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## Wednesday, March 25

### **Interest Group Meeting: Intellectual Property Rights in China: Reflections and Directions**

8:30am - 12:00pm Latrobe

Co-sponsored by the Law in the Pacific Rim Region Interest Group and Intellectual Property Law Interest Group

The Chinese intellectual property system has a short history of fewer than thirty years. This seminar will provide an opportunity to gather intellectual property experts to reflect on what China has done so far, to explore on-going tension areas, and to discuss where improvements will be made.

#### Keynote Speaker:

Dr. Zhipei Jiang, Retired Chief Judge of the Intellectual Property Tribunal, People's Supreme Court of China

#### *First Panel*

##### Moderator:

- John Thomas, Georgetown University Law Center

##### Panelists:

- Victoria Espinel, George Mason University
- James Feinerman, Georgetown University Law Center

#### *Second Panel*

##### Moderator:

- Elizabeth Chien-Hale, Institute for Intellectual Property in Asia

##### Panelists:

- Alan Cox, Nera Economic Consulting
- Tracy Durkin, Sterne Kessler Goldstein & Fox

### **6th Annual ITA-ASIL Conference: When Arbitrations Go Bad**

9:00am - 1:30pm Ballroom II  
Separate Registration Required  
Co-sponsored by the Institute for Transnational Arbitration's Council

In recent years the arbitration community has been showing a higher degree of confidence as the system is establishing itself as the preferred method for the settlement of international disputes. At the same time some of the criticisms become more prominent. This meeting explores a few phenomena of the pathology of the arbitration process and provides counsel, user, arbitrator, academic, and state perspectives.

Led by co-chairs David J. Bederman, Professor at Emory University School of Law in Atlanta, and Loukas A. Mistelis, Professor at Queen Mary University in London, the Spring Conference immediately precedes the 103rd ASIL Annual Meeting.

For more information and to register for this event, visit [www.cailaw.org/ita/asil\\_09.html](http://www.cailaw.org/ita/asil_09.html).

### **Executive Council Meeting**

12:00pm - 3:30pm Ballroom I

### **Lieber Society Interest Group Meeting: Whither the Law of War for the U.S.?**

3:00pm - 4:30pm Latrobe

#### Moderator:

Dennis Mandsager, Naval War College

#### Panelists:

- Ashley Deeks, U.S. Department of State
- Yoram Dinstein, Tel Aviv University
- Richard Jackson, Department of the Army Judge Advocate General

### **Grotius Lecture: Focusing on the Good or the Bad: What Can International Environmental Law Do to Accelerate The Transition Towards A Green Economy?**

4:30pm - 6:00pm Ballrooms I and II  
Co-sponsored by American University Washington College of Law and the International Environmental Law Interest Group

To purchase and download audio of this panel, please [click here](#).

Lecturer: Achim Steiner, United Nations Environment Programme

Distinguished Discussant: Dinah Shelton, George Washington University Law School

### **Grotius Reception**

6:00pm - 8:00pm Colonnade  
Co-Sponsored by American University Washington College of Law

## **American Journal of International Law Board of Editors Meeting and Dinner**

7:00pm - 11:00pm Latrobe  
(Open only to members of the AJIL Board of Editors)

### **ILM Editorial Committee Reception**

7:00pm - 9:00pm Potomac  
(Open to members of the ILM Editorial Advisory Committee and Contributing Editors)

# Thursday, March 26

## **International Economic Law Interest Group Meeting**

7:00am-8:30am Roosevelt

### Speakers:

- David Ross, International Trade Counsel, Senate Finance Committee (Minority Office)
- Mike Castellano, Counsel and Senior Policy Advisor for the Senate Majority Leader Harry Reid

## **A Comparative Look at Domestic Enforcement of International Tribunal Decisions**

9:00am - 10:30am Ballroom II

Co-sponsored by the International Criminal Law Interest Group  
The question of when and how to give domestic effect to decisions of international organs has received renewed attention. In deciding that ICJ judgments are not directly enforceable in the courts, the U.S. Supreme Court in *Medellin v. Texas* relied on its understanding that other nations do not regard such judgments as directly enforceable. In *Kadi v. Council*, the European Court of Justice treated a UN Security Council Resolution as irrelevant to the content of Community law. This panel will look at various nations' approaches to the enforcement of the decisions of international tribunals and other organs.

### Moderator:

Paul Stephan, University of Virginia School of Law

### Panelists:

- Pierre Verdier, Harvard Law School, Canadian Supreme Court
- Lori Damrosch, Columbia University School of Law
- Andreas Paulus, University of Göttingen School of Law
- Ingrid Wuerth, Vanderbilt University Law School

## **Responsibility to Protect in Environmental Emergencies**

9:00am - 10:30am Ballroom I

The Responsibility to Protect was adopted at the UN World Summit in 2005. In the context of humanitarian intervention against an abusive government, there have been numerous precedents in the past ten years. In its most fundamental form, the principal to protect is to protect civilian populations from criminal behavior by their own government which threatens the civilian population's physical existence. What if that government threat is predicated on a government's refusal to act, or to accept assistance. in an environmental emergency? Is intervention in the event of

an environmental emergency actually less controversial than in other cases?

