



INTERNATIONAL LAW ASSOCIATION

AMERICAN BRANCH
EST. 1922

INTERNATIONAL LAW WEEKEND

*101st Annual Meeting of the American Branch of the
International Law Association*

OCT. 19-21
2023

Beyond International Law

Organized by the American Branch of the International Law Association

Thursday, October 19, 2023 | Opening Plenary and Reception

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

Friday and Saturday, October 20-21, 2023 | ILW Panels, Keynotes, and Meetings

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

Friday, October 20, 2023 | U.N. Mission Reception

TBA

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

American Branch of the International Law Association 101st Annual Meeting

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INTERNATIONAL LAW ASSOCIATION

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Welcome to ILW 2023

The American Branch of the International Law Association welcomes you to its annual International Law Weekend (ILW) conference. The theme of ILW 2023 is *Beyond International Law*.

International law is at a crossroads. While there have been many successes, the system's shortcomings still remain visible, exposed by prolonged armed conflicts, a lack of accountability for atrocities, a global pandemic followed by an economic downturn, and entrenched economic and social inequalities exacerbated by the disastrous effects of climate change. The time is ripe for the international legal community to consider what lies beyond current international law. If existing legal solutions fall short, how can international lawyers and leaders effectively harness their creativity to tackle the complex challenges of today? How does international law interface with other disciplines that also seek to promote peace and equality, such as domestic law, diplomacy, trade, social change movements, and global solidarity initiatives? How can international law adapt to become more effective in responding to the world's shifting crises?

ILW 2023 encourages participants to think beyond international law. Throughout three days, conference participants 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 2023 opens at the New York City Bar Association on Thursday, October 19, 2023 with opening remarks from **Mamadou Tangara** (Minister of Foreign Affairs of The Gambia) and a **President's High Level Opening Plenary Panel**. Moderated by American Branch President Michael P. Scharf, plenary speakers include: **Ambassador Sheikha Alya Ahmed Saif Al Thani** (Permanent Representative of the State of Qatar to the United Nations), **Maxine Burkett** (Visiting Professor of Global Health and Social Medicine, Harvard Medical School; Former deputy Assistant Secretary for Oceans, Fisheries and Polar Affairs, U.S. Department of State) (TBC), **Margarette May Macaulay** (President, Inter-American Commission on Human Rights) (TBC), and **Dipen Sabharwal** (Partner, White & Case LLP). An **Opening Reception** sponsored by White & Case LLP will follow.

The conference continues at Fordham University School of Law on Friday and Saturday, October 20-21, 2023, and features **35 panels** on a range of topics. **Keynote speakers** include **Gregory C. Shaffer** (Chancellor's Professor of Law and Political Science, UC Irvine School of Law and President, American Society of International Law); and the winner of the 2023 ABILA Outstanding Achievement Award, **Navi Pillay** (former UN High Commissioner for Human Rights). These events are open to all conference attendees. ILW 2023 also features **community and committee networking rooms** and opportunities to meet with legal book publishers. The Friday night program concludes with a **U.N. Mission Reception** (advance ticket purchase required).

The Saturday program includes the **101st 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** and a special session highlighting **Emerging Voices**.

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. Please collect a CLE form from the registration desk and add the CLE code(s) provided by the moderator at the panels you attend. Return the completed CLE form to the registration desk at the conclusion of the conference.

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 is 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 event, 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.

ILW Schedule at a Glance



**INTERNATIONAL
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Thursday, October 19, 2023

New York City Bar Association

Welcome to International Law Weekend 2023 – Opening Keynote Address

Mamadou Tangara, Minister of Foreign Affairs of The Gambia

Introduced by: Floriane Lavaud, ILW 2023 Co-Chair, Counsel, Debevoise & Plimpton LLP

President’s High Level Opening Plenary: Beyond International Law

Moderator: Michael P. Scharf, President, International Law Association (American Branch)

Ambassador Sheikha Alya Ahmed Saif Al Thani, Permanent Representative of the State of Qatar to the United Nations

Maxine Burkett, Visiting Professor of Global Health and Social Medicine, Harvard Medical School; Former deputy Assistant Secretary for Oceans, Fisheries and Polar Affairs, U.S. Department of State (TBC)

Margarette May Macaulay, President, Inter-American Commission on Human Rights (TBC)

Dipen Sabharwal, Partner, White & Case LLP

5:30pm

7:15pm

Opening Reception | Sponsored by White & Case LLP

Friday, October 20, 2023

Fordham University School of Law

8:30am

Registration | Second Floor Entrance

8:30am

Complimentary Coffee | Soden Lounge

9:00am

Outer Space & Earth Interactions within Environmental Governance & Accountability Regimes	Is the International Legal Order Unraveling?	Investment Law and Energy in Times of Armed Conflict	The Changing Face of Global Content Moderation	ABILA-ASIL Roundtable on Cooperation & Compliance Through International Law & Institutions
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10:15am

Coffee Break | Soden Lounge

10:30am

Leveraging International Law to Fight Climate Change: Limitations & Opportunities	Resolving Private International Disputes in the 21st Century—The User’s Perspective	Russia & Ukraine: A Springboard or a Setback for International Accountability?	Negotiating a Torture-Free Trade Treaty	Pushback: The Increasing Opposition to the Domestic Relevance of International Law
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11:45am

Box Lunch | Soden Lounge

12:00pm

Young Professionals Networking	Minority Lawyers Networking	Women Lawyers Networking
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12:00pm

American Branch Board of Directors Meeting

1:00pm

Keynote Address: Gregory C. Shaffer, Chancellor’s Professor of Law and Political Science, UC Irvine School of Law; President, American Society of International Law
Introduced by: Milena Sterio, 2023 ILW Co-Chair; Charles R. Emrick Jr.-Calfee Halter & Griswold Professor of Law, CSU College of Law Room 2-02B/C

2:00pm

Coffee Break | Soden Lounge

2:10pm

American Branch Committee Networking Rooms

3:00pm

Beyond The High Seas Treaty: Addressing Gaps in Ocean Governance	Top Ten Developments in Private International Law	Prosecuting War Crimes in U.S. Courts: New Avenues for Legal Accountability in Ukraine & Beyond	Reimagining International Refugee Law: Meaningful Participation of Refugees	The Global South and the Shaping of International Law: Challenges, Opportunities & Lessons Learned
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4:15pm

Coffee Break | Soden Lounge

4:30pm

The Role of International Courts in Promoting State Responsibility for Climate Change	Rethinking Solutions to International Disputes?	Crimes Against Humanity: New Offenses, New Frontiers?	Empowering the UN Security Council to Address Modern Threats to Peace and Security	China Beyond Its Borders & Global Governance
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7:00pm

UN Mission Reception

TBA | Pre-registration is required

ILW Schedule at a Glance

(cont'd)



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Saturday, October 21, 2023 Fordham University School of Law					
8:30am	Registration & Complimentary Coffee Soden Lounge				
9:00am	ABILA's 101st Annual Members Meeting, Elections, and Award Presentations Book of the Year Awards, Outstanding Achievement Award, & Charles Siegal Service Award Keynote Address: Navi Pillay, Recipient of the 2023 Outstanding Achievement Award				
10:15am	Coffee Break Soden Lounge				
10:30am	Assessing the Legal Personality & Obligations of International Courts	Geopolitics and the Emerging Investment Regime	The ICC's Gender Persecution Policy: Definitions; Implementation; Way Forward	Trade, Labor Rights and Forced Labor—Recent Trends in International Trade Law	Global AI Regulation: The (Mis)Alignment Challenge
11:45am	Break Soden Lounge				
12:00pm	The Advisory Function of the International Tribunal for the Law of the Sea in a Time of Climate Crisis	Economic Sanctions and International Immunity: Current Developments	Demobilization & Reintegration of Former Combatants and the Private Sector: The Case Study of Colombia	The Practice of the UN Human Rights Treaty Bodies: Beyond International Law?	Beyond Multilateral Intellectual Property Law
1:15pm	Boxed Lunch Soden Lounge				
1:25pm	American Branch Committee Networking Rooms				
2:15pm	Can International Law Give a Boost to the Energy Transition? Challenges and Possibilities	Hot Topics	Border Governance in an Interdependent World	Digital Authoritarianism: Compounding Impunity for Human Rights Violations	The UN International Law Commission and the Future of International Law-Making
3:30pm	Pathways to Employment in International Law <i>Sponsored by ABA Section on International Law and ILSA</i>		Emerging Voices Panel		
4:45pm	End of ILW 2023				

* **CLE PENDING:** Panels are 75 minutes. CLE codes for approved panels will be provided by the panel moderator at the conclusion of each panel. Please enter this code onto the CLE sheet provided at registration. Digital copies of reading materials are available on the ILW website.

