



INTERNATIONAL LAW ASSOCIATION

AMERICAN BRANCH
EST. 1922

INTERNATIONAL LAW WEEKEND

*100th Annual Meeting of the American Branch of the
International Law Association*

OCT. 20-22
2022

The Next 100 Years of International Law

Organized by the American Branch of the International Law Association

Thursday, October 20, 2022 | Opening Plenary and Reception

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

Thursday, October 20, 2022 | Centennial Gala

White & Case LLP
1221 Avenue of the Americas, New York City, NY 10020

Friday and Saturday, October 21-22, 2022 | ILW Panels, Keynotes, and Meetings

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

Friday, October 21, 2022 | UN Mission Reception

TBA

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

American Branch of the International Law Association 100th Annual Meeting

Table of Contents

Welcome to International Law Weekend (ILW)	1
About the American Branch	2
Schedule at a Glance	3
Detailed Program	5
American Branch Committees	27
Thank you to the ILW 2022 Sponsors.....	28
ILW 2022 Organizing Committee	29
American Branch Board of Directors.....	30



INTERNATIONAL LAW ASSOCIATION

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Welcome to ILW 2022

The American Branch of the International Law Association welcomes you to its annual International Law Weekend (ILW) conference. Held during the Branch's centennial year, the theme of ILW 2022 is *The Next 100 Years of International Law*.

International Law Weekend 2022 invites reflection on the past and future of international law. Which foundations from the last century of international law should remain in the next century and which should be reimagined? Today, the international legal order faces extraordinary challenges—threats to the peace, persistent economic and social inequalities, environmental and global health risks, and populist isolationism. Yet there are also many ways that international law has succeeded over the past century in resolving differences, keeping the peace, protecting human rights, and facilitating human flourishing. Present circumstances offer the opportunity to reevaluate the core features of international law. The Branch's centennial ILW will explore the areas of international law that offer robust solutions and those that require reinvention.

ILW 2022 will consider these issues through a diverse collection of engaging and provocative panels and plenary sessions. The audience includes practitioners, academics, U.N. diplomats, business leaders, federal and state government officials, NGO leaders, journalists, students, and interested persons. There is a broad array of both public international law and private international law topics in each program time slot.

ILW 2022 opens at the New York City Bar Association on Thursday, October 20, 2022 with welcome remarks from **Professor Christine Chinkin** (Chair, International Law Association) and a **President's High Level Opening Plenary Panel**. Moderated by American Branch President Leila Nadya Sadat, plenary speakers include: **H.E. Dr. Fatou Bensouda**, Gambia High Commissioner to The United Kingdom and the Commonwealth; **Mr. Miguel de Serpa Soares** (U.N. Under-Secretary-General for Legal Affairs); **Dr. Christopher Ward SC** (Immediate-Past President & Vice-President, International Law Association); and **Judge Ganna Yudkivska** (European Court of Human Rights (2010-2022)). Following the Plenary, an **Opening Reception** will be hosted, sponsored by Debevoise & Plimpton LLP.

The Thursday night program continues with a **Centennial Gala** (*separate ticket required*) at White & Case LLP featuring a keynote address by **H.E. Judge Abdulqawi Ahmed Yusuf** (International Court of Justice).

The conference continues at Fordham University School of Law on Friday and Saturday, October 21-22, 2022, and features **35 panels** on a range of topics. **Keynote speakers** include **H.E. Ambassador Beth Van Schaack** (Ambassador-at-Large for Global Criminal Justice); **H.E. Justice Richard Goldstone** (former Justice, Constitutional Court of South Africa; former Chief Prosecutor, UN International Criminal Tribunals for the former Yugoslavia and Rwanda); and **H.E. Dr. Mamadou Tangara** (Minister of Foreign Affairs, the Republic of The Gambia). These events are open to all conference attendees. ILW 2022 also features more than a dozen **community and committee networking rooms** and opportunities to meet with legal book publishers. The Friday night program concludes with a **UN Mission Reception**.

The Saturday program includes the **100th Annual Members Meeting, Elections, and Award Ceremony**. The Annual Meeting is open to members and non-members alike, however only members can vote. The program also includes a **Career Session for Students and Young Lawyers, Book Talks**, and the opportunity to **Connect with Members of Other ILA Branches**.

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.

About the American Branch

The American Branch of the International Law Association is dedicated to the study, clarification and development of International Law and the advancement of peace, equity and justice worldwide. It a diverse and inclusive community of individuals working or interested in international law. The Branch unites practitioners, academics, students, government officials, diplomats, and members of international and nongovernmental organizations. Members work together on committees to issue reports, amicus briefs, and letters to Congress, federal agencies, the United Nations, and other international organizations on a range of current and evolving topics.

The American Branch is part of a truly international organization. The International Law Association was established in 1873 and is composed of sixty-three national branches (including the Headquarters Branch). It is the preeminent international non-governmental organization involved in developing and restating international law. The American Branch nominates members – both leading U.S. international lawyers and early career professionals – to participate in ILA committees. The opportunity to help prepare draft treaties or studies in collaboration with leading international lawyers and academics from around the world is vital to furthering an understanding of international law. Committee members and others who attend the ILA’s biennial international conferences find their involvement with the ILA to be immensely rewarding.

The American Branch has its own committees, which allow members to combine service and academic or advocacy work. These committees are unusual in terms of the range of opportunities they provide for member-initiated projects, and there are opportunities for student involvement as well. The American Branch’s committees – unlike the Branch as a whole – may advocate for specific positions on international legal issues. Committees have filed amicus briefs in appellate cases and communicated with government officials on a variety of issues. Branch committees also engage in traditional, rigorous academic work, sometimes undertaking projects that complement the work of parallel international ILA committees, and sometimes developing their own projects.

The Branch performs exceptional educational and professional service through its national and regional International Law Weekends. Other international law organizations also hold major national conferences, of course, but none follow the Branch’s lead in offering low admission price to members of the organization, to members of cosponsoring organizations, and free admission to students. ILW provides significant opportunities for attendees to learn from and meet top international lawyers from private practices, academia, the government, nongovernmental organizations, the United Nations, and other international organizations.

Members are encouraged to send information about their accomplishments, honors, projects and publications to the Branch for inclusion in our newsletter, which is distributed to thousands of individuals every year. In addition, members have the opportunity to take on leadership roles in the organization, whether it is joining a committee, serving on the board or a board committee, taking an active role in organizing a Regional ILW or other events, or starting a new committee or study group.

Join the American Branch Today!

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 the Branch’s biannual Newsletter

To become a member, visit: www.ila-americanbranch.org.



Thursday, October 20, 2022
New York City Bar Association

<p>Welcome to International Law Weekend 2022 Remarks by: Christine Chinkin, Chair, International Law Association Introduced by: David P. Stewart, Chairman, Board of Directors, International Law Association (American Branch)</p> <p>President’s High Level Opening Plenary: The Next 100 Years of International Law Moderator: Leila Nadya Sadat, President, International Law Association (American Branch) H.E. Dr. Fatou Bensouda, Gambia High Commissioner to The United Kingdom and the Commonwealth Miguel de Serpa Soares, U.N. Under-Secretary-General for Legal Affairs Christopher Ward SC, Immediate-Past President & Vice-President, International Law Association Ganna Yudkivska, Judge, European Court of Human Rights (2010-2022)</p>
<p>Opening Reception <i>sponsored by Debevoise & Plimpton LLP</i> Remarks by: Michael P. Scharf, President-Elect, International Law Association (American Branch)</p>
<p>Centennial Gala at White & Case LLP Separate ticket required</p> <p>Welcome Remarks by: Hugh Verrier, Chair, White & Case LLP Introduced by: Amity Boye, Chief of Staff to the Chair, White & Case LLP</p> <p>Keynote Address: H.E. Judge Abdulqawi Ahmed Yusuf, International Court of Justice Introduced by: Floriane Lavaud, ILW 2022 Co-Chair; Counsel, Debevoise & Plimpton LLP</p>

Friday, October 21, 2022

Fordham University School of Law

8:00am	Registration Second Floor Entrance				
8:00am	Complimentary Coffee Soden Lounge				
9:00am	Recent Developments in International Immunities Law	‘Whose is the Bed of the Sea?’ 1922-2022 and Beyond*	Reproductive Rights: Where Do We Go From Here?	Is U.S. Ratification of Human Rights Treaties Obsolete?	The Role of Customary International Law in the Next 100 Years*
10:15am	Coffee Break				
10:30am	Reforming the WTO for a Sustainable Future	Practicum: Human Rights Claims and Counterclaims in International Energy Arbitrations*	Prosecuting the Crime of Aggression: Russia and Beyond*	Civil War Peace Agreements in International Law*	The ILC’s Work on Jus Cogens: Does Regional Jus Cogens Exist?
11:45am	Box Lunch sponsored by the Leitner Center for International Law and Justice Soden Lounge				
12:00pm	Young Lawyers Networking	Minority Lawyers Networking	Women Lawyers Networking <i>Sponsored by ArbitralWomen</i>	Connecting With the World <i>Conversations with ILA Branches</i>	
12:00pm	American Branch Board of Directors Meeting				
1:00pm	Keynote Address: H.E. Ambassador Beth Van Schaack Introduced by: MJ Durkee, ILW 2022 Co-Chair; Associate Dean for International Programs, University of Georgia School of Law				
2:00pm	Coffee Break				
2:15pm	American Branch Committee Networking Rooms				
3:15pm	Emerging Trends of Private International Law for the Next Decades*	Beyond Rocket Science: Assessing the Role of Natural & Social Sciences in Galvanizing Climate Action*	From Policy Back to Principles? Refugee Protection under International Law & State (Non)-Compliance	The Crimes against Humanity Treaty: Looking Ahead	Reforming the UN Security Council to Address Modern Challenges*