To purchase and download audio of this panel, please [click here](#).

Moderator:

Gwen Young, Bill & Melinda Gates Foundation

Panelists:

- Gareth Evans, International Crisis Group
- Edward Luck, International Peace Institute
- Linda Malone, College of William & Mary

**Feminist Interventions: Human Rights, Armed Conflict and International Law**

9:00am - 10:30am Executive Forum

This session assesses feminist international law's focus on victimhood and sexual violence: what it highlights, obscures, empowers and defeats; its implications for challenging systemic injustices and dominant ideologies locally and globally; and how global feminisms construct global subjects. The roundtable asks hard questions about past and future directions of feminist international law.

To purchase and download audio of this panel, please [click here](#).

Moderator:

Vasuki Nesiah, International Center for Transitional Justice

Panelists:

- Doris Buss, Carleton University School of Law
- Janet Halley, Harvard Law School
- Ratna Kapur, Centre for Feminist Legal Research

**New Voices: Rethinking the Sources of International Law**

9:00am - 10:30am Latrobe  
(CLE: VA, CA, NY, PA)

The sources of international law comprise an important part of the discussion of international law as law. This panel offers a fresh perspective on the sources of international law, considering the potential for new sources and novel uses of existing sources.

To purchase and download audio of this panel, please [click here](#).

Moderator:

Anthony D'Amato, Northwestern University

Panelists:

- Anastasios Gourgourinis, UCL Faculty of Laws
- Evan Criddle, Syracuse University College of Law
- Evan Fox-Decent, McGill University Faculty of Law
- Martins Paparinskis, University of Oxford
- Annecoos Wiersema, Michael E Moritz College of Law, Ohio State University

**Rights of Indigenous Peoples Interest Group Meeting**

9:00am - 10:30am Longworth

**International Aspects of the Global Financial Crisis**

## **International Aspects of the Global Financial Crisis**

9:00am - 10:30am Roosevelt

The economic crisis that started in the U.S. real estate market has gone global in every sense of the word. Its impact can now be felt around the world, in every economic sector, and throughout the financial markets. This roundtable of practitioners and scholars working on issues of market regulation, global finance, economic development, and transnational networks will offer perspectives and proposals on these and other international questions implicated by the crisis.

To purchase and download audio of this panel, please [click here](#).

### Panelists:

- Robert B. Ahdieh, Georgetown University Law Center
- Michael Barr, University of Michigan School of Law
- Sean Hagan, International Monetary Fund
- Eric Pan, Cardozo University School of Law
- Mark Weisbrot, Center for Economic and Policy Research
- David Zaring, University of Pennsylvania Wharton School of Business

## **Medellín v. Texas and the Self-Execution of Treaties**

10:45am - 12:15pm Ballroom II

The Supreme Court's recent decision in *Medellin v. Texas* has raised many questions about when a treaty is or is not self-executing, and about what it means for a treaty to be non-self-executing. These questions are of great interest to Executive and Legislative officials involved in negotiating or consenting to treaties or determining whether past treaties now require implementation; our treaty partners, actual and prospective; and persons whose legal interests are affected by treaties. This panel will consider the meaning and ramifications of the *Medellin* decision for existing and future treaties.

To purchase and download audio of this panel, please [click here](#).

### Moderator:

Ronald Bettauer, George Washington University Law School

### Panelists:

- Avril Haines, US Department of State, Office of the Legal Adviser
- H. Kathy Patchel, Indiana University School of Law
- Edward Swaine, George Washington University Law School

## **Piracy Off Somalia: the Challenges for International Law**

10:45am - 12:15pm Ballroom I

Co-sponsored by the Law of the Sea Interest Group  
Is there a military solution to piracy off Somalia? Attacks on international shipping continue, despite a significant international naval presence authorised by the Security Council authority to use "all necessary means" to suppress piracy. In assessing whether international law can meet this challenge, issues of jurisdiction, counter-terrorism treaties and the Security Council mandates, human rights' extra-territorial application and even definitional debates over the meaning of "piracy" all loom large.

To purchase and download audio of this panel, please [click here](#).

### Moderator:

Douglas Guilfoyle, University College London

Panelists:

- Malvina Halberstam, Benjamin N. Cardozo School of Law, Yeshiva University
- J. Ashley Roach, US Department of State (formerly)
- Alfred P. Rubin, The Fletcher School, Tufts University
- Katherine Shepherd, Legal Advisers, UK Foreign and Commonwealth Office
- Tullio Treves, International Tribunal for the Law of the Sea

**The United States and the Post-Kyoto Climate Change Treaty**

10:45am - 12:15pm Executive Forum

Co-sponsored by the International Environmental Law Interest Group

Will the United States join the post-Kyoto climate change regime? The answer could determine the fate of the new global climate agreement. Yet Congress is still negotiating domestic climate change legislation. The international and domestic climate change debates are thus linked in both substance and sequencing. This roundtable will explore how the two processes can inform each other in a way that is mutually supportive.

To purchase and download audio of this panel, please [click here](#).