2023 Keynote & Plenary Speakers



Amb. Sheikha Alya Ahmed Saif Al Thani
Permanent Representative of
the State of Qatar to the United Nations



Maxine Burkett (TBC)
Former Deputy Assistant Secretary for Oceans, Fisheries
& Polar Affairs, U.S. Department of State



Gregory C. Shaffer
President
American Society of International Law



Mamadou Tangara
Minister of Foreign Affairs
The Gambia



Margarette May Macaulay (TBC)
President
Inter-American Commission on Human Rights



Navi Pillay
Winner, ABILA Outstanding Achievement Award
Former UN High Commissioner for Human Rights



Dipen Sabharwal
Partner
White & Case LLP

The American Branch of the International Law Association extends its sincere appreciation to our Diamond Level Sponsors. Their support makes International Law Weekend possible.

**Debevoise
& Plimpton**



FORDHAM UNIVERSITY
THE SCHOOL OF LAW



UCLA School of Law
**International & Comparative
Law Program**

**WHITE
& CASE**

Leila Nadya Sadat

David P. Stewart

Schedule

Thursday, October 19



INTERNATIONAL
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5:30-6:00 pm

Welcome to International Law Weekend 2023

Meeting Hall
2nd Floor
New York City
Bar Association

Remarks by: **Mamadou Tangara**, Minister of Foreign Affairs of The Gambia
Introduced by: **Floriane Lavaud**, Counsel, Debevoise & Plimpton LLP, Co-Chair, ILW 2023 Organizing Committee

6:00-7:15 pm

President's High Level Opening Plenary: *Beyond International Law*

Meeting Hall
2nd Floor
New York City
Bar Association

The Opening Plenary will explore the conference theme: Beyond International Law. International law is at a crossroads. While there have been many successes, the system's shortcomings still remain visible, exposed by prolonged armed conflicts, a lack of accountability for atrocities, a global pandemic followed by an economic downturn, and entrenched economic and social inequalities exacerbated by the disastrous effects of climate change. The time is ripe for the international legal community to consider what lies beyond current international law. If existing legal solutions fall short, how can international lawyers and leaders effectively harness their creativity to tackle the complex challenges of today? How does international law interface with other disciplines that also seek to promote peace and equality, such as domestic law, diplomacy, trade, social change movements, and global solidarity initiatives? How can international law adapt to become more effective in responding to the world's shifting crises? ILW 2023 encourages participants to think beyond international law.

Moderator:

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

Panelists:

- **Ambassador Sheikha Alya Ahmed Saif Al Thani**, Permanent Representative of the State of Qatar to the United Nations
- **Maxine Burkett**, Deputy Assistant Secretary for Oceans, Fisheries and Polar Affairs, U.S. Department of State (TBC)
- **Margarette May Macaulay**, President, Inter-American Commission on Human Rights (TBC)
- **Dipen Sabharwal**, Partner, White & Case LLP

6:00-7:00 pm

Opening Reception sponsored by White & Case LLP

Reception Area
2nd Floor
New York City
Bar Association

The reception at the New York City Bar Association is open to all ILW attendees.

WHITE
& CASE

Schedule

Friday, October 20



INTERNATIONAL
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9:00-10:15 am **Outer Space & Earth Interactions within Environmental Governance & Accountability Regimes**

* CLE Pending

Sponsored by
the ABILA Space
Law Committee

This Panel will explore two current environmental challenges involving the linkage between outer space and the Earth. First, with new commercial and governmental activities and plans involving human travel back to the Moon and to Mars, recent efforts to update the anti-contamination or planetary protection standards will be explored. These standards were first created decades ago in a scientific era of outer space activities but have undergone revisions and updating to account for the new commercial era of space exploration. The Committee on Space Research (COSPAR) and national authorities have updated their anti-contamination standards to take account of the realities of new commercial activities and ventures while still seeking to preserve celestial body environments for science research. Second, the use of space assets, specifically remote sensing satellites, is vital to combatting global climate change on Earth through enhanced data collection, accountability and transparency. Countries and companies have targets for carbon and other emissions in non-legally binding agreements but such agreements can be made effective through use of remote sensing. What are the challenges of developing and maintaining effective international governing regimes that will allow society to take full advantage of these Outer Space-Earth interactions in advancement of environmental protection while promoting economic efficiency and innovation?

Moderator:

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

Panelists:

- **Mike Gold**, Chief Growth Officer, Redwire Space
- **Angel Hsu**, Assistant Professor, University of North Carolina at Chapel Hill; Founder & Director, Data-Driven EnviroPolicy Lab
- U.S. Department of State or NASA Representative - TBA

9:00-10:15 am **Is the International Legal Order Unraveling?**

* CLE Pending

Co-sponsored
by the ABILA
Study Group
on Threats to
the Liberal
International
Order and the
Committee on
Legitimacy &
Fundamental
Principles of
International
Law

*This panel grows out of the work of the ABILA study group on threats to the international legal order. That study group produced a book entitled *Is the International Legal Order Unraveling?*, edited by David Sloss and published by Oxford Univ. Press in 2022. The manuscript was finalized before Russia invaded Ukraine. This panel will bring together a few study group members for a roundtable discussion of questions related to the current state of the international order in light of the Russian invasion. Topics to be addressed include climate change, the law of armed conflict (including accountability for criminal violations), international trade law, and the ongoing struggle between democracies and autocracies. Panelists will also consider how the perceived legitimacy of international law (or lack thereof) affects change in the international legal order.*

Moderator:

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

Panelists:

- **Maxine Burkett**, Professor of Law, University of Hawaii; Visiting Professor of Global Health and Social Medicine, Harvard Medical School; Former deputy Assistant Secretary for Oceans, Fisheries and Polar Affairs, U.S. Department of State
- **Laura A. Dickinson**, Oswald Symister Colclough Research Professor and Professor of Law, George Washington University
- **David L. Sloss**, John A. & Elizabeth H. Sutro Professor of Law, Santa Clara University
- **Richard H. Steinberg**, Jonathan D. Varat Professor of Law and Professor of Political Science, UCLA

Schedule

Friday, October 20



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9:00-10:15 am **Investment Law and Energy in Times of Armed Conflict**

* CLE Pending

The Ukraine-Russia conflict impacted the practice and substance of international investment and energy law. States passed sanctions that affect foreign nationals, energy projects and long-term contractual obligations were suspended or canceled by governments, and practitioners navigated the challenges of pending proceedings and sanctions on their clients. The conflict is not over but after a year it is time to revise the impact that the conflict has had on the practice of international energy investment and arbitration. Addressing these concerns, the panel will discuss the following topics:

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the ABILA
Committee on
International
Investment Law

1. *The impact of sanctions on investment treaty obligations, including security exceptions.*
2. *Effects on investment arbitration and counseling practice, including defending foreign nationals and managing cases.*
3. *The precedents of claims commissions as a post-conflict solution to manage investment claims.*

Moderator:

- **Guillermo J Garcia Sanchez**, Associate Professor of Law, Texas A&M University School of Law

Panelists:

- **Arif Ali**, Partner, Dechert LLP
- **Ucheora Onwuamaegbu**, International Attorney, Arent Fox
- **Diora Ziyeva**, Partner, Dentons LLP

9:00-10:15 am **The Changing Face of Global Content Moderation**

* CLE Pending

Online content moderation is at a turning point. National lawmakers have begun to pass groundbreaking regulations or reconsider longstanding policies to transform how social media companies operate. The EU's Digital Services Act will impose unprecedented transparency and risk management obligations on social media platforms and search engines. In the United States, recent Supreme Court decisions clarified but did not resolve the scope of statutory protection that has shielded social media platforms from liability for posted content. This panel will consider how significant developments at the national level implicate online content moderation—and human rights—globally. Panelists will examine how international law and institutions can complement national efforts and bring about a global content moderation framework equipped to handle the present challenges, including mis- and disinformation, pandemics and humanitarian emergencies, and countering online extremism, without infringing on human rights.

