



INTERNATIONAL LAW ASSOCIATION

AMERICAN BRANCH  
EST. 1921

# INTERNATIONAL LAW WEEKEND

OCT. 22-24  
2020

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

## *International Law in Challenging Times*

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

**Thursday, October 22, 2020 | Opening Plenary and Reception**

**Friday and Saturday, October 23-24, 2020 | ILW Panels and Meetings**

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

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# Welcome to ILW 2020



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The American Branch of the International Law Association (ABILA) welcomes you to its annual International Law Weekend (ILW) conference. The theme of ILW 2020 is *International Law in Challenging Times*.

From shifting political alliances to changing trade and economic relations, the world around us is undergoing profound transformations. The backlash against globalization has resulted in increased suspicion of multilateralism – and escalating populism. Yet, the world is more interconnected than ever. Our economic system relies on interconnectivity. To stop the spread of the coronavirus and address climate change, international coordination is paramount. What is the role of international law in this changing and often contradictory world? What could and should international lawyers do? How can international institutions become more successful both at addressing the challenges facing them and in winning state and popular support? ILW 2020 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 2020 begins Thursday, October 22, 2020 with a **President's Opening Plenary Panel**. Moderated by ABILA President Leila Sadat, speakers include Professor Gian Luca Burci (Graduate Institute of International and Development Studies of Geneva); H.E. Judge Silvia Fernández de Gurmendi (International Criminal Court); and Professor David Scheffer (Northwestern Pritzker School of Law).

The conference continues Friday and Saturday, October 23-24, 2020, and features **27 panels** on a range of topics. Keynote speakers include Catherine Amirfar (Partner & Co-Chair of the Public International Law Group, Debevoise and Plimpton, LLP) and H.E. Judge Julia Sebutinde (International Court of Justice). These events are open to all conference attendees.

The Saturday program includes a special **United Nations 75th Anniversary Plenary Panel**. It will continue with 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 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 Committees
- ◆ A discounted rate for International Law Weekend (free registration for students)
- ◆ Participation in the Branch's regional meetings
- ◆ Participation in ILA Biennials and other ILA regional conferences
- ◆ The chance to represent the Branch on an ILA Committee or Study Group

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

# Schedule at a Glance

## ILW 2020

Thursday, October 22, 2020				
2:00-2:15pm EDT	Welcome to ILW			
2:15-3:15pm EDT	<b>President's Opening Plenary Panel: International Law in Challenging Times</b> Moderator: Professor Leila Nadya Sadat, President, International Law Association (American Branch) Panelists: Professor Gian Luca Burci, Graduate Institute of International and Development Studies of Geneva; H.E. Judge Silvia Fernández de Gurmendi, International Criminal Court; and Professor David Scheffer, Northwestern Pritzker School of Law			
3:15pm EDT	Break			
3:30-4:30pm EDT	Intellectual Property and COVID-19 in International Law	2020 Vision: Trends and Challenges in the Enforcement of International Arbitral Awards	Climate Change and the Law of the Sea	Surveillance, Privacy, and Human Rights: The Outlook for 2021
4:30-5:30pm EDT	Networking Rooms hosted by ABILA Committees and Women and International Law			

Friday, October 23, 2020				
9:00-10:00am EDT	COVID-19 and Climate Change: A Setback or Strengthening the Resolve to Move Forward?	Business Engagement in Global Governance: Boon or Peril?	Submarine Cables and Pipelines under International Law: The Ongoing Work of the ABILA Committee on Law of the Sea	Strengthening the International Criminal Court: A Path Forward?
10:00am EDT	Break			
10:30-11:30am EDT	The Challenge of Globalizing Private International Law	Asylum in Crisis: Upholding Human Rights During a Pandemic	Standard Setting or Outer Space Activities: Choice of Forums and Methods	Gun Violence as a Human Rights Issue and the U.S. Government's Failure to Fulfill its International Obligations
11:30am EDT	Break			
12:00-12:45pm EDT	<b>Keynote Address: The Making (and Unmaking) of the International Rule of Law</b> Ms. Catherine Amirfar, Partner & Co-Chair of the Public International Law Group, Debevoise and Plimpton, LLP			
12:45pm EDT	Break			
1:00-1:45pm EDT	Networking Rooms hosted by Minorities and International Law; Young Lawyers; & Brill Nijhoff			

# Schedule at a Glance (cont'd)

## ILW 2020



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Friday, October 23, 2020 (cont'd)				
1:45pm EDT	Break			
2:00- 3:00pm EDT	On Being a Lawyer- Diplomat	Obligations <i>Erga Omnes</i> before the International Court of Justice	Arbitration of Human Rights at Sea: Giving International Law Teeth by Empowering Victims to Enforce it	Race, Culture, and Law in Muslim-Majority Countries
3:00pm EDT	Break			
3:30- 4:30pm EDT	Novel Human Rights Crisis During a Global Pandemic	From Accord back to Confrontation: The Return of the Iran Nuclear Crisis	UN Diplomacy in Times of COVID-19	The U.S. and the International Criminal Court - Can a Court in the Netherlands be a U.S. National Security Threat?
4:30- 5:30pm EDT	Networking Rooms hosted by ABILA Committees			
5:30pm	International Law Trivia Master of Ceremonies: Dean Michael P. Scharf, Case Western Reserve University School of Law			

