



INTERNATIONAL LAW ASSOCIATION

AMERICAN BRANCH

EST. 1922

INTERNATIONAL LAW WEEKEND

*99th Annual Meeting of the American Branch of the
International Law Association*

OCT. 28-30
2021

Reinvesting in International Law

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

Thursday, October 28, 2021 | Opening Plenary and Networking Events

Friday and Saturday, October 29-30, 2021 | ILW Panels, Keynotes, and Meetings

www.ila-americanbranch.org/international-law-weekend

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Welcome to ILW 2021



The American Branch of the International Law Association (ABILA) welcomes you to its annual International Law Weekend (ILW) conference. The theme of ILW 2021 is *Reinvesting in International Law*.

Hindered by a retreat from multilateralism, the international legal community is struggling to respond to the global challenges of our day: climate change, economic inequality, impunity for atrocity crimes, and now the pandemic. We are at a key inflection point in crafting our response to these challenges. We must ask ourselves, “where is the international legal order meeting expectations and where is it falling short?” Where should we reinforce the current system and where must we develop new solutions? How can we revitalize our global health, economic, and human rights institutions to make them more durable and impactful? Where do we require more robust legal frameworks and where, perhaps, do we need less regulation? How should we tailor our reinvestment in international law? ILW 2021 will explore these issues through a diverse collection of engaging and provocative panels. The audience will include practitioners, academics, U.N. diplomats, business leaders, federal and state government officials, NGO leaders, journalists, students, and interested citizens. There is a broad array of both public international law and private international law topics in each program time slot.

ILW 2021 begins Thursday, October 28, 2021 with a **President’s Opening Plenary Panel**. Moderated by ABILA President Leila Sadat, speakers include Pablo Arrocha Olabuenaga (Permanent Mission of Mexico to the United Nations), Nicola Bonucci (Paul Hastings LLP), Ambassador Nazhat Shameem Khan (UN Human Rights Council), and Dire Tladi (International Law Commission).

The conference continues Friday and Saturday, October 29-30, 2021, and features **32 panels** on a range of topics. **Keynote speakers** include Professor Oona Hathaway (Yale Law School) and Mrs. Fatou Bensouda (formerly Chief Prosecutor of the International Criminal Court). These events are open to all conference attendees. ILW 2021 also features more than a dozen networking rooms and opportunities to meet with legal book publishers.

The Saturday program includes the **ABILA Annual Member’s Meeting and Plenary**. The Annual Meeting is open to members and non-members alike, however only members can vote.

Multiple panels in every timeslot 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.

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 twenty Committees and Study Groups
- ◆ 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
- ◆ The opportunity to have their work featured in our biannual Newsletter

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Schedule at a Glance

ILW 2021



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Thursday, October 28, 2021

2:00pm EDT	Welcome to ILW			
2:15-3:30pm EDT	President's Opening Plenary Panel: <i>Reinvesting in International Law</i> Moderator: Leila Nadya Sadat , President, International Law Association (American Branch) Panelists: Pablo Arrocha Olabuenaga (Permanent Mission of Mexico to the UN), Nicola Bonucci (Paul Hastings LLP), Ambassador Nazhat Shameem Khan (UN Human Rights Council), and Dire Tladi (International Law Commission)			
3:30pm EDT	Break			
3:45-5:00pm EDT	Debating a WTO TRIPS Waiver for COVID*	Disappearing Land and Displaced Persons: Climate Change and International Law	Surveillance, Privacy, and Human Rights*	Reinvesting in the Legitimacy and Fundamental Principles of Customary International Law
5:00-5:45pm EDT	Committee Networking Rooms			

Friday, October 29, 2021

9:00-10:15am EDT	Travelling Judges on International Commercial Courts*	Outsourcing International Responsibility*	Externalization, Responsibility Sharing and the Global Compact on Refugees	Global Governance and World Health Organization Reform in the Wake of COVID-19*
10:15am EDT	Break			
10:30-11:45am EDT	The Geopolitics of Economic Competition*	International Organizations in the Digital Age	The Meaning of Diversity, Equity, and Inclusion in International Law	When Domestic Courts Evaluate Foreign Legal Systems: The Case of China*
11:45am EDT	Break			
12:00-1:00pm EDT	Keynote Address - War Beyond Law: A Threat to the International Legal Order Professor Oona Hathaway , Yale Law School Co-hosted by Leila Nadya Sadat & Nawi Ukabiala			
1:00-1:45pm EDT	Minorities & International Law, Women & International Law, and Young Lawyers Networking Rooms & Virtual Publisher Booths			
1:45pm EDT	Break			
2:00-3:15pm EDT	Sustainability & Ethical Trade in Times of Uncertainty: The Role of Corporate Social Responsibility Between Self-Regulation & Legal Obligations*	Back in the Game: Assessing the United States' Reengagement in The Paris Agreement and Climate Governance*	Prosecuting the Crime of 'Ecocide' at the ICC and Elsewhere*	The Role of Domestic Actors in Fulfilling the Genocide Convention's Objectives

* Panel approved for CLE

Schedule at a Glance (cont'd)

ILW 2021



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Friday, October 29, 2021 (cont'd)				
3:15pm EDT	Break			
3:30-4:45pm EDT	Investment Law and the Future of International Energy Governance*	Immunity or Impunity? Recent Challenges to the Framework for Diplomatic and Consular Immunities	Renewing and Improving the United States' Relationship with the International Criminal Court*	Beyond Fragmentation: Cross-Fertilization, Cooperation, and Competition among International Courts and Tribunals*
4:45pm EDT	Committee Networking Rooms			
5:45-6:45pm EDT	International Law Trivia			

Saturday, October 30, 2021				
9:00-9:45am EDT	ABILA Outstanding Achievement Award Keynote Address Mrs. Fatou Bensouda (former Chief Prosecutor, International Criminal Court) Introduced by Leila Nadya Sadat Award presented by Jennifer Trahan			
9:45-10:30am EDT	ABILA 99th Annual Members Meeting and Award Presentations Book of the Year Award & Charles Siegal Service Award			
10:30am EDT	Break			
10:45-12:00pm EDT	Rethinking the Service of Documents in Cross-Border Transactions	Small Satellites, Big Possibilities: How to Build a Fair Legal Regime for a Developing Technology*	Minding the Gaps: Strengthening Accountability for War Crimes Under U.S. Law*	Commerce & Economics in Islamic Social Contexts: Past, Present, and Future
12:00pm EDT	Break			
12:15-1:30pm EDT	Reinvesting in the Foundations of Public International Law	Environmental Degradation and Indigenous Rights: Is International Law Fit for Purpose?*	Leveraging the UN for Greater Rule of Law Protections in MENA and Beyond	The Role of the ICJ in State Intervention by Non-Parties to a Dispute*
1:30pm EDT	Break			
1:45-3:00pm EDT	The Meaning of Silence in International Law*	Reflecting on Modern Challenges in the Settlement of Environmental Disputes	Enforcing the Rights of Children in Migration*	Hot Topic: 20 Years After 9/11
3:00-4:30pm EDT	ILW Career Program Embarking on Your Journey as an International Lawyer (30-minute main session) What Kind of International Lawyer Do You Want to Be? (60-minute breakout rooms)			
4:30pm EDT	End of ILW 2021			

* Panel approved for CLE

Schedule



Thursday, October 28

2:00-3:30 pm

Welcome to ILW and President's Opening Plenary Panel: *Reinvesting in International Law*

The Opening Plenary will explore where the international legal order is meeting expectations and where it is falling short. Expert panelists from a diverse array of expertise and regions will consider where the current system should be reinforced and new solutions should be developed, as well as how to revitalize institutions to make them more durable and impactful. This panel will also discuss where we require more robust legal frameworks and where, perhaps, we need less regulation; and answer the question: How should we tailor our reinvestment in international law?