Moderator:

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

Panelists:

- **Jason Pielemeier**, Executive Director, Global Network Initiative
- **TBD**

Schedule

Friday, October 20



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9:00-10:15 am

ABILA-ASIL Roundtable on Cooperation & Compliance Through International Law & Institutions

In partnership with ASIL's 2022-2024 Signature Topic, this roundtable will examine the duty of States to cooperate together with the obligation of States to comply with international law and the expectation that, should States fail to do so, mechanisms exist to bring about compliance. At a moment when the international community faces multiple crises—some systemic, some new—speakers will reflect on key challenges and opportunities for cooperation and compliance in the 21st Century. The roundtable also will discuss the Change Within Our Lifetimes Campaign, encouraging attendees to answer in 100 words: “How do you think cooperation and compliance through international law and institutions might change within your lifetime? How do you think it should change within your lifetime?”

Moderator:

- **Emma Lindsay**, Partner, Withersworldwide; Co-chair, ASIL Signature Topic

Panelists:

- **Kabir Duggal**, Senior International Arbitration Advisor, Arnold & Porter Kaye Scholer LLP; Member, ASIL Signature Topic Steering Committee
- **Mark Pollack**, Professor of Political Science and Law, Jean Monnet Chair, and Director of Global Studies, Temple University; Member, ASIL Signature Topic Steering

10:30-11:45 am

Leveraging International Law to Fight Climate Change: Limitations & Opportunities

* CLE Pending

Climate change is manifesting in devastating natural disasters, drought-induced famine, historic heat waves, natural resource conflicts, and disappearing biodiversity. State responses have been fragmented, underwhelming, even counterproductive—stymied by geopolitics, corporate interests and denial. Private and public sector actors alike are contributing to climate change, and activists are challenging them in courts worldwide for contributing to climate change and the attendant human rights violations. This panel brings together representatives of civil society, academia and government to discuss these recent developments in strategic litigation to combat climate change, to analyze opportunities and limitations of the current international law system to achieve climate justice, and to explore avenues for accountability. Topics include the requests for opinions from the ICJ, ITLOS, and IACtHR.

Moderator:

- **Jovana Crncevic**, Senior Associate, Withers

Panelists:

- **Bieta Andemariam**, Legal Director, Avaaz
- **Diana Kearney**, Legal Lead, Oxfam America
- **Maria Antonia Tigre**, Global Climate Litigation Fellow, Sabin Center for Climate Change Law

Schedule

Friday, October 20



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10:30-11:45 am

Resolving Private International Disputes in the 21st Century—The User's Perspective

* CLE Pending

The last few years have seen significant changes in the various approaches to resolving international disputes, including adoption of the Singapore Convention on Mediation and various rule changes and modifications by major arbitral institutions across the world to reflect what users of international disputes require. To this intended end, even more changes are being considered by UNCITRAL. At the same time, there are heated debates about the role of artificial intelligence in international dispute resolution. But what do users think about these developments? This panel discussion will provide the in-house perspective to determine whether these various developments in international dispute resolution are effective and working for the end users such that they wish to continue using these mechanisms to resolve international disputes instead of turning to local and national courts and, if these mechanisms are not working, what improvements do users wish to see.

Moderator:

- **M. Imad Khan**, Senior Associate, Winston & Strawn LLP; Secretary, International Law Association – American Branch

Panelists:

- **Kathleen Barry**, Senior Managing Counsel, Corning Incorporated
- **Trevor Cox**, Senior. Legal Counsel, SLB

10:30-11:45 am

Russia & Ukraine: A Springboard or a Setback for International Accountability?

* CLE Pending

Russia's invasion of Ukraine in 2022 poses an extraordinary challenge to the post-World War II legal order, and more particularly, the prohibition on the use of force enshrined in Article 2(4) of the U.N. Charter. While international rules and institutions were unable to prevent the war, they have not failed to respond to it. Litigation has been brought before international and domestic courts and tribunals, and accountability mechanisms for the commission of atrocity crimes and the crime of aggression have been invoked and proposed. This panel will analyze whether the conflict and the international community's reaction to it create a risk of setback or have the potential to advance applicable principles and rules of international law.

Co-sponsored by
the ABILA
Committees on the
International
Criminal Court and
International
Humanitarian Law

Moderator:

- **Gabor Rona**, Professor of Practice, Cardozo Law School, Co-Chair, ABILA IHL Committee

Panelists:

- **Ambassador Hans Corell**, former Under-Secretary-General for Legal Affairs and the Legal Counsel of the United Nations
- **Oona Hathaway**, Gerard C. and Bernice Latrobe Smith Professor of International Law and Counselor to the Dean, Yale Law School
- **Jennifer Trahan**, Clinical Professor and Director, Concentration in International Law and Human Rights, NYU Center for Global Affairs; Convenor, The Global Institute for the Prevention of Aggression; Co-Chair, ABILA ICC Committee
- **Ambassador Christian Wenaweser**, Permanent Representative of Liechtenstein to the UN

Schedule

Friday, October 20



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10:30-11:45 am **Negotiating a Torture-Free Trade Treaty**

* CLE Pending

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the ABILA
Committee on
International
Human Rights

Many members of the international community have adopted treaties to regulate trade in certain kinds of weapons that are used with devastating effect against civilians by criminal organizations. And many states have adopted export regulations to deny products and technologies with paramilitary uses to some human rights abusers. But there is currently no general treaty limiting the access of authoritarian governments to implements that are commonly used to torture dissidents and opponents of the regime. In 2017, the governments of Argentina, the EU, and Mongolia proposed a coalition to draft a treaty to deny access to means of torture to abusive governments. The panel will discuss the problem of trade in torture implements and technologies, and the status of the efforts by governments and civil society to bring the proposed treaty to fruition.

Moderator:

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

Panelists:

- **Verity Coyle**, Senior Campaigner/Advisory, Amnesty International
- **Kevin J. Wolf**, Partner, Akin Gump; Former U.S. Assistant Secretary of Commerce for Export Administration
- **TBA**, European Commission, Service for Foreign Policy Instruments on behalf of the Alliance for Torture-Free Trade

10:30-11:45 am **Pushback: The Increasing Opposition to the Domestic Relevance of International Law**

* CLE Pending

Sponsored by
the ABILA
Committee on
International
Law In Domestic
Courts

Around the world, we are observing numerous instances of courts closing their doors to arguments and to principles of international law. This phenomenon has been seen in countries around the world, including in Asia, Europe, and the Middle East. Nor is the United States immune to this development, as may be inferred, inter alia, from the Supreme Court's continuing efforts to limit the Alien Tort Statute. This panel discussion seeks to explore the metes and bounds of the issue, and to attempt to determine whether it is a real problem to which international lawyers should pay attention, or is merely something of a passing fad (or a feature of political "populism") that will tail off in due course.