* CLE Pending

ILW Schedule at a Glance

(cont'd)



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Friday, October 21, 2022 (cont'd)					
4:30pm	Coffee Break				
4:45pm	The International Trade Regime's Foundations in an Era of Increased Geopolitical Conflict*	Negotiating the Sustainable Future of Marine Biological Diversity in Areas Beyond National Jurisdiction	Controlling Misimplementation and Misuse of Global Anti-Money Laundering Standards*	The Cybercrime-Cyberwar Continuum: State Responsibility & Accountability for Cyberattacks under International Law*	The Vienna Convention on the Law of Treaties in Investor-State Disputes: History, Evolution, and Future*
7:00pm	<p align="center">Reception at a UN Mission</p> <p align="center">Welcome by: Leila Nadya Sadat, President, International Law Association (American Branch) and M. Imad Khan, ILW 2022 Co-Chair, Senior Associate, Winston & Strawn LLP</p> <p align="center">Location TBA Pre-registration is required</p>				

Saturday, October 22, 2022 Fordham University School of Law					
8:30am	Registration & Complimentary Coffee Soden Lounge				
9:00am	<p align="center">ABILA's 100th Annual Members Meeting, Elections, and Award Presentations</p> <p align="center">Book of the Year Awards, Outstanding Achievement Award, & Charles Siegal Service Award</p> <p align="center">Keynote Address: Justice Richard Goldstone, recipient of the 2022 Outstanding Achievement Award</p>				
10:15am	Coffee Break				
10:30am	100 Years of International Intellectual Property Law*	The Fourth Environmental Era: Climate Justice	Reimagining the System of World Organization: Are the UN's Principal Organs Performing Their Tasks?*	Racism and the Crime of Apartheid in International Law	The Secret Life of International Law*
11:45am	Break				
12:00pm	Accountability in Internet Governance	Law of the Rising Sea: Where Do We Go from Here?*	Prosecutions and Accountability in Ukraine*	Prosecuting Sexual and Gender-Based Crimes at the ICC: An Expert Roundtable*	The Legitimacy and Fundamental Principles of International Human Rights Law*
1:15pm	Boxed Lunch				
1:15pm	Keynote Address: H.E. Dr. Mamadou Tangara, Minister of Foreign Affairs, the Republic of The Gambia (TBC)				
2:30pm	Coercive Diplomacy in the Skies: Dispute Resolution Mechanisms and Legal Remedies for States*	Should Climate Change be Framed as a Security Issue?	The Rush for Resources: International Legal Implications of Space Mining*	Growing Threats to the Human Rights of U.S. Transgender & Intersex Children*	Emerging Voices
3:45pm	<p align="center">Pathways to Employment in International Law</p> <p align="center"><i>Sponsored by CIArb YMG, ABA Section on International Law, and ILSA</i></p>				
4:45pm	End of ILW 2022				

* CLE Pending

Schedule



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Thursday, October 20

4:15-4:30 pm Welcome to International Law Weekend 2022

New York City
Bar Association

Remarks by: **Christine Chinkin**, Chair, International Law Association
Introduced by: **David P. Stewart**, Chairman, International Law Association (American Branch)

4:30-6:00 pm President's High Level Opening Plenary: *The Next 100 Years of International Law*

New York City
Bar Association

The Opening Plenary will explore the conference theme and reflect on the past and future of international law. Which foundations from the last century of international law should remain in the next century and which should be reimagined? Today, the international legal order faces extraordinary challenges—threats to the peace, persistent economic and social inequalities, environmental and global health risks, and populist isolationism. Yet there are also many ways that international law has succeeded over the past century in resolving differences, keeping the peace, protecting human rights, and facilitating human flourishing. Present circumstances offer the opportunity to reevaluate the core features of 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:

- **H.E. Ambassador Alya Ahmed Saif Al Thani**, Permanent Representative of the State of Qatar to the United Nations (TBC)
- **Fatou Bensouda**, Former Chief Prosecutor, International Criminal Court (TBC)
- **Miguel de Serpa Soares**, U.N. Under-Secretary-General for Legal Affairs
- **Christopher Ward SC**, Immediate-Past President & Vice-President, International Law Association
- **Ganna Yudkivska**, Judge, European Court of Human Rights (2010-2022)

6:00-7:00 pm Opening Reception

New York City
Bar Association

Remarks by: **Michael P. Scharf**, President-Elect, International Law Association (American Branch); Dean and Joseph C. Hostetler - BakerHostetler Professor of Law, Case Western Reserve University School of Law

Sponsored by Debevoise & Plimpton LLP

7:00 pm Centennial Gala | Separate ticket required

White & Case LLP

The American Branch celebrates 100 years with a special Centennial Gala at White & Case LLP.

Welcome Remarks by: **Hugh Verrier**, Chair, White & Case LLP

Introduced by: **Amity Boye**, Chief of Staff to the Chair, White & Case LLP

Keynote Address: **H.E. Judge Abdulqawi Ahmed Yusuf**, International Court of Justice

Introduced by: **Floriane Lavaud**, ILW 2022 Co-Chair; Counsel, Debevoise & Plimpton LLP

Schedule



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Friday, October 21

9:00-10:15 am **Recent Developments in International Immunities Law**

CLE Pending

Sponsored by
the ABILA
Committee on
Teaching
International
Law

*The evolving U.S. approach to international immunities continues to offer challenges and opportunities for international law teachers and practitioners, especially the applicability of international law in the U.S. legal system. With the Foreign Sovereign Immunities Act (FSIA) at the fulcrum of immunities determination, three recent cases pose the following questions: (1) What immunities should international organizations enjoy in the wake of the U.S. Supreme Court's decision in *Jam v. IFC*; (2) whether "agencies and instrumentalities" of foreign states are subject to criminal prosecution notwithstanding the FSIA (U.S. v. *Turkiye Halk Bankasi*); and (3) whether blocked assets of the Afghan central bank are vulnerable to attachment in aid of enforcing U.S. terrorism judgements) (In re Terrorist Attacks on Sept. 11, 2001 (now pending in the S.D.N.Y.)) The panelists will discuss how to address these questions, as well as the relationship between international law and national law with respect to international immunities.*

Moderator:

- **David P. Stewart**, Professor from Practice; Co-Director, Global Law Scholars Program; Director, Center on Transnational Business and the Law, Georgetown Law; Chairman, Board of Directors, International Law Association (American Branch)

Panelists:

- **Ingrid Brunk Wuerth**, Helen Strong Curry Chair in International Law and Director, Cecil D. Branstetter Litigation & Dispute Resolution Program, Vanderbilt Law School; Co-Editor-in-Chief, *American Journal of International Law*
- **Chimène Keitner**, Alfred and Hanna Fromm Professor of International Law, UC Hastings Law
- **Edward Chukwuemeke Okeke**, Lead Counsel, Global Knowledge and Research, World Bank; Author, *Jurisdictional Immunities of States and International Organizations* (OUP 2018)
- **Natalie L. Reid**, Partner and Co-chair of the Public International Law Group, Debevoise & Plimpton LLP

9:00-10:15 am **'Whose is the Bed of the Sea?' 1922-2022 and Beyond**

CLE Pending

Sponsored by
the ABILA
Committee on
the Law of the
Sea

Sir Cecil Hurst asked this question in 1923, examining the legal basis of claims to nearshore, shallow-water, sedentary living marine resources (e.g., pearl oysters), one of the only commercially interesting "fructus of the soil" (Hurst's words) of the seabed at that time. Much has changed in the ensuing century: technological advances have permitted exploitation of new resources, including deep water hydrocarbons and thermophilic organisms, and international rules have emerged and evolved, such as the regimes of the continental shelf and deep seabed. But still, Hurst's question reverberates: continental shelf outer limits remain undelineated, marine genetic resources in areas beyond national jurisdiction are unregulated, Article 82 payments and contributions have yet to be tested, and the rules for equitable sharing of benefits derived from deep seabed mining are still in formation. This panel will look at the past, present, and future of ownership over, benefits from, and control of "the bed of the sea."