Saturday, October 24, 2020				
9:00-9:30am EDT	Keynote Address H.E. Judge Julia Sebutinde, International Court of Justice			
9:30- 10:30am EDT	United Nations 75 <sup>th</sup> Anniversary Plenary Panel Moderator: Professor Leila Nadya Sadat, President, International Law Association (American Branch) Panelists: Professor Patrícia Galvão Teles, Autonomous University of Lisbon; Professor Charles Jalloh, Florida International University; Mr. Larry D. Johnson, Former Assistant-Secretary-General for Legal Affairs, United Nations; and Ambassador Christian Wenaweser, Permanent Representative of the Principality of Liechtenstein to the United Nations			
10:30- 11:00am EDT	ABILA Members Meeting, Election, and Award Presentations Book of the Year Award & Charles Siegal Service Award			
11:00am EDT	Break			
11:30- 12:30pm EDT	Investor-State Disputes, International Finance, and Economic Crisis	Weaponry, Technology, Uncertainty, and Regulation	The End of American Human Rights Exceptionalism	Pathways to Careers in International Law
12:30- 1:30pm	Career Networking Session (sponsored by ILSA)			
2:00- 3:00pm EDT	Hot Topics: The 2020 Election and its Impact on International Trade and Investment	Privacy, Big Data, and International Law in Pandemic Times	International Supply Chain: Challenges in the Time of Pandemics and Global Disruption	
3:00pm EDT	End of ILW 2020			

# Schedule

Thursday, October 22

2:00-3:15 pm

## Welcome to ILW and President's Opening Plenary Panel: International Law in Challenging Times

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

Moderator:

- **Leila Nadya Sadat**, President, International Law Association (American Branch); Director, Whitney R. Harris World Law Institute; James Carr Professor of International Criminal Law, Washington University School of Law

Panelists:

- **Gian Luca Burci**, Former Legal Counsel, World Health Organization; Adjunct Professor, Graduate Institute of International and Development Studies of Geneva
- **H.E. Judge Silvia Fernández de Gurmendi**, Former President of the International Criminal Court; Former Director General for Human Rights at the Ministry of Foreign Affairs of Argentina
- **David Scheffer**, Clinical Professor Emeritus and Director Emeritus of the Center for International Human Rights, Northwestern Pritzker School of Law

3:30-4:30 pm

## Intellectual Property and COVID-19 in International Law

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

*This panel of international experts will survey developments in international law and policy at the intersection of intellectual property law and responses to the COVID pandemic. Topics to be covered include the COVID implications of progress on creating a patent pool at the World Health Organization, the role of international instruments on copyright and the right to research at the World Intellectual Property Organization, the Open COVID Pledge for voluntary sharing of patent rights on health related technology, regional intellectual property law reform in the EU, and domestic reform in Brazil.*

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**, Professor of Law and Communication and Director, Center for Law and Intellectual Property, Texas A&M University; ABILA Co-Director of Studies

Panelists:

- **Rashmi Banga**, Senior Economic Affairs Officer, UNCTAD
- **Marsha Simone Cadogan**, Principal, MSC Intellectual Property & Technology Law, Canada
- **Jorge L. Contreras**, Presidential Scholar, University of Utah
- **James Love**, Director, Knowledge Ecology International
- **Allan Roca de Sousa**, Professor, Federal University of Rio de Janeiro and Federal Rural University of Rio de Janeiro, Brazil

# Schedule

Thursday, October 22

3:30-4:30 pm

## 2020 Vision: Trends and Challenges in the Enforcement of International Arbitral Awards

*Approved for  
CLE*

*This panel is  
sponsored by  
the ABILA  
Committee on  
International  
Arbitration*

*This panel will assess the major trends and challenges facing the enforcement regime for international arbitration awards as we look ahead to a new decade. It will explore perennial issues such as sovereign immunity and the impact of insolvency on enforcement, as well as newer challenges such as the disruptive effects of COVID-19 and the impact of current reform proposals for investor-state dispute settlement on enforcement. Our panelists will conclude by assessing prospects for changes to the enforcement regime in the near future.*

Moderator:

- **Julianne Marley**, Senior Associate, Debevoise & Plimpton LLP

Panelists:

- **Andrea Bjorklund**, Professor, McGill University Faculty of Law
- **Lee M. Caplan**, Partner, Arent Fox LLP, Washington D.C.
- **Kabir Duggal**, Senior International Arbitration Advisor, Arnold & Porter, New York
- **Alyssa King**, Assistant Professor, Queen's University Faculty of Law

3:30-4:30 pm

## Climate Change and the Law of the Sea

*This panel is  
sponsored by  
Debevoise &  
Plimpton LLP*

*The law of the sea framework was established prior to the more recent awareness of climate change and its impacts. This panel will explore how international law, especially the law of the sea, should account for sea-level rise, including regarding issues such as baselines and maritime entitlements, status of features, protection of the marine environment, and statehood of low-lying States and the rights of their nationals.*