Moderator:

- **Martin S. Flaherty**, Leitner Family Professor of Law, Founding Co-Director of the Leitner Center for International Law and Justice, Fordham Law School; Co-Chair, ABILA Committee on International Law in Domestic Courts

Panelists:

- **Netta Barak-Corren**, Visiting Professor, Penn Law School; Professor of Law, Hebrew University
- **Susan J. Elliott**, Head, National Committee on American Foreign Policy; Former Ambassador to Tajikistan; Former Principal Officer in Northern Ireland
- **Dennis Kwok**, Co-Founder and Chairman, China Strategic Risks Institute
- **Steven M. Schneebaum**, Adjunct Professor of International Law, Johns Hopkins; SAIS and Principal, Steven M. Schneebaum, P.C.; Co-Chair, ABILA Committee on International Law in Domestic Courts

Schedule

Friday, October 20



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11:45 am **Boxed Lunch**
Soden Lounge

12:00-12:50 pm **Young Professionals Networking Room**
Room 1-01

12:00-12:50 pm **Minority Lawyers Networking Room**
Room 2-02C

12:00-12:50 pm **Women Lawyers Networking Room**
Room 2-01B

12:00 pm **American Branch Board of Directors Board Meeting**
Room 4-07
This is a closed meeting by invitation only.

1:00-2:00 pm **Keynote Address**
Room 2-02B/C
Gregory C. Shaffer, Chancellor's Professor of Law and Political Science, UC Irvine School of Law;
President, American Society of International Law
Introduced by **Milena Sterio**; Co-Chair, ILW 2023 Organizing Committee; Charles R. Emrick Jr.-Calfee
Halter & Griswold Professor of Law, CSU College of Law

2:15-3:15pm **Networking Rooms hosted by American Branch Committees**
Open to ABILA members and non-members alike to learn more about the Branch's committee work.
Arms Control and Disarmament
International Criminal Court
International Environmental and Energy Law
International Humanitarian Law
International Investment Law
Legitimacy and Fundamental Principles of International Law

Schedule

Friday, October 20



INTERNATIONAL
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3:15-4:30 pm **Beyond The High Seas Treaty: Addressing Gaps in Ocean Governance**

* CLE Pending

After nearly a decade, in March 2023, delegates of the UN Intergovernmental Conference on Marine Biodiversity of Areas Beyond National Jurisdiction agreed the text of the “High Seas Treaty”, a landmark instrument. Among other key provisions, the treaty will provide a new legal framework for establishing marine protected areas in the high seas, a crucial step towards achieving the 30-by-30 target of protecting 30% of the world’s land and oceans by 2030. It will also require new activities on the high seas to be subject to environmental impact assessments (EIAs). While the agreement of the text undoubtedly marks a historic moment for conservation and international environmental law, gaps in ocean governance may nonetheless remain if the Treaty is adopted. Questions arise regarding the interplay between the Treaty and existing legal regimes governing activities in the high seas, including deep-sea mining (regulated by the International Seabed Authority), shipping (governed by the International Maritime Organization) and fishing (governed by various regional fisheries management instruments and organizations). It is also not entirely clear how the Treaty’s exemptions will affect implementation of the Treaty or its ability to meet conservation goals, or how the Treaty might contribute to global efforts to mitigate climate change, which also impacts biodiversity in the high seas. This panel will discuss possible gaps in ocean governance, and consider solutions to ensure that goals are met.

Moderator:

- **Rhianna Hoover**, Associate, Debevoise & Plimpton LLP

Panelists:

- **Julian Aguon**, Principal/Attorney, Blue Ocean Law (TBC)
- **Kristina Gjerde**, High Seas Policy Advisor, International Union for Conservation of Nature, Global Marine and Polar Program
- **Liz Karan**, Project Director, Protecting Ocean Life on the High Seas, The Pew Charitable Trusts
- **Bryce Rudyk**, Adjunct Professor and Director, United Nations Diplomacy Clinic, NYU School of Law; Legal Advisor & Fellowship Director, Alliance of Small Island States (AOSIS)

3:15-4:30 pm **Top Ten Developments in Private International Law**

* CLE Pending

Understanding private international law is key to preparing transactions and resolving disputes in transnational relationships. Keeping up with developments in private international law is important to all international lawyers. Consistent with the “crossroads” theme of this year’s International Law Weekend, this roundtable discussion will include scholars, practitioners, and international civil servants who each will pick their choices for the top private international law developments of the past year. Developments may include those from the classic private international law components of jurisdiction, choice of law, and judgments recognition, as well as from a broader view that considers the current work product of the intergovernmental and regional organizations that are producing and harmonizing international private law and private international law (UNCITRAL, UNIDROIT, HCCH, EU, OAS, APEC). Each member of the roundtable will describe 2 top developments from the past year, providing a “Top 10” list from the group, and each will also highlight one new project to watch in the coming year.

Moderator:

- **Michael Coffee**, Professorial Lecturer in Law, George Washington University Law School

Panelists:

- **Ronald A. Brand**, Chancellor Mark A. Nordenberg University Professor, Academic Director, Center for International Legal Education, University of Pittsburgh School of Law
- **José Angelo Estrella Faria**, Principal Legal Officer and Head of the Legislative Branch of the International Trade Law Division, United Nations Office of Legal Affairs (Vienna); former Secretary-General, UNIDROIT (TBC)
- **Alexander Layton KC**, Barrister, Visiting Professor, King’s College London (TBC)
- **Dante Negro**, Director of the Department of International Law, Organization of American States (TBC)
- **Louise Ellen Teitz**, Distinguished Research Professor of Law, Roger Williams University School of Law



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Schedule

Friday, October 20



INTERNATIONAL
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3:15-4:30 pm Prosecuting War Crimes in U.S. Courts: New Avenues for Legal Accountability in Ukraine & Beyond

* CLE Pending

Sponsored by
the ABILA ICC
Committee

The panel considers the implications of Russia's aggression and atrocities in Ukraine for future war crimes prosecutions by the United States. While there has been wide discussion of Ukraine's impact on U.S. policy towards international courts, less attention has been given to the war's impact on the enforcement of international law by U.S. courts. The panel will examine, for example, the recently enacted Justice for Victims of War Crimes Act, which expands U.S. jurisdiction over war crimes by authorizing the prosecution of alleged war criminals regardless of the nationality of the perpetrator or victim. The panel will consider how U.S. courts could provide legal accountability for atrocities committed not only in Ukraine, but also those committed elsewhere in the future.

Moderator:

- **Catherine Powell**, Eunice Carter Distinguished Research Scholar Professor of Law, Fordham Law School

Panelists:

- **Catherine Amirfar**, Partner & Co-Chair of the Public International Law Group, Debevoise & Plimpton LLP
- **Jonathan Hafetz**, Professor of Law, Seton Hall Law School
- **Michel Paradis**, Partner, Curtis, Mallet-Prevost, Colt & Mosle LLP; Lecturer-in-Law, Columbia Law School
- **Rita Siemion**, Chief National Security and Human Rights Counsel, U.S. Senate Judiciary Committee
- **Ambassador Beth Van Schaack**, Ambassador-at-Large for Global Criminal Justice, U.S. Department of Justice

3:15-4:30 pm Reimagining International Refugee Law: Meaningful Participation of Refugees

* CLE Pending

In recent years, refugee leaders and advocates have made significant progress in furthering the ideal of meaningful refugee participation in policy making spaces. As a subset of international law, refugee laws are contentious for a number of reasons. They intersect humanitarian needs, politicized security agendas, development goals, and overlapping jurisdictions. Reimagining a future where refugee participation is harnessed as a supplementary mechanism for current international law practices is a means for imagining a future that is more just, more legitimate, and more effective. The aims of this panel would be to foster an open dialogue around the needs for reform around refugee law, how the international legal community can rise to this challenge, and how refugee participation within international legal processes can act as an innovative new tool beyond traditional instruments of international law. Adapting and developing these spaces offers new opportunity to imagine a future of refugee law that is dynamic and effective.