Moderator:

Cymie Payne, University of California-Berkeley - School of Law

Panelists

- C. Boyden Gray, Former Ambassador, United States Mission to the European Union
- Jennifer Haverkamp, Environmental Defense Fund
- Mark Helke, Senate Foreign Relations Committee
- Nigel Purvis, Climate Advisers

**The Principle of Legality in International Criminal Law**

10:45am - 12:15pm Roosevelt

(CLE: NY, PA)

Co-sponsored by the International Criminal Law Interest Group

It has been said that international criminal law judges have engaged in a full-scale -- if unacknowledged -- refashioning of international criminal law. Courts have updated and expanded historical treaties and customary rules, upset arrangements carefully negotiated between states and added content to vaguely-worded provisions that were conceived more as retrospective condemnations of past horrors than as detailed codes for prospective penal enforcement. In addition to raising questions of due process, these cases provide insight into the dynamics of argumentation, the interpretive attitudes of judges and an emerging philosophy of the nature of international criminal law.

To purchase and download audio of this panel, please [click here](#).

Moderator:

Sandesh Sivakumaran, Special Court for Sierra Leone

Panelists:

- Elisa Massimino, Human Rights First
- Theodor Meron, International Criminal Tribunal for the former Yugoslavia
- Darryl Robinson, Queen's University, Faculty of Law
- Brad Roth, Wayne State University

- Brad Roth, Wayne State University
- Beth Van Schaack, Santa Clara University

### **International Legal Theory Interest Group Meeting**

11:00am-12:30pm Longworth

### **Human Rights Interest Group Meeting**

11:00am-12:30pm Latrobe

### **Women in International Law Interest Group Luncheon**

12:30pm - 2:30pm Colonnade

The annual luncheon of the Women in International Law Interest Group (WILIG) features a speech by this year's recipient of the Prominent Women in International Law Award, Justice Unity Dow of the High Court of Botswana. The luncheon will also follow the time-honored tradition of inviting all attendees to stand and introduce themselves—a wonderful opportunity to get to know your colleagues in the field.

To purchase and download audio of this panel, please [click here](#).

#### Speaker/Honoree:

The Honorable Unity Dow, Justice High Court of Botswana

### **Book Discussion Featuring 2009 Winner of the ASIL Certificate of Merit for Creative Scholarship: *The Historical Foundations of World Order: The Tower and the Avena*, by Douglas M. Johnston**

1:00pm - 2:30pm Executive Forum

To purchase and download audio of this panel, please [click here](#).

Moderator: Devashish Krishan, Baker Botts LLP

#### Panelists:

- David Bederman, Emory University School of Law
- Tai-heng Cheng, New York Law School
- John Crook, George Washington University Law School
- Mary Ellen O'Connell, University of Notre Dame Law School

### **Multilateralizing Regionalism and the Future Architecture of International Trade Law as a System of Law**

1:00pm - 2:30pm Roosevelt

Co-sponsored by the International Economic Law Interest Group

With hundreds of regional trade agreements now in force, it seems no longer meaningful to query whether they are 'stumbling blocks or building blocks'. Instead, scholars and policy-makers are increasingly examining how trade agreements can be coordinated and integrated to form a coherent and efficient system of international law. To what extent will this process of multilateralizing regionalism entail significant changes to the structure of international trade law?

To purchase and download audio of this panel, please [click here](#).

#### Moderator:

Amelia Porges, Sidley Austin LLP

#### Panelists:

- Alberta Fabbriotti, Faculty of Law, University of Rome
- Gabrielle Marceau, University of Geneva and Cabinet of the WTO Director-General
- Joost Pauwelyn, Graduate Institute of International and Development Studies, Geneva
- Kati Suominen, Inter-American Development Bank

### **Nonproliferation, Arms Control, and Disarmament Interest Group Meeting: The Next Steps in Enforcing the Nuclear Nonproliferation Regime**

1:00pm-2:30pm Longworth

#### Panelists:

- Orde Kittrie, Arizona State University
- Gary Milhollin, Wisconsin Project on Nuclear Arms Control
- Brad Sherman, U.S. Congressman (D-CA), Chair of the House Subcommittee on Terrorism
- Leonard Spector, Monterrey Institute

### **Closing Guantánamo: The Legal and Policy Issues**

1:00pm - 2:15pm Roosevelt

On this second full day in office, President Obama ordered the closure of the detention facilities on Guantanamo Bay within one year. Accomplishing that goal will require decisions about whether the detainees not released or transferred to other countries will be preventively detained by the United States as enemy combatants or in some other capacity of charged with crimes and, in either case, about which tribunals will make the necessary determinations. These and related questions will be subject of this panel.

To purchase and download audio of this panel, please [click here](#).

#### Moderator:

Robert Chesney, Wake Forest University School of Law

#### Panelists:

- David W. Glazier, Loyola (Los Angeles) Law School
- Joanne Mariner, Human Rights Watch
- Deborah Pearlstein, Princeton University
- Glenn M. Sulmasy, US Coast Guard Academy

### **Is Legal Empowerment Good for the Poor?**

2:15pm - 3:45pm Executive Forum

The report of the Commission on the Legal Empowerment of the Poor is a major event in policy discussions about the relationship between law and development, and human rights and development. This ASIL forum seeks to initiate a critical discussion of the Report and its premises, and of the idea of 'legal empowerment' as a development tool.

