for students)
- ◆ Participation in the Branch's regional meetings
- ◆ Participation in ILA Biennials and other ILA regional conferences
- ◆ The chance to represent the Branch on an ILA Committee or Study Group

To become a member, visit [www.ila-americanbranch.org](http://www.ila-americanbranch.org) or fill out the *Membership Opportunities* brochure available at the ABILA registration table.

Every year, the *ILSA Journal of International and Comparative Law* publishes an issue entitled "The International Practitioner's Notebook" with articles written by ILW speakers and panelists. E-mail [ilsa.journal.novasoutheastern@gmail.com](mailto:ilsa.journal.novasoutheastern@gmail.com) to subscribe to the *Journal* or purchase this issue.

# Schedule At A Glance

| Thursday, October 10, 2019<br>New York City Bar Association  |  |   |   |  |  |
|--|--|---|---|--|--|
| 6:30pm   | Opening Plenary Panel on the Resilience of International Law<br>H.E. Judge Kimberly Prost, <i>International Criminal Court</i> ; Leila Nadya Sadat, <i>ABILA President</i> ; Miguel de Serpa Soares, <i>U.N. Under-Secretary-General for Legal Affairs</i> ; and Christopher Ward SC, <i>International Law Association President</i> |   |   |  |  |
| 8:00pm   | Opening Reception sponsored by Debevoise & Plimpton LLP  |   |   |  |  |
| Friday, October 11, 2019<br>Fordham University School of Law |  |   |   |  |  |
| 8:00am   | Complimentary coffee sponsored by International and Non-J.D. Programs, Fordham University School of Law ( <i>Soden Lounge</i> )  |   |   |  |  |
| 9:00am   | Competition and Convergence in International Dispute Resolution*<br><i>Room 2-02C</i>  | Forging a Convention for Crimes Against Humanity<br><i>Room 2-01B</i>   | Surveillance, Privacy, and Human Rights: Looking Ahead to 2020*<br><i>Room 2-02B</i>                      | Hot Topics: Beyond Exceptionalism: The Unalienable Rights Commission and the Redefinition of International Human Rights<br><i>Room 2-02A</i> | Environmental Protection Before International Tribunals<br><i>Room 2-01A</i>   |
| 10:30am  | Break  |   |   |  |  |
| 10:45am  | Corporate Families in International Law*<br><i>Room 2-01A</i>  | The United States and the International Criminal Court: Challenging Times*<br><i>Room 2-01B</i>                                       | The Effectiveness of Human Rights Indicators and the Role of Indicators<br><i>Room 2-02B</i>              | The Judiciary, Foreign Affairs, and International Law<br><i>Room 2-02A</i>   | Provisional Measures at the International Court of Justice: Possibilities for Plausibility<br><i>Room 2-02C</i>                          |
| 12:30pm  | Box lunch sponsored by the Leitner Center for International Law and Justice ( <i>Soden Lounge</i> )  |   |   |  |  |
|  | ABILA Board of Directors Meeting (lunch provided) ( <i>Room 4-01</i> )   |   |   |  |  |
| 1:30pm   | Keynote Address: <i>No Going Back: The Persistent Pressure for Accountability</i><br>Ambassador Stephen Rapp, former U.S. Ambassador-at-Large for War Crimes Issues in the Office of Global Criminal Justice<br><i>Room 2-02 B/C</i>   |   |   |  |  |
| 2:45pm   | Break  |   |   |  |  |
| 3:00pm   | The Fragmentation of International Law: Resolving the Conflict Between EU Law and International Investment Law*<br><i>Room 2-02C</i>   | Failure to Notice or Notable Failure?: Challenges to Instilling a Gender-Sensitive Approach to International Law<br><i>Room 2-01B</i> | Criminalizing Asylum-Seekers: A Violation of International Law?*<br><i>Room 2-02B</i>                     | The Decline of the Liberal International Order?<br><i>Room 2-02A</i>   | The Growing Risk of War in Outer Space: What Role Will International Law Play?<br><i>Room 2-01A</i>                                      |
| 4:30pm   | Break  |   |   |  |  |
| 4:45pm   | Investment Law and Human Rights: Friends, Strangers, or Enemies?*<br><i>Room 2-02C</i>   | Women at International Tribunals<br><i>Room 2-01B</i>   | Strengthening International Law to Combat Trafficking-in-Persons in the 21st Century<br><i>Room 2-02B</i> | Pathways to Careers in International Law<br><i>Room 2-02A</i>  | The Resilience of the International Law of Outer Space in Light of Technology, Business, and Military Developments*<br><i>Room 2-01A</i> |
| 6:30pm   | Reception at the Permanent Mission of the Republic of Singapore<br>(318 East 48th Street, New York, NY 10017)  |   |   |  |  |

# Schedule At A Glance

| <b>Saturday, October 12, 2019</b><br><b>Fordham University School of Law</b> |  |   |  |  |   |
|--|--|---|--|--|---|
| 8:00am   | Complimentary coffee sponsored by International and Non-J.D. Programs, Fordham University School of Law (Soden Lounge)   |   |  |  |   |
| 9:00am   | <b>Plenary and ABILA Annual Meeting</b><br><b>Keynote Address: <i>How International Law Got Lost</i></b><br>William W. Burke-White, Director, Perry World House, University of Pennsylvania Law School<br><i>Room 1-01</i> |   |  |  |   |
| 10:15am  | <b>The European Union's Role in Shaping the Future of Investor-State Arbitration*</b><br><i>Room 2-01A</i>   | <b>International Immunities in the Wake of <i>Jam v. Int'l. Fin. Corp.</i>: What Comes Next?</b><br><i>Room 2-01B</i>   | <b>Mercenaries or Private Military Contractors?: Regulation of an Ever-Expanding Phenomenon</b><br><i>Room 2-02B</i> | <b>The Venezuela Crisis and the Resilience of International Law</b><br><i>Room 2-02A</i>   | <b>International Intellectual Property Law in the Age of Smart Technology and Intelligent Machines</b><br><i>Room 2-02C</i> |
| 10:30am  | <b>ILSA Board of Directors Meeting</b><br><i>Room 3-05</i>   |   |  |  |   |
| 11:45am  | <b>Break</b>   |   |  |  |   |
| 12:00pm  | <b>The Resilience of Judgments Recognition Initiatives*</b><br><i>Room 2-02C</i>   | <b>DEBATE: Foreign Fighters and their Families: How to Reconcile the Competing Demands of International Humanitarian Law, Human Rights and Refugee Law, and Domestic Law</b><br><i>Room 2-01B</i> | <b>Diverse Voices on the Use of Force</b><br><i>Room 2-02B</i>   | <b>At a Crossroads: Can Customary International Law Provide a Stabilizing Influence in a Fractious World?</b><br><i>Room 2-02A</i> | <b>Hitting a Boundary: Is the U.N. Convention on the Law of the Sea Still Fit for its Purpose?</b><br><i>Room 2-01A</i>     |
| 1:30pm   | <b>Lunch Break</b>   |   |  |  |   |
| 2:00pm   | <b>The Return of the State in International Trade and Investment Law</b><br><i>Room 2-02C*</i>   | <b>Prosecutorial Discretion: Sword or Shield of the International Criminal Court?*</b><br><i>Room 2-01B</i>   | <b>2020 Jessup Competition Panel</b><br><i>Room 2-02B</i>  | <b>Hot Topics: Navigating the BBNJ negotiations: Updates on the Third Intergovernmental Conference</b><br><i>Room 2-02A</i>        | <b>Emerging Voices in International Law</b><br><i>Room 2-01A</i>  |
| 3:30pm   | <b>End of ILW 2019</b>   |   |  |  |   |