Moderator:

- **Rez Gardi**, International lawyer; Co-Managing Director, Refugees Seeking Equal Access at the Table (R-SEAT)

Panelists:

- **James Milner**, Associate Professor of Political Science, Carleton University; Project Director, LERRN: The Local Engagement Refugee Research Network
- **Azadah Raz Mohammad**, PhD candidate, Melbourne Law School; Co-founder, Ham Diley Campaign
- **Ambassador Bob Rae**, Ambassador and Permanent Representative of Canada to the United Nations
- **Janemary Ruhundwa**, Co-founder & Executive Director, DIGNITY Kwanza
- **Shahzad Tadjbakhsh**, Chief of Staff, United Nations High Commissioner for Refugees (UNHCR)

Schedule

Friday, October 20



INTERNATIONAL
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3:15-4:30 pm

The Global South and the Shaping of International Law: Challenges, Opportunities & Lessons Learned

* CLE Pending

It is common to hear that States from the Global South need international law to protect them, that international law is Eurocentric and shaped by powerful States. While the making and applying of international law has historically been an unfair process, it is also true that developing States have learned from their experiences. In recent years, the Global South has led international law making including through the role of the G77 & China in the adoption of the BBNJ agreement; Vanuatu and other Small Island Developing States lead the adoption of a UNGA resolution to request an advisory opinion on climate change from the ICJ; developing States collective pushed for the breakthrough agreement to provide “loss and damage” funding for vulnerable countries hit hard by climate disasters; and developing States led negotiations in the UNGA Sixth Committee on a potential convention on crimes against humanity. This panel will build upon those achievements and will examine other ways in which the Global South could continue to shape international law for the present and future generations.

Moderator:

- **Aahde Lahmiri**, Legal Adviser, Permanent Mission of the Kingdom of Morocco to the United Nations

Panelists:

- **Azela Arumpac-Marte**, Legal Adviser, Permanent Mission of the Philippines to the United Nations
- **Ligia Flores Soto**, Legal Adviser, Permanent Mission of the El Salvador to the United Nations
- **Daniel Stewart**, Founder and Executive Director, Independent International Legal Advocates (IILA); Legal Adviser to the G77 + China

4:45-6:00 pm

The Role of International Courts in Promoting State Responsibility for Climate Change

States’ climate inaction continues to hamper any substantial progress towards curbing climate change and mitigating its impacts. This inertia has led to an increase in climate litigation before international and domestic bodies in recent years; this year alone has seen ground-breaking requests for advisory opinions from the International Court of Justice, the Inter- American Court of Human Rights (IACtHR), and the International Tribunal on the Law of the Sea (ITLOS) on States’ responsibilities and obligations for climate change and its impacts. This is a unique moment in international law, with the ability to establish a new legal framework regarding the understanding of the international responsibility of States in the face of the climate crisis.

Moderator:

- **Eneas Xavier de Oliveira**, PhD Candidate, University of Montréal; Member, Latin American Climate Lawyers Initiative for Mobilizing Action (LACLIMA)

Panelists:

- **Michael Gerrard**, Founder and Director, Sabin Center for Climate Change Law, Columbia Law School
- **Nilufer Oral**, Director, Centre for International Law, National University of Singapore; Member, UN International Law Commission
- **Maria Antonia Tigre**, Senior Fellow in Global Climate Change Litigation, Sabin Center for Climate Change Law, Columbia Law School

Schedule

Friday, October 20



INTERNATIONAL
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4:45-6:00 pm **Rethinking Solutions to International Disputes?**

* CLE Pending

The international community is increasingly going beyond traditional modes of international law in order to solve problems and settle disputes. There is no dearth in international relations of protracted conflicts and disputes, where traditional legal solutions have fallen short of providing the means to progress an unsatisfactory status quo. Nevertheless, States and other actors are, by thinking beyond the traditional frameworks of international law, harnessing their legal and diplomatic creativity to resolve longstanding disputes in new ways. How can international law adapt to produce more creative solutions?

Moderator:

- **Eirik Bjorge**, Professor of Law, University of Bristol Law School

Panelists:

- **Tal Becker**, Legal Adviser, Israeli Ministry of Foreign Affairs
- **Christina G. Hioureas**, Partner and Global Co-Chair, International Litigation and & Arbitration Department; Chair, United Nations Practice Group, Foley Hoag
- **Jun-Shik Hwang**, Director-General for International Legal Affairs, Ministry of Foreign Affairs, Republic of Korea
- **Lucía Solano**, Legal Adviser, Permanent Mission of Colombia to the United Nations
- **Eran Sthoeger**, Attorney & Consultant in International Law; Adjunct Professor, Brooklyn Law School

4:45-6:00 pm **Crimes Against Humanity: New Offenses, New Frontiers?**

* CLE Pending

This panel will explore recent developments in justice and accountability for crimes against humanity as well as the ongoing efforts to establish a new treaty on crimes against humanity. Recent demands from civil society seek interpretation and possibly amendment of the Rome Statute and other international criminal law texts to fully encompass crimes involving sexual, gender-based, and reproductive violence, the crime of slavery and the slave trade, and crimes against the environment. This suggests that the legal codification of crimes against humanity in the 1998 Rome Statute of the International Criminal Court may not yet cover the full range of atrocities and victimization experienced by civilian populations in today's world. Bringing together civil society as well as those engaged in legal codification efforts is critical to address gaps in justice, peace, and equality. The panel will be conducted in an interactive roundtable format.

Moderator:

- **Leila Nadya Sadat**, James Carr Professor of International Criminal Law, Washington University School of Law; Director, Crimes Against Humanity Initiative

Panelists:

- **Pablo Arrocha Olabuenaga**, Legal and Sanctions Coordinator, Permanent Mission of Mexico to the United Nations
- **Matthew Gillett**, Associate Professor, University of Essex; Vice-Chair, United Nations Working Group on Arbitrary Detention
- **Akila Radhakrishnan**, President, Global Justice Center
- **Anna Pála Sverrisdottir**, Legal Adviser of Iceland to the United Nations
- **Patricia Viseur Sellers**, Special Advisor for Slavery Crimes to the Prosecutor of the International Criminal Court; Visiting Fellow, Kellogg College, University of Oxford

Schedule

Friday, October 20



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4:45-6:00 pm **Empowering the UN Security Council to Address Modern Threats to Peace and Security**

* CLE Pending

Sponsored by
the ABILA
Committee on
International
Arbitration

Absent a renewed commitment to customary legal principles and adherence to legally binding obligations under customary international law, especially by the permanent members, the UNSC's role will continue to decline in the emerging world order. The panel will propose innovative but achievable legal tools that do not require amendment of the UN Charter to restore the UNSC's primacy in the international security architecture and improve its efficiency and effectiveness in addressing modern threats and challenges. In particular, the panel will discuss reforms that empower the elected members of the UNSC; restrain the use of the veto by the permanent members; and reimagine the internal and external partners, including the UN General Assembly and the International Criminal Court.

Moderator:

- **Floriane Lavaud**, Co-Chair, ILW 2023 Organizing Committee; Counsel, Debevoise & Plimpton LLP

Panelists:

- **Fatou Bensouda**, Gambia High Commissioner to The United Kingdom and the Commonwealth; Former Prosecutor, International Criminal Court
- **Mona Ali Khalil**, Founder, MAK Law International; former Senior Legal Officer, U.N. Office of the Legal Counsel; Affiliate, Harvard Law School Program on International Law and Armed Conflict
- **Ian Johnstone**, Professor of International Law, The Fletcher School at Tufts University
- **H.E. Ambassador Alexander Marschik**, Permanent Representative of Austria to the United Nations

4:45-6:00 pm **China Beyond Its Borders & Global Governance**

* CLE Pending

This panel explores emerging issues in China's transnational legal activities and approaches to international legal order. Bringing together scholars working on different aspects of this growing transnational legal engagement, the panelists will discuss China's aims and agendas within international organizations, its efforts in transforming law of the sea and human rights norms, and its use of law as an aspect of soft power.

Moderator:

- **Elisabeth Wickeri**, Executive Director, Leitner Center for International Law and Justice, Fordham Law School

Panelists:

- **Mark Jia**, Associate Professor of Law, Georgetown University Law Center
- **Isaac Kardon**, Senior Fellow for China Studies in the Asia Program, Carnegie Endowment for International Peace
- **Margaret Lewis**, Professor of Law, Seton Hall Law School
- **Ryan Martínez Mitchell**, Associate Professor, Faculty of Law, The Chinese University of Hong Kong
- **Samuli Seppänen**, Associate Professor, Faculty of Law, The Chinese University of Hong Kong

Schedule

Friday, October 20



INTERNATIONAL
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7:00 pm

Reception at a U.N. Permanent Mission | *Advance ticket purchase required*

Location TBA

The Friday evening reception is generously hosted by a Permanent Mission to the United Nations. 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 toward International Law Weekend is greatly appreciated.