Moderator:

- **Leila Nadya Sadat**, President, International Law Association (American Branch); James Carr Professor of International Criminal Law, Washington University School of Law

Panelists:

- **Pablo Arrocha Olabuenaga**, Legal Adviser, Permanent Mission of Mexico to the United Nations
- **Nicola Bonucci**, Partner, Litigation Department, Paul Hastings LLP; former Director for Legal Affairs, Organization for Economic Cooperation and Development (OECD)
- **Ambassador Nazhat Shameem Khan**, President, UN Human Rights Council
- **Dire Tladi**, Member, International Law Commission; Professor of International Law and SARChI Chair of International Constitutional Law, University of Pretoria; President, International Law Association (South Africa)

3:45-5:00 pm

Debating a WTO TRIPS Waiver for COVID

Approved for
CLE

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

Intellectual property and health has risen again to the top of the global trade agenda and to front-page attention. In October 2020, India and South Africa proposed a waiver of the Agreement on Trade-Related Aspects of Intellectual Property Rights to promote the prevention, treatment and containment of COVID-19. A legal and policy debate has ensued over whether the waiver can help global treatment aims, and the United States subsequently endorsed the text-based work on the proposal. In the run-up to the upcoming 12th WTO Ministerial Conference in Geneva, this panel brings together leading intellectual property experts to explore the process and politics surrounding the waiver proposal.

Moderators:

- **Sean Flynn**, Director, Program on Information Justice and Intellectual Property, American University Washington College of Law; Co-Chair, ABILA Committee on International Intellectual Property
- **Peter K. Yu**, Regents Professor of Law and Communication and Director, Center for Law and Intellectual Property, Texas A&M University; ABILA Vice-President & Co-Director of Studies; Co-Chair, ABILA Committee on International Intellectual Property

Panelists:

- **J. Janewa OseiTutu**, Associate Professor of Law, Florida International University College of Law
- **Srividhya Ragavan**, Professor of Law, Director of India Programs, Texas A&M University School of Law
- **Sharon K. Sandeen**, Robins Kaplan Distinguished Professorship in Intellectual Property Law & Director, Intellectual Property Institute, Mitchell Hamline School of Law
- **Joshua D. Sarnoff**, Professor of Law, DePaul University College of Law
- **Antony Taubman**, Director, Intellectual Property, Government Procurement and Competition Division, World Trade Organization

Schedule



Thursday, October 28

3:45-5:00 pm

Disappearing Land and Displaced Persons: Climate Change and International Law

It is no secret that the world (and indeed humanity) has to confront the imminent challenge of climate change over the coming decades. Due to rising sea levels, States are losing territory and some island-States face the reality of submersion. The loss of land due to climate change is coupled with the consequent displacement of people who live on those lands or are losing their livelihood to climate change. These issues present novel challenges for international law. This panel shall discuss how international law, in particular the law of the sea, confronts these challenges today and in what direction international law needs to develop to face these intensifying challenges in the future.

Moderator:

- **Floriane Lavaud**, Counsel, Debevoise & Plimpton LLP

Panelists:

- **Elisa Fornalé**, Swiss National Science Foundation (SNSF) Professor, World Trade Institute, University of Bern
- **Cecilia Jimenez-Damary**, UN Special Rapporteur on the human rights of internally displaced persons
- **Nicola Swan**, Partner, Chapman Tripp in New Zealand
- **Donald Rothwell**, Professor of Law, Australian National University (ANU) College of Law

3:45-5:00 pm

Surveillance, Privacy, and Human Rights

*Approved for
CLE*

Surveillance and privacy will occupy center stage in 2022. The European Union's General Data Protection Regulation (GDPR) is becoming a global privacy standard. Questions abound on the scope of the Schrems II decision by the Court of Justice of the European Union invalidating the Privacy Shield transatlantic data transfer pact. U.S. courts will weigh the Foreign Intelligence Surveillance Act's coverage of foreign and U.S. communications. In the private sector, the European Data Protection Board's guidance flags encryption as a safe harbor, which will spur adjustments by commercial firms. Using a roundtable format, this panel will clarify current debates.

Moderator:

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

Panelists:

- **Brian Egan**, Partner, Skadden, Arps, Slate, Meagher & Flom LLP and Affiliates; former Legal Adviser, U.S. Department of State
- **Els de Busser**, Assistant Professor, Leiden University; Researcher, The Hague Program for Cyber Norms
- **Margaret Hu**, Associate Dean for Non-JD Programs and Professor of Law, Penn State Law
- **Becky Richards**, Civil Liberties and Privacy Officer, U.S. National Security Agency
- **Patrick Toomey**, Senior Staff Attorney, American Civil Liberties Union

Schedule



Thursday, October 28

3:45-5:00 pm

Reinvesting in the Legitimacy and Fundamental Principles of Customary International Law

This panel is co-sponsored by the ABILA Committees on the Formation of Customary International Law and the Legitimacy and Fundamental Principles of International Law

This roundtable will consider the legitimacy and fundamental principles of customary international law. International custom has long been accepted by many as strong evidence that certain international practices are binding international law. Yet today, and even in earlier times, some powerful governments and other international actors view or have viewed customary international law as at best advisory, and at worst a pernicious hindrance to the free action of sovereign States. This panel will seek to discover and reassert (or expose and critique, if necessary) the fundamental principles that justify customary international law and support its legitimacy and power to regulate and constrain public action through law. The panel will consist of a conversation among the panelists, including consideration of issues raised by the audience.

Moderator:

- **Mortimer Sellers**, Regents Professor and Wilson H. Elkins Professor of the University System of Maryland and Director of the University of Baltimore Center for International and Comparative Law; Chair, Committee on the Legitimacy and Fundamental Principles of International Law

Panelists:

- **Noora Arajarvi**, Associate for Research Ethics and Integrity, Hertie School, Berlin; Postdoctoral Researcher, Centre d'Histoire et Anthropologie du Droit, Université Paris Nanterre, Paris
- **Jean d'Aspremont**, Professor of International Law, Sciences Po; Chair of Public International Law, University of Manchester
- **Omri Sender**, Advisor and Litigator in Public International Law; Former Assistant to the International Law Commission's Special Rapporteur on the Identification of Customary International Law
- **Ingrid Brunk Wuerth**, Helen Strong Curry Chair in International Law, Vanderbilt Law School

5:00-5:45 pm

Networking Rooms hosted by ABILA Committees

Formation of Rules of Customary International Law

International Arbitration and International Investment Law

International Criminal Court

International Intellectual Property Law

Islamic Law and Society

Legitimacy and Fundamental Principles of International Law

Teaching Public International Law

Schedule



Friday, October 29

9:00-10:15 am **Travelling Judges on International Commercial Courts**

Approved for
CLE

Travelling judges play an important role in deciding international commercial cases in the domestic courts of a range of countries. These judges are typically foreigners (although they may be British citizens travelling to an overseas territory) and typically work part time, sometimes spreading their work between a range of courts and international commercial arbitration providers. On the one hand, a growing number of jurisdictions have established special purpose international commercial courts in order to compete in a regional or international market for dispute resolution. On the other, jurisdictions that have played a large role in international commercial law, such as Hong Kong and the Cayman Islands, also use foreign judges on some domestic courts, a practice that judges and government officials frequently connect with making their legal systems for attractive to foreign companies. This panel will bring together judges from several courts that specialize in international commercial disputes to discuss their work and its impact on private international law.