\* Panels are 90 minutes. Sign-in sheets for panels approved for CLE are located in panel rooms. Digital copies of reading materials are available on the ILW Website.

# Schedule

Thursday, October 10

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**6:30pm**

Meeting Hall  
2<sup>nd</sup> Floor  
New York City  
Bar  
Association

## Opening Plenary Panel on the Resilience of International Law

(42 West 44th Street, New York, NY 10036)

*The Opening Plenary will explore current challenges facing the international legal system and how these challenges affect the work of international institutions. The panel will discuss whether the current international legal system is resilient enough to address these challenges or if it needs substantial reform in order to do so.*

Moderator:

- **Leila Nadya Sadat**, President, the American Branch of International Law Association; Director, Whitney R. Harris World Law Institute, Washington University School of Law

Panelists:

- **Judge Kimberly Prost**, International Criminal Court
- **Miguel de Serpa Soares**, U.N. Under-Secretary-General for Legal Affairs, United Nations
- **Christopher Ward SC**, President, The International Law Association

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**8:00pm**

Reception  
Area  
2<sup>nd</sup> Floor  
New York City  
Bar  
Association

## Opening Reception Sponsored by Debevoise & Plimpton LLP

*The reception at the New York City Bar Association is open to all ILW attendees thanks to the generosity of Debevoise & Plimpton LLP.*

# Debevoise & Plimpton

# Schedule

Friday, October 11

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**8:00am**      **Complimentary Coffee Sponsored by International and Non-J.D. Programs, Fordham University School of Law**  
*Soden Lounge*

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**9:00am**      **Competition and Convergence in International Dispute Resolution**

*Room 2-02C*

*Approved for  
CLE*

*This panel will consider the growing competition and procedural convergence between courts, arbitration, and other forms of dispute resolution in international commercial disputes. Topics for discussion will include the recent proliferation of international commercial courts, cross-border discovery, third-party funding and mandatory disclosure rules, and the emergence of global civil procedure. Panelists will discuss the role of these topics in promoting competition and convergence in multiple fora for international commercial dispute resolution and will reflect upon prospects for the future of transnational adjudication.*

Moderator:

- **Robin Effron**, Professor of Law, Brooklyn Law School

Panelists:

- **Pamela Bookman**, Associate Professor, Fordham University School of Law
  - **Alyssa King**, Assistant Professor, Queen's University Faculty of Law
  - **Danya Reda**, Assistant Professor, Peking University School of Transnational Law
  - **Daniel Schimmel**, Partner, Foley Hoag LLP
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**9:00am**      **Forging a Convention for Crimes Against Humanity**

*Room 2-01B*

*In August 2019, the United Nations International Law Commission completed Draft Articles and Commentary for a crimes against humanity convention. The Draft Articles will be sent to the U.N. General Assembly this fall, which will decide whether to use them for a new global convention on the prevention and punishment of crimes against humanity, perhaps by convening a diplomatic conference or by negotiating a final text within the Assembly itself. This panel will discuss the need for such a treaty and highlight the core elements of the Commission's Draft Articles. Among other things, the panel will consider whether such a treaty would assist in atrocity crime prevention, complement the work of the International Criminal Court as well as international human rights bodies, and promote inter-State cooperation on mutual legal assistance and extradition. Finally, the panelists will discuss the prospects for adopting a new global treaty.*

Moderator:

- **Leila Nadya Sadat**, President, the American Branch of International Law Association; Director, Whitney R. Harris World Law Institute, Washington University School of Law

Panelists:

- **John Bellinger**, Partner, Arnold & Porter LLP; former Legal Adviser, U.S. Department of State
  - **Michelle Reyes Milk**, Regional Coordinator, Coalition for the International Criminal Court
  - **Sean Murphy**, Special Rapporteur for Crimes Against Humanity, International Law Commission; Manatt/Ahn Professor of International Law, George Washington University Law School;
  - **Patrícia Galvão Teles**, Member of the U.N. International Law Commission; Senior Legal Consultant on International Law at the Legal Department of the Portuguese Ministry of Foreign Affairs
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# Schedule

Friday, October 11

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**9:00am Surveillance, Privacy, and Human Rights: Looking Ahead to 2020**

Room 2-02B

Approved for  
CLE

*Privacy law will be on center stage in 2020. Implementation of the European Union's (EU) General Data Protection Regulation (GDPR) will be in full swing and EU courts may decide the fate of the Privacy Shield agreement, which regulates commercial data transfer between U.S. and EU companies. In a roundtable format, panelists will discuss these key issues.*

Moderator:

- **Peter Margulies**, Professor of Law, Roger Williams University School of Law

Panelists:

- **Brian Egan**, Partner, Steptoe & Johnson LLP; former Legal Adviser, U.S. Department of State
- **Margaret Hu**, Associate Professor, Washington & Lee University School of Law
- **Faiza Patel**, Co-Director, Brennan Center for Justice, New York University School of Law
- **Becky Richards**, Civil Liberties and Privacy Officer, U.S. National Security Agency
- **Teresa Rodriguez de las Heras Ballel**, Associate Professor, Universidad Carlos III de Madrid
- **Patrick Toomey**, Senior Staff Attorney, American Civil Liberties Union