To purchase and download audio of this panel, please [click here](#).

#### Moderator:

Anne Trebilcock, International Labor Organization

#### Panelists:

- Christina Biebesheimer, Justice Reform Practice Group in the Legal Vice Presidency of the World Bank
- Steve Golub, Boalt Hall Law School, University of California-Berkeley



- Naresh Singh, Canadian International Development Agency, Commission on the Legal Empowerment of the Poor
- Kerry Rittich, Faculty of Law, University of Toronto

### **Annual General Meeting**

2:45pm - 3:45pm Ballrooms I & II

**The Annual General Meeting of the Society features presentation of Society awards and honors and election of officers. Open to all ASIL members.**

To purchase and download audio of this panel, please [click here](#).

#### Hudson Medal Honoree:

Charles N. Brower, Iran-United States Claims Tribunal

#### Butcher Medal Honoree:

Monica Pinto, University of Buenos Aires Law School

#### Honorary Member:

Hans Corell, Former United Nations Legal Counsel

#### Certificate of Merit for Creative Scholarship:

Douglas Johnston, University of Victoria-Law

#### Certificate of Merit for High Technical Craftmanship:

Otto Triffterer, University of Salzburg

#### Certificate of Merit for a Specialized Field of International Law:

Ralph Wilde, University College London

#### Francis Lieber Prize (Book Category):

Guenael Mettraux, International Criminal Law Bureau

#### Francis Lieber Prize (Article Category):

Grant T. Harris, U.S. Mission to the UN

#### Lieber Society Military Prize:

Major Jeffrey S. Thurnher, US Army

#### Lieber Society Military Prize Certificate of Merit:

Commander David W. Glazier, US Navy (Ret.)

#### Lieber Society Military Prize Certificate of Merit:

Commander Andrew Murdoch, United Kingdom Royal Navy

### **In What Sense is International Law Law?**

**2:45pm - 4:00pm Roosevelt**

This plenary session will discuss the question of whether and in what sense international law is law. Though the question is familiar, there is no consensus among those interested in the international system. The plenary will address the

among those interested in the international system. The plenary will address the question from several perspectives, including skepticism about international law, the propensity to comply with international law, rational choice, and liberalism.

To purchase and download audio of this panel, please [click here](#).

**Moderator:**

Andrew Guzman, University of California-Berkeley School of Law

**Panelists:**

- Jose E. Alvarez, Columbia University School of Law
- Antonia Chayes, Tufts University The Fletcher School of Law
- Thomas Franck, New York University Law School
- Sean Murphy, George Washington University Law School

**International Law in Domestic Courts Interest Group Meeting**

3:00pm-4:30pm Longworth

**Teaching International Law Interest Group Meeting: Using Simulations to Enhance International Law Teaching**

3:00pm-4:30pm Executive Forum

**Moderator:**

Thomas McDonnell, Pace University School of Law

**Panelists:**

- Cindy Buys, Southern Illinois University School of Law
- Michael Scharf, Frederick K. Cox International Law Center, Case Western Reserve University School of Law

**Private International Law Interest Group Meeting**

4:15pm-5:30pm Latrobe

**Plenary: Hudson Medal Lecture: The International Judiciary: Oracles, Umpires "Calling Balls and Strikes," "Liars," Legislators, Or What?**

4:00pm - 5:00pm Ballrooms I & II

To purchase and download audio of this panel, please [click here](#).

**Honoree/Lecturer:**

Charles N. Brower, Iran-United States Claims Tribunal

**Plenary: The United States and International Law During the Obama Administration: Executive and Legislative Perspectives**

5:15pm - 6:30pm Ballrooms I & II

Co-sponsored by Georgetown University Law Center

President Barack Obama and his administration have promised to chart a new course on international law. In this session, the speakers will provide perspectives from the Executive and Legislative branches about how the new administration is or should be approaching questions implicating international law.

To purchase and download audio of this panel, please [click here](#).

**Moderator:**

T. Alexander Aleinikoff, Georgetown University Law Center

Panelists:

- Joan Donoghue, (Principle Deputy Legal Adviser) US Department of State
- Former US Senator Charles Hagel, Georgetown University Law Center
- Anne-Marie Slaughter, US Department of State

**Members' Reception**

6:30pm - 8:00pm Colonnade  
Co-sponsored by Georgetown University Law Center

**"L" Alumni Reception**

6:30pm - 8:00pm Roosevelt  
Co-sponsored by the Public International Law and Policy Group

(Open to all current and former staff of the Legal Advisor's Office, U.S. Department of State)

**Patron's Reception**

6:30pm - 8:00pm Latrobe  
By invitation only.

**Executive Council Reception and Meeting**

6:30pm - 7:30pm Longworth  
By invitations only.

Speaker:

Aly El Glatit, Egyptian Society of International Law

**UN21 Interest Group Meeting**

6:30pm-8:00pm Executive Forum

## Friday, March 27

**Interest Group Co-Chairs' Breakfast**

7:00am-8:30am Latrobe

**Law of the Sea Interest Group Meeting: The United States and the Law of the Sea: Hot Topics**

9:00am - 10:30am Imperial II

Moderator: Coalter G. Lathrop, Sovereign Geographic Inc.