Moderator:

- **Aimee-Jane Lee**, International Counsel, Debevoise & Plimpton LLP

Panelists:

- **David Freestone**, Professorial Lecturer in Law, George Washington University; Rapporteur, International Law Association Committee on International Law and Sea Level Rise
- **Dr. Nilufer Oral**, Director, Centre for International Law, National University of Singapore; Co-Chair, International Law Commission Study Group on Sea Level Rise in International Law
- **Nicola Swan**, Senior Associate, Chapman Tripp (New Zealand); Member, IBA Environmental, Social and Governance Arbitration Committee; former Secretary, IBA Presidential Task Force on Climate Change Justice and Human Rights
- **Ambassador Nguyễn Hồng Thao**, Professor, Diplomatic Academy of Vietnam; National University of Hanoi; Member, International Law Commission

# Schedule

Thursday, October 22

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3:30-4:30 pm **Surveillance, Privacy, and Human Rights: The Outlook for 2021**

*Approved for  
CLE*

*Surveillance, privacy, and human rights will headline 2021. The EU's General Data Protection Regulation (GDPR) will prompt renewed questions. Debate will persist on Schrems II, in which the EU Court of Justice struck down the transatlantic data transfer pact, Privacy Shield. U.S. courts may address foreign intelligence surveillance. Our distinguished panel will analyze these crucial issues.*

Moderator:

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

Panelists:

- **Els de Busser**, Professor, Leiden University
- **Brian Egan**, Partner, Steptoe & Johnson PLLC
- **Margaret Hu**, Professor of Law and of International Affairs, Penn State Law
- **Rebecca J. Richards**, Director, NSA Office of Civil Liberties and Privacy
- **Patrick Toomey**, Senior Staff Attorney, American Civil Liberties Union

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4:30-5:30 pm **Networking Rooms**

*Hosted by the ABILA Committees on Arms Control and Disarmament; Formation of Rules of Customary International Law; International Humanitarian Law; International Intellectual Property; Law of the Sea; Space Law; and Women and International Law*

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# Schedule

Friday, October 23

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9:00-10:00 am

## COVID-19 and Climate Change: A Setback or Strengthening the Resolve to Move Forward?

*This panel is sponsored by the ABILA Committee on International Environmental and Energy Law*

*This panel will focus on the current challenges of climate change policies. Specifically, it will assess the consequences of the COVID-19 pandemic for treaties on climate change, international refugees, and climate litigation. Ultimately, the panel will determine if the pandemic is a setback to climate change policies or an unprecedented opportunity to strengthening the resolve to move forward.*

Moderator:

- **Myanna F. Dellinger**, Professor of Law, University of South Dakota

Panelists:

- **Carolina Arlota**, Visiting Assistant Professor of Law, The University of Oklahoma College of Law
- **Michael Gerrard**, Professor of Law and Director, Sabin Center for Climate Change Law, Columbia Law School
- **Jolene Lin**, Associate Professor of Law and Director, Asia-Pacific Centre for Environmental Law, National University of Singapore

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9:00-10:00 am

## Business Engagement in Global Governance: Boon or Peril?

*Approved for CLE*

*Many international organizations are now partnering with business groups, seeking expertise, corporate engagement with important issues, and funds. While public-private partnerships can seem indispensable, the danger of undue influence is real. This roundtable will discuss cutting-edge efforts by international organizations to capture benefits of business participation while restraining harms, and how past experience may offer lessons for future challenges.*

Moderator:

- **Ayelet Berman**, Senior Fellow, National University of Singapore Faculty of Law, Centre for International Law

Panelists:

- **Igor da Silva Barbosa**, First-Secretary, Permanent Mission of Brazil to the United Nations Office in Geneva
- **Kristina Daugirdas**, Professor of Law, University of Michigan
- **Melissa J. ("MJ") Durkee**, Allen Post Professor, University of Georgia School of Law
- **Nancy Thevenin**, General Counsel, United States Council for International Business (USCIB)



# Schedule

Friday, October 23

9:00-10:00 am **Submarine Cables and Pipelines under International Law: The Ongoing Work of the ABILA Committee on Law of the Sea**

*This panel is sponsored by the ABILA Committee on Law of the Sea*

*Submarine cables are the foundation of the world's communication infrastructure. Submarine power cables and pipelines also play vital roles in our interconnected world. The panelists will preview the interim report of the ILA Committee on Submarine Cables and Pipelines, discuss the international legal regime governing submarine cables and pipelines, and address some of the challenges faced in the 21st century.*

Moderator:

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

Panelists:

- **Danae Azaria**, Associate Professor in Law, University College London; Co-rapporteur, ILA Study Committee on Submarine Cables and Pipelines
- **Kent Bressie**, Partner, Harris, Wiltshire & Grannis LLP; Member, ILA Study Committee on Submarine Cables and Pipelines
- **Tara Davenport**, Deputy Director of the Asia-Pacific Centre for Environmental Law and Assistant Professor, Faculty of Law, National University of Singapore; Co-rapporteur, ILA Study Committee on Submarine Cables and Pipelines
- **Onni Irish**, Senior Manager, Desktop Studies, SubCom; Member, ILA Study Committee on Submarine Cables and Pipelines