Moderator:

- **Coalter Lathrop**, Owner, Sovereign Geographic; Chair, ABILA Committee on the Law of the Sea

Panelists:

- **Kevin Baumert**, Legal Counsel, US Extended Continental Shelf Project, US Department of State
- **Cymie Payne**, Associate Professor, Rutgers Law School; Chair, Ocean Law Group, International Union for Conservation of Nature, World Commission on Environmental Law, (IUCN-WCEL)
- **Seline Trevisanut**, Professor of International Law and Sustainability (NWO Westerdijk Chair), University of Utrecht – Faculty of Law

Schedule

Friday, October 21



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9:00-10:15 am **Reproductive Rights: Where Do We Go From Here?**

CLE Pending

On June 24, 2022, the U.S. Supreme Court issued Dobbs v. Jackson Women’s Health Organization, overturning Roe v. Wade and eviscerating the constitutional right to abortion in the United States. In its wake, at least 22 U.S. states enacted legislation banning or severely restricting abortion access. Dobbs decisively brings the United States out of line with international law standards. Numerous international and regional treaties and bodies—including the U.N. Human Rights Committee, the World Health Organization, and regional human rights courts—recognize access to safe abortion as a human right. Globally, national abortion laws have overwhelmingly trended toward liberalization in the last fifty years. This panel will discuss the next 100 years of reproductive rights, not only in the United States but more broadly around the world. Will the Dobbs decision herald a wave of restrictions in other countries, or will liberalization trends hold steady? And how can advocates leverage international law mechanisms to ensure continued access to safe abortions?

Moderator:

- **Shannon Selden**, Partner, Debevoise & Plimpton LLP

Panelists:

- **Rebecca Dennis**, Associate Director of U.S. Policy & Advocacy, Partnership, Advocacy, Impact (PAI)
- **Katherine Franke**, James L. Dohr Professor of Law and Director, Center for Gender & Sexuality Law, Columbia Law School
- **Anu Kumar**, Chief Executive Officer, IPAS
- **Nathalia Sánchez Garcia**, Second Secretary of Permanent Mission of Colombia to the UN

9:00-10:15 am **Is U.S. Ratification of Human Rights Treaties Obsolete?**

CLE Pending

Sponsored by
the ABILA
Committee on
International
Law in Domestic
Courts

This year marks the 30th anniversary of the U.S. ratification of the International Covenant on Civil and Political Rights (ICCPR). What has been the impact of this ratification on U.S. domestic and foreign policy? What are the lessons learned from the ICCPR ratification and lack of domestic implementation? The panel will assess the U.S. record (both domestically and internationally) as a State Party to the ICCPR and examine the prospects for new treaty ratification without or with limited Reservations, Understandings and Declarations (RUDs) as well as other possible avenues for domestic implementation and enforcement of the ICCPR and other ratified treaties including in domestic courts. What are the solutions to the current impasse on this front? Is it fair to say human rights treaties are obsolete or are there are still possible future avenues and hope for legal and/or policy changes influenced by U.S. treaty obligations? Would the creation of a National Human Rights Institution (NHRI) help bridge the implementation gap?

Moderator:

- **Jamil Dakwar**, Director, Human Rights Program, American Civil Liberties Union; Professor, Hunter College

Panelists:

- **Martha Davis**, University Distinguished Professor of Law and Co-Director, Program on Human Rights and the Global Economy, Northeastern University School of Law
- **David Kaye**, Clinical Professor of Law; Director, International Justice Clinic; Co-Director, Fair Elections and Free Speech Center, University of California, Irvine School of Law
- **Gay McDougall**, Member, UN International Committee on the Elimination of Racial Discrimination; Distinguished Scholar in Residence, Leitner Center for International Law, Fordham University Law School
- **Mariana Olaizola Rosenblat**, Legal Fellow, New York University Stern Center for Business and Human Rights

Schedule



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Friday, October 21

9:00-10:15 am **The Role of Customary International Law in the Next 100 Years**

CLE Pending

Sponsored
by the ABILA
Committee on
Formation of
Rules of
Customary
International
Law

For over 100 years, customary international law has played an important role in virtually all areas regulated by international law. Nevertheless, doubts persist about its place in a legal world in which treaties and written agreements play an ever-growing part, and in which other “sources” of law, including various forms of “soft law,” such as resolutions of international organizations, are increasingly referred to by courts and legal advisers. This panel will critically examine what role customary international law can and should play in the next 100 years in light of this expanding universe of sources of law, with a particular focus on the fields of the international law of armed conflict and international human rights law.

Moderator:

- **Brian D. Lepard**, Harold W. Conroy Distinguished Professor of Law, University of Nebraska College of Law; Chair, ABILA Committee on Formation of Rules of Customary International Law

Panelists:

- **Rossana Deplano**, Associate Professor, School of Law, University of Leicester
- **Oona Hathaway**, Gerard C. and Bernice Latrobe Smith Professor of International Law and Counselor to the Dean, Yale Law School
- **Ezequiel Heffes**, Senior Policy and Legal Advisor, Geneva Call
- **Nathalie Weizmann**, Senior Legal Officer, United Nations Office for the Coordination of Humanitarian Affairs

10:30-11:45 am **Reforming the WTO for a Sustainable Future**

International trade, and the World Trade Organization (WTO), have been the subject of intense criticism for failure sufficiently to address climate change, other environmental problems, distribution of medicines, gender, inequality, poverty, and labor rights, among others. This panel will describe and present preliminary results of a multi-researcher project to understand the dynamics of the factual and institutional relationship between the international trade system and these issues, and to evaluate possible reforms designed to improve the integration of governance in the world system between the commercial and the non-commercial, in order to serve better during the next 100 years.

Moderator:

- **Joel P. Trachtman**, Professor of International Law, Henry J. Braker Professor of Commercial Law, The Fletcher School of Law and Diplomacy

Panelists:

- **James Bacchus**, Distinguished University Professor of Global Affairs; Director, Center for Global Economic and Environmental Opportunity, School of Politics, Security, and International Affairs, University of Central Florida
- **Dan Esty**, Hillhouse Professor of Environmental Law and Policy, Yale School of the Environment and Yale Law School
- **Sonia Rolland**, Professor of Law, Northeastern University School of Law

Schedule

Friday, October 21



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10:30-11:45 am **Practicum: Human Rights Claims and Counterclaims in International Energy Arbitrations**

CLE Pending

This practicum will showcase how current ESG trends in the energy industry can lend themselves to human rights claims and counterclaims in international energy arbitrations. It will focus on a scenario of alleged violations of the right to water as well as rights of indigenous peoples. It plays through a scenario in which a multinational energy company has entered into a production sharing agreement with the national petroleum company. The production sharing agreement contemplates the development of unconventional oil and gas reserves (hydraulic fracturing). Hydraulic fracturing requires produced water to be reinjected. The multinational oil company reinjects produced water in compliance with domestic environmental law and with the approval of the state-owned oil company. An indigenous people at odds with the government asserts that reinjection of the produced water contaminates groundwater and protests. At first, the government rejects these claims but after protests at the project sight turn violent and spark national protests, the government arrests leading employees of the multinational oil company, convicts and sentences them without access to counsel, and causes the national petroleum company to terminate the production sharing agreement. There is a bilateral investment treaty in place that facially covers the investment. In the practicum, the parties will raise claims and counterclaims under the production sharing agreement and bilateral investment treaty.

Moderator:

- **M. Imad Khan**, Senior Associate, Winston & Strawn LLP; Co-Chair, ILW 2022 Organizing Committee

Panelists:

- **Diane Desierto**, Professor of Law and Global Affairs; Faculty Director, LL.M. in International Human Rights Law, Notre Dame Law School
- **Simon Navarro**, Partner, Sidley Austin LLP
- **Michael J. Stepek**, Partner and Chair, International Arbitration Practice, Winston & Strawn LLP

10:30-11:45 am **Prosecuting the Crime of Aggression: Russia and Beyond**

CLE Pending

Sponsored by
the ABILA
Committee on
the Use of Force

In light of Russia's violation of the UN Charter, this panel will consider the possibilities for prosecuting Russian military and civilian leaders for the crime of aggression. Specific models will be discussed, including the creation of an ad hoc tribunal agreed upon between the UN and Ukraine, and recommended by the General Assembly. The panel will also consider the limited jurisdictional regime that presently exists for the International Criminal Court's investigation and prosecution of the crime of aggression, and potential ways in which that jurisdiction could be expanded in the future. It will also consider the geopolitical risks to the international system of failing to pursue individual criminal responsibility for the crime, which enforces the core foundation non-aggression provision in Article 2(4) of the UN Charter.