Moderator:

- **Pamela Bookman**, Associate Professor of Law, Fordham University School of Law
- **Alyssa King**, Assistant Professor, Queen's University Faculty of Law

Panelists:

- **Justice Anselmo Reyes**, Singapore International Commercial Court (formerly Hong Kong CFI)
- **Michael Hwang, SC**, former Chief Justice of the Dubai International Financial Centre (DIFC) Courts
- **Hon. Ian R.C. Kawaley**, Cayman Islands Grand Court; Former Chief Justice of Bermuda

9:00-10:15 am **Outsourcing International Responsibility**

Approved for
CLE

The year 2021 marks the 20th anniversary of the International Law Commission's Articles on the Responsibility of States for Internationally Wrongful Acts. One key aspect is the guidance on attribution, meant to help determine what conduct should be attributed to the state. Today, are the rules flexible enough to accommodate the contemporary trend of outsourcing public functions to private actors on the one hand, and the centralization of power in state owned or affiliated entities on the other? These relationships produce doctrinal murkiness in contexts as diverse as environmental disasters, military activities, and cyber-attacks. Is it time for a reassessment? Do the rules promote compliance or help states outsource and evade it?

Moderator:

- **Melissa J. "MJ" Durkee**, Allen Post Professor and Director of the Dean Rusk International Law Center, University of Georgia School of Law

Panelists:

- **Kristen Boon**, Miriam T. Rooney Professor of Law, Seton Hall University School of Law
- **Chimène Keitner**, Alfred and Hanna Fromm Professor of International Law, UC Hastings
- **Alex Mills**, Professor of Public and Private International Law, Faculty of Laws, University College London

Schedule



Friday, October 29

9:00-10:15 am **Externalization, Responsibility Sharing and the Global Compact on Refugees**

This panel addresses the Global Compact on Refugees (GCR) through the lens of the concept of 'externalization' and the principle and practice of responsibility sharing. Firstly, it explores the concept of externalization by tracing the emergence of the term in international law over the past 20 years, grappling with the challenges one faces when seeking to define its contours. Secondly, it explores the gaps in protection that may foster harm and responsibility shifting to other States and actors, such as the right to leave and the right to seek asylum, and assesses the promise of the Compact as soft law to achieve fair responsibility sharing. Finally, it will discuss the pitfalls of current externalization practices in Australia and Bangladesh and the potential for the GCR to support a shift towards protection-oriented responses to large-scale refugee and migration situations, including the Rohingya refugee situation.

Moderator:

- **Madeline Garlick**, Chief, Protection Policy and Legal Advice Section, Division of International Protection, Office of the United Nations High Commissioner for Refugees (UNHCR)

Panelists:

- **Sreetapa Chakrabarty**, PhD Candidate, Rabindra Bharati University
- **Nikolas Feith Tan**, Senior Researcher, Danish Institute for Human Rights
- **Elizabeth Mavropoulou**, Visiting Lecturer, University of Westminster
- **Emilie McDonnell**, DPhil, University of Oxford Faculty of Law; Adjunct Researcher, University of Tasmania School of Law
- **Riona Moodley**, Teaching Fellow, University of New South Wales

9:00-10:15 am **Global Governance and World Health Organization Reform in the Wake of COVID-19**

Approved for
CLE

This panel is sponsored by the ILA Global Health Law Committee

While policy and public health input is critically important to managing global health emergencies, without sufficiently robust institutional and legal structures in place, states will develop responses that are not well coordinated, leaving gaps that can make it difficult to stop the global spread of an epidemic or address other health challenges in a coordinated and effective manner. Legal rules developed through universal international organizations like the WHO not only create a level playing field, as all States have input, but allow for the monitoring of treaty obligations as well as negotiation and coordination of disputes between States that may arise. This panel will discuss recommendations for reforming the WHO, and the International Health Regulations (IHR) 2005, including the work of the WHO's Independent Panel for Pandemic Preparedness and Response, and perspectives on an international agreement on pandemic response.

Moderator:

- **Frederick Abbott**, Edward Ball Eminent Scholar Professor of International Law, Florida State University College of Law; Chair, ILA Global Health Law Committee

Panelists:

- **Gian Luca Burci**, Adjunct Professor, Graduate Institute of International and Development Studies, Geneva; former Legal Counsel, World Health Organization
- **Hélène De Pooter**, Senior Lecturer in Law, Bourgogne Franche-Comté University (France)
- **Precious Matsoso**, Member, WHO Independent Panel on Pandemic Preparedness and Response; former Director-General, South Africa's Department of Health; former Chair, WHO Executive Board
- **Pedro Villarreal**, Senior Research Fellow, Max Planck Institute for Comparative Public Law and International Law

Schedule



Friday, October 29

10:30-11:45 am **The Geopolitics of Economic Competition**

Approved for
CLE

Around the world, states have been rethinking the meaning of security and redefining threats. Lines between geopolitics and economic competition blur as states struggle to label concerns around data security, artificial intelligence, supply chain resilience, and innovation leadership. Trade barriers have been thrown up; industrial policies are on the table; export control and investment screening lists are expanding; business partnerships and research collaborations are being scrutinized. Facing this new minefield are businesses, entrepreneurs, scientists, and others, unsure not only of the rules they need to follow, but the rulebook to check. They must navigate a world in which they might alternately be cast as civilians or combatants, as objects of regulation or as national champions. This panel maps the new terrain of global competitive anxiety. It lays out various state policies being adopted, explores the choices facing those caught in the potential crosshairs, and considers the ways in which international law and its regimes are being challenged, restructured, and reformed. It tells a story of flux and change from the viewpoint of the globe, the state, and the individual.

Moderator:

- **Harlan Grant Cohen**, Gabriel M. Wilner/UGA Foundation Professor in International Law, University of Georgia School of Law

Panelists:

- **Lauren Brown**, Associate, Squire Patton Boggs
- **Sarah Bauerle Danzman**, Assistant Professor of International Studies, Hamilton Lugar School of Global and International Studies, Indiana University, Bloomington
- **Margaret Lewis**, Professor of Law, Seton Hall University Law School
- **Henrique Choer Moraes**, Deputy Head of Mission, Embassy of Brazil in New Zealand

10:30-11:45 am **International Organizations in the Digital Age**

This panel is sponsored by the ABILA United Nations Law Committee

As the world is entering an age of increasing digitalization, the Internet is no longer only the domain of private actors. Under the auspices of the General Assembly, a working group is developing the norms and principles of responsible behavior in cyberspace. In 2020, the UN Secretary-General adopted a Data Strategy to “focus on building the data, digital, technology and innovation capabilities the UN needs to succeed in the 21st century”. In turn, tech corporations advance multi-stakeholder action to contribute to fulfilling the UN’s functions. This panel will discuss the role that international organizations may play in managing the risks and harnessing the opportunities of digitalization.