8:30 pm

End of ILW Day 2

Schedule

Saturday, October 21



INTERNATIONAL
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9:00-10:15 am **101st Members Meeting**

Room 1-01

Outstanding Achievement Award & Keynote Address

Navi Pillay, Former High Commissioner for Human Rights (2008-2014); former President, International Criminal Tribunal for Rwanda; former Judge, International Criminal Court (2003-2008).

*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:

TBA

*Award Presented by **Larry Johnson**, Chair, Charles Siegal Service Award Committee*

ABILA Book of the Year Award:

TBA

ABILA Award for a Book on a Practical or Technical Subject:

TBA

ABILA Book Award for a First-time Author:

TBA

*Awards presented by **Mortimer (Tim) 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*

101st Members Meeting and Election

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

Schedule

Saturday, October 21



INTERNATIONAL
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10:30-11:45 am **Assessing the Legal Personality & Obligations of International Courts**

* CLE Pending

As international courts and tribunals play an increasingly visible and central role in addressing humanity's modern challenges, it becomes ever more important to understand what obligations these bodies have to conduct themselves in accordance with legal norms. This panel will explore the source and nature of international courts and tribunals' obligations, and how they may be distinct from those of the parent IGOs themselves. We will discuss a range of examples, including international human rights mechanisms, international criminal tribunals, and international administrative tribunals. Panelists will address how individual human rights - such as due process, privacy, and non-discrimination - are implicated in proceedings before these bodies, and assess the possibilities and challenges for oversight or redress.

Moderator:

- **Lisa Reinsberg**, Executive Director, International Justice Resource Center

Panelists:

- **Christiane Ahlborn**, Assistant Professor of Public International Law, Trinity College Dublin; Co-Chair, ABILA Committee on United Nations Law
- **Kristen E. Boon**, Susan & Perry Dellelce Dean of Common Law, University of Ottawa Faculty of Law
- **Asaf Lubin**, Visiting Professor of Law, Columbia Law School; Associate Professor of Law, Indiana University Maurer School of Law
- **Frédéric Mégret**, Professor of Law and William Dawson Scholar, McGill University Faculty of Law

10:30-11:45 am **Geopolitics and the Emerging Investment Regime**

* CLE Pending

*Sponsored by
the ABILA
International
Trade Law
Committee*

Since September 2022, the Biden administration has launched a transformation of US foreign economic policy, aimed at deterring development by countries of concern of technologies that could harm US national security. This effort has included plans for a new mechanism to monitor and screen US outbound investment in key technologies in countries of concern. These controls involve novel challenges: creating a new reporting and control mechanism on outward capital flows, defining its scope, coordinating with allies, setting up the mechanism's legal and institutional basis, international law, and other complex issues. This panel will examine these challenges, and the current state of play on outbound investment review, including its effect on capital flows between the US, Europe and China.

Moderator:

- **Amy Porges**, Principal, Porges Trade Law PLLC

Panelists:

- **Martin Chorzempa**, Peterson Institute for International Economics (TBC)
- **Rick Newcomb**, Partner, DLA Piper
- **Theodore R. Posner**, Assistant General Counsel (International Affairs), U.S. Department of the Treasury (TBC)
- **Anne Salladin**, Partner, Hogan Lovells, Washington DC

Schedule

Saturday, October 21



INTERNATIONAL
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10:30-11:45 am The ICC's Gender Persecution Policy: Definitions; Implementation; Way Forward

* CLE Pending

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Committee on
Teaching
International
Law

In December 2022, the ICC's Office of the Prosecutor launched its new policy on the Prosecution of the Crime of Gender Persecution. The Policy had been developed throughout 2022, by the Prosecutor's special advisors and experts, and after two rounds of public commentary and consultations. The Policy builds upon the Office of the Prosecutor's 2014 Policy Paper on Sexual and Gender-Based Crimes, yet it addresses a novel and developing area of the law – the prosecution of the crime of gender persecution. This panel will discuss the OTP's new policy by focusing on the policy's definitions, as well as on challenges associated with its successful implementation. As the panelists will discuss, in order for the policy to be implemented successfully, the OTP might need to develop additional resources to train OTP staff, prosecutors, and judges, on the complexities associated with the prosecution of the crime of gender persecution. Moreover, the panelists will focus on the opportunities for the OTP and for the ICC to develop this substantively novel area of the law, by bringing charges of gender persecution against future defendants, and by thereby serving as a model for other domestic, hybrid, and international tribunals.

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:

- **Lisa Davis**, Associate Professor of Law and Co-Director of the Human Rights & Gender Justice Clinic, CUNY School of Law; Special Adviser on Gender Persecution to the International Criminal Court Prosecutor
- **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 Trade, Labor Rights and Forced Labor—Recent Trends in International Trade Law

* CLE Pending

In recent years, the fight against forced labor and protection of workers' rights, the fight against forced labor and international trade have intertwined more clearly. Many countries like Australia, Canada, the United States, and the EU have enacted regulations to prohibit the importation of goods produced with forced labor, including child labor. But some countries have also taken the protection of workers' rights and the fight against forced labor to the international trade law arena, not only from the perspective of protecting human rights but also from the resulting unfair competition standpoint. For instance, the United States-Mexico-Canada Agreement (USMCA) provides a unique approach to workers' rights in connection with international trade to prevent violence against workers, workplace discrimination, and, most notably, prohibiting imports made with forced labor. A panel would discuss how effective the international efforts have been in the fight against forced labor and protecting workers' rights, with a particular emphasis on the USMCA.

Moderator:

- **Aristeo Lopez**, Special Legal Consultant, Clark Hill PLC; Former USMCA negotiator

Panelists:

- **Sally Alghazali**, Associate, Clark Hill PLC
- **Cindy Deleon**, Founder and Senior Trade Auditor, Deleon Trade LLC
- **Desiree LeClercq**, Proskauer Employment and Labor Law Assistant Professor, Cornell University's School of Industrial and Labor Relations
- **Preston Lim**, Assistant Professor, Villanova University Charles Widger School of Law

Schedule

Saturday, October 21



INTERNATIONAL
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10:30-11:45 am **Global AI Regulation: The (Mis)Alignment Challenge**

Rapid development of artificial intelligence is impacting professions, industrial sectors, governments, and practices of International Organizations. Comprehensive or sectoral regulation of AI systems or uses have been considered (or adopted) in many countries and international fora such as the OECD, G7, G20 and UN. How do these initiatives align with one another? How are they going to confront divergent approaches to data law, unequal distribution of digital infrastructures (in particular computing power), and diverse ideas about normative alignment between AI and human needs? This panel seeks to explore these questions and their implications for transnational regulation.

Moderator:

- **Thomas Streinz**, Adjunct Professor of Law, NYU Law

Panelists:

- **Adele Barzelay**, Counsel, Data and Digital Development, World Bank
- **Nathalie Smuha**, Emile Noel Fellow, NYU Law; Legal Scholar and Philosopher, Faculty of Law & Department of International and European Law, KU Leuven
- **Yirong Sun**, Fellow, Guarini Global Law & Tech, Guarini Institute for Global Legal Studies; Fellow, Institute for International Law and Justice (IILJ), NYU Law

12:00 – 1:15 pm **The Advisory Function of the International Tribunal for the Law of the Sea in a Time of Climate Crisis**

* CLE Pending

Sponsored by
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Committee on
the Law of the
Sea

Historically, advisory opinions have proven to be a valuable tool in clarifying States' legal obligations in connection with issues of global concern, ranging from decolonization to environmental protection. In this regard, the International Tribunal for the Law of the Sea (ITLOS) is a relatively recent but increasingly important source of advisory opinions. ITLOS is now considering a request for an advisory opinion on States' obligations with respect to combatting climate change—one of the most urgent issues facing the global community. This panel will explore the Tribunal's advisory function, including its advisory jurisdiction, the effects of its advisory opinions, and how its answer to the request now before it may contribute to solving the climate crisis. The panel will also consider mutual influence among international courts and tribunals considering related questions, specifically the ICJ's and IACtHR's consideration of separate requests for climate-related advisory opinions.