Moderator:

- **Jennifer Trahan**, Clinical Professor, NYU Center for Global Affairs; Convenor, The Global Institute for the Prevention of Aggression; Co-Chair, ABILA ICC Committee

Panelists:

- **Jack Beard**, Associate Professor of Law and Co-Director, Space, Cyber and Telecom Law Program, University of Nebraska College of Law; Chair, ABILA Committee on the Use of Force
- **Astrid Reisinger Coracini**, Postdoctoral Researcher and Lecturer, University of Vienna
- **Claus Kress**, Professor for Criminal Law and Public International Law; Chair for German and International Criminal Law; Director of the Institute of International Peace and Security Law, University of Cologne
- **Ambassador David 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 Christian Wenaweser**, Permanent Representative of Liechtenstein to the UN

Schedule

Friday, October 21



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10:30-11:45 am **Prosecuting Sexual and Gender-Based Crimes at the ICC: An Expert Roundtable**

CLE Pending

Sponsored by
the ABILA
Committee on
the
International
Criminal Court

This panel will discuss the International Criminal Court (ICC) Office of the Prosecutor's (OTP) proposed Gender Persecution Policy. At present, the jurisprudence on gender-based persecution is relatively undeveloped in international criminal law. The OTP's commitment to implementing a Gender Persecution Policy, however, would allow the ICC to take a leadership role in ending impunity for the perpetrators of gender-based persecution. A broadly formulated and inclusive Gender Persecution Policy could do much to aid in protecting marginalized and oppressed groups who are the victims of this crime. The panelists will discuss the importance of taking a broad and inclusive view of the meaning of "gender"; recognizing the guidance that others areas of law, such as refugee law, may provide in determining the range of acts that constitute gender-based persecution; developing a robust victim participation scheme at every stage of a gender persecution prosecution; and ensuring that intersectionality and defense arguments of cultural relativism are properly considered in the prosecution of gender-based persecution.

Moderator:

- **Milena Sterio**, Director, Domestic and International LL.M. Program, Charles R. Emrick Jr.-Calfee Halter & Griswold Professor of Law, Cleveland-Marshall College of Law; Chair, ABILA Committee on Teaching International Law

Panelists:

- **Yvonne Dutton**, Professor of Law, Indiana University Robert H. McKinney School of Law
- **Julie Fraser**, Assistant Professor, Utrecht University, Netherlands
- **Valerie Oosterveld**, Professor, Western University – Faculty of Law
- **Priya Pillai**, Head, Asia Justice Coalition Secretariat

10:30-11:45 am **The ILC's Work on Jus Cogens: Does Regional Jus Cogens Exist?**

The International Law Commission (ILC) appointed Mr. Dire Tladi in 2015 as Special Rapporteur for the topic "Jus cogens." The purpose of the work was to adopt "draft conclusions" on the identification and legal consequences of peremptory norms of general international law (jus cogens). The draft conclusions were adopted by the ILC this past summer and include an annex with a non-exhaustive list of jus cogens norms. This panel will address the project's contributions, as well as gaps in the text and challenges posed by it. Gaps include, for example, the (non) treatment of regional jus cogens and modification. Challenges may include the problem of auto-interpretation, in particular, as pertain to UN Security Council resolutions. Whether the recent crises, including the war in Ukraine, reveal the limits of jus cogens may also be a topic for reflection.

Moderator:

- **Christina M. Cerna**, Adjunct Professor of Law, Georgetown University Law Center

Panelists:

- **Adil Haque**, Professor of Law and Judge Jon O. Newman Scholar, S.I. Newhouse Center for Law and Justice, Rutgers Law School
- **Ambassador Mahmoud Hmoud**, Permanent Representative of Jordan to the United Nations; Chairman, UN International Law Commission
- **Phoebe Okowa**, Professor of Public International Law and Director Graduate Studies, Queen Mary University of London; Member, UN International Law Commission
- **Dire Tladi**, Professor of International Law and SARChI Chair of International Constitutional Law, University of Pretoria; President, International Law Association (South Africa); Member, UN International Law Commission

Schedule



INTERNATIONAL
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Friday, October 21

11:45 am **Boxed Lunch**

Sponsored by the Leitner Center for International Law at Fordham University School of Law

12:00 pm **Community Networking Rooms**

Young Lawyers Networking Room

Sponsored by the American Bar Association – Section on international Law

Minority Lawyers Networking Room

Sponsored by REAL - Racial Equality for Arbitration Lawyers

Women Lawyers Networking Room

Sponsored by ERA Pledge USA Subcommittee + ArbitralWomen

Connecting with the World: Conversations with other ILA Branches

Featuring representatives from several branches of the International Law Association

12:00 pm **American Branch Board of Directors Board Meeting**

1:00-2:00 pm **Keynote Address**

H.E. Ambassador Beth Van Schaack, U.S. Ambassador-at-Large for Global Criminal Justice

Introduced by **MJ Durkee**, Allen Post Professor and Director of the Dean Rusk International Law Center, University of Georgia School of Law; Co-Chair, ILW 2022 Organizing Committee

2:15-3:15pm **Networking Rooms hosted by American Branch Committees**

Schedule



INTERNATIONAL
LAW ASSOCIATION
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Friday, October 21

3:15-4:30 pm

Emerging Trends of Private International Law for the Next Decades

CLE Pending

This panel will focus on the institutions, players, and issues that are important in the global development of rules of private international law. The panelists will include a global representation of institutional and practitioner perspectives. The discussion will be built around a set of questions dealing with both current practical issues raised by public international law developments and projections for the future.

Moderators:

- **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
- **Michael S. Coffee**, Professorial Lecturer in Law, George Washington University Law School
- **Louise Ellen Teitz**, Professor of Law, Roger Williams School of Law

Panelists:

- **Jose Angelo Estrella Faria**, Principal Legal Officer and Head of the Legislative Branch of the International Trade Law Division, United Nations Office of Legal Affairs
- **Marta Requejo Isidro**, Court of Justice of the European Union; Professor of Private International Law, University of La Laguna
- **Karin Kizer**, Attorney-Adviser, Office of the Legal Adviser Office of Private International Law, U.S. Department of State
- **David W. Rivkin**, Litigation Partner, Debevoise & Plimpton LLP; Past President, International Bar Association

3:15-4:45 pm

Beyond Rocket Science: Assessing the Role of Natural and Social Sciences in Galvanizing International Climate Action

CLE Pending

Sponsored by
the ABILA
Committee on
International
Environmental
and Energy Law

Climate change remains a vexing problem, despite scientific evidence unequivocally identifying very severe consequences in the absence of significant reduction of greenhouse gas emissions. From the 1992 United Nations Framework Convention on Climate Change (UNFCCC) to last year's Glasgow Pact, science played a crucial role in collaborative climate action among all countries. This panel will examine the role of current scientific evidence in galvanizing such action considering recent developments in climate governance and their impact on, for example, developing nations and gender inclusion. Ultimately, the panel will assess whether the natural and social sciences may raise distrust or if they provide momentum for cooperation among international actors today.

Moderator & Panelist:

- **Myanna Dellinger**, Law and Policy Director, the EinStrong Foundation; Co-Chair, ABILA Committee on International Environmental and Energy Law

Panelists:

- **Carolina Arlota**, Associate Research Scholar, Sabin Center for Climate Change Law, Columbia Law School; Co-Chair, ABILA Committee on International Environmental and Energy Law
- **Gudny Nielsen**, CEO and Co-founder, SoGreen
- **Frédéric G. Sourgens**, Senator Robert J. Dole Distinguished Professor of Law and Director of the Washburn Oil and Gas Law Center, Washburn University School of Law

Schedule



INTERNATIONAL
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AMERICAN BRANCH ▸ EST. 1922

Friday, October 21

3:15-4:30 pm

From Policy Back to Principles: Refugee Protection under International Law & State (Non)-Compliance

In the face of the world's largest refugee numbers since World War II, this panel will examine whether the international community should (re)consider establishing a specialized global court or mechanism for enforcing refugee protection under international law. Different types of mechanisms have been proposed in the last 2 decades. While the proposals vary, they fail to seriously assess the idea of a mechanism with authority to make binding decisions. Further, these proposals often adopt a narrow definition of refugee protection. Now, 70 years on from adoption of the 1951 Refugee Convention, emphasis has shifted to an approach to refugee protection centered on soft law implementation of responsibility sharing, with the adoption by States of the non-binding 2016 New York Declaration for Refugees and Migrants and 2018 Global Compact on Refugees. As the second Global Refugee Forum approaches in 2023 and, given the limited success of such efforts to date in the face of rapid influx of refugees from Afghanistan and Ukraine for example, this panel will discuss whether now might be the time for re-thinking a more legal approach to enhancing refugee protection under international law, focused on centralized enforcement of principles as a global public good. In addressing the question, this panel will consider what the relationship might be to existing global governance strategies.