9:00-10:00 am **Strengthening the International Criminal Court: A Path Forward?**

*This panel is co-sponsored by the ABILA Committee on International Humanitarian Law and Debevoise & Plimpton LLP*

*Despite some recent successes, the International Criminal Court (ICC) faces serious internal and external challenges, including the recent U.S. sanctions. To address these issues, the Assembly of States Parties established an Independent Expert Review, which released its report in September 2020. In December, the Assembly will elect six judges and a prosecutor—a near-complete turnover of leadership. This panel will consider these changes, as well as the prospects for strengthening the Court.*

Moderator:

- **Elizabeth Nielsen**, Counsel, Debevoise & Plimpton LLP

Panelists:

- **Kevin Jon Heller**, Associate Professor of Public International Law, Australian National University College of Law
- **Fiona McKay**, Senior Managing Legal Officer on International Justice, Open Society Justice Initiative; Former Head of the ICC Victims Participation and Reparations Section
- **Alex Whiting**, Professor of Practice, Harvard Law School

# Schedule

Friday, October 23

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10:30-11:30 am **The Challenge of Globalizing Private International Law**

*Approved for  
CLE*

*This panel will focus on the institutions and issues that have been important in the global development of rules of private international law. Panelists will discuss several questions, including (1) What is the most important development at your institution in the past year?; (2) What issues resulting from existing legal instruments covered by your institution have seen the most interesting developments the past year?; (3) What are the most interesting projects on the horizon at your institution?; and (4) How has COVID-19 affected the agenda of your institution in the past year and on the horizon?*

Moderator:

- **Ronald A. Brand**, Professor of Law, University of Pittsburgh School of Law
- **Louise Ellen Teitz**, Professor of Law, Roger Williams Law School

Panelists:

- **Christophe Bernasconi**, Secretary General, Hague Conference on Private International Law
- **Anna Joubin-Bret**, Secretary, United Nations Commission on International Trade Law (UNCITRAL); Director, ITLD/OLA
- **Shubha Sastry**, Assistant Legal Advisor, U.S. Department of State
- **Jeannette Tramhel**, Senior Legal Officer, Organization of American States
- **Anna Veneziano**, Deputy Secretary-General, UNIDROIT

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10:30-11:30 am **Asylum in Crisis: Upholding Human Rights During a Pandemic**

*This panel is  
sponsored by  
Debevoise &  
Plimpton LLP*

*In a matter of months, the COVID-19 pandemic has led to seismic changes worldwide, with numerous States closing their borders and imposing strict restrictions on movement in an effort to contain the spread of the virus. Efforts to tackle the worldwide crisis have led to major disruptions, including for some of the most vulnerable groups of people who, even in the best of circumstances, already faced challenges: asylum-seekers and internally displaced people.*

*International human rights law provides that all individuals have the right to life and security, to receive the highest attainable standard of health, and to seek asylum. Governments may derogate from some (but not all) of their international obligations, and only if certain narrow and exceptional circumstances and conditions are met. In times of a pandemic, how can the international system respond to the dual challenge of ensuring that asylum seekers and internally displaced peoples have access to their rights as enshrined under international law, while allowing countries to manage a health crisis? What will be the “new normal” for the international system? Can international human rights law provide a framework for States to ensure that their responses to a pandemic account for everyone?*

Moderator:

- **Sunil Varghese**, Policy Director, International Refugee Assistance Project

Panelists:

- **Cecilia Jimenez-Damary**, UN Special Rapporteur on the human rights of internally displaced persons (IDPs), UN OHCHR
- **Afshan Khan**, Regional Director for Europe and Central Asia (ECA) & Special Coordinator for the Refugee and Migrant Response in Europe, UNICEF
- **Jaya Ramji-Nogales**, Associate Dean for Academic Affairs and I. Herman Stern Research Professor, Temple University Beasley School of Law

# Schedule

Friday, October 23

10:30-11:30 am **Standard Setting for Outer Space Activities: Choice of Forums and Methods**

Approved for  
CLE

This panel is  
sponsored by  
the ABILA  
Committee on  
Space Law

*New commercial activities and public-private partnerships in outer space demand further flesh be put on the bones of existing international space norms for safety, sustainability, capabilities for long-term presence and protection of heritage sites. Nations and private actors are cooperatively engaging in new standard setting forums, including through the Artemis Accords, Committee on Space Research (COSPAR), Consortium for Execution and Rendezvous of Servicing Operations (CONFERS), and via national regulatory reforms. This roundtable will explore and evaluate the choice of options on the outer space standard-setting menu.*

Moderator:

- **Matthew Schaefer**, Haggart & Work Professor of International Trade Law & Founding Co-Director, Space, Cyber, and Telecom Law Program, University of Nebraska College of Law

Panelists:

- **Mike Gold**, Acting Associate Administrator, Office of International and Interagency Affairs, NASA
- **Henry Hertzfeld**, Research Professor of Space Policy and International Affairs; Director, Space Policy Institute, The Elliot School of International Affairs, George Washington University
- **Caryn Schenewerk**, Vice President of Regulatory and Government Affairs, Relativity Space
- **Audrey Powers**, Deputy General Counsel & Vice President of Legal & Compliance, Blue Origin

10:30-11:30 am **Gun Violence as a Human Rights Issue & the U.S. Government's Failure to Fulfill its International Obligations**

*Nearly 40,000 people are killed by guns in the United States every year; another 110,000 are non-fatally shot. Children, communities of color, and women are disproportionately harmed. The U.S. is also the world's largest exporter of firearms and its lax regulations enable human rights abusers and other dangerous persons aboard to easily acquire U.S. guns. The U.S. government has failed to pass legislation to halt this crisis and has actively loosened regulations and industry oversight. This has created a culture of fear that interferes with the enjoyment of fundamental human rights, including the rights to life, security, health, assembly, and expression, and to be free from discrimination and ill-treatment. International human rights law obligates the U.S. government to act with due diligence to prevent human rights violations and, thus, its failure to adopt practices that are proven to reduce these harms is a violation of its legal obligations. Panelists will explore this argument, debate the role of international organizations in gun violence prevention and arms control, and discuss possible remedies for this crisis.*

Moderator:

- **Madaline George**, Senior Fellow, Whitney R. Harris World Law Institute at Washington University School of Law; Lead Researcher, Gun Violence and Human Rights Initiative

Panelists:

- **Barbara Frey**, Director, Human Rights Program, University of Minnesota; former Special Rapporteur to the U.N. Sub-Commission on the issue of preventing human rights abuses committed with small arms and light weapons.
- **Leila Nadya Sadat**, President, International Law Association (American Branch); Director, Whitney R. Harris World Law Institute; James Carr Professor of International Criminal Law, Washington University School of Law
- **Eugenio Weigend**, Associate Director for Gun Violence Prevention, Center for American Progress

# Schedule

Friday, October 23

12:00-12:45 pm

## Keynote Address: The Making (and Unmaking) of the International Rule of Law

Catherine Amirfar, Partner & Co-Chair of the Public International Law Group, Debevoise and Plimpton, LLP; President, American Society of International Law (ASIL)

1:00-1:45 pm

## Networking Rooms

Hosted by Minorities and International Law; Young Lawyers; and Brill Nijhoff

2:00-3:00 pm

## On Being a Lawyer-Diplomat

Approved for  
CLE

*The contemporary “practice” of international law takes place in diverse circumstances, including government offices, multilateral conferences, and before supranational courts and committees. This roundtable discussion will address several questions: What is (or should be) the role of lawyers who participate in the conduct of diplomatic relations? How do law and diplomacy interact? What makes a “good” international lawyer?*

Moderator:

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

Panelists:

- **Ambassador Katrina Cooper**, Deputy Chief of Mission, Embassy of Australia in Washington, D.C.
- **Mohamed Helal**, Visiting Associate Professor of Law, Harvard Law School; Associate Professor of Law, The Ohio State University Moritz College of Law
- **Miguel de Serpa Soares**, United Nations Under-Secretary General for Legal Affairs and United Nations Legal Counsel

2:00-3:00 pm

## Obligations *Erga Omnes* before the International Court of Justice

*This panel is sponsored by Debevoise & Plimpton LLP*

*In Gambia v. Myanmar, the International Court of Justice (ICJ) provisionally held for the first time that all States Parties to the Genocide Convention, not only “specially affected” States, have standing to enforce the Convention’s obligations erga omnes partes. This roundtable panel will consider the practical and diplomatic implications of the decision and discuss the difference between obligations erga omnes and erga omnes partes.*

Moderator:

- **Nawi Ukabiala**, Associate, Debevoise & Plimpton LLP

Panelists:

- **Ambassador Marja Lehto**, Ambassador and Senior Expert at the Legal Service of the Ministry for Foreign Affairs of Finland; Member, UN International Law Commission
- **Paul Reichler**, Partner, Foley Hoag LLP
- **H.E. Judge Bruno Simma**, Former Judge, International Court of Justice; Professor of Law, University of Michigan Law School

# Schedule

Friday, October 23

2:00-3:00 pm

## Arbitration of Human Rights at Sea: Giving International Law Teeth by Empowering Victims to Enforce It

*This panel is sponsored by the ABILA Committee on International Arbitration*

*Despite a well-established body of international human rights law, human rights abuses occur at sea with disquieting regularity. The problem seems not to lie in the content of the law, but rather in the way it is enforced. This panel will explore whether giving victims the ability to enforce rights directly through arbitration can improve human rights protection at sea.*

Moderator:

- **Anna Petrig**, Professor and Chair of International Law and Public Law, University of Basel (Switzerland)

Panelists:

- **Emmanuel Gaillard**, Global Head of Disputes and Global Head of the International Arbitration Practice Group, Shearman & Sterling LLP
- **Ursula Kriebaum**, Professor of Public International Law, University of Vienna
- **Elisabeth Mavropoulou**, Lecturer in Law, University of Westminster; Trustee, Human Rights at Sea
- **Irini Papanicolopulu**, Associate Professor of International Law, Università degli Studi di Milano Bicocca