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**9:00am Hot Topics: Beyond Exceptionalism: The Unalienable Rights Commission and the Redefinition of International Human Rights**

Room 2-02A

*Despite remaining largely outside formal human rights treaty systems, the United States has for decades engaged in a foreign policy that takes human rights into account. The creation of the "Unalienable Rights Commission" in June 2019, which is formally bipartisan and tasked to inject "fresh thinking" on international human rights into the foreign policy process, may be evidence that the Trump administration has moved beyond ambivalence toward international human rights to confront more directly the international human rights system as currently constituted. While supporters of the Commission view it as means through which to reorient U.S. human rights policy along a more modest list of core rights, others see the Commission as an attempt to circumvent congressional statutes regulating U.S. human rights and to dilute U.S. support for women's and LGBT right around the globe. This panel will address the possible impact of the Unalienable Rights Commission on U.S. human rights policy and its broader implications for American engagement with international human rights law and institutions.*

Moderator:

- **Peggy McGuinness**, Professor of Law, Co-Director of the Center for International and Comparative Law, St. John's University School of Law

Panelists:

- **Mark Bromley**, Chair, The Council for Global Equality
- **Miguel Diaz**, Ambassador to the Holy See, Ret.; The John Courtney Murray Chair in Public Service, Loyola University Chicago
- **Jayne Huckerby**, Clinical Professor of Law, Duke Law School
- **Russell Ronald Reno III**, Editor, First Things magazine

# Schedule

## Friday, October 11

9:00am

Room 2-01A

### Environmental Protection Before International Courts and Tribunals: Challenges and Opportunities

*Environmental cases pose unique challenges for international courts and tribunals, such as the availability and enforceability of remedies, scientific complexity, and questions of standing, causation, and quantifiability of damages. Given these challenges, these courts and tribunals' ability to properly adjudicate environmental cases has been called into question. What is, or should be, international courts and tribunals' role in the protection of the environment?*

Moderator:

- **Ofilio Mayoraga**, Associate, Foley Hoag LLP

Panelists:

- **Patricia Cruz Trabanino**, Associate, Jenner & Block
- **Hari Osofsky**, Dean, Pennsylvania State University Law School and School of International Affairs
- **Lisa Sachs**, Adjunct Assistant Professor of International and Public Affairs, Columbia University; Director, Columbia Center on Sustainable Investment
- **Charlotte Salpin**, Legal Officer, Division for Ocean Affairs and the Law of the Sea, United Nations
- **Deepak Raju**, Associate, Sidley Austin LLP

10:45am

Room 2-01A

Approved for  
CLE

### Corporate Families in International Law

*This panel will examine the role of international law in regulating multinational corporations (MNCs) as well as the role of MNC families in shaping international law. Many of the corporate regulatory concerns that we have – the lack of jurisdiction for extraterritorial human rights violations, the ability to dodge tax law through the international movement of assets, the ability to shop for investment treaty protection, and the avoidance of environmental regulation through manufacturing relocation – are primarily possible due to the corporate family structure that permits almost unlimited subsidiary “children,” each with their own separate legal personality (for jurisdictional purposes) and limited liability. The panel will discuss how the subsidiary structure is central to the MNC governance challenge. It will also consider how judicialized domains of international law have proven unable to effectively grapple with corporate families, as in the case of investor-State dispute settlement. Ultimately, this panel aims to refocus attention to the family nature of MNCs – particularly their ability to create a family of separate legal entities on demand, and discuss how to address this concern with domestic and international law. Drawing on recent European legal developments, the panel will also discuss how parent corporations could have a duty of care for their subsidiaries that would promote the reasonable supervision of subsidiaries' activities.*

Panelists:

- **Julian Arato**, Associate Professor of Law, Brooklyn Law School
- **Melissa (“MJ”) Durkee**, Associate Professor of Law, University of Georgia School of Law
- **Katharina Pistor**, Edwin B. Parker Professor of Comparative Law, Columbia Law School
- **Pierre-Hugues Verdier**, Professor of Law, University of Virginia School of Law



# Schedule

Friday, October 11

10:45am

## The United States and the International Criminal Court: Challenging Times

Room 2-01B

Approved for  
CLE

This panel is  
sponsored by  
the ABILA  
International  
Criminal Court  
Committee

*This panel will explore the relationship between the United States and the International Criminal Court (ICC), as it has evolved, historically, under the different past U.S. Administrations, with some of the key representatives of those Administrations leading the discussion. The panel will then examine where that relationship stands today, under the current Administration, which has imposed a travel ban on the ICC Prosecutor. The panel will include discussion of the ICC's Afghanistan Preliminary Examination, which would have examined conduct including by U.S. nationals, except authorization to proceed was rejected by ICC Pre-Trial Chamber II. The panel will additionally consider the ICC's pending Preliminary Examination into the situation regarding Palestine/Israel and potential consequences for the U.S.—ICC relationship if or when that situation moves forward.*

Moderator:

- **Jennifer Trahan**, Clinical Professor, New York University, Center for Global Affairs; Chair, ABILA International Criminal Court Committee

Panelists:

- **Todd Buchwald**, formerly Ambassador for Global Criminal Justice, U.S. Department of State
- **Ambassador Stephen J. Rapp**, former U.S. Ambassador-at-Large for War Crimes Issues; former Head of the Office of Global Criminal Justice, U.S. Department of State
- **Beth Van Schaack**, Leah Kaplan Visiting Professor in Human Rights, Stanford Law School; former Deputy to the Ambassador-at-Large for War Crimes Issues, Office of Global Criminal Justice, U.S. Department of State
- **John Washburn**, Convener, American Non-Governmental Organizations Coalition for the ICC (AMICC)

10:45am

## The Effectiveness of Human Rights Indicators and the Role of Indicators

Room 2-02B

*While it is true that human rights treaties may not have realized their full potential, human rights treaties do matter. Panelists will discuss their respective research on human rights indicators, including how indicators can be used to identify human rights violations and assess progress with treaty obligations in the areas of women's rights, environmental law, corporate social responsibility, and disability rights.*

Moderator:

- **Arlene S. Kanter**, Professor of Law; Director, International Programs; Director, Disability Law and Policy Program, Syracuse University College of Law

Panelists:

- **Catherine Powell**, Professor of Law, Fordham University
- **Tina Kempin Reuter**, Director, Institute for Human Rights, University of Alabama at Birmingham
- **Margaret L. Satterthwaite**, Professor of Clinical Law, New York University School of Law
- **Beth Simmons**, Andrea Mitchell University Professor of Law and Political Science, University of Pennsylvania

# Schedule

Friday, October 11

10:45am

## The Judiciary, Foreign Affairs, and International Law

Room 2-02A

*This panel will explore the claim that the judiciary, both in the United States and globally, should reclaim and assert a more prominent role in cases involving international law and foreign affairs generally. For at least the last century, the political branches in the United States – the executive above all – have successfully sought increased power in foreign affairs free from international law constraints, in part by attempting to marginalize the judiciary's historic role. Within the United States, the dangers of this development were evident long before the Trump Administration. Likewise, the rise of populist authoritarian regimes abroad have seen even more aggressive attempts to marginalize judicial checks based upon international law. This panel will consider historical and international relations justifications for a restored judicial role, both in the United States and abroad. Its focus will be the arguments set out in Professor Flaherty's forthcoming book, *Restoring the Global Judiciary: Why the Supreme Court Should Rule in Foreign Affairs* (Princeton University Press), which will be released just prior to ILW.*

Moderator:

- **Ruti G. Teitel**, Ernst C. Stiefel Professor of Comparative Law, New York University School of Law

Panelists:

- **Martin Flaherty**, Leitner Family Professor of Law, Fordham Law School; Co-Director, Leitner Center for International Law and Justice
- **David Golove**, Hiller Foundation Professor of Law, New York University School of Law
- **Rebecca Ingber**, Associate Professor of Law, Boston University School of Law
- **Michael Ramsey**, Darling Professor of Law, University of San Diego Law School

10:45am

## Provisional Measures at the International Court of Justice: Possibilities for Plausibility

Room 2-02C

*The “plausibility” criterion for granting provisional measures has evolved since the International Court of Justice first introduced it in 2009. This panel will discuss recent developments in the standard—including in the October 2018 Iran v. U.S. and July 2019 Qatar v. UAE provisional measures orders. The panelists will consider the extent to which the plausibility analysis has evolved into a provisional merits review and the overlap between the plausibility and prima facie jurisdiction requirements.*

Moderator:

- **Donald Francis Donovan**, Partner and Co-Chair, International Dispute Resolution Group, Debevoise & Plimpton LLP

Panelists:

- **Marney Cheek**, Partner and Co-Chair, International Arbitration Practice Group, Covington & Burling LLP
- **Donald Earl Childress III**, Professor of Law, Pepperdine School of Law
- **Massimo Lando**, Associate Legal Officer, International Court of Justice
- **Cameron Miles**, Barrister, 3 Verulam Buildings

# Schedule

Friday, October 11

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**12:30pm**      **Box lunch sponsored by the Leitner Center for International Law and Justice**  
*Soden Lounge*

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**12:30pm**      **ABILA Board of Directors Meeting**  
*Room 4-01*      Lunch provided

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**1:30pm**      **Keynote Address: *No Going Back: The Persistent Pressure for Accountability***  
*Room 2-02B/C*  
**Ambassador Stephen J. Rapp**, former U.S. Ambassador-at-Large for War Crimes Issues; former Head of the Office of Global Criminal Justice, U.S. Department of State

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**3:00pm**      **The Fragmentation of International Law: Resolving the Conflict Between EU Law and International Investment Law**  
*Room 2-02C*

*Approved for CLE*

*The expansion of international legal activity brought with it a proliferation of specialized and autonomous legal regimes. Consequently, conflicting rules seek to apply to the same facts, which leads to incompatible results. A recent example of this problem is the question of intra-EU investment disputes, where the parallel application of EU law and of international investment law led to conflicting jurisprudence, forum-shopping and legal insecurity. This panel will look at the general fragmentation problem from the perspective of that particular divide. The panelists will analyze the recent case law to extract lessons-learned and to design a conceptual frame within which the fragmentation problem can be theoretically understood and practically resolved.*

Moderator:

- **Ema Vidak Gojkovic**, Associate, King & Spalding LLP

Panelists:

- **George A. Bermann**, Jean Monnet Professor of EU Law, Walter Gellhorn Professor of Law; Director, Center for International Commercial and Investment Arbitration (CICIA), Columbia Law School
- **Georgios Fafalis**, Legal Counsel, Philips Group
- **Viren Mascarenhas**, Partner, King & Spalding LLP
- **Samantha J. Rowe**, Partner, Debevoise & Plimpton LLP
- **Angeline Welsh**, Barrister, Matrix Chambers

# Schedule

Friday, October 11

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**3:00pm**      **Failure to Notice or Notable Failure?: Challenges to Instilling a Gender-Sensitive Approach to International Law**  
*Room 2-01B*

*The discussion will bring together international law, human rights and women's rights experts who will draw upon their experiences to discuss the need for a gendered approach to international law. Panelists will consider the following questions: How can international law better deliver on gender justice? What does a gender analysis add to our understanding of these frameworks? Are national courts better equipped to provide true accountability?*

Moderator:

- **Anne Marie Goetz**, Clinical Professor, Center for Global Affairs, School of Professional Studies, New York University

Panelists:

- **Akila Radhakrishnan**, President, Global Justice Center
- **Agnes Callamard**, U.N. Special Rapporteur on Extrajudicial Executions
- **Melissa Upreti**, U.N. Working Group on Discrimination Against Women in Law and in Practice

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**3:00pm**      **Criminalizing Asylum-Seekers as a Violation of International Law**

*Room 2-02B*

*Approved for  
CLE*

*Over 70.8 million people — the highest recorded — have been displaced from their homes, largely because of war, climate change, organized crime quasi-states, and gross human rights violations. Yet the Trump Administration and other Western governments have resorted to criminalizing refugees and asylum-seekers and separating families. This panel explores the challenge these measures pose for international refugee and human rights law.*

Moderator:

- **Thomas M. McDonnell**, Chair, the International Law Section, American Association of Law Schools; Professor of Law, Elisabeth Haub School of Law at Pace University

Panelists:

- **Mehreen Afzal**, Senior Policy Officer, Office of the United Nations High Commissioner for Refugees
- **Jamil Dakwar**, Director, Human Rights Program, American Civil Liberties Union
- **Vanessa Merton**, Professor of Law and Director, the Immigration Justice Clinic, Elisabeth Haub School of Law at Pace University