Moderator:

- **Hannah R. Garry**, Clinical Professor of Law and 2022 U.S. Fulbright Scholar, USC Gould School of Law

Panelists:

- **Eleanor Acer**, Senior Director, Human Rights First Refugee Protection Program
- **Mutasim Ali**, Legal Advisor, Raoul Wallenberg Centre for Human Rights
- **Rez Gardi**, Co-Managing Director, Refugees Seeking Equal Access at the Table (R-SEAT); Co-Founder, Centre for Asia Pacific Refugee Studies, University of Auckland
- **Geoff Gilbert**, Professor of Law & Inaugural Chair of the Global Academic Interdisciplinary Network of the Global Refugee Forum, University of Essex School of Law
- **James Simeon**, Associate Professor, School of Public Policy and Administration, York University

3:15-4:30 pm

The Crimes against Humanity Treaty: Looking Ahead

The absence of an international convention on crimes against humanity is a critical gap in the international legal framework that creates an artificial hierarchy between egregious crimes. The Rome Statute is the only international codification of crimes against humanity, and neither requires States to criminalize the offense nor provides a mechanism for prevention or inter-State cooperation. Building upon the work of the Crimes Against Humanity Initiative, the International Law Commission has elaborated and finalized a set of Draft Articles on the Prevention and Punishment of Crimes against Humanity to close the impunity gap. The Draft Articles have languished in the U.N. Sixth Committee for the past three years due to opposition from a handful of States, raising questions not only about the prospects for this important new treaty, but on the effectiveness of the United Nations itself, the Sixth Committee, and the International Law Commission. This panel will explore the merits (and limits) of the proposed new treaty, the obstacles to its adoption, and creative ways forward as it reflects upon how a new treaty on crimes against humanity fits within the next "100 years" of international law.

Moderator:

- **Akila Radhakrishnan**, President, Global Justice Center

Panelists:

- **Alexandra Lily Kather**, International Criminal Lawyer; Co-founder, Emergent Justice Collective (EIC)
- **Leila Nadya Sadat**, James Carr Professor of International Criminal Law, Washington University School of Law; Special Advisor on Crimes Against Humanity, International Criminal Court Prosecutor
- **Alice Wairimu Nderitu**, United Nations Special Adviser on the Prevention of Genocide (TBC)

Schedule

Friday, October 21



INTERNATIONAL
LAW ASSOCIATION
AMERICAN BRANCH ▸ EST. 1922

3:15-4:30 pm

Reforming the UN Security Council to Address Modern Challenges

CLE Pending

The Security Council's failure to intervene in the war in Ukraine, in addition to other recent gridlocks, has prompted renewed efforts to reform the body so that it may better fulfill its mission of upholding global peace and security. The General Assembly adopted a resolution in April to hold the five permanent members of the Security Council accountable for using their veto. Co-sponsored by France, the United Kingdom, and the United States, the resolution requires a General Assembly debate to take place on any situation regarding which a veto is cast. France has also led an initiative for the permanent members to commit to refrain from exercising the right to veto in the event of mass atrocities. In addition to veto reform, other proposals have suggested expanding the Security Council's permanent and non-permanent membership, including by improving regional representation. This panel will explore the existing and possible proposals for reforming the Security Council, consider the obstacles to reform initiatives, and reflect on how those changes – or lack thereof – will affect the role of the United Nations in the next 100 years of international law.

Moderator:

- **Floriane Lavaud**, Counsel, Debevoise & Plimpton LLP, Co-Chair, ILW 2022 Organizing Committee

Panelists:

- **Mona Ali Khalil**, Founder, MAK Law International; former Senior Legal Officer, UN Office of the Legal Counsel
- **H.E. Ambassador Nicolas de Rivière**, Ambassador and Permanent Representative of France to the United Nations
- **H.E. Ambassador Piet Heirbaut**, Director General of Legal Affairs, Belgium Ministry of Foreign Affairs
- **Ian Johnstone**, Professor of International Law, The Fletcher School at Tufts University
- **Bruce Rashkow**, former Senior Official in the UN Office of Legal Affairs, US Department of State; former Counsellor, US Mission to the United Nations

4:45-6:00 pm

The International Trade Regime's Foundations in an Era of Increased Geopolitical Conflict

Co-sponsored
by the ABILA
Committees on
Space Law and
International
Trade Law

Which foundations of international trade law should remain and which should be reimagined? In recent years, geopolitical tensions have increased and trade relations between many States have become strained. What could or should trade architecture look like? To what extent can there be a stable, global trade regime in the context of competition, territorial disputes, or war among proxies of powerful States? Should there be a global trade regime? Should there be a trade regime open only to countries that meet specified economic or political criteria? What impact do such choices have on trade in high-value transport, auto, and aerospace products and supply chains? What should be the guiding principles of the various regimes and relationships among them?

Moderator:

- **Matthew Schaefer**, Clayton Yeutter Chair, University of Nebraska College of Law; Co-Chair, ABILA Space Law Committee

Panelists:

- **Kathleen Claussen**, Associate Professor of Law, University of Miami School of Law
- **Sergio Puig**, Evo DeConcini Professor of Law, and Director, International Trade and Business Law Program, University of Arizona
- **Kelly Ann Shaw**, Partner, Hogan Lovells LLP
- **Richard H. Steinberg**, Jonathan D. Varat Endowed Professor of Law and Professor of Political Science, UCLA; Chair, ABILA International Trade Law Committee

Schedule



INTERNATIONAL
LAW ASSOCIATION
AMERICAN BRANCH ▸ EST. 1922

Friday, October 21

4:45-6:00 pm

Negotiating the Sustainable Future of Marine Biological Diversity in Areas Beyond National Jurisdiction

Sponsored by
the ABILA
Committee on
United
Nations Law

After 20 years of negotiations, Member States of the United Nations convened in August 2022 to conclude a treaty on marine biodiversity in the high seas and international seabed Area beyond national jurisdiction. The treaty area accounts for half of the Earth's surface but has been little understood or explored for its biodiversity, and thus remained largely under-protected. Getting countries together to agree to a global regime to enforce a conservation and sustainable use treaty has not been easy. As the future of the planet may well rest on the treaty, the fifth session of the conference is on paused as negotiators ran out of time. With significant progress made, the next crucial steps rest on concluding the treaty, its prompt entry into force and effective implementation. This panel explores the issues at stake, negotiating positions and challenges.

Moderator:

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

Panelists:

- **Florian Jean Patrice Botto**, First Secretary, Permanent Mission of the Principality of Monaco to the United Nations
- **Ambassador Yolannie Cerrato**, Ambassador and Deputy Permanent Representative, Permanent Mission of Honduras to the United Nations
- **Ambassador Osman Keh Kamara**, Special Adviser, Silencing the Guns Initiative, and Implementation of the African Charter on Maritime Security, Safety and Development, African Union
- **Ambassador Michael Imran Kanu**, Ambassador & Deputy Permanent Representative (Legal Affairs), Permanent Mission of Sierra Leone to the United Nations
- **Clement Yow Mulalap**, Legal Adviser, Permanent Mission of the Federated States of Micronesia to the United Nations

4:45-6:00 pm

Controlling Misimplementation and Misuse of Global Anti-Money Laundering Standards

CLE Pending

The past two years have witnessed important challenges from the potentially harmful unintended consequences of international efforts to combat money laundering and terrorist financing. Centered on the Financial Action Task Force, these international initiatives set non-binding international standards that are implemented at the domestic level by national governments. But some of the governments tasked with implementation have been accused of misimplementation or even of using the standards to lend a patina of legitimacy to crackdowns on civil society and other misuse of the standards. This panel will address the extent of these problems, possible solutions to them, and lessons that may be drawn for the broader regulatory architecture for international banking and finance.

Moderator:

- **David L. Attanasio**, Associate, Dechert LLP; Co-Chair, ABILA Committee on International Investment Law

Panelists:

- **Elisa de Anda Madrazo**, Vice President, Financial Action Task Force
- **Fionnuala Ní Aoláin**, United Nations Special Rapporteur on the Promotion and Protection of Human Rights while Countering Terrorism; Regents Professor, University of Minnesota Law School
- **Lucinda Low**, Partner, Steptoe & Johnson LLP
- **David Zaring**, Professor of Legal Studies and Business Ethics, Wharton School, University of Pennsylvania

Schedule

Friday, October 21



INTERNATIONAL
LAW ASSOCIATION
AMERICAN BRANCH ▸ EST. 1922

4:45-6:00 pm

The Cybercrime-Cyberwar Continuum: State Responsibility and Accountability for Cyberattacks under International Law

CLE Pending

Sponsored by
the ABILA
Committee on
International
Humanitarian
Law

As recent events in Ukraine demonstrate, inter-State conflicts increasingly unfold on the cyber plane. Yet it remains unclear what this new era of hybrid cyber-kinetic warfare means for State responsibility and accountability under international humanitarian law. In part, this is due to the challenges of distinguishing an inter-State cyber “act of war” from “cybercrime” by private actors. This panel will first discuss the cybercrime-cyberwar continuum, identifying factors that might bring a cyberattack within the scope of IHL. Within that framework, it will then examine unanswered questions of State responsibility and accountability for cyberattacks, such as: obligations to prevent private actors from carrying out cyberattacks on another State, or to prevent harm to civilians; navigating the line between conduct that is permissible under IHL but impermissible under IHRL or otherwise outside of an armed conflict; prospects for an international agreement on inter-State cyberattacks, including the “cybercrime” treaty under consideration at the UN; and hurdles for pursuing accountability in international legal fora.