Moderator:

- **Christiane Ahlborn**, Legal Officer, UN Office of Legal Affairs

Panelists:

- **Nemanja Malisevic**, Director, Digital Diplomacy, Microsoft
- **Megan Roberts**, Director of Policy Planning, UN Foundation
- **Eneken Tikk**, Senior Researcher at the Institute of Software Sciences, Tallinn University of Technology, and Fellow of the Erik Castrén Institute of International Law and Human Rights, University of Helsinki
- **Martin Waehlich**, Team Leader, Innovation Cell, UN Department of Political and Peacebuilding Affairs

Schedule

Friday, October 29



10:30-11:45 am The Meaning of Diversity, Equity and Inclusion in International Law

This panel is sponsored by the ABILA Committee on Teaching International Law

Recent events across the world, presentations by judges and international law scholars and practitioners, and several articles have prompted different organizations in the field of international law to take a closer look at diversity, equity, and inclusion (DEI). DEI is not necessarily a new concept, but its content continues to be somewhat elusive. This roundtable will discuss the meaning of DEI in International Law, the significance of having “diverse” international bodies, including international courts and tribunals, panels, the ILC, and even States’ representation to international organizations, and the way to address DEI in this field- from the classroom to practice, with a forward-looking perspective.

Moderator:

- **Sohini Chatterjee**, Presidential Appointee at the U.S. Department of State as Senior Policy Advisor to the U.S. Ambassador to the United Nations

Panelists:

- **Ambassador Namira Negm**, Legal Counsel, African Union
- **Monica Pinto**, Professor Emerita, University of Buenos Aires School of Law
- **Anna Spain Bradley**, Vice Chancellor for Equity, Diversity and Inclusion, the University of California, Los Angeles; Professor of Law, UCLA School of Law
- **Daniel Stewart**, Founder & Executive Director, Independent International Legal Advocates

10:30-11:45 am When Domestic Courts Evaluate Foreign Legal Systems: The Case of China

Approved for CLE

This panel is sponsored by the ABILA Committee on International Law in Domestic Courts

Domestic courts increasingly must evaluate foreign legal systems and laws in several contexts, including forum non conveniens, enforcement of foreign judgments, extradition, and non-refoulement among others. Such evaluations in turn require assessments based upon domestic conceptions as well as international human rights standards. This panel will consider these issues with regard to China, where the challenges and consequences are especially significant.

Moderator:

- **Martin Flaherty**, Leitner Family Professor of Law and Founding Co-Director of the Leitner Center for International Law and Justice, Fordham Law School; Visiting Professor, School of Public and International Affairs, Princeton University

Panelists:

- **Vivienne Bath**, Professor of Chinese & International Business Law, Associate Director-International Centre for Asian and Pacific Law, University of Sydney
- **Donald Clarke**, David Weaver Research Professor of Law, The George Washington University Law School
- **Mark Cohen**, Executive Director, Berkeley Center for Law & Technology, University of California Berkeley School of Law
- **Tzu-I Lee**, Postdoctoral Research Fellow, National University of Taiwan & Ministry of Science and Technology, Taiwan

12:00-1:00 pm Keynote Address - War Beyond Law: A Threat to the International Legal Order

Professor Oona Hathaway, Gerard C. and Bernice Latrobe Smith Professor of International Law & Counselor to the Dean, Yale Law School

Co-hosted by **Leila Nadya Sadat**, President, International Law Association (American Branch); James Carr Professor of International Criminal Law, Washington University School of Law and **Nawi Ukabiala** Associate, Debevoise & Plimpton

Schedule



Friday, October 29

1:00-1:45 pm Networking Rooms & Virtual Publisher Booths

Hosted by Minorities and International Law; Women and International Law; Young Lawyers; Brill Nijhoff; and ILSA Journal of International & Comparative Law

2:00-3:15 pm

Sustainability & Ethical Trade in Times of Uncertainty: The Role of Corporate Social Responsibility Between Self-Regulation and Legal Obligations

*Approved for
CLE*

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

The past year has been, by all accounts, extraordinarily complex for businesses and global supply chains around the world due to the ongoing Covid-19 pandemic, complex international politics, and the accelerating threat of climate change. As a result, discussions have centered, more than ever before, on the notion of sustainable development and the importance of corporate social responsibility (CSR) in promoting sustainability as part of national and international trade. This panel will explore this topic with prominent experts from the corporate world, legal practice, academia, and international organizations. In particular, panelists will address questions how we understand "sustainability" with respect to trade, the growing interest in and appeal of CSR, and whether CSR is sufficient to promote ethical and sustainable trade or would benefit from the addition of national or international legal obligations.

Moderator:

- **Irene Calboli**, Professor of Law, Texas A&M University School of Law
- **Jessica Simonoff**, Attorney-Adviser, U.S. Department of State

Panelists:

- **Diana Verde Nieto**, Co-Founder and CEO, Positive Luxury
- **Gail A. Lione**, Senior Counsel, Dentons and Adjunct Professor, Georgetown Law Center
- **Brad Brooks-Rubin**, Strategic Advisor, Responsible Jewellery Council

2:00-3:15 pm

Back in the Game: Assessing the United States' Reengagement in the Paris Agreement and Climate Governance

*Approved for
CLE*

Climate change remains a vexing problem calling for effective (and urgent) global climate policies. In this scenario, the United States' reengagement in the climate arena, specifically after rejoining the Paris Agreement, bears academic and practical interest. This panel will examine the next Conference of the Parties of the UNFCCC in November, as the United States' leadership is deemed crucial for more stringent commitments and the implementation of the marked-based approaches established under Article 6 of the Paris Agreement. National security and climate justice will be discussed and contextualized considering the global South. Net zero pledges and potential hurdles in the local implementation of the Paris Agreement will also be addressed.

Moderator:

- **Myanna Dellinger**, Professor of Law, University of South Dakota School of Law

Panelists:

- **Carolina Arlota**, Visiting Assistant Professor, The University of Oklahoma, College of Law
- **Charlotte Ku**, Professor of Law and Director Global Programs, Texas A&M School of Law
- **Albert Lin**, Professor of Law, University of California Davis, School of Law
- **Tade Oyewunmi**, Assistant Professor of Law, University of Vermont, Law School

Schedule

Friday, October 29



2:00-3:15 pm

Prosecuting the Crime of "Ecocide" at the ICC and Elsewhere

Approved for
CLE

This panel is co-sponsored by the ABILA International Criminal Court and International Environmental & Energy Law Committees

Climate change represents a contemporary crisis for humans all around the world. We no longer talk about its future impacts but rather its present ones. Despite this, international instruments and mechanisms have been ineffective in protecting the environment and combating climate change. Proposals have been made to criminalize environmental destruction under international law to hold perpetrators accountable and to deter others. Several States have called for the crime of ecocide to be added to the Rome Statute and an expert panel has been convened to draft the relevant provisions. Ecocide is already criminalized as a war crime when part of an armed conflict, and by some states in national legislation. This panel will explore the history and development of the crime, its potential codification, and its ability to mitigate or prevent environmental destruction.