# Schedule

Friday, October 11

3:00pm

## The Decline of the Liberal International Order?

Room 2-02A

*This panel is sponsored by the Study Group on Threats to the International Legal Order*

*This panel will consider whether we are witnessing the decline of the liberal international order. If so, what are the primary causes and the likely consequences of that decline? The panel will be very interactive; we will engage in a moderated discussion to address the issues.*

Moderator:

- **David L. Sloss**, John A. and Elizabeth H. Sutro Professor of Law, Santa Clara University School of Law

Panelists:

- **James T. Gathii**, Wing-Tat Lee Chair in International Law and Professor of Law, Loyola University Chicago School of Law
- **Oona A. Hathaway**, Gerard C. and Bernice Latrobe Smith Professor of International Law, Yale Law School
- **Jaya Ramji-Nogales**, Associate Dean for Academic Affairs and I. Herman Stern Research Professor, Temple University, Beasley School of Law
- **Richard H. Steinberg**, Professor of Law and Political Science, University of California-Los Angeles School of Law

3:00pm

## The Growing Risk of War in Outer Space: What Role Will International Law Play?

Room 2-01A

*This panel is sponsored by the ABILA Use of Force Committee*

*Dramatic advances in space technology, increasing geopolitical tensions, and the critical strategic importance of military assets in space present a growing risk of armed conflicts extending to outer space. This panel will explore this threat and the role that international law may play in maintaining international peace and security in space, as well as the role that international humanitarian law may play if an armed conflict does occur.*

Moderator:

- **Jack M. Beard**, Professor, Co-Director of Space, Cyber & Telecom Law Program, University of Nebraska College of Law

Panelists:

- **Robin Frank**, former Associate General Counsel, NASA; former Assistant Legal Advisor, U.S. Department of State
- **Andrea Harrington**, Associate Professor, Air Command and Staff College, U.S. Air Force
- **Peter L. Hays**, Senior Space Policy Analyst, Falcon Research Group
- **Michael R. Hoversten**, Chief, Space, Cyber, International, and Operations Law, Air Force Space Command
- **Dale Stephens**, Professor, University of Adelaide Law School (Australia); Director, the Research Unit on Military Law and Ethics
- **Brian Weeden**, Director of Program Planning, Secure World Foundation

# Schedule

Friday, October 11

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## 4:45pm Investment Law and Human Rights: Friends, Strangers, or Enemies?

Room 2-02C

Approved for  
CLE

This panel is  
sponsored by  
the ABILA  
International  
Investment  
Law Committee

*The last few years have seen investment tribunals summarily reject alleged conflicts between investor rights and human rights, and have even been reluctant to exchange ideas with human rights fora. This panel will consider why, even though both seek to protect individual interests — whether of humans or of businesses — against excesses of state power, the cross-pollination is so rare and the tensions are so common.*

Moderator:

- **Diora Ziyaeva**, Senior Managing Associate, Dentons

Panelists:

- **David L. Attanasio**, Associate, Dechert LLP
- **Kristen Boon**, Miriam T. Rooney Professor of Law and Associate Dean for Faculty Research and Development, Seton Hall Law School
- **Jena Martin**, Professor of Law, West Virginia University
- **Jennifer Haworth McCandless**, Partner, Sidley Austin LLP

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## 4:45pm Women at International Tribunals

Room 2-01B

This panel is  
sponsored by  
the ABILA  
United Nations  
Law Committee

*This panel will address the role of women — as judges, prosecutors, defense attorneys, victims' advocates, and other professionals — at various international tribunals, in order to assess whether women have been adequately represented in these prestigious roles. It will be the panelists' starting assumption, based on available data about the presence of female professionals at international tribunals, that women are significantly under-represented within most international tribunals. From this starting assumption, panelists will discuss how such under-representation of women within tribunals has affected the actual as well as the perceived legitimacy of the tribunals, and how such tribunals may be "judging" and operating differently because of the predominance of male professionals within the tribunals' ranks. Moreover, panelists will address cultural, historical, as well as institutional reasons for the under-representation of women at international tribunals, and will attempt to propose policies and recommendations for the future, to ensure that women are more adequately represented. In addition, panelists will explore the role of international organizations, such as the United Nations, in ensuring that women have access to professional posts at international tribunals, and that female voices, viewpoints, and scholarship are heard within these prestigious institutions.*

Moderator:

- **Milena Sterio**, Professor of Law, Cleveland-Marshall College of Law

Panelists:

- **Nisha Arekapudi**, Legal Analyst, Women, Business and the Law Team, World Bank Group
- **Yvonne Dutton**, Professor of Law, Indiana University Robert H. McKinney School of Law
- **Jennifer Trahan**, Clinical Professor, New York University, Center for Global Affairs; Chair, ABILA International Criminal Court Committee



# Schedule

Friday, October 11

4:45pm

Room 2-02B

This panel is  
sponsored by  
the ABILA  
International  
Human Rights  
Committee

## Strengthening International Law to Combat Trafficking-in-Persons in the 21st Century

*There are estimated 40 million victims of modern slavery worldwide. New obstacles to identifying, combatting, and prosecuting human trafficking have emerged as perpetrators abuse developments in technology to facilitate trafficking. How can the international system respond to the distinct and growing challenges of cyber crime and new technologies facilitating human trafficking?*

Moderator:

- **Luke Dembosky**, Partner, Debevoise & Plimpton LLP

Panelists:

- **Leigh Latimer**, Attorney, Legal Aid Society
- **Taryn A. Merkl**, Senior Counsel, Brennan Center for Justice
- **Soumya Silver**, Legal Affairs Officer, Office to Monitor and Combat Trafficking in Persons, U.S. Department of State

4:45pm

Room 2-01A

Approved for CLE

This panel is  
sponsored by  
the ABILA Space  
Law Committee

## The Resilience of the International Law of Outer Space in Light of Technology, Business, and Military Developments

*Is the hard and soft international law governing the increasingly competitive, congested and contested outer space domain resilient enough for new developments? Can national legislation (and gradual harmonization of such legislation) combined with diplomacy and non-governmental initiatives, and the disciplines of finance and insurance, adequately fill gaps and ambiguities and provide the minimal standards necessary to ensure space will continue to provide benefits to countries, their economies, and their citizens?*

Moderator:

- **Matthew Schaefer**, Veronica A. Haggart and Charles R. Work Professor of International Trade Law, University of Nebraska College of Law; Co-Director, Space, Cyber and Telecom Law Program