Moderator:

- **Ashika Singh**, Counsel, Debevoise & Plimpton LLP; Co-Chair, ABILA Committee on International Humanitarian Law

Panelists:

- **Sina Alavi**, Senior Legal and Political Adviser, Permanent Mission of Liechtenstein to the United Nations
- **Kristen Eichensehr**, Professor, University of Virginia School of Law
- **Kimberley Raleigh**, Deputy Chief, Office of Law & Policy, National Security Division, U.S. Department of Justice
- **Tilman Rodenhäuser**, Legal Adviser, International Committee of the Red Cross
- **Annita Larissa Sciacovelli**, Professor, University of Bari Aldo Moro

4:45-6:00 pm

The Vienna Convention on the Law of Treaties in Investor-State Disputes: History, Evolution, and Future

CLE Pending

Sponsored by
the ABILA
Committee on
International
Investment
Law

*In the decades since it entered into force, the Vienna Convention on the Law of Treaties (VCLT) has had a profound influence in investor-State disputes. This field is only likely to become more relevant to understanding the operation of the VCLT’s rules in the coming decades, and the VCLT will, in turn, impact and shape opportunities for the practice of investment arbitration into the future. This program explores emerging themes at the intersection of the VCLT and investor-State disputes in a roundtable format and draws on ideas elaborated in the recently published book, *The Vienna Convention on the Law of Treaties in Investor-State Disputes: History, Evolution, and Future*, edited by Esmé Shirlow & Kiran Nasir Gore (Kluwer, 2022).*

Moderator:

- **Diora Ziyayeva**, Counsel, Dentons US LLP; Co-Chair, ABILA Committee on International Investment Law

Panelists:

- **Shani Friedman**, PhD Candidate and Research Fellow, Law Faculty, the Hebrew University of Jerusalem
- **Kiran Nasir Gore**, Professorial Lecturer in Law, George Washington University Law School; Independent Counsel & Arbitrator, Law Offices of Kiran N Gore PLLC
- **Michele Potestà**, Partner, Lévy Kaufmann-Kohler
- **Esmé Shirlow**, Associate Professor, Australian National University

Schedule

Friday, October 21



INTERNATIONAL
LAW ASSOCIATION
AMERICAN BRANCH ▸ EST. 1922

7:00 pm

Reception at a United Nations Mission | *Advance purchase of ticket required*

Location TBA

The Friday evening reception is generously hosted by a UN Mission. 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 \$15 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 Mission towards International Law Weekend is greatly appreciated.

8:30 pm

End of ILW Day 2

Schedule

Saturday, October 22



INTERNATIONAL
LAW ASSOCIATION
AMERICAN BRANCH ▸ EST. 1922

9:00-10:15 am

Outstanding Achievement Award & Keynote Address

Richard Goldstone, former Justice, Constitutional Court of South Africa; former Chief Prosecutor, UN International Criminal Tribunals for the former Yugoslavia and Rwanda

*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*

Annual Award Presentations

Charles Siegal Distinguished Service Award:

David P. Stewart, Professor from Practice; Co-Director, Global Law Scholars Program; Director, Center on Transnational Business and the Law, Georgetown Law; Chairman, Board of Directors, American Branch (International Law Association)

*Award 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*

ABILA Book of the Year Award:

TBA

ABILA Practitioners Book Award:

TBA

ABILA New Authors Book Award:

TBA

*Awards presented by **Mortimer Sellers**, Regents Professor of the University System of Maryland and Director, University of Baltimore Center for International and Comparative Law; Chair, ABILA Book Awards Committee*

100th Members Meeting and Election

The Annual Meeting is open to members and non-members alike, however only members can vote.

Schedule



INTERNATIONAL
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Saturday, October 22

10:30-11:45 am **100 Years of International Intellectual Property Law**

CLE Pending

Sponsored by
the ABILA
Committee on
International
Intellectual
Property Law

To commemorate the centennial of the American Branch, this panel brings together leading scholars to explore the development of the international intellectual property regime in its first 100 years. What are the most transformative developments? What interesting developments have been overlooked? Are you satisfied with the regime's development trajectory? What do you anticipate happening in the regime in the next two decades?

Moderator:

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

Panelists:

- **Frederick M. Abbott**, Edward Ball Eminent Scholar Professor of International Law, Florida State University College of Law
- **Rochelle C. Dreyfuss**, Pauline Newman Professor of Law and Co-Director, Engelberg Center on Innovation Law & Policy, New York University School of Law
- **J. Janewa OseiTutu**, Professor of Law and Associate Dean for Diversity Culture & Inclusion, Florida International University College of Law
- **Sarah R. Wasserman Rajec**, Professor of Law, William & Mary Law School
- **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

10:30-11:45 am **The Fourth Environmental Era: Climate Justice**

International environmental law movements comprise of three eras: the conservationist cycle beginning in the late nineteenth century, the pollution-prevention cycle starting in the mid twentieth century and spanning the time of the 'environmental revolution', and the sustainable development phase emerging in the 1980s and continuing in to the twenty-first century. As climate change unleashes its fury on current and future generations, international environmental law will be an imperative tool over the next 100 years. The fourth environmental era needs to be bold - it must center climate justice. This panel will discuss the various vulnerable communities who stand to benefit the most from climate justice, the legislative tools at their disposal, and the challenges posed in seeking climate justice.

Moderator:

- **Enéas Xavier**, Brazilian Environmental Lawyer; Doctoral Candidate, Université de Montréal

Panelists:

- **Sumudu Atapattu**, Senior Lecturer and Director of Research Centers, University of Wisconsin Law School; Attorney-at-Law, Supreme Court of Sri Lanka
- **Freya Doughty**, JSD Candidate, Washington University in St. Louis; Associate Lecturer, UWE Bristol
- **Belinda Walzer**, Assistant Professor of English in Rhetoric and Writing Studies and Interim Director of Composition, Appalachian State University

Schedule



INTERNATIONAL
LAW ASSOCIATION
AMERICAN BRANCH ▸ EST. 1922

Saturday, October 22

10:30-11:45 am **Reimagining the System of World Organization: Are the UN's Principal Organs Performing Their Tasks?**

CLE Pending

It has recently become apparent that there is considerable room for reimagination of the roles, capacities, and jurisdiction of the UN's principal organs. This provides a diverse set of answers to the question: How well suited are the Security Council, the General Assembly, and the International Court of Justice to perform the vital tasks of the pursuit of common goals that they were originally set up to address? Changing dynamics have combined to bring the question of Security Council reform to the fore. The recent General Assembly resolution A/RES/76/262, for example, aims to hold the permanent Council members accountable before the Assembly when they use the veto. Has the time come to reimagine aspects of the division of labor of the organs of the UN, and to take a hard look at whether their powers and functions need to be better demarcated as between them?

Moderator:

- **Eirik Bjorge**, Professor of Law, University of Bristol Law School; Senior Global Research Fellow, NYU School of Law

Panelists:

- **Mirjam Bierling**, Legal Adviser to the Norwegian Permanent Mission to the UN
- **Diarra Dime-Labille**, Legal Adviser to the French Permanent Mission to the UN
- **Sean D. Murphy**, Manatt/Ahn Professor of International Law, George Washington University Law School; Member, UN International Law Commission
- **Ambassador Namira Negm**, Director of the African Migration Observatory, African Union
- **Eran Sthoeger**, Attorney and consultant in international law; Adjunct Professor, Brooklyn Law School and Seton Hall Law School

10:30-11:45 am **Racism and the Crime of Apartheid in International Law**

Leveraging international law to tackle the scourge of systemic racism may be one of the greatest challenges facing the cannon in the next one hundred years. Many treaty instruments focus attention on acts of discrimination rather than systems of domination. With the renewed attention to racism triggered by the Movement for Black Lives (M4BL) and the Human Rights Council's decision to establish an international independent expert mechanism on systemic racism for a period of three years, uncovering international law's contributions to challenge racism more effectively, including prosecuting the crime of apartheid, feels urgent. While initially coined by the perpetrators to describe the racial segregation practiced in Southern Africa, the Rome Statute lists apartheid among the crimes against humanity within the jurisdiction of the International Criminal Court. Today, in contexts across the world, from Myanmar's abuses of Rohingya Muslims in the Rakhine State, to the Israeli authorities' systematic oppression of Palestinians, to the Chinese government's actions in Xinxiang against Uyghurs and other Turkic Muslims, human rights organizations, UN bodies, experts, and scholars have concluded that the crime of apartheid is being committed with impunity. This panel tackles how apartheid intersects with notions of systemic racism and discrimination in international law.