Moderators:

- **Milena Sterio**, Director, Domestic and International LL.M. Program, Charles R. Emrick Jr.- Calfee Halter & Griswold Professor of Law, Cleveland-Marshall College of Law
- **Julie Fraser**, Assistant Professor, Netherlands Institute of Human Rights (SIM) and the Montaigne Centre, Utrecht University

Panelists:

- **Kate Mackintosh**, Executive Director, Promise Institute for Human Rights, UCLA Law
- **Tarini Mehta**, Associate Professor, Assistant Dean of Student Affairs, and Director, Environmental Law and Science Advocacy, Forum Jindal School of Environment and Sustainability
- **JoJo Mehta**, Co-founder and Executive Director, Stop Ecocide Campaign; Convenor, Independent Expert Panel for the Legal Definition of Ecocide
- **Leila Sadat**, James Carr Professor of International Criminal Law, Washington University School of Law; President, International Law Association (American Branch)

2:00-3:15 pm

The Role of Domestic Actors in Fulfilling the Genocide Convention's Objectives

As the global pandemic exacerbates ongoing conflicts and underlying root causes of mass atrocities, governments and civil society groups are considering how to better prevent atrocity crimes globally. Some States have adopted domestic legislation, others have invested in multi-lateral efforts, and some have even pursued direct action before international courts and tribunals, while civil society has focused on advocacy tools, education, and pressure on corporate actors. These efforts address not only existing frameworks of international law but also proposed solutions to other gaps, such as the lack of an international convention on crimes against humanity. This panel will focus on how to achieve compliance, current progress and challenges, and proposed options.

Moderator:

- **Wes Rist**, Deputy Executive Director, American Society of International Law

Panelists:

- **Federica D'Alessandra**, Deputy Director, Institute for Ethics, Law and Armed Conflict; Executive Director, Oxford Programme on International Peace and Security, University of Oxford
- **Shukria Dellawar**, Legislative and Policy Manager for the Prevention of Violent Conflict, Friends Committee on National Legislation
- **Amanda Van Dort**, Policy Team Lead, Conflict & Stabilization Operations, U.S. Dept. of State

Schedule



Friday, October 29

3:30-4:45 pm

Investment Law and the Future of International Energy Governance

Approved for
CLE

This panel is co-sponsored by the ABILA International Arbitration and International Investment Law Committees

The energy sector accounts for a third of all global investment disputes. The trend began with the hydrocarbons sector and has slowly transitioned into disputes involving investments in the renewables sector. The panel will address the role that the existing investment regime plays in international energy governance, including the calls for the cancellation of ISDS arbitration claims involving the transition into renewable energy; the pressures to renegotiate government contracts to achieve climate change goals; and related energy market tensions that emerge from the interplay between international energy transition and investment law.

Moderator:

- **David Attanasio**, Associate, Dechert LLP

Panelists:

- **Kathleen Claussen**, Associate Professor of Law, University of Miami Law School
- **Tim Meyer**, Professor of Law and Director, International Legal Studies Program, Vanderbilt Law School
- **Guillermo Jose Garcia Sanchez**, Associate Professor of Law, Texas A&M University School of Law
- **Diora Ziyayeva**, Counsel, Dentons LLP

3:30-4:45 pm

Immunity or Impunity? Recent Challenges to the Framework for Diplomatic and Consular Immunities

This roundtable will consider recent challenges to the legitimacy of the rules on consular and diplomatic immunities, given the increased public criticism that these rules allow diplomatic office holders to act with impunity. These issues will be discussed in light of the principles codified in the Vienna Convention on Diplomatic Relations ('VCDR'), and with reference to relevant decisions from the International Court of Justice and from domestic courts, including from France, the United Kingdom, and the United States. The panelists will examine the remedies provided in the VCDR when crimes are perpetrated by diplomatic office holders and consider whether those remedies adequately address crimes committed by those claiming diplomatic immunity after the fact.

Moderator:

- **Conway Blake**, International Counsel, Debevoise & Plimpton LLP

Panelists:

- **Lori Damrosch**, Hamilton Fish Professor of International Law and Diplomacy, Columbia University
- **Concepción Escobar Hernández**, Special Rapporteur to the ILC on the immunity of State officials from foreign criminal jurisdiction
- **Philippa Webb**, Professor of Public International Law, King's College London; Barrister, Twenty Essex Chambers
- **Vanessa Yorke**, from the Office of the Legal Adviser to the U.S. State Department

Schedule

Friday, October 29



3:30-4:45 pm **Renewing and Improving the United States' Relationship with the International Criminal Court**

Approved for
CLE

This panel is
sponsored by
the ABILA
International
Criminal Court
Committee

The U.S. relationship with the ICC reached a nadir during the past U.S. Administration, with sanctions imposed against the ICC Prosecutor. The Biden Administration has rescinded the sanctions Executive Order and announced it "could return to a period of cooperation and work[ing] together to achieve . . . common objectives." This panel will explore how the U.S. can resume a leadership role in the field of international justice and restore its relationship with the ICC.

Moderator:

- **Jennifer Trahan**, Professor, NYU Center for Global Affairs and Director, Concentration in International Law & Human Rights; co-chair, ABILA ICC Committee

Panelists:

- **Michael A. Newton**, Professor of the Practice of Law & Professor of the Practice of Political Science Director, Vanderbilt-in-Venice Program, Vanderbilt Law School
- **Diane Orentlicher**, former Deputy for War Crimes Issues, U.S. Department of State; Professor, American University Washington College of Law
- **Ambassador David J. Scheffer**, former U.S. Ambassador-at-Large for War Crimes Issues, U.S. Department of State; Clinical Professor Emeritus and Director Emeritus Center for International Human Rights, Northwestern University Pritzker School of Law
- **Ambassador Clint Williamson**, former U.S. Ambassador-at-Large for War Crimes Issues; Senior Director for International Rule of Law, Governance and Security, The McCain Institute
-

3:30-4:45 pm **Beyond Fragmentation: Cross-Fertilization, Cooperation and Competition among International Courts and Tribunals**

Approved for
CLE

The contemporary international legal order is more judicialized, yet also more fragmented, than at any period in human history, with dozens of international courts and tribunals interpreting international law and adjudicating disputes. This fragmentation raises systemic problems of judicial competition, forum-shopping, and divergent interpretations of law. Three sets of arguments will be explored. First, we examine cross-fertilization in the area of procedural law, identifying a strong pull towards convergence in procedure across courts and tribunals. Second, we examine the more complex experience of cross-fertilization in substantive law, finding a more spotty and asymmetric record of cross-citation and engagement among courts and tribunals. Third, we examine the actors of cross-fertilization, including not only judges but also states, litigants, counsel, and international and nongovernmental organizations.