Panelists:

- **Blake Gilson**, Associate, Transportation and Space Group, Milbank LLP
- **Henry Hertzfeld**, Research Professor and Director, Space Policy Institute, George Washington University
- **Chris Kunstadter**, Global Head of Space, AXA XL
- **Kelsey McBarron**, Associate, Schroeder Law Firm
- **Jessica Tok**, Senior Space Policy Analyst, U.S. Department of Defense

# Schedule

Friday, October 11

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**4:45pm**

## **Pathways to Careers in International Law**

Room 2-02A

*This panel is 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. All participants are speaking in their personal capacity.*

Moderator:

- **Lesley Benn**, Executive Director, International Law Students Association

Panelists:

- **Preeti Bhagnani**, Associate, White & Case LLP
- **Vanessa Tiede**, Policy Analyst, Security Council Report
- **Cassandra Theano**, Director of Human Rights and Public International Law, Columbia Law School
- **Mark Wojcik**, Professor, The John Marshall Law School

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**6:30pm**

## **Reception at the Permanent Mission of the Republic of Singapore**

*(318 East 48th Street, New York, NY 10017)*

*The Friday evening reception is generously hosted by the Permanent Mission of the Republic of Singapore. Space is limited and pre-registration is required for this event. For security reasons, registered guests must bring photo identification to present at check-in. A nominal registration fee of \$10 will be charged to confirm participation; it will be applied to cover other costs of the International Law Weekend not related to the reception. The support of the Permanent Mission of the Republic of Singapore towards International Law Weekend is greatly appreciated.*



PERMANENT MISSION OF THE REPUBLIC OF SINGAPORE  
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# Schedule

Saturday, October 12

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**8:00am** Complimentary Coffee sponsored by International and Non-J.D. Programs,  
*Soden Lounge* Fordham University School of Law

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**9:00am** ABILA Annual Meeting and Plenary  
*Room 1-01* **Keynote Address: *How International Law Got Lost***  
**William W. Burke-White**, Director, Perry World House, University of Pennsylvania Law School

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**10:15am** The European Union's Role in Shaping the Future of Investor-State Arbitration  
*Room 2-01A*  
*Investor-State dispute settlement (ISDS) has been widely challenged in recent years, resulting in proposed reforms. The European Union, in particular, has strongly pushed to reform ISDS through various policies and measures. This panel will address recent EU policies and measures to ascertain and predict how they will shape ISDS, and whether they threaten the system's stability or enhance the system altogether.*

Approved for  
CLE

Moderator:

- **M. Imad Khan**, Associate, Hogan Lovells LLP

Panelists:

- **Stephen Anway**, Partner, Squire Patton Boggs
- **Stratos Nikolaos Pahi**s, Assistant Professor, New York University School of Law
- **Deva Villanúa**, Partner, Armesto & Asociados

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**10:15am** International Immunities in the Wake of *Jam v. Int'l. Fin. Corp.*: What Comes Next?  
*Room 2-01B*

*This panel is  
sponsored by  
the ABILA  
United Nations  
Law Committee*

*The U.S. Supreme Court's recent decision in *Jam v. International Finance Corporation* significantly revised U.S. law on the jurisdictional immunities of many international organizations present in the United States. Holding that international organizations deriving immunity from the International Organizations Immunities Act are entitled only to the 'restrictive' immunities afforded foreign states under the Foreign Sovereign Immunities Act, the Court left open a number of issues of great practical importance. The panel will explore the implications of the *Jam* decision from various perspectives.*

Moderator:

- **David P. Stewart**, Chair, ABILA Board of Directors; Director, Center on Transnational Business and the Law, Georgetown University Law

Panelists:

- **Lori Fidler Damrosch**, Hamilton Fish Professor of International Law and Diplomacy, Columbia Law School
- **Stephen Mathias**, Assistant Secretary General for Legal Affairs, United Nations
- **Edward Chukwuemeke Okeke**, Author, *Jurisdictional Immunities of States and International Organizations* (OUP 2018)

# Schedule

Saturday, October 12

10:15am

Room 2-02B

## Mercenaries or Private Military Contractors?: Regulation of an Ever-Expanding Phenomenon

*This panel is sponsored by the ABILA International Humanitarian Law Committee*

*Erik Prince, founder and CEO of the controversial private military contracting company, Blackwater, has proposed regularizing the use of "mercenary" forces by the United States. Meanwhile, a secretive organization known as the Wagner Group, with alleged ties to the Russian regime, has already been implicated in conflicts in Ukraine, Syria, Sudan, and Venezuela. Other military contractors perform less controversial defensive security functions in conflict zones. Are the activities of such organizations lawful? What legal and other mechanisms exist to regulate such operations and hold violators of humanitarian and human rights law accountable? What gaps in law need to be filled?*

Moderator:

- **Gabor Rona**, Visiting Professor of Law, Cardozo Law School

Panelists:

- **Katherine Gallagher**, Senior Staff Attorney, Center for Constitutional Rights; Visiting Clinical Professor, City University of New York School of Law
- **Katherine Gorove**, Attorney, U.S. Department of State
- **Molly Gray**, Adjunct Professor of International Human Rights Law, Vermont Law School

10:15am

Room 2-02A

## The Venezuela Crisis and the Resilience of International Law

*Venezuela recently plunged to a new level of crisis, one that has also exposed grave challenges to the international legal system. The case raises issues of military intervention, government recognition, sanctions, control of assets, migration, democracy, human rights, energy, and the governance of international organizations. The panel will analyze how to support both Venezuela and the resilience of international law.*

Moderator:

- **John Berger**, Senior Fellow, Center on National Security, Fordham Law School

Panelists:

- **Ricardo Chirinos**, Associate, White & Case LLP
- **Mary Ellen O'Connell**, Robert and Marion Short Professor of Law, Research Professor of International Dispute Resolution, University of Notre Dame
- **Federica Paddeu**, John Tiley Fellow in Law, Queens' College Cambridge (United Kingdom); Fellow, Lauterpacht Centre for International Law
- **Brad R. Roth**, Professor of Political Science and Law, Wayne State University Law School; Director, Undergraduate Studies, Department of Political Science

# Schedule

Saturday, October 12

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**10:15am**      **International Intellectual Property Law in the Age of Smart Technology and Intelligent Machines**  
*Room 2-02C*

*This panel is sponsored by the ABILA International Intellectual Property Committee*