Moderator:

- **Mai El Sadany**, Managing Director and Legal and Judicial Director, TIMEP

Panelists:

- **E. Tendayi Achiume**, Professor of Law, UCLA School of Law; UN Special Rapporteur on Contemporary Forms of Racism
- **Victor Kattan**, Senior Research Fellow, University of Nottingham School of Law
- **Omar Shakir**, Israel and Palestine Director, Human Rights Watch

Schedule



INTERNATIONAL
LAW ASSOCIATION
AMERICAN BRANCH ▸ EST. 1922

Saturday, October 22

10:30-11:45 am **The Secret Life of International Law**

CLE Pending

International law is formed through an iterative process of action and reaction. The evolution of international law is thus inherently a public process. Yet, a great deal of the practice of States, courts, and organizations is classified. When behavior occurs in the shadows what weight should it be given? This panel will bring together academics and practitioners to examine such issues as the legal effects of secret treaties, the role that secret State practice plays in the evolution of custom, the centrality of NDAs and gag orders in national security proceedings, the place of anonymity and confidentiality in the work of international criminal courts and humanitarian organizations, and the evolution of rules governing cyber, counterterrorism, espionage, and covert action operations.

Moderator:

- **Asaf Lubin**, Associate Professor of Law, Indiana University Maurer School of Law

Panelists:

- **Danae Azaria**, Associate Professor, Faculty of Laws, University College London; Director, State Silence Project
- **Ashley Deeks**, Class of 1948 Professor of Scholarly Research in Law and Senior Fellow at the Miller Center, University of Virginia Law School
- **Steven R. Ratner**, Bruno Simma Collegiate Professor of Law and Director of the Donia Human Rights Center, University of Michigan
- **Timothy Waters**, Professor of Law and Val Nolan Faculty Fellow, Associate Director, Center for Constitutional Democracy, Indiana University Maurer School of Law

12:00-1:15 pm **Accountability in Internet Governance**

The Internet Corporation for Assigned Names and Numbers (ICANN) is the multistakeholder organization that maintains arguably the most important innovation in the last century: the Internet. Yet, ICANN has no true governmental oversight; the regulatory body is, essentially, in charge of itself. To help its self-governance, ICANN created a unique set of accountability mechanisms based on a bespoke form of international arbitration. This panel will consider several of these accountability mechanisms; whether these mechanisms successfully adapt international arbitration norms and procedures to establish oversight and accountability for ICANN's actions and inactions; and whether ICANN should implement any changes to these mechanisms in order to ensure that it complies with its obligations and international norms.

Moderator:

- **Rose Marie Wong**, Associate, Dechert LLP

Panelists:

- **Christopher Gibson**, Professor of Law and Director of the Business Law and Financial Services Concentration, Suffolk University
- **Kenneth B. Reisenfeld**, Partner, BakerHostetler
- **Mike Rodenbaugh**, Owner, Rodenbaugh Law
- **Aníbal Sabater**, Partner, Chaffetz Lindsey LLP

Schedule



INTERNATIONAL
LAW ASSOCIATION
AMERICAN BRANCH ▸ EST. 1922

Saturday, October 22

12:00-1:15 pm **Law of the Rising Sea: Where Do We Go from Here?**

CLE Pending

As we celebrate 40 years of the United Nations Convention on the Law of the Sea, this panel will discuss the questions arising under the Convention that are most likely to impact the international community over the coming decades. For example, as sea levels rise, affected States are considering declaring and freezing their baselines in an attempt to preserve their maritime rights before depletion of their land territory, which brings to the forefront whether the long-established principle of the “land dominates the sea” will stand the test of time. And with technological advancements, the ocean-based blue economy and exploration of seabed minerals has led to a battle for marine resources, raising questions of security measures and sovereign rights at sea, including whether these novel issues need us to re-think the basic principles of the law of the sea. The panel will also consider if and how international organizations such as the Commission of Small Island States, the Pacific Islands Forum, the Alliance of Small Island States, the International Law Commission, and the European Union can play a part in protecting States’ rights and settling conflicts.

Moderator:

- **Catherine Amirfar**, Partner & Co-Chair of the Public International Law Group, Debevoise & Plimpton LLP

Panelists:

- **David Freestone**, Professorial Lecturer in Law, George Washington University Law School
- **Nilufer Oral**, Director, Centre for International Law, National University of Singapore; Member, International Law Commission, Co-Chair of the Study Group on Sea-level Rise in Relation to International Law

12:00-1:15 pm **Prosecutions and Accountability in Ukraine**

In February 2022, Russian forces invaded Ukraine. Numerous discussions relevant to accountability for Russian leaders have already taken place. This panel will explore specific avenues for accountability for senior Russian leaders for crimes committed in Ukraine. Panelists will discuss different accountability mechanisms, such as the International Criminal Court, national-level prosecutions under the principle of universal jurisdiction, and the possibility of establishing an ad hoc hybrid tribunal for Ukraine. Panelists will also draw parallels and discuss comparisons between the Ukraine context and other situations, such as the ongoing conflict in Syria, as well as past accountability mechanisms in the former Yugoslavia, Rwanda, Sierra Leone, Lebanon, and others. In addition, panelists will discuss issues of transitional justice relevant in the Ukrainian conflict and the importance of accountability within the overall transitional justice process. Finally, panelists will focus on ways in which the United States, as well as other States, can support Ukrainian accountability efforts.

Moderator:

- **TBD**

Panelists:

- **Chiara Giorgetti**, Professor of Law, University of Richmond School of Law
- **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
- **Michael P. Scharf**, Dean and Joseph C. Hostetler – BakerHostetler Professor of Law, Case Western Reserve University School of Law; President-Elect, International Law Association (American Branch)
- **Paul Williams**, Rebecca I. Grazier Professorship in Law and International Relations, American University Washington College of Law

Schedule



INTERNATIONAL
LAW ASSOCIATION
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Saturday, October 22

12:00-1:15 pm **Civil War Peace Agreements: Interpretation, Implementation and Legal Context**

CLE Pending

Many civil wars are now ended by comprehensive peace agreements. Unlike inter-State peace treaties of the past, however, the new civil war agreements have an uncertain relationship to international law. On the one hand, because they have non-State parties, they do not meet the traditional definition of treaties. On the other, they are often facilitated and partially implemented by international organizations, as well as incorporate widely-accepted international law principles on human rights, elections, anti-corruption, border stability, and more. This panel will assess the uncertain legal status of civil war peace agreements. Speakers will highlight differences from traditional inter-State agreements, explore the role of international actors in the new agreements, examine the important case of the Colombian peace accord, ask how the agreements have been interpreted, and explore what accounts for higher and lower rates of incorporating international legal principles.

Moderator:

- **Ambassador Susan D. Page**, Professor of Practice in International Diplomacy, Weiser Diplomacy Center; Professor from Practice, University of Michigan Law School

Panelists:

- **Laura Edwards**, Associate, White & Case LLP
- **Gregory Fox**, Professor of Law and Director, Program for International Legal Studies, Wayne State University School of Law
- **Timothy Jones**, Ph.D. Candidate, University of Michigan Department of Political Science
- **Pablo Rueda-Saiz**, Associate Professor of Law, University of Miami School of Law

12:00-1:15 pm **The Legitimacy and Fundamental Principles of International Human Rights Law**

Co-sponsored by
the ABILA
Committees on
International
Human Rights
and the
Legitimacy and
Fundamental
Principles of
International
Law

The respect for and protection of universal human rights has long been seen as one of the primary tests and measures of the legitimacy of law and government everywhere. Already in the time of Grotius and Vattel, but with increasing sophistication and frequency since the Second World War, lawyers have cited universal rights and international legal standards to challenge oppressive Empires and States. Yet at the same time, strong traditions of realism and positivism in international relations have threatened the legal status of individual rights, to elevate the power and sovereignty of States at the expense of their subjects. This panel will consider the legitimacy and fundamental principles of international human rights law, the sources and evidence of human rights, their binding power, and the possible role human rights protections play in supporting the legitimacy of international law and international legal institutions as a whole.