Moderator:

- **Romain Zamour**, Associate, Debevoise & Plimpton LLP

Panelists:

- **Kevin Chand**, Legal Advisor, Permanent Mission of Vanuatu to the United Nations
- **Phoebe Okowa**, Professor of Public International Law, Director of Graduate Studies, Queen Mary University of London
- **Cymie Payne**, Associate Professor, Department of Human Ecology, Rutgers University; Associate Professor, Rutgers University School of Law – Camden
- **Rozemarijn Roland Holst**, Assistant Professor in International Environmental Law, Durham Law School

Schedule



INTERNATIONAL
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Saturday, October 21

12:00 – 1:15 pm Economic Sanctions and International Immunity: Current Developments

* CLE Pending

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International
Commercial Law

*This panel will discuss recent developments in the field of international sanctions from the transactional, systemic, human rights, and immunities perspectives. Among other topics, it will examine recent effort to execute judgments against Russian, Afghan and Venezuelan central bank assets and sovereign wealth funds as well as the recent decision of the U.S. Supreme Court in *Turkiye Halk Bankasi AS v. United States*, which addressed whether foreign states and their 'agencies and instrumentalities' can be criminally prosecuted, and remanding the case to the Second Circuit.*

Moderator:

- **David P. Stewart**, Honorary Vice-President, International Law Association – American Branch, Co-Director, Center on Transnational Business and the Law and Co-Director, Global Law Scholars, Georgetown Law

Panelists:

- **Ingrid (Wuerth) Brunk**, Helen Strong Curry Chair in International law, Vanderbilt Law and Co-Editor-in-Chief, American Journal of International Law
- **Alena Douhan**, UN Special Rapporteur On the Negative Impact of Unilateral Coercive Measures on the Enjoyment of Human Rights, Professor of International Law Department and Director of the Peace Research Center, Belarusian State University
- **Nicole Erb**, Partner & Co-Lead, Economic Sanctions Practice, White & Case LLP
- **Marco Longobardo**, Senior Lecturer, University of Westminster Law School (TBC)

12:00 – 1:15 pm Demobilization & Reintegration of Former Combatants and the Private Sector: The Case Study of Colombia

* CLE Pending

The panel will explore the often-challenging dilemma of whether to allow, and how to support, reintegration into a community marred by long-term violence. In particular, the panel will address questions related to the exit and reintegration of former combatants from non-state armed groups, with a special focus on the formal end to the conflict in Colombia. The peace accord laid out plans for disarmament, demobilization, and reintegration of FARC members, and Colombian and foreign companies have hired former combatants in the years since the accord was signed, often facing internal and external challenges. The panel will bring together experts who are directly involved in reintegration and demobilization efforts in Colombia, with a particular focus on the role of businesses and the private sector.

Moderator:

- **Laura Sinisterra**, Partner, Debevoise & Plimpton LLP

Panelists:

- **TBD**

Schedule

Saturday, October 21



INTERNATIONAL
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12:00 – 1:15 pm The Practice of the UN Human Rights Treaty Bodies: Beyond International Law?

* CLE Pending

The UN human rights treaty bodies (UNTBs) three main methods of work include State reporting, individual communications, and the codification of their practice through “general comments” or “general recommendations”. This panel critically discusses the practice of UNTBs, with a focus on general comments and recommendations, while reflecting also on concluding observations and Views. The analysis highlights the main substantial and procedural controversies around them from the lens of whether the process of their adoption and the end-product can be seen as “beyond international law”, or as an inherent part of the process of development of international law. Equally important, the panel will provide insights on whether and to what extent the practice of UNTBs is reflected in the codification and development of international law.

Moderator:

- **Felix Kirchmeier**, Executive Director, GHRP, Geneva Academy of International Humanitarian Law and Human Rights

Panelists:

- **Virgínia Brás Gomes**, Former Chairperson, UN Committee on Economic, Social and Cultural Rights
- **Mikiko Otani**, Former Chairperson and Member, UN Committee on the Rights of the Child
- **Arnold Pronto**, Principal Legal Officer, Codification Division, UN Office of Legal Affairs
- **Gentian Zyberi**, Professor of International Law and Human Rights, Norwegian Center for Human Rights, University of Oslo; Former Member, UN Human Rights Committee

12:00 – 1:15 pm Beyond Multilateral Intellectual Property Law

* CLE Pending

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This panel will discuss how the multilateral intellectual property system, managed primarily through the World Intellectual Property Organization and, since 1994, the World Trade Organization, necessarily interfaces with and often lags behind other policy fora in addressing key policy issues. The global pandemic produces one important case study as countries with less flexible intellectual property systems promoted by multilateral intellectual property agreements found it difficult to meet human rights obligations to promote health and access to science and culture. The 2022 war between Russia and Ukraine has raised questions about the protection and enforcement of intellectual property rights in the event of an armed conflict that require analysis of customary international and other sources beyond the main multilateral treaties. And new intellectual property policy innovations are being crafted in free trade agreements and domestic laws to address social and economic issues, including the regulation of artificial intelligence, that are not addressed adequately in the multilateral system. These and other issues to be discussed in this year’s panel demonstrate how international lawyers and scholars must often look beyond multilateral intellectual property law.

Panelists:

- **Margaret Chon**, Donald and Lynda Horowitz Endowed Chair for the Pursuit of Justice, Seattle University School of Law
- **Sean Flynn**, Director, Program on Information Justice and Intellectual Property, American University Washington
- **Aman Gebru**, Assistant Professor, University of Houston Law Center
- **J. Janewa Osei-Tutu**, Professor of Law and Associate Dean for Diversity Culture & Inclusion, Florida International University College of Law
- **Michal Shur-Ofry**, Associate Professor, The Faculty of Law, The Hebrew University of Jerusalem
- **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

Schedule

Saturday, October 21



INTERNATIONAL
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1:15 pm **Boxed Lunch**
Soden Lounge

1:25 pm **Networking Rooms hosted by American Branch Committees**

Open to ABILA members and non-members alike to learn more about the Branch's committee work.

International Human Rights Law
International Law in Domestic Courts
Teaching Public International Law
The Formation of Rules of Customary International Law

2:15-3:30 pm **Can International Law Give a Boost to the Energy Transition? Challenges and Possibilities**

* CLE Pending

*Sponsored by
the ABILA
International
Environmental
& Energy Law
Committee*

The 2023 Physical Science Basis Report of the Intergovernmental Panel on Climate Change concluded that immediate and massive cuts in greenhouse gas emissions are needed to avoid surpassing the warming thresholds determined in the Paris Agreement. Urgent calls for accelerating the energy transition skyrocketed. Yet, pledges often refer to limited (or worse, non-committal) future actions from countries and corporations alike. Accordingly, this panel will examine the specific challenges faced by climate governance, including its collective action nature and how these challenges are poised to increase given the Ukraine invasion. The panel will also discuss how international law is uniquely equipped to galvanize support for decarbonization, ultimately advancing the divestment from fossil fuels and combating "discourses of delay."

Moderator:

- **Myanna Dellinger**, Executive 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
- **Myanna Dellinger**, Executive Director, the EinStrong Foundation; Co-Chair, ABILA Committee on International Environmental and Energy Law
- **Freya Doughty**, JSD Candidate, Washington University in St. Louis; Associate Lecturer, UWE Bristol
- **Tibisay Morgandi**, Assistant Professor in International Energy Law, School of Law, Queen Mary University of London
- **Frédéric Gilles Sourgens**, James McCulloch Chair in Energy Law, Tulane University Law School

2:15-3:30 pm **Hot Topics**

This annual panel, organized by the ILW Organizing Committee, is a late-breaking panel designed to address a topic or issue that has arisen between the completion of the ILW program and the event itself. Given the nature of this panel, details will be made available at a later date.