2:00-3:00 pm

## Race, Culture, and Law in Muslim-Majority Countries

*This panel is sponsored by the ABILA Committee on Islamic Law and Society*

*The recent murder of George Floyd, followed by massive protests and a tremendous outpouring of sympathy and support for the African American minority in the United States, has galvanized the world. Right-thinking Muslims and members of minority communities turned out for protest marches and organized minority-rights activism in Muslim-majority countries as well. These actions continue. This panel will consider the relevance of international law and Islamic law on the rights of minorities in Muslim communities and the current state of legal, cultural, and juridical affairs in Muslim-majority countries on this issue. Racial, ethnic, and religious minorities have suffered greatly in a number of Muslim-majority countries in recent times. The panel will focus discussion on the plight of a number of these communities and consider whether the recent renewed attention to the minority-rights issue in the United States will have any impact on the law and culture of minority-rights in Muslim-majority countries.*

Moderator:

- **Sahar Aziz**, Professor of Law and Chancellor's Social Justice Scholar, Rutgers University Law School

Panelists:

- **Mohamed Azmy**, President, General Nubian Union; Egyptian Human Rights Lawyer
- **Bernard Freamon**, Professor of Law Emeritus, Seton Hall Law School
- **Saad Salloum**, Executive Director, Masarat

# Schedule

Friday, October 23

3:30-4:30 pm

## Novel Human Rights Crises During a Global Pandemic

*This panel is sponsored by the ABILA Committee on International Human Rights*

*How does a global pandemic like COVID-19 affect the operation of international human rights law? The answer is complex, not only because of the wide range of human rights affected, but also because of the wide range of responses by governments, international organizations, and private actors. The most obvious human rights consequence of a pandemic is to highlight existing weaknesses in the human rights infrastructure, such as health care systems and prison systems. But pandemics also create relatively novel human rights challenges. This panel will explore unique human rights issues caused by pandemics, specifically: widespread declarations of national emergency authorizing derogations from human rights, exceptional limitations on the freedom of movement, and obstacles to the human right to education.*

Moderator:

- **Aaron Fellmeth**, Dennis S. Karjala Professor of Law, Science, and Technology, Sandra Day O'Connor College of Law; Chair, ABILA Committee on International Human Rights

Panelists:

- **Christina M. Cerna**, Adjunct Professor of Law, Georgetown Law Center
- **Paul Dubinsky**, Professor of Law, Wayne State University School of Law
- **Barbara Stark**, Professor of Law and Hofstra Research Fellow, Maurice A. Deane School of Law, Hofstra University

3:30-4:30 pm

## The U.S. and the International Criminal Court – Can a Court in the Netherlands be a U.S. National Security Threat?

*Approved for CLE*

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

*This panel will explore the U.S. relationship to the International Criminal Court (ICC), which has currently reached a nadir with an Executive Order designating the Court to be a "threat to national security." Panelists will be asked to opine on this Executive Order, including its provision creating, inter alia, sanctions against Court staff and/or their families—property freezes and travel bans. Panelists will also be asked to look ahead to what the U.S. relationship towards the ICC should be, exploring issues related to jurisdiction as well as complementarity related to the ICC's Afghanistan investigation and potential charges against U.S. nationals for "enhanced interrogation."*

Moderator:

- **Jennifer Trahan**, Clinical Professor; Director, Concentration in International Law & Human Rights, NYU Center for Global Affairs; Co-chair, ABILA Committee on the International Criminal Court

Panelists:

- **Harold H. Koh**, former Legal Adviser, U.S. Department of State; Sterling Professor of International Law, Yale Law School
- **Ambassador Stephen J. Rapp**, former U.S. Ambassador, State Department, Office of Global Criminal Justice; Visiting Fellow of Practice, Blavatnik School of Government, Oxford University
- **Beth Van Schaack**, former Deputy to the Ambassador, State Department, Office of Global Criminal Justice; Leah Kaplan Visiting Professor of Human Rights, Stanford Law School
- **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

# Schedule

Friday, October 23

3:30-4:30 pm

## From Accord Back to Confrontation: The Return of the Iran Nuclear Crisis

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

*This panel will consider the return of the international crisis concerning Iran's nuclear program following the Trump administration's decision in 2018 to withdraw from the 2015 Joint Comprehensive Plan of Action (JCPOA). The increase in tension between Iran and the United States since the U.S withdrawal from the JCPOA has created a dangerous standoff that has already produced military action on both sides. The panel will discuss international legal questions present in this crisis and the future of Iran's nuclear program.*

Moderator:

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

Panelists:

- **Daniel Joyner**, Elton B. Stephens Professor of Law and Director of International Programs, University of Alabama School of Law
- **Matthew Kroenig**, Professor, Department of Government and the Edmund A. Walsh School of Foreign Service, Georgetown University
- **Sanam Vakil**, Deputy Director, Middle East North Africa Programme, Chatam House