Speakers:

- Miguel G. Garcia-Revilla, University of Cordoba (Spain)
- John E. Noyes, California Western School of Law
- John T. Oliver, US Coast Guard

**Is the UN Security Council Bound by Human Rights Law?**

9:00am - 10:30am Ballroom II

This panel will consider whether and to what extent human rights law governs coercive action authorized by the U.N. Security Council, drawing on recent groundbreaking decisions issued by the European Court of Justice (Kadi), the European Court of Human Rights, and the U.K. House of Lords (Al Jedda). Questions include which institutions have jurisdiction to assess legality and which actors are responsible for illegal measures.

To purchase and download audio of this panel, please [click here](#).

Moderator:

Ryan Goodman, Harvard Law School

Panelists:

- Vera Gowlland-Debbas, Graduate Institute of International and Development Studies
- Linos-Alexander Sicilianos, National and Kapodistrian University of Athens
- Gráinne de Búrca, Fordham University School of Law

**The Impact of International Criminal Proceedings on National Prosecutions in Mass Atrocity Cases**

9:00am - 10:30am Ballroom I

Co-sponsored by the International Criminal Law Interest Group and DOMAC Research Program

The panel will discuss the increased need for coordination and cooperation between national and international courts addressing mass atrocity situations. In particular, it will draw lessons from the experience accumulated in the Balkans and Africa concerning attempts to entrust national courts with a more active and effective role in trying international crimes and reducing thereby the remaining "accountability gap."

To purchase and download audio of this panel, please [click here](#).

Moderator:

Thordis Ingadottir, University of Reykjavik

Panelists:

- Martin Ngoga, Prosecutor General of the State of Rwanda
- Andre Nollkaemper, University of Amsterdam
- Fausto Pocar, International Criminal Tribunal for Yugoslavia
- David Schwendiman, Prosecutor's Office of Bosnia and Herzegovina
- Yuval Shany, Faculty of Law, Hebrew University
- Olivia Swaak-Goldman, ICC--Office of Prosecutor
- Marieke Wierda, International Center of Transitional Justice

**Judging International Law as Law**

9:00am - 10:30am Executive Forum

This panel will explore the role that judges play in the creation and application of international law. Is there an underlying commonality – by way of education, training, professional guidelines, etc. – that creates a common tongue for jurists that transcends domestic boundaries, in the same way that scientists and engineers speak the common verbiage of mathematics and technology?

To purchase and download audio of this panel, please [click here](#).

Moderator:

David Nersessian, Harvard Law School

Panelists:

- Rosemary Barkett, US Court of Appeals for the Eleventh Circuit
- Unity Dow, High Court of Botswana
- John Hedigan, The High Court of Ireland, former Judge for the European Court of Human Rights
- Margaret Marshall, Chief Justice, Supreme Judicial Court of Massachusetts

**New Voices: Issues in the Human Side of International Law**

9:00am - 10:30am Roosevelt  
(CLE: VA, CA, NY, PA)

This panel considers issues across the breadth of international law, all with a human angle. Panelists will consider the competing treatment afforded to immigrants in Europe and the United States, law and geography approaches to climate change and terrorism, secrecy at the international criminal court and the indeterminacy of international humanitarian law.

To purchase and download audio of this panel, please [click here](#).

Moderator:

David Kaye, UCLA School of Law International Human Rights Program

Panelists:

- Janina Dill, University of Oxford
- Alex Little, US Attorney's Office for the District of Columbia
- Angela Banks, William & Mary School of Law
- Hari Osofsky, Washington & Lee University

**Governing Through Indicators**

9:00am - 10:30am Latrobe

Co-sponsored by the International Economic Law Interest Group  
This panel will examine who participates in the making and revision of some of the most important indicators; why some indicators are influential and others not; the significance of technical constraints and political framing; the relations of these indicators to international legal norms and to the practices of institutions applying international law; the impacts of indicators on aid allocation and important national and international policy decisions; and the possible future roles of international law and of global administrative law standards (on participation, transparency, review and accountability) in the creation, governance and use of indicators.

To purchase and download audio of this panel, please [click here](#).

Moderator:

Benedict Kingsbury, New York University School of Law

Panelists:

- Leslie Benton, Transparency International-USA
- Sally Engle Merry, New York University
- Christopher Stone, Harvard Kennedy School

**The Security Council and the Rule of Law**

10:45am - 12:15pm Ballroom II

The broad law-making powers assumed by the Security Council have provoked considerable debate. This panel will discuss the legal context within which the Council is legislating, the 'threats' capable of triggering the use of its Chapter VII coercive powers, the reviewability of decisions that adversely affect individual rights and the implications for domestic law.

To purchase and download audio of this panel, please [click here](#).