*With the proliferation of new transformative technologies, such as smart devices, big data and artificial intelligence, the effective development of international intellectual property law has been called into question. This roundtable brings together experts to explore the resilience of the international intellectual property regime and the tensions and conflicts posed by rapid technological change. The roundtable is sponsored by the ABILA Committee on International Intellectual Property.*

Moderator:

- **Sean Flynn**, Associate Director, Program on Information Justice and Intellectual Property, American University Washington College of Law; Co-Chair, ABILA Committee on International Intellectual Property

Panelists:

- **Cheryl Foong**, Lecturer, Curtin Law School (Australia)
- **Doris Estelle Long**, Professor Emeritus of Law, The John Marshall Law School
- **Michal Shur-Ofry**, Senior Lecturer, Faculty of Law, The Hebrew University of Jerusalem
- **Peter K. Yu**, Professor of Law and Communication and Director, Center for Law and Intellectual Property, Texas A&M University School of Law; ABILA Director of Studies; Co-Chair, ABILA Committee on International Intellectual Property

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**10:30am**      **ILSA Board of Directors Meeting**  
*Room 3-05*

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**12:00pm**      **The Resilience of Judgments Recognition Initiatives**  
*Room 2-02C*

*Approved for CLE*

*This panel will focus specifically on the topic of judgments recognition. This will include the 2019 Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters, concluded in The Hague on July 2, 2019. The panel will address not only the Judgments Convention and its implications, but other developments in the realm of judgments recognition. The panel will include representation from practice, academia, and multilateral institutions. The moderator will provide a brief overview of the conclusion of the Judgments Convention. The discussion will then focus on a series of 5-6 questions, with each panelist responding from his/her perspective on those questions. After a question and answer time with the audience, each panelist will provide a 3-minute concluding comment.*

Moderator:

- **Ronald A. Brand**, Professor of Law, University of Pittsburgh School of Law; ABILA Board Member

Panelists:

- **G  rardine Goh Escolar**, First Secretary, Hague Conference on Private International Law
- **Charles Kotuby**, Partner, Jones Day
- **Aaron D. Simowitz**, Assistant Professor of Law, Willamette University School of Law
- **Louise Ellen Teitz**, Professor of Law, Roger Williams Law School; ABILA Board Member

# Schedule

Saturday, October 12

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**12:00pm**      **DEBATE: Foreign Fighters and their Families: How to Reconcile the Competing Demands of International Humanitarian Law, Human Rights and Refugee Law, and Domestic Law**

Room 2-01B

*This panel is sponsored by the ABILA International Humanitarian Law Committee*

*The fall of the Islamic State (IS) in its last physical stronghold in Syria in early 2019 led to a mass exodus of foreign fighters and their families. Many of the fighters ended up detained by non-state actors, many families were screened and sent to camps for displaced persons in Syria and Iraq. The international community was faced with a host of legal and policy issues in a complicated and politically sensitive context, and the response by both international bodies and States of origin was varied. The complex and fluctuating situation on the ground led to a great deal of debate about what rules of international law should take precedence at various points in time. Should families of foreign fighters be treated as refugees? Should fighters or any of their family members be prosecuted? Under domestic or international law? For those fighters or families who are in detention or IDP camps, under what legal basis should they be held? Under what legal basis may they challenge their detention/internment? Panelists will be asked to debate the interplay between various bodies of law in dealing with specific situations that arise in the capture, detention and disposition (repatriations or other transfers, prosecution, release, etc.) of foreign fighters and their families, in order to demonstrate the legal and humanitarian complexities to which this phenomenon has given rise.*

Debate Moderator:

- **Melanne A. Civic**, Operations Director, The Defense Institute of International Legal Studies

Panelists:

- **Christine Cassiers**, Second Secretary, Permanent Representation of Belgium to the United Nations
- **Jonathan Horowitz**, Legal Adviser, International Committee of the Red Cross
- **Lt. Col. Matthew A. Krause**, Director, Future Concepts Directorate, The United States Army Judge Advocate General's Legal Center and School
- **Patricia Stottlemeyer**, Associate Attorney, Human Rights First

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**12:00pm**      **Diverse Voices on the Use Of Force**

Room 2-02B

*This panel is sponsored by the ABILA United Nations Law Committee*

*Recent years have seen an increasingly complex set of claim for the use of force. This has ranged from the attacking non-State actors across borders to the "responsibility to protect" to real or potential interventions from Crimea to Syria, from Iran to Venezuela. This interactive roundtable will hear from a diverse range of less frequently heard voices on these pressing topics.*

Moderator:

- **Daniel Stewart**, Founder/Executive Director, Independent International Legal Advocates

Panelists:

- **Adil Haque**, Professor of Law and Judge Jon O. Newman Scholar, Rutgers Law School
- **Angel Horna**, Legal Adviser, Ministry of Foreign Affairs; former First Secretary and Legal Adviser, Permanent Mission to the United Nations, Peru
- **Ambassador Michael Kanu**, Deputy Permanent Representative to the U.N., Sierra Leone
- **Priyanka Motaparthi**, Lecturer in Law and Director, Project on Counterterrorism, Armed Conflict, and Human Rights, Human Rights Institute, Columbia Law School
- **Pablo Adrián Arrocha Olabuenaga**, Second Secretary, Permanent Mission to the U.N., Mexico
- **Irma Rosa Suazo**, Deputy Permanent Representative to the United Nations, Honduras



# Schedule

Saturday, October 12

12:00pm

Room 2-02A

*This panel is sponsored by the ABILA Formation of Rules of Customary International Law Committee*

## At a Crossroads: Can Customary International Law Provide a Stabilizing Influence in a Fractious World?

*Today, rising nationalism and factionalism challenge the ability of customary international law to generate consensus-based norms that can effectively regulate politically charged problems such as the use of outer space, international investment, and human rights. This panel will explore whether customary international law can meet this challenge, and how it can provide a stabilizing influence in a fractious world.*

Moderator:

- **Brian Lepard**, Harold W. Conroy Distinguished Professor of Law, University of Nebraska College of Law

Panelists:

- **Frans G. von der Dunk**, Harvey and Susan Perlman Alumni/Othmer Professor of Space Law, University of Nebraska-Lincoln College of Law
- **Mélida N. Hodgson**, Partner, Jenner & Block LLP
- **Jocelyn Getgen Kestenbaum**, Assistant Professor of Clinical Law, Benjamin N. Cardozo School of Law
- **Panos Merkouris**, Professor of Public International Law, University of Groningen
- **Tonya L. Putnam**, Associate Professor, Department of Political Science, Columbia University