Moderator:

- **Chiara Giorgetti**, Professor of Law, University of Richmond School of Law

Panelists:

- **John Crook**, Judge, NATO Administrative Tribunal; Professorial Lecturer in Law, The George Washington University Law School
- **Hélène Ruiz Fabri**, Professor of International Law, Director of the Max Planck Institute Luxembourg for Procedural Law
- **Alina Miron**, Professor of Public International Law, Université d'Angers
- **Mark Pollack**, Professor of Political Science and Law and Jean Monnet Chair, Temple University

Schedule

Friday, October 29



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4:45-5:30 pm **Networking Rooms hosted by ABILA Committees**

International Commercial Law

International Environmental and Energy Law

International Human Rights Law

International Humanitarian Law

International Law in Domestic Courts

Law of the Sea

United Nations Law

5:45 pm **International Law Trivia**

Master of Ceremonies: **Michael P. Scharf**, Dean, School of Law and Joseph C. Hostetler - BakerHostetler Professor of Law, Case Western Reserve University School of Law

Co-host: **Madaline George**, Membership Officer and ILW Administrative Coordinator, American Branch of the International Law Association

Test how much you know about international law at the Second Annual ABILA International Law Trivia Quiz Night! Questions will cover a range of international law subject material – so there will be something for everyone. The winners will be announced at the ABILA Members Meeting on Saturday at 9:45 am EDT and will receive bragging rights and a prize, as well as their name in the Fall 2021 ABILA Newsletter.

Attendees are encouraged to organize a trivia team with their colleagues, professors, classmates, Committee members, Jessup team, or friends! Teams should not have more than 8 members. If you would like ILW organizers to place you on a team, email ilw@ila-americanbranch.org. You are also welcome to play on your own. If you have already organized your team, please [submit it here](#).

6:45 pm **End of ILW 2021 Day 2**

Schedule



Saturday, October 30

9:00-9:45 am

ABILA Outstanding Achievement Award Keynote Address

Fatou Bensouda, Former Chief Prosecutor, International Criminal Court

Introduced by **Leila Sadat**, James Car Professor of International Criminal Law, Washington University in St. Louis School of Law; President, International Law Association (American Branch)

Award presented by **Jennifer Trahan**, Professor, NYU Center for Global Affairs and Director, Concentration in International Law & Human Rights; Chair, ABILA Outstanding Achievement Award Committee

9:45-10:30 am

ABILA 99th Members Meeting and Award Presentations

Book of the Year Award:

Christian M. De Vos, *Complementarity, Catalysts, Compliance: The International Criminal Court in Uganda, Kenya, and the Democratic Republic of Congo* (Cambridge Univ. Press 2021)

Presented by: **Mortimer Sellers**, Regents Professor of the University System of Maryland and Director, University of Baltimore Center for International and Comparative Law; Chair,

Charles Siegal Service Award:

James Nafziger, Thomas B. Stoel Professor of Law, Director of International Law Programs; Vice-Chair, International Law Association (ILA); Executive Committee, American Branch

Presented by: **Michael P. Scharf**, Dean, School of Law and Joseph C. Hostetler - BakerHostetler Professor of Law, Case Western Reserve University School of Law; Chair, Charles Siegal Service Award Committee

10:45-12:00 pm

Rethinking the Service of Documents in Cross-Border Transactions

This panel is sponsored by the ABILA International Arbitration Committee

*This roundtable will cover a range of issues relating to the service of legal documents in cross-border contexts. It will discuss the challenges involved when enforcing choice-of-forum clauses. It will also examine the validity of service provisions in contracts when tested against the backdrop of arbitration and ADR-related proceedings. In light of existing and emerging practices, absence of uniformity in States' positions, and conflicting court interpretations such as in *Rockefeller v. SinoType*. A reexamination of the application of the Hague Service Convention will steer discussion regarding the extent of party autonomy a priori courts' discretion and will question how differing approaches will impact the development of the international legal order.*

Moderators:

- **Ronald Brand**, Ronald A. Brand, Chancellor Mark A. Nordenberg University Professor, John E. Murray Faculty Scholar, and Director, Center for International Legal Education, University of Pittsburgh School of Law
- **Louise Ellen Teitz**, Professor of Law, Roger Williams School of Law

Panelists:

- **Robin Effron**, Professor of Law, Brooklyn Law School; Visiting Professor of Law, Columbia Law School
- **Ted Folkman**, Partner, Folkman LLC
- **Lemuel Lopez**, Lecturer, Australian Catholic University
- **Gifany Ten-Ten L. Tongohan**, Professor, Centro Escolar University School of Law; Consultant, International Finance Corporation (IFC), World Bank Group

Schedule



Saturday, October 30

10:45-12:00 pm **Small Satellites, Big Possibilities: How to Build a Fair Legal Regime for a Developing Technology**

Approved for
CLE

Small satellite technology—and with it, the pace of launches and number of participating launch States—has grown at a rapid clip. Smallsats are the focus of huge public and private investment, and also hopes for equitable development. The UN Office for Outer Space Affairs has examined the importance of satellite availability and use in achieving the Sustainable Development Goals. Today, small satellites can be produced and launched relatively affordably. This technology can be used to support scientific research in space and to advance commercial and humanitarian ends on Earth. As more actors launch small satellites into orbit, the international legal regime must be prepared to enhance the benefits and meet the challenges of this proliferation. With most small satellites launched into the limited field of low Earth orbit, the problems of overcrowding, debris, safety and traffic control, risk management, and access, will be key to harnessing small satellites’ potential to democratize access to space and to equitably improve life on Earth.

Moderator:

- **Catherine Amirfar**, Co-Chair, International Dispute Resolution Group, Debevoise & Plimpton; President, American Society of International Law

Panelists:

- **Sasha Field**, General Counsel, Spaceflight, Inc.
- **Yungjin Jung**, Head of Policy Team, Research Strategy Division, Korea Aerospace Research Institute (KARI)
- **Frans G. von der Dunk**, Harvey & Susan Perlman Alumni and Othmer Professor of Space Law, Nebraska College of Law
- **Caryn Schenewerk**, Vice President of Regulatory and Government Affairs, Relativity Space

10:45-12:00 pm **Minding the Gaps: Strengthening Accountability for War Crimes Under U.S. Law**

Approved for
CLE

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

Former President Trump’s pardons of U.S. service members and military contractors charged or convicted of war crimes shone a spotlight on the U.S. legal regime for war crimes. The U.S. War Crimes Act, for example, has never been used and contains several limitations in scope that make its use difficult or impossible against certain U.S. or foreign perpetrators. The Biden Administration can now reinvest in this critical area of the law: This panel will address ways to improve the War Crimes Act, the relationship between war crimes and the Uniform Code of Military Justice, and the war crimes-related practice of the Human Rights and Special Prosecutions Section of the Department of Justice.

Moderator:

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

Panelists:

- **Geoff Corn**, Gary A. Kuiper Distinguished Professor of National Security, South Texas College of Law
- **Teresa McHenry**, Head of Human Rights & Special Prosecutions Section, U.S. Department of Justice
- **Beth Van Schaack**, Leah Kaplan Visiting Professor of Human Rights, Stanford Law School
- **Rachel VanLandingham**, Lt Col. (ret.), Professor of Law, Southwestern Law School

Schedule



Saturday, October 30

10:45-12:00 pm **Commerce & Economics in Islamic Social Contexts: Past, Present & Future**

This panel is sponsored by the ABILA Committee of Islamic Law & Society

This panel will discuss the ways in which commerce and economics have been framed and viewed in disparate Islamic social contexts. Panelists will address how Shari'a plays an important, and in some cases, a decisive role in a wide variety of social contexts and historical epochs, on issues pertaining to gender, moral ideals, commercial regulation, the halal meat industry, and the transformation of legal systems. The discussion will encompass historical movements, present debate, and future directions that underlay such Islamic contexts, while highlighting the diversity of views across the Islamic world in space and time.