Moderator:

Simon Chesterman, New York University School of Law

Panelists:

- Thomas Franck, New York University School of Law
- Christine Gray, University of Cambridge
- Kim Lane Scheppele, Princeton University
- Stefan Talmon, University of Oxford

**The Future of Corporate Accountability for Violations of Human Rights**

10:45am - 12:15pm Ballroom I

This panel will take stock of recent developments and consider next steps in the effort to develop norms governing the responsibility of corporations for human rights violations. In particular, panelists will consider how best to understand and implement the new mandate of the Special Representative of the Secretary General.

To purchase and download audio of this panel, please [click here](#).

Moderator:

Penelope Simons, University of Ottawa Faculty of Law - Common Law Section

Panelists:

- Timothy Deal, United States Council for International Business
- Robert McCorquodale, British Institute of International and Comparative Law
- Lisa Misol, Human Rights Watch
- Christiana Ochoa, Indiana University School of Law
- John Ruggie, Harvard JFK School & Special Representative of the Secretary General

**Challenges of Transnational Legal Practice: Advocacy and Ethics  
(CLE: PA, NY)**

10:45am - 12:15pm Executive Forum

This panel brings together new and established legal practitioners to answer questions about the challenges posed by transnational legal practice. For example, what ethics rules do or should govern practitioners before international courts and tribunals? And how does the notion of good advocacy vary across legal systems and in the international arena?

To purchase and download audio of this panel, please [click here](#).

Moderator:

Catherine Rogers, Dickinson Law School, Penn State University

Panelists:

- Laurel Baig, Appeals Unit, Office of the Prosecutor, ICTY
- Christopher Greenwood, International Court of Justice
- Viren Mascahenas, Freshfields, Bruckhaus, Deringer US LLP
- Laurel Terry, Penn State Dickinson School of Law

### **The Cutting Edge**

10:45am - 12:15pm Roosevelt  
(CLE: VA, CA, NY, PA)

ASIL's new Cutting Edge Panel is designed to introduce conference members to yet to be published work that pushes the boundaries of existing international law analysis. This year's panel introduces three cutting edge projects: "International Law in Domestic Courts: A Conflict of Laws Perspective," "Diffusion through Democracy: How International Norms Shape Voter Choices" and "The Laws of War and the Lesser Evil."

To purchase and download audio of this panel, please [click here](#).

#### Moderator:

Anthea Roberts, London School of Economics

#### Panelists:

- Karen Knop, Faculty of Law, University of Toronto
- Katerina Linos, Harvard Society of Fellows
- Ralf Michaels, Duke University School of Law
- Gabriella Blum, Harvard Law School

### **Direct Participation in Hostilities: Operationalizing the ICRC's Guidance (Resource Session)**

10:45am - 12:15pm Latrobe

Circumstances prevailing in contemporary armed conflicts, including the proliferation of non-state actors, insurgency/counter-insurgency strategy and tactics, the "war on terror", privatization of the armed forces, and high-tech warfare, have greatly increased the difficulty of determining who is directly participating in hostilities and thus subject to attack. This panel will examine the International Committee of the Red Cross' recently published Interpretive Guidance on the Notion of Direct Participation in Hostilities (DPH) to discuss the utility of this document and the operationalisation of DPH, and explore the advantages and disadvantages of clarifying the laws of war in this particular area in light of these challenges.

To purchase and download audio of this panel, please [click here](#).

#### Moderator:

Jennifer Daskal, Human Rights Watch

#### Commentator:

Stephen Pomper, US Department of State

#### Presenter:

Nils Melzer, International Committee of the Red Cross

### **Research Showcase: Poster Session**

12:15pm - 2:45pm Colonnade

ASIL's new Research Showcase will include more than a dozen academics, drawn

from a broad range of areas including trade, investment, human rights and international criminal law, and interdisciplinary approaches to international law. They will present their innovative work in an informal environment allowing time for individual and focused discussion. As with the Cutting Edge Panel, this Showcase focuses on yet to be published work. You are welcome to drop in at any time during the session to engage with the poster presenters on their research.

Poster Presenters:

- Roger Alford, Pepperdine University School of Law
- Alessandra Arcuri, University of Rotterdam, Erasmus School of Law
- Dhruvajyoti Bhattacharya, Southern Illinois University School of Medicine
- Karen Bravo, Indiana University School of Law
- Melissa Casagrande, McGill University
- Robert Cryer, Birmingham Law School, University of Birmingham
- Susan Franck, Washington & Lee University
- Diane Frey, London School of Economics
- M. Florencia Guertzovich, Northwestern University
- Matthew Happold, University of Hull
- Laurence Helfer, Vanderbilt Law School
- Holger Hestermeyer, Max Planck Institute
- Daniel Joyce, University of Helsinki
- Claire Kelly, Brooklyn Law School
- Jurgen Kurtz, University of Melbourne Law School
- Nikos Lavranos, European University Institute (EUI)
- Elizabeth Stubbins Bates, London School of Economics

**Presentation and Discussion of the ASIL Task Force Report on US Policy Towards the International Criminal Court**

1:00pm - 2:00pm Ballroom II

In August 2008, ASIL convened a task force review and developed recommendations for US policy toward the International Criminal Court. This session will give ASIL members an opportunity to discuss the Task Force's recommendations with some of its members.

To purchase and download audio of this panel, please [click here](#).