12:00pm

Room 2-01A

## Hitting a Boundary: Is the U.N. Convention on the Law of the Sea Still Fit for Its Purpose?

*Panelists will assess the achievements and continued relevance of the U.N. Convention on the Law of the Sea (UNCLOS) nearly 40 years after it was adopted. The discussion shall include considering UNCLOS' role in developing as well as codifying international law, the impact of certain States' failure to ratify the treaty or decision to opt out of the dispute resolution mechanisms, maritime boundary dispute resolution pursuant to UNCLOS and the continuing work done by the Commission on the Limits of the Continental Shelf.*

Moderator:

- **Catherine Amirfar**, Partner, Debevoise & Plimpton LLP

Panelists:

- **Coalter Lathrop**, President, Sovereign Geographic, Chair, ABILA Law of the Sea Committee
- **John Noyes**, Professor Emeritus, California Western School of Law, Formerly ABILA President
- **Luigi Santosuosso**, Senior Legal Office, Division for Ocean Affairs and the Law of the Sea, United Nations

1:30pm -

2:00pm

Lunch Break

# Schedule

Saturday, October 12

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**2:00pm The Return of the State in International Trade and Investment Law**

Room 2-02C

Approved for  
CLE

*This panel will consider recent developments in trade and investment law, with a focus on the potential collapse of the WTO Appellate Body, the effort to create a multilateral investment court, and the increasing prominence of national security in trade disputes. These developments have significant implications for the role of the state in international economic law and for the future of international institutions.*

Moderator:

- **J. Benton Heath**, Acting Assistant Professor of Law, New York University School of Law

Panelists:

- **Jose E. Alvarez**, Herbert and Rose Rubin Professor of International Law, New York University School of Law
- **Christina Beharry**, Counsel, Foley Hoag LLP
- **Robert Howse**, Lloyd C. Nelson Professor of International Law, New York University School of Law
- **Lauren Mandell**, Special Counsel, WilmerHale LLP
- **Mona Pinchis Paulsen**, Teaching Fellow and Lecturer in Law, Stanford Law School

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**2:00pm Prosecutorial Discretion: Sword or Shield of the International Criminal Court?**

Room 2-01B

Approved for  
CLE

*This panel is  
sponsored by  
the ABILA  
International  
Criminal Court  
Committee*

*Following the 20th anniversary of the Rome Statute, the International Criminal Court (ICC) has reached a crossroads. In April 2019, the first four presidents of the ICC's Assembly of States Parties sounded the alarm: calling for an independent assessment of the Court's functioning and noting frustrations with the judicial proceedings, results, and management deficiencies. Several Member States, including the Philippines and Burundi, have withdrawn from the ICC altogether. At the same time, a dispute between the Office of the Prosecutor (OTP) and the United States recently came to a head when a pre-trial panel of ICC judges rejected the OTP's request to open an investigation into actions committed by the Taliban, Afghan Forces, and U.S. personnel in Afghanistan, citing political instability, inadequate cooperation in "key states," and the Court's limited resources.*

Moderator:

- **Natalie Reid**, Partner, Debevoise & Plimpton LLP

Panelists:

- **Christine H. Chung**, Partner and Head of White Collar Practice, Selendy & Gay; former first and highest-ranking trial attorney, International Criminal Court
- **Elizabeth Everson**, Associate Director, International Justice Program, Human Rights Watch
- **Margaret M. deGuzman**, James E. Beasley Professor of Law, Institute for Law and Public Policy, Temple University, Beasley School of Law
- **David J. Scheffer**, Mayer Brown/Robert A. Helman Professor of Law, Center for International Human Rights, Northwestern Pritzker School of Law; former U.S. Ambassador at Large for War Crimes Issues

# Schedule

## Saturday, October 12

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**2:00pm**      **2020 Jessup Competition Panel**  
Room 2-02B

*A panel of experts will discuss some of the key topics of the 2020 Jessup Problem, including the legal issues surrounding treaty succession, fully autonomous weapons systems, government ministers accused of war crimes, the potentially conflicting jurisdiction of the ICJ and the WTO, as well as some general tips and guidance for competing in the Jessup. The panel will be recorded and made available online for all Jessup participants after the conference.*

Moderator:

- **Lesley Benn**, Executive Director, International Law Students Association

Panelists:

- **Ron Kendler**, Associate, White & Case
- **Peter Margulies**, Professor of Law, Roger Williams University School of Law
- **Patrícia Galvão Teles**, Member of the U.N. International Law Commission; Senior Legal Consultant on International Law at the Legal Department of the Portuguese Ministry of Foreign Affairs

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**2:00pm**      **Hot Topics: Navigating the BBNJ negotiations: Updates on the Third Intergovernmental Conference**  
Room 2-02A

*The third session of the Intergovernmental Conference on an international legally binding instrument on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction (IGC on BBNJ) took place on August 19-30, 2019, where negotiations were based on a zero draft. The panel will discuss the advancement of these negotiations and what progress has been made until this third IGC.*

Moderator:

- **Elizabeth Rodríguez-Santiago**, Assistant Professor, Universidad Ana G. Méndez, Puerto Rico

Panelists:

- **Bart Smit Duijzentkunst**, Legal Officer, United Nations, Division for Ocean Affairs and the Law of the Sea (DOALOS)
- **Pablo Arrocha-Olabuenaga**, Legal Adviser, Permanent Mission of Mexico to the United Nations
- **Clement Yow Mulalap**, Attorney and Legal Adviser, the Permanent Mission of the Federated States of Micronesia to the United Nations

# Schedule

## Saturday, October 12

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**2:00pm**

### **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:

- **Pamela Bookman**, Associate Professor, Fordham University School of Law

Panelists:

- **David Hughes**, Grotius Research Scholar, University of Michigan Law School
- **Major Wolfgang Weber**, Assistant Professor of Law, United States Air Force Academy
- **Gabor Rona**, Visiting Professor of Law, Cardozo Law School
- **Ashika Singh**, Associate, Debevoise & Plimpton LLP

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***A special thanks to Debevoise & Plimpton LLP for hosting the Thursday evening reception, to the Permanent Mission of the Republic of Singapore for hosting the Friday evening reception, and to White & Case for facilitating CLE credit.***

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