Moderator:

- **Tabrez Ebrahim**, Associate Professor, California Western School of Law; Registered U.S. Patent Attorney

Panelists:

- **Mehmet Asutay**, Professor of Middle Eastern and Islamic Political Economy & Finance, Durham University Department of Economics & Finance; Institute for Middle Eastern and Islamic Studies
- **Nicholas H.D. Foster**, formerly Senior Lecturer in Commercial Law, School of Law, SOAS University of London (retired); Director, The Association for Comparative Legal Studies Limited
- **Abla Hasan**, Associate Professor of Practice of Arabic Language and Culture, University of Nebraska
- **Maya Shatzmiller**, Professor, Western University; Fellow of the Royal Society of Canada
- **Kristen Stilt**, Professor of Law, Director, Program on Law and Society in the Muslim World, Harvard University School of Law

12:15-1:30 pm **Reinvesting in the Foundations of Public International Law**

The international legal order is at a unique point due to a combination of (1) a universal health crisis, (2) a very significant economic crisis, and (3) significant shifts in assumptions underpinning the post-Cold War legal order. Are foundational concepts of the international legal order suitable for such times? This roundtable takes a universalist and generalist perspective on sources, State responsibility, and dispute settlement, considering whether modern challenges call for reinvesting in foundations of the system. Participants will draw upon their experience in academia and legal practice within universal, regional, and specialized institutional settings, and reflect upon the viability of foundational concepts in the international legal order of the 2020s.

Moderator:

- **Judge María Teresa Infante Caffi**, International Tribunal for Law of the Sea; Professor, University of Chile

Panelists:

- **Antony Anghie**, Professor, National University of Singapore and University of Utah; co-editor, *Asian Journal of International Law*
- **Patrícia Galvão Teles**, Professor of International Law, Autonomous University of Lisbon; Member, United Nations International Law Commission
- **Mamadou Hébié**, Associate Professor, University of Leiden
- **Martins Paporinskis**, Reader in Public International Law, University College London; Member, Implementation Committee of the UNECE Water Convention

Schedule

Saturday, October 30

12:15-1:30 pm

Environmental Degradation and Indigenous Rights: Is International Law Fit for Purpose?

Approved for
CLE

Almost 30 years have passed since the United Nations Conference on Environment and Development (the Earth Summit) in Rio de Janeiro, Brazil. The UN described it at the time as a “turning point in the promotion of indigenous peoples’ rights relating to the environment.” But have the legal instruments adopted at the Earth Summit lived up to their promise? Indigenous peoples suffer disproportionately the effects of climate change and environmental degradation. New agricultural technologies, large dams, and extractive industries have forced resettlement and displacement of many indigenous communities. For others, climate change is a threat to their livelihoods and cultural practices. The impacts are also gendered. This roundtable will consider the existing international environmental and human rights law framework as it applies to indigenous peoples, and whether it leaves adequate room for their voices in navigating solutions. It will also debate possible solutions to address increasing risks.

Moderator:

- **Merryl Lawry-White**, Associate, Debevoise & Plimpton LLP

Panelists:

- **Dalee Sambo Dorough**, International Chair, Inuit Circumpolar Council; Associate Professor, University of Alaska Anchorage
- **Jonathan Liljeblad**, Associate Professor, ANU College of Law
- **Jose Francisco Cali Tzay**, United Nations Special Rapporteur on the Rights of Indigenous Peoples
- **Shin Imai**, Professor Emeritus, Osgoode Hall Law School; Co-founder of the Justice and Corporate Accountability Project; former practitioner, Keewaytinok Native Legal Services in Moosonee, Canada

12:15-1:30 pm

Leveraging the UN for Greater Rule of Law Protections in MENA and Beyond

In recent years, States have increasingly attempted to instrumentalize UN agencies, mechanisms, and doctrines to deteriorate the state of rule of law. From Saudi Arabia heading the HRC Advisory Committee, to Russia and China exercising their Security Council vetoes on Syria, to the Egyptian State’s advocacy to alter UN counterterrorism resolutions, there is a widening gap between the ideals that the UN was created to uphold and its impact on the ground, particularly, but not solely, in the Middle East and North Africa (MENA). In a panel, we ask: How can the UN—whether mechanisms or doctrines—be strengthened to better meet the challenges in MENA and beyond? Are there credible and practical solutions that address why and how the UN system has been unable to meet today’s challenges? What role can stakeholders play to protect the UN from further politicization?

Moderators:

- **Mai El-Sadany**, Managing Director & Legal and Judicial Director, Tahrir Institute for Middle East Policy (TIMEP)

Panelists:

- **Inès Osman**, Director, MENA Rights Group
- **Renzo Pomi**, Amnesty International’s Representative at the United Nations in New York
- **Ambassador Stephen Rapp**, Senior Fellow, U.S. Holocaust Memorial Museum and Oxford’s Peace & Security Program; former U.S. Ambassador-at-Large for Global Criminal Justice

Schedule



Saturday, October 30

12:15-1:30 pm

The Role of the ICJ in State Intervention by Non-Parties to a Dispute

Approved for
CLE

The Netherlands, Canada, and the Maldives have indicated their intention to intervene in The Gambia's ongoing proceedings against Myanmar before the International Court of Justice under the Convention on the Prevention and Punishment of the Crime of Genocide. Intervention offers a vital path for non-parties to a dispute to shape the Court's treaty construction and protect any interests of a legal nature implicated in the proceedings. While the Statute of the Court explicitly envisions intervention and despite the advantages that intervention may offer, only few cases before the Court have involved intervention to date. The panel will explore the path and potential obstacles to intervention at the ICJ, set out the parameters under which it has been permitted, and consider the benefits to its future application and its ability to strengthen the foundation of the Court's jurisprudence.

Moderator:

- **Floriane Lavaud**, Counsel, Debevoise & Plimpton LLP

Panelists:

- **Nicolas Angelet**, Professor of International Law at the Université Libre de Bruxelles
- **Alina Miron**, Professor of Public International Law, Université d'Angers
- **Lucia Solano**, Legal Adviser at the Permanent Mission of Colombia to the United Nations

1:45-3:00 pm

The Meaning of Silence in International Law

Approved for
CLE

*The meaning of silence in international law has recently been given renewed attention. The issue arises in various contexts and gives rise to many salient questions. Does silence in international treaties mean that something is permitted or precluded? Does silence give rise to an inference that a treaty is *lex specialis* or does it justify integrating international norms from different regimes? Can a State that remains silent be deemed to have acquiesced to a situation or be estopped from later challenging it? In this rapid-response panel, leading adjudicators, counsel, treaty negotiators and academics will shed light on those and other significant questions raised by silence in international law.*

Moderator:

- **Neha Jain**, Professor of Public International Law and Co-Director, Academy of European Law, European University Institute

Panelists:

- **Danae Azaria**, Associate Professor in Public International Law, University College London; Director, State Silence Project (ERC Grant)
- **Simon Batifort**, Partner, Curtis, Mallet-Prevost, Colt & Mosle LLP
- **Campbell McLachlan QC**, Professor, Victoria University of Wellington Law School
- **Natalie Morris-Sharma**, Government Legal Counsel, Singapore Attorney-General's Chambers

Schedule

Saturday, October 30

1:45-3:00 pm

Reflecting on Modern Challenges in the Settlement of Environmental Disputes

The international settlement of environmental disputes has now entered a new critical phase. Following the adoption of the Paris Agreement in 2015, the international community is still trying to find ways to address climate change and sea-level rise, as well as their inevitable consequences. In addition, long-standing global environmental concerns such as plastic pollution and hazardous waste seem to persist, notwithstanding multilateral treaty obligations. At the same time, the effective transition to a low-carbon economy calls into question States' compliance with their international obligations vis-à-vis energy law and investment treaties. At this critical juncture, it is important not only to design new regimes to tackle such environmental issues, but also to re-invest in the existing structures of international law for the settlement of environmental disputes.