Moderator:

Elizabeth Andersen, American Society of International Law

Panelists:

- Michael Newton, Vanderbilt University Law School
- William H. Taft IV, Fried, Frank, Harris, Shrive & Jacobson
- David Tolbert, United States Institute of Peace
- Patricia M. Wald, Former Judge, International Criminal Tribunal for the Former Yugoslavia

**Mapping the Future of Investment Treaty Arbitration as a System of Law**

1:00pm - 2:30pm Executive Forum

Co-sponsored by the International Economic Law Interest Group

Investment treaty arbitration currently faces significant challenges to its integrity as a system of law, including challenges to the enforceability of arbitral awards, conflicting decisions and certain states withdrawing from ICSID and terminating BITs. Are these developments merely growing pains or are they a sign of fundamental flaws in the system? Will the new generation of investment treaties help to resolve these problems?



help to resolve these problems:

To purchase and download audio of this panel, please [click here](#).

Moderator:

Lucy F. Reed, Freshfields Bruckhaus Deringer

Panelists:

- Gabriela Alvarez-Avila, Curtis, Mallet-Prevost, Colt & Mosle
- Yas Banifatemi, Shearman and Sterling
- James Crawford, University of Cambridge and Matrix Chambers
- Makhdoom Ali Khan, Fazleghani Advocates
- Toby Landau QC, Essex Court Chambers

**Irresponsible Arms Trade and the Arms Trade Treaty**

1:00pm - 2:30pm Roosevelt

There is broad agreement that the irresponsible and unregulated trade in conventional arms exacerbates conflicts, fuels human rights and international humanitarian law violations, and undermines security and development. Despite the devastating consequences of conventional weapons for ordinary people, there is currently no consensus on international standards that govern, or should govern, the international arms trade. This panel will explore whether the newly proposed Arms Trade Treaty can establish universal standards capable of substantially reducing the illicit and irresponsible trade in arms.

To purchase and download audio of this panel, please [click here](#).

Moderator:

Jesse Clarke, Legal Advisers, U.K. Foreign & Commonwealth Office

Panelists:

- Clare DaSilva, Control Arms Campaign
- John Duncan, U.K. Diplomatic Service
- Gregory Suchan, Commonwealth Consulting Corporation
- Rachel Stohl, Centre for Defense Information

**Anthropological Perspectives on Human Rights Law and Lawyers**

1:00pm - 2:30pm Latrobe

Recent years have seen a careful examination of human rights laws and institutions by anthropologists doing ethnographic work among lawyers, which has resulted in a much more sophisticated anthropological engagement than the old relativism/universalism debate. This roundtable reflects on how anthropology and ethnography can contribute to other debates in international law, such as how states are 'socialized' and how human rights law affects the conduct of institutions.

To purchase and download audio of this panel, please [click here](#).

Moderator:

Nehal Bhuta, University of Toronto

Panelists:

- Kamari Clarke, Yale University
- Laura Dickinson, Arizona State University
- Mark Goodale, George Mason University
- Ann Janette Rosga, Women's International League for Peace and Freedom

## **International Organizations Interest Group Meeting**

1:00pm - 2:30pm Linden

### **International Environmental Law Interest Group Meeting: Scientific Whaling and International Law**

1:00pm - 2:30pm Imperial II

#### Speakers:

- Laurence Boisson de Chazournes, University of Geneva
- Alberto Szekély, Permanent Court of International Arbitration at The Hague

## **Africa Interest Group Meeting**

1:00pm - 2:30pm Culpepper

#### Speaker:

Ali El Ghatit, Egyptian Society of International Law

## **International Law and the "War on Terror:" A Look Back**

2:45pm - 4:15pm Ballroom I and II

Looking back, what effect, if any has international law had on American conduct in the "war on terror" since September 11, 2001? Has international law played a role in shaping or constraining U.S. practice on issues ranging from the resort to force to detention and treatment of terrorist adversaries? How should the experience of the past eight years influence the approach to international legal issues relating to the "war on terror" going forward? Are we learning the right lessons from our experience in the recent past?

To purchase and download audio of this panel, please [click here](#).

#### Moderator:

Allen Weiner, Stanford Law School

#### Panelists:

- Jennifer Martinez, Stanford Law School
- Julia Tarver Mason, Paul, Weiss, Rifkind, Wharton & Garrison
- William H. Taft IV, Stanford Law School
- Matthew Waxman, Columbia University, School of Law

## **Border Tax Adjustments: Climate Change, the WTO, and New Tools for International Environmental Law-Making**

2:45pm - 4:15pm Executive Forum

Co-sponsored by the International Economic Law Interest Group

Border tax adjustments have been proposed as a unilateral tool to mitigate the competitive disadvantages of uneven global action on climate change, to avoid carbon "leakage," and to encourage harmonized approaches to climate policy among trading partners. This session will consist of a two-part debate: (1) Is the use of BTAs in this fashion WTO-consistent? (2) What can BTAs tell us about international law-making more generally?

To purchase and download audio of this panel, please [click here](#).