Schedule

Saturday, October 21



INTERNATIONAL
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2:15-3:30 pm

Border Governance in an Interdependent World

* CLE Pending

Sponsored by
the ABILA
Committee on
Fundamental
Principles of
International
Law

The interdependence of the world and international law institutions as they exist today put great pressure on border governance. Traditional themes of sovereignty and security face new challenges associated with human mobility, transnational political violence, transnational crime, and accelerating forms of environmental degradation. International borders are at the core of traditional international legal principles of state sovereignty, non-interference, and territorial integrity. However, in recent decades, international law has also developed to address broader concerns and values, most notably human rights. This panel will consider the fundamental principles that prompt this clash of interests, and how to preserve the effectiveness and legitimacy of international law in the face of conflicting values. The aim is to advance thinking about how border governance, broadly understood, can better accommodate human rights, welfare, and national security.

Moderator:

- **Mortimer Stead 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:

- **Moria Paz**, Visiting Scholar, Helen Diller Institute for Jewish Law and Israel Studies, Berkeley Law School
- **Jaya Ramji-Nogales**, Associate Dean for Research and I. Herman Stern Research Professor, Temple Law School I. Hermann Stern Research Professor at Temple Law School
- **Beth Simmons**, Andrea Mitchell University Professor of Law, Political Science, and Business Ethics, Penn Carey Law School of the University of Pennsylvania
- **Chantal Thomas**, Radice Family Professor of Law, Cornell University Law School

2:15-3:30 pm

Digital Authoritarianism: Compounding Impunity for Human Rights Violations

* CLE Pending

The last decade has seen an increasing number of governments use the internet and technology to enhance their control over society, silence dissent, and perpetuate discriminatory practices. In addition to a direct impact on survivors' daily lives, this has had an impact on the efficacy and efficiency of international and regional human rights enforcement mechanisms, including litigation, investigations, and advocacy measures. This panel will consider the extent to which governments are successfully wielding digital authoritarian tactics—including everything from spyware and censorship to full-on internet shutdowns—to escape accountability for human rights violations and, correspondingly, whether existing human rights enforcement mechanisms are still fit for purpose given these developments. Using a survivor-centered approach, including video statements from those directly impacted, the panelists will also discuss case studies in which this has played out, including in Tigray, Ukraine, and Syria.

Moderator:

- **Christel Y. Tham**, Associate, Debevoise & Plimpton

Panelists:

- **Hadi Al-Khatib**, Managing Director, Mnemonic
- **Tiberiu Dragu**, Associate Professor of Politics, New York University
- **Nick Leddy**, Head of Litigation, Legal Action Worldwide
- **Moira Whelan**, Director for Democracy and Technology, National Democratic Institute; Former U.S. State Department's Deputy Assistant Secretary for Digital Strategy
- **Meroua Zouai**, Legal Associate, The Tahrir Institute for Middle East Policy

Schedule

Saturday, October 21



INTERNATIONAL
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2:15-3:30 pm

The UN International Law Commission and the Future of International Law-Making

* CLE Pending

Co-sponsored by
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Law

The UN International Law Commission (ILC) symbolizes the successes of the post-World War II international legal order, having drafted many of its foundational treaties. While none of the ILC's outcomes have led to multilateral treaty negotiations in decades, this may change soon. The General Assembly's Legal Committee is advancing its deliberations on two ILC outcomes: the draft articles on protection of persons in the event of disasters and those on prevention and punishment of crimes against humanity. This panel will discuss why states are pushing forward on these two ILC products. Are states reasserting their role as legitimate international law-makers, at a time when the international community is increasingly divided? And what is the ILC's role in future international law-making?

Moderator:

- **Vladyslav Lanovoy**, Assistant Professor of Public International Law, Université Laval

Panelists:

- **Natalia Jiménez Alegría**, Legal Adviser, Permanent Mission of Mexico to the United Nations in New York
- **Enrico Milano**, Legal Adviser, Permanent Mission of Italy to the United Nations in New York
- **Sean D. Murphy**, Manatt/Ahn Professor of International Law, George Washington University Law School
- **Douglas Pivnichny**, Associate Legal Officer, Codification Division, United Nations Office of Legal Affairs

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.

ILW attendees are encouraged to attend this panel and provide feedback to these emerging young legal scholars and practitioners.

Moderator:

- **Emily Behzadi**, Associate Professor of Law, California Western School of Law

Panelists:

- **Christine Carpenter**, Associate, Dechert, LLP, *Whose [Crime] Is it Anyway?: Adapting the Crime of Aggression to Grapple with AI & the Future of International Crimes*
- **Sophie Eastwood**, Independent Scholar, *Exploitation at Sea: Legal Vulnerability in the Global Fishing Industry*
- **Karina Sibilska**, Junior Arbitration Practitioner, *Third-Party Funding: The Fuel that Ignites a Failing System or the Key to Future of Investment Arbitration?*
- **Jaideep Singh Lalli**, University of Cambridge (Trinity College), LLM Candidate, *The (Missing?) Relevance of International Law in Judgments on Same-Sex Marriages*

Schedule

Saturday, October 21



3:45 pm

Pathways to Employment in International Law

Room 1-01

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.

Moderators:

- **Michael P. Scharf**, President, International Law Association (American Branch); Dean and Joseph C. Hostetler-Baker Hostetler Professor of Law, Case Western Reserve University School of Law
- **Michael Peil**, Executive Director, International Law Students Association

Panelists:

- **TBA**



4:45 pm

END OF ILW 2023

American Branch of the International Law Association

Committees & Study Groups

Committee	Chair(s)	Panel at ILW 2023
Arms Control and Disarmament	Luis Fortuno	n/a
Formation of Rules of Customary International Law	Brian Lepard	n/a
International Arbitration	Floriane Lavaud Daniel Reich	Empowering the UN Security Council to Address Modern Threats to Peace and Security
International Criminal Court	Patrick Keenan Jennifer Trahan	Prosecuting War Crimes in U.S. Courts: New Avenues for Legal Accountability in Ukraine and Beyond Russia and Ukraine: A Springboard or a Setback for International Accountability?
International Commercial Law	Irene Calboli	Economic Sanctions and International Immunity: Current Developments
International Environmental and Energy Law	Carolina Arlotto Myanna Dellinger	Can International Law Give a Boost to the Energy Transition? Challenges and Possibilities
International Human Rights	Warren Binford Aaron Fellmeth	Negotiating a Torture-Free Trade Treaty
International Humanitarian Law	Gabor Rona Ashika Singh	Russia and Ukraine: A Springboard or a Setback for International Accountability?
International Intellectual Property Law	Peter Yu Sean Flynn	Beyond Multilateral Intellectual Property Law
International Investment Law	David Attanasio Diora Ziyayeva	Investment Law and Energy in Times of Armed Conflict
International Law in Domestic Courts	Martin Flaherty Steven Schneebaum	Pushback: The Increasing Opposition to the Domestic Relevance of International Law
International Trade Law	Richard Steinberg	Geopolitics and the Emerging Investment Regime
Islamic Law and Society	Sahar Aziz	n/a
Law of the Sea	Coalter Lathrop	The Advisory Function of the International Tribunal for the Law of the Sea in a Time of Climate Crisis
Legitimacy and Fundamental Principles of International Law	Mortimer Sellers	Beyond International Law: Border Governance in an Interdependent World Is the International Legal Order Unraveling? The UN International Law Commission and the Future of International Law-Making
Space Law	Henry Hertzfeld Matthew Schaefer	Outer Space and Earth Interactions within Environmental Governance and Accountability Regimes
Study Group on Threats to the Liberal International Order	David Sloss	Is the International Legal Order Unraveling?
Teaching International Law	Milena Sterio	The ICC's Gender Persecution Policy: Definitions; Implementation; Way Forward
United Nations Law	Christiane Ahlborn Bart Smit	The UN International Law Commission and the Future of International Law-Making
Use of Force	Jack Beard	n/a

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