Moderator:

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

Panelists:

- **Diane Marie Amann**, Regents' Professor of International Law; Emily & Ernest Woodruff Chair in International Law; and Faculty Co-Director, Dean Rusk International Law Center, University of Georgia School of Law
- **Gloria Y.A. Ayee**, Harvard College Fellow; Lecturer, Department of Government, Harvard University, Faculty Associate, Carr Center for Human Rights, Harvard Kennedy School of Government
- **Hélène Ruiz Fabri**, Professor of International Law, Director of the Max Planck Institute Luxembourg for Procedural Law
- **Aaron Xavier Fellmeth**, Dennis S. Karjala Professor of Law, Science and Technology, Sandra Day O'Connor College of Law; Co-Chair, ABILA International Human Rights Law Committee

Schedule



INTERNATIONAL
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Saturday, October 22

1:15 pm **Boxed Lunch**

1:30 pm **Keynote Address**

H.E. Dr. Mamadou Tangara, Minister of Foreign Affairs, the Republic of The Gambia (TBC)

2:30-3:45 pm **Coercive Diplomacy in the Skies: Dispute Resolution Mechanisms and Legal Remedies for States**

CLE Pending

*Sponsored by
the ABILA
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International
Arbitration*

In recent years, States have increasingly used the principle of airspace sovereignty as a tool of coercive diplomacy for reasons that are not always linked to aviation, threatening the stability of the Chicago Convention regime for international civil aviation established in 1944. This panel seeks to consider the legal basis of airspace restrictions in international aviation, the operational and commercial challenges they impose on airlines including the economic and social side effects, and the range of dispute settlement mechanisms that are available to States: from consultations and negotiations under the auspices of the International Civil Aviation Organization (ICAO), to formal proceedings before the ICAO Council and the International Court of Justice (ICJ), ad hoc arbitration, and claims based on racial discrimination.

Moderator:

- **Marcelo Garcia**, Senior Director, InterVISTAS

Panelists:

- **Pablo Mendes de Leon**, Professor of Air & Space Law, Leiden University
- **Carlos Bermejo Acosta**, Head of Air Transport, European Commission, Brussels
- **Floriane Lavaud**, Counsel, Debevoise & Plimpton LLP; Co-Chair, ILW 2022 Organizing Committee; Co-Chair, ABILA Committee on International Arbitration

Schedule



INTERNATIONAL
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Saturday, October 22

2:30-3:45 pm **Should Climate Change be Framed as a Security Issue?**

The panel will discuss and debate, with audience participation, whether and how climate change should be characterized as a security issue. Climate change poses a threat to human civilization. Some argue that it is a threat to national and international security, and needs to be treated as such. Others argue that this will simply “securitize” the response, undermining rights and the rule of law, and exacerbating collective action problems. Still others argue that it should be framed as an issue of security, be it human or global security, in order to prioritize claims to resources and authority needed to address the problem. The question is essential to how we can best deploy international law and institutions to tackle an urgent global crisis.

Moderator/Panelist:

- **Craig Martin**, Professor of Law, Washburn University School of Law

Panelists:

- **Maryam Jamshidi**, Associate Professor of Law, University of Florida School of Law
- **Mark Nevitt**, Associate Professor, Emory University School of Law
- **Jaya Ramji-Nogales**, Associate Dean for Research and I. Herman Stern Research Professor, Temple Law School

2:30-3:45 pm **The Rush for Resources: International Legal Implications of Space Mining**

CLE Pending

Global competition for natural resources now extends beyond earth. States and private companies are investing in developing technology to extract and utilize natural resources available beyond the earth’s orbit, such as on the surfaces of the moon and nearby asteroids, through a process commonly referred to as “space mining.” What implications does this new rush for space resources have for international law? Panelists will explore how international law addresses—and may evolve to address—issues related to space mining, including its very legality under the foundational multilateral space law treaties, its treatment in national laws and the political arrangements established under the Artemis Accords, and the basis for property rights over extracted materials.

Moderator:

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

Panelists:

- **Steven Freeland**, Professor of International Law, Western Sydney University; Co-Chair, UNCOPUOS Working Group on the Exploration, Exploitation and Utilisation of Space Resources
- **Christopher D. Johnson**, Space Law Advisor, Secure World Foundation; Adjunct Professor of Law, Georgetown University Law Center
- **Tanja Masson-Zwaan**, Assistant Professor, Leiden University

Schedule



INTERNATIONAL
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Saturday, October 22

2:30-3:45 pm

Growing Threats to the Human Rights of U.S. Transgender & Intersex Children

CLE Pending

The 21st century has brought greater understanding that gender non-conformity is relatively common in the human population (an estimated 1 in 100 youth in the U.S. identify as transgender). Research on this population indicates that transgender children experience similar gender development profiles to cisgender children and have similar rates of depression and self-esteem if their gender identity is affirmed by their friends, families, and communities. If their identities are not affirmed, the risk of suicide and depression significantly increases. Society has responded by normalizing affirmation of transgender identities, including the development of health care protocols, but some politicians have reacted by introducing, and in some cases, banning, gender-affirming health care, and excluding transgender children from sports, bathrooms, and more. Parents and medical providers are currently being investigated for child abuse because they provided gender-affirming care to their children and/or patients. This panel will explore whether international human rights law provides a framework to defend the rights of transgender and intersex children in the domestic context of U.S. state legislation targeting transgender and intersex youth.

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; Co-Chair, ABILA Committee on International Human Rights

Panelists:

- **Michael Garcia Bochenek**, Senior Counsel, Children's Rights Division, Human Rights Watch
- **Daniel Reirden**, Medical Director, CHIP Youth Clinic and The TRUE Center for Gender Diversity, Children's Hospital of Colorado
- **Mary Kelly Persyn**, Attorney and Parent
- **Zephyr Eslick-Persyn**, Transgender Youth Rights

2:30-3:45 pm

Emerging Voices

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.

3:45 pm

Pathways to Employment in International Law

Organized with the ABA International Law Section and the International Law Students Association

Join us for an interactive discussion on how to launch an international legal career as a student or young lawyer. Hear speakers give practical career advice and guidance on how to use different networking and career tools to gain internships, and entry level legal jobs in the current job market. Speakers will discuss how to utilize your existing network to access opportunities, and how to best position and present yourself as a top candidate during the interview process.

5:00 pm

END OF ILW 2022

American Branch of the International Law Association

Committees & Study Groups

Committee	Chair(s)	Panel/Networking at ILW 2022
Arms Control and Disarmament	Chris Borgen	
International Commercial Law	Irene Calboli Jessica Simonoff	WEBINAR planned for November; date TBD
Formation of Rules of Customary International Law	Brian Lepard	PANEL: <i>The Role of Customary International Law in the Next 100 Years</i> , Friday @ 9:00 am
International Arbitration	Floriane Lavaud Daniel Reich	PANEL: <i>Coercive Diplomacy in the Skies: Dispute Resolution Mechanisms and Legal Remedies for States</i> , Saturday @ 2:30 pm
International Criminal Court	Jennifer Trahan Megan Fairlie	PANEL: <i>Prosecuting Sexual and Gender-Based Crimes at the ICC: An Expert Roundtable</i> , Saturday @ 12:00 pm
International Environmental and Energy Law	Myanna Dellinger Carolina Arlota	PANEL: <i>Beyond Rocket Science: Assessing the Role of Natural and Social Sciences in Galvanizing International Climate Action</i> , Friday @ 3:15 pm
International Human Rights	Aaron Fellmeth Warren Binford	PANEL: <i>The Legitimacy and Fundamental Principles of International Human Rights Law</i> , Saturday @ 12:00 pm
International Humanitarian Law	Gabor Rona Ashika Singh	PANEL: <i>The Cybercrime-Cyberwar Continuum: State Responsibility and Accountability for Cyberattacks under International Law</i> , Friday @ 4:45 pm
International Intellectual Property Law	Peter Yu Sean Flynn	PANEL: <i>100 Years of International Intellectual Property Law</i> , Saturday @ 10:30 am
International Investment Law	David Attanasio Diora Ziyaeva	PANEL: <i>The Vienna Convention on the Law of Treaties in Investor-State Disputes: History, Evolution, and Future</i> , Friday @ 3:15 pm
International Law in Domestic Courts	Martin Flaherty Steven Schneebaum	PANEL: <i>Is U.S. Ratification of Human Rights Treaties Obsolete?</i> , Friday @ 9:00 am
International Trade Law	Richard Steinberg	PANEL: <i>The International Trade Regime's Foundations in an Era of Increased Geopolitical Conflict</i> , Friday @ 4:30 pm
Islamic Law and Society	Sahar Aziz	
Law of the Sea	Coalter Lathrop	PANEL: <i>'Whose is the Bed of the Sea?' 1922-2022 and Beyond</i> , Friday @ 9:00 am
Legitimacy and Fundamental Principles of International	Mortimer Sellers	PANEL: <i>The Legitimacy and Fundamental Principles of International Human Rights Law</i> , Saturday @ 12:00 pm
Space Law	Henry Hertzfeld Matthew Schaefer	PANEL: <i>The International Trade Regime's Foundations in an Era of Increased Geopolitical Conflict</i> , Friday @ 4:30 pm
Study Group on Threats to the Liberal International	David Sloss	
Teaching International Law	Milena Sterio	PANEL: <i>Recent Developments in International Immunities Law</i> , Friday @ 9:00 am
United Nations Law	Christiane Ahlborn Bart Smit	PANEL: <i>Negotiating the Sustainable Future of Marine Biological Diversity in Areas Beyond National Jurisdiction</i> , Friday @ 4:30 pm
Use of Force	Jack Beard	PANEL: <i>Prosecuting the Crime of Aggression: Russia and Beyond</i> , Friday @ 10:30 am

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