3:30-4:30 pm

## UN Diplomacy in Times of COVID-19

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

*This panel will discuss the impacts of COVID-19 on UN diplomacy. What are the challenges of conducting negotiations from the kitchen table? How adaptive is the UN Charter, at its 75th anniversary, in view of the current challenges to classic diplomacy? And how will COVID-19 shape the future of UN diplomacy? This panel is co-sponsored by the ASIL International Organizations Interest Group.*

Moderator:

- **Bart Smit Duijzentkunst**, Legal Officer, Division for Ocean Affairs and the Law of the Sea, United Nations

Panelists:

- **Pablo Arrocha Olabuenaga**, Legal Adviser, Permanent Mission of Mexico to the United Nations
- **Jan Klabbers**, Professor of International Law, University of Helsinki
- **Blanca Montejo**, Senior Political Affairs Officer, Security Council Affairs Division
- **Keiichiro Okimoto**, Legal Officer, Office of the Legal Counsel, United Nations

4:30-5:30 pm

## Networking Rooms

*Hosted by the ABILA Committees on the International Criminal Court; International Environmental and Energy Law; International Human Rights; International Trade Law; Islamic Law & Society; and Teaching Public International Law*

5:30 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**, Whitney R. Harris World Law Institute at Washington University School of Law

# Schedule

Saturday, October 24

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9:00-9:30 am **Keynote Address**  
Judge **Julia Sebutinde**, International Court of Justice

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9:30-10:30 am **United Nations 75th Anniversary Plenary Panel**

Moderator:

- **Leila Nadya Sadat**, President, International Law Association (American Branch); Director, Whitney R. Harris World Law Institute; James Carr Professor of International Criminal Law, Washington University School of Law

Panelists:

- **Patrícia Galvão Teles**, Professor of International Law, Autonomous University of Lisbon; Senior Legal Consultant on International Law, Legal Department of the Portuguese Ministry of Foreign Affairs; Member, UN International Law Commission
  - **Charles Jalloh**, Professor of Law, Florida International University; Member, UN International Law Commission
  - **Larry D. Johnson**, Former Assistant-Secretary-General for Legal Affairs, United Nations
  - **Ambassador Christian Wenaweser**, Permanent Representative of the Principality of Liechtenstein to the United Nations
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10:30-11:30 am **ABILA Members Meeting, Election, and Award Presentations**

**Book of the Year Award:**

**Jennifer Trahan**, Clinical Professor; Director, Concentration in International Law & Human Rights, New York University, Center for Global Affairs; Co-chair, ABILA Committee on the International Criminal Court

*Existing Legal Limits to Security Council Veto Power in the Face of Atrocity Crimes* (Cambridge University Press, 2020)

**Charles Siegal Service Award:**

**Cynthia Lichtenstein**, Professor Emeritus, Boston College Law School; former President, American Branch of the International Law Association; former Rapporteur and former Chairman, ILA Committee on International Securities Law

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# Schedule

Saturday, October 24

11:30-12:30 pm **The End of American Human Rights Exceptionalism**

*U.S. claims of “good” human rights exceptionalism argue that the U.S. should be exempted from international human rights law because it has a robust and enduring system of justice under law. An uglier version explicitly rejects international law and the universality of human rights at home. Recent global demonstrations against domestic human rights problems in the U.S. represents a significant change. Domestic movements – Black Lives Matter and others – have turned to the United Nations Human Rights Council and other bodies to seek redress and justice. UN member States and senior officials – including the UN High Commissioner for Human Rights and several Special Rapporteurs – have explicitly supported UN attention to human rights abuses in the United States.*

*This panel will examine the current shift in the domestic and international movements for human rights, exploring the historic origins of assertions of human rights exceptionalism, and discuss the possibility of rejoining the domestic and the international into a truly global project of human rights.*

Moderator:

- **Peggy McGuinness**, Professor of Law, Director, LL.M. in Transnational Legal Practice Program, and Co-Director, St. John’s Center for International and Comparative Law, St. John’s University School of Law
- **Anil Kalhan**, Professor of Law, Drexel University Thomas R. Kline School of Law; Visiting Scholar, the Center for the Study of Law and Society, University of California, Berkeley, School of Law

Panelists:

- **Philip Alston**, John Norton Pomeroy Professor of Law, NYU Law; UN Special Rapporteur for Extreme Poverty
- **Michael Breen**, Director, Human Rights First
- **Agnès Callamard**, Director, Global Freedom of Expression, Columbia University; UN Special Rapporteur for Extra-Judicial Killings

11:30-12:30 pm **Investor-State Disputes, International Finance, and the Economic Crisis**

*This panel is sponsored by the ABILA Committee on International Investment Law*

*Economic crises are a leading cause of investment disputes in the international finance sector—including disputes over sovereign defaults, banking sector interventions, and currency measures. This panel will consider whether, and to what degree, investment-state arbitration has a useful role to play in resolving the controversies that inevitably follow high stakes regulatory actions in the midst of economic crisis.*

Moderator:

- **Virág Ilona Blazsek**, Associate Legal Officer, United Nations Joint Staff Pension Fund

Panelists:

- **David Attanasio**, Associate, Dechert LLP
- **Anna de Luca**, Of Counsel, Macchi di Cellere Gangemi
- **Michael Waibel**, Professor, University of Vienna

# Schedule

Saturday, October 24

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11:30-12:30 pm

## Weaponry, Technology, Uncertainty, and Regulation

*This panel is sponsored by the ABILA Committee on Arms Control*

*How do we know what we know about weapons programs around the world? How can we assess the risks of further research, development, and possible deployment of new weapons technologies? Artificial intelligence, cyberweaponry, autonomous weapons, hypersonic missiles, and space systems are all cutting-edge areas of military research. However, in each of these and in other cases, it can be difficult to know just where the cutting edge is. Moreover, there is often disagreement concerning the relative promise and peril of the development, let alone the weaponization, of various new technologies. This panel will explore such knowledge gaps and risk assessments and their effects on the international regulation of weapons technologies.*

Moderator:

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

Panelists:

- **William Boothby**, Honorary Professor, Australian National University; Air Commodore (retired), Royal Air Force
- **Dr. Heather Harrison Dinniss**, Senior Lecturer, Centre for International and Operational Law, Swedish Defense University
- **Dr. Laura Grego**, Senior Scientist, Global Security Program, Union of Concerned Scientists

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11:30-12:30 pm

## Pathways to Careers in International Law

*This panel is sponsored by the International Law Students Association*

*This panel provides a unique forum that brings law students and new lawyers together with experienced practitioners to discuss possible careers in international law. Attendees will learn how to network with legal experts from around the world, practice in other legal systems and cultures, become active in international organizations and societies, and develop legal interpersonal skills. Sponsored by the ABA Section of International Law and the International Law Students Association (ILSA). All participants are speaking in their personal capacity.*

Moderator:

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

Panelists:

- **Jaipat S. Jain**, Partner, Lazare Potter Giacobas & Moyle LLP
- **Laura Nava**, Partner, Sheppard Mullin LLP
- **Luciana Ricart**, Partner, Curtis, Mallet-Prevost, Colt & Mosle LLP

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12:30-1:20 pm

## Career Networking Session (Sponsored by ILSA)

# Schedule

Saturday, October 24

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2:00-3:00 pm

## Hot Topics: The 2020 Election and its Impact on International Trade and Investment

*This panel will address the impact of the upcoming U.S. presidential election on trade and investment policy. Our panelists will address a range of issues including U.S. engagement with trade, and the role it may play within broader domestic and foreign policy.*

Moderator:

- **Tejasvi M. Srimushnam**, Counsel for International Consumer Protection, Federal Trade Commission

Panelists:

- **Chloe Baldwin**, International Associate, Steptoe & Johnson, LLP
  - **Patrick Pearsall**, Partner, Allen & Overy
  - **Frédéric G. Sourgens**, Senator Robert J. Dole Distinguished Professor of Law, Washburn University School of Law
- 

2:00-3:00 pm

## Privacy, Big Data, and International Law in Pandemic Times

**Approved for  
CLE**

*This panel is  
sponsored by  
the Canadian  
Branch of the  
ILA*

*How to govern privacy and big data in pandemic times has emerged as a pressing concern for global communities. International experts in human rights, technology and public health law will discuss privacy and data governance in the context of the COVID-19 pandemic. Intersections, divergences, and commonalities between these fields frame the discussion of these sensitive privacy and big data challenges.*

Moderator:

- **Konstantia Koutouki**, President, ILA Canada; Professor, Faculty of Law, Université de Montreal; Lead Counsel, Natural Resources, CISDL

Panelists:

- **Oonagh Fitzgerald**, Senior Fellow, Human Rights Research and Education Centre, University of Ottawa; Board Member, ILA Canada
  - **Vivek Krishnamurthy**, Director, Samuelson-Glushko Canadian Internet Policy and Public Interest Clinic, University of Ottawa
  - **Maya Prabhu**, Associate Professor, Division of Law and Psychiatry, Yale School of Medicine; Lead Counsel, International Health Law, CISDL
  - **Teresa Scassa**, Canada Research Chair in Information Law and Policy, Faculty of Law, Common Law Section, University of Ottawa
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# Schedule

Saturday, October 24

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2:00-3:00 pm

## International Supply Chain: Challenges in the Time of Pandemics and Global Disruption

Approved for  
CLE

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

*COVID-19 has tested our trading system in unprecedented ways. Disruption has affected manufacturers, service providers, suppliers, and distributors due to emerging transit limitations and logistical challenges. This panel will investigate some of the challenges faced today and discuss possible efforts to make supply chains more reliable and better equipped – domestically and internationally – to face the current and future challenges.*

Moderators:

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

Panelists:

- **Jasmine Ball**, Partner, Debevoise & Plimpton LLP
- **Kathleen Claussen**, Associate Professor of Law, University of Miami School of Law
- **Elke Rehbock**, Partner, Dentons

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3:00pm

**END OF ILW 2020**

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### **Isavella Vasilogeorgi**

*Legal Officer, Department of Management Strategy, Police and Compliance, United Nations*

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