Moderator:

- **H.E. Judge Ida Caracciolo**, International Tribunal for the Law of the Sea

Panelists:

- **Malgosia Fitzmaurice**, Chair of Public International Law, Queen Mary University of London
- **Emmanuel Giakoumakis**, Associate Legal Officer, International Court of Justice; Doctoral Candidate, University of Oxford
- **Jeremy Sharpe**, Independent Arbitrator and Public International Law Practitioner
- **Meagan Wong**, Assistant Professor (Lecturer), School of Law, University of Essex

1:45-3:00 pm

Enforcing the Rights of Children in Migration

Approved for
CLE

This panel is
sponsored by
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International
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Committee

The ILA Study Group on Cross-Border Violations of Children's Rights recently concluded a report on the challenges faced and opportunities available to enforce the legal rights of children in migration. The Study Group identified gaps in the international and regional frameworks and formulated recommendations as to how to ensure children in migration can access justice. This session will provide participants with a greater understanding of the status of children in migration, their legal protections, and strategies for enforcement. The panel of international experts will discuss the findings of the report and explore next steps to safeguard the rights of children across the world

Moderator:

- **Warren Binford**, W.H. Lea for Justice Endowed Chair in Pediatric Law, Ethics & Policy and Director for Pediatric Law, Ethics & Policy at the Kempe Center, University of Colorado

Panelists:

- **Michael Garcia Bochenek**, Senior Counsel, Children's Rights Division, Human Rights Watch
- **Jaya Ramji-Nogales**, Associate Dean for Research & I. Herman Stern Research Professor, Temple University
- **Jessica Schidlow**, Staff Attorney, ChildUSA
- **Ann Skelton**, Member, UN Committee on the Rights of the Child; Professor and Honorary Chair of Enforcement of Children's Rights, Department of Child Law, University of Leiden

Schedule



Saturday, October 30

1:45-3:00 pm

20 Years after 9/11, The Fall of Afghanistan

Nearly twenty years after the September 11th attacks, the U.S. pull-out in Afghanistan thrust the country into crisis. The country faces multiple crises after falling to the Taliban on August 15, 2021. While Taliban leaders are trying to gain recognition for the newly formed interim government, civil society members and human rights activists worldwide are calling for the protection of human rights and women's rights in the country. This panel discuss whether the international community and the United States shall recognize the Taliban government or, if not, what would be the alternative? Panellists will also consider Afghan women's struggles under the new regime and how international law can help us to protect the rights of minorities in Afghanistan? Lastly, this panel will discuss the importance of the International Criminal Court investigation in the atrocity crimes in Afghanistan.

Moderator:

- **David Stewart**, Professor from Practice; Co-Director, Global Law Scholars Program; Director, Center on Transnational Business and the Law, Georgetown Law

Panelists:

- **Rukhsar Azamee**, ABILA Media Officer and Afghan women's rights activist
- **David Donat Cattin**, Secretary-General, Parliamentarians for Global Action (PGA); Adjunct Professor of International Law, Center of Global Affairs, New York University
- **Fawzia Koofi**, Former Deputy Speaker, Parliament of Afghanistan; women's rights activist

Schedule



Saturday, October 30

3:00 pm

ILW Career Program

[Detailed program available here](#)

Embarking on Your Journey as an International Lawyer (30 minutes)

In this joint session, we will explore the different paths you might take in an international legal career. We will share some practical tips on building skills and finding jobs, and address the challenges, joy, and potential impact of being an international lawyer.

- **Amity Boye**, Director of Executive Projects, White & Case
- **Wade Channell**, Independent Consultant; Former Gender Equality Advisor, USAID
- **Amb. John Cotton Richmond**, Partner, Dentons; Former Ambassador-at-Large to Monitor and Combat Trafficking in Persons, U.S. Department of State
- **Hon. Elizabeth Stong**, U.S. Bankruptcy Judge; Judicial Reform Advocate

3:30 pm

What Kind of International Lawyer Do You Want To Be? (60 minutes)

You can visit any of the following breakout rooms during this period.

1. Advocate: Fighting for justice

- **Wade Channell**, Independent Consultant; Former Gender Equality Advisor, USAID
- **Norman L. Greene**, Partner, Schoeman, Updike, Kaufman & Gerber LLP, New York
- **Amb. John Cotton Richmond**, Partner, Dentons; Former Ambassador-at-Large to Monitor and Combat Trafficking in Persons, U.S. Department of State
- **Chaitra Shenoy**, Gender Based Violence Advisor, USAID
- **Martina Vandenberg**, Founder and President of Human Trafficking Legal Center; Former Partner, Jenner & Block

2. Builder: Cultivating skills to develop a better world

- **Sarah Fandell**, General Counsel, U.S. International Development and Finance Corporation
- **Thomas Hohenthauer**, Deputy General Counsel, Millennium Challenge Corporation
- **Jun Jin**, Deputy General Counsel, U.S. Agency for International Development
- **David Kassebaum**, Assistant General Counsel, Millennium Challenge Corporation
- **Nchimunya Ndulo**, Senior International Attorney, Millennium Challenge Corporation
- **Susan Pascocello**, Director, Law of International Development Initiative, O'Neill Institute, Georgetown University Law Center; Senior Advisor, Office of the General Counsel, USAID

3. Influencer: Shaping your professional brand

- **Rukhsar Azamee**, ABILA Media Officer
- **Angela Benson**, Membership Director, ABA International Law Section
- **Elizabeth Gleeson**, Senior Manager of Digital Communications, White & Case
- **Imad Khan**, Associate, Winston & Strawn

4. Practitioner: Gaining a solid foundation in lawyering

- **Daniel Meagher**, Partner, Winston & Strawn
- **Kristen Rohr**, Partner, White & Case
- **Nawi Ukabiala**, Associate, Debevoise & Plimpton
- **Tessa Walker**, Programs Director, International Law Students Association

This session is organized by the ABA International Law Section, the International Law Students Association, Amity Boye, Wade Channell, Norman Greene, and David Kassebaum.

4:30 pm

END OF ILW 2021

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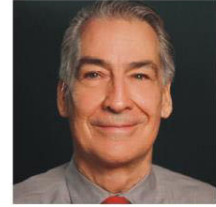
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