Moderator:

Steve Charnovitz, George Washington University Law School

Panelists:

- Rachel Brewster, Harvard Law School
- Ellen Hey, Erasmus University School of Law
- Laura Nielsen, University of Copenhagen
- Jonathon Zasloff, UCLA School of Law

**Visions of International Law: Insights from Normative Theory**

2:45pm - 4:15pm Roosevelt

This panel will draw on several strands of normative legal theory to explore different visions of international law. It will contrast descriptive and prescriptive normative theories, as well as legal theories and theories emanating from cognate disciplines such as political science. It will examine, among others, constructivist theories of the role of norms in international law, cosmopolitan projects for a global citizens' law, and theories advocating value pluralism.

To purchase and download audio of this panel, please [click here](#).

Moderator:

Dianne Otto, University of Melbourne School of Law

Panelists:

- Brian Leppard, University of Nebraska
- John Linarelli, University of La Verne and Northeastern University School of Law
- Mary Ellen O'Connell, University of Notre Dame Law School
- Andrew Strauss, Widener University School of Law

**US Implementation of the 2005 Hague Convention on Choice-of-Court Agreements (Resource Session)**

2:45pm - 4:15pm Latrobe

Co-sponsored by the Private International Law Interest Group

As the US has recently signed (and the EU seems to be ready to sign) the 2005 Hague Convention on Choice-of-court agreements, the Convention could enter into force in 2009. Therefore, the Private International Law IG meeting will convene a discussion on the US perspective on the implementation of the Convention.

Moderator:

Alex Carballo, Lauterpacht Centre for International Law

Panelists:

- Keith Loken, US Department of State
- David Stewart, Georgetown University Law Center
- Louise Ellen Teitz, Roger Williams University School of Law
- Peter Trooboff, Covington & Burling

**Plenary: International Law as Law at the International Court of Justice**

4:30pm - 5:45pm Ballrooms I & II

Co-sponsored by George Washington University Law School

This panel will present a rare opportunity to hear three sitting judges of the

international Court of Justice discussing the Court's role in the development of international law as law.

Moderators:

- Lucy Reed, Freshfields Bruckhaus Deringer US LLP
- Ralph Steinhardt, George Washington University Law School

Panelists:

- Thomas Buergenthal, International Court of Justice
- Hisashi Owada, International Court of Justice
- Bruno Simma, International Court of Justice

**Transitional Justice and Rule of Law Interest Group Meeting**

4:30pm-6:30pm Roosevelt

**President's Reception**

5:30pm - 6:30pm Colonnade

Co-sponsored by George Washington University Law School

**ASIL-ILSA Dinner Celebrating the Jessup Competition 50th Anniversary**

6:30pm - 11:00pm Ronald Reagan Trade Center

This special dinner event will commemorate the immeasurable impact the Philip C. Jessup International Moot Court Competition has had on international law and legal education across the globe.

Speakers:

- Judge Rosalyn Higgins, Former President of the International Court of Justice
- Judge Stephen M. Schwebel, Former President of the International Court of Justice and author of the inaugural Jessup Competition Problem

**New Professional Interest Group Happy Hour**

7:00pm - 9:00pm Offsite

Z-Lounge at the Ritz Carlton (22 & M St., NW)

## Saturday, March 28

**International Criminal Law Interest Group Meeting**

8:00am - 9:30am Longworth

**Changing Concepts of State Sovereignty**

9:00am - 10:30am Ballroom II

In recent years, the international community has been increasingly willing to recognize human rights as a limit on state sovereignty and use peacekeepers in cases of conflict. This panel will explore these and other changes and the complex and evolving interplay between state sovereignty and international legal rights and obligations.

To purchase and download audio of this panel, please [click here](#)

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Moderator:

Oona Hathaway, University of California-Berkeley School of Law

Panelists:

- Rosa Brooks, Georgetown University Law Center
- Daniel Philpott, University of Notre Dame
- Ruti Teitel, NY Law School

Commentator:

Rosalyn Higgins, International Court of Justice (former)

**Learning from Doha: Can 'Development' be Operationalized in International Economic Law?**

9:00am - 10:30am Ballroom I

Co-sponsored by the International Economic Law Interest Group

The failure of the WTO's Doha "Development Agenda" underscores a central difficulty in international law. Can the goals of international development and poverty alleviation be translated into operative legal terms? Can the Right to Development, Special and Differential Treatment, 'policy space' and 'development needs' fulfill positive legal functions, whether in negotiations or in dispute settlement or are they merely rhetorical?

To purchase and download audio of this panel, please [click here](#).

Moderator:

Matjaz Nahtigal, University of Ljubljana

Panelists:

- Uche Ewelukwa, University of Arkansas
- Robert Howse, New York University School of Law
- Andrew Mitchell, University of Melbourne Law School
- Sanjay Reddy, Columbia University, Barnard College and School of International and Public Affairs

**Evolutions of the Jus ad Bellum: The Crime of Aggression**

9:00am - 10:30am Executive Forum

Executive Forum This panel will seek to highlight recent evolutions in the jus ad bellum by confronting the codification of the crime of aggression in the Rome Statute of the International Criminal Court and the recent practice of international bodies in holding states liable for unlawful use of force.

To purchase and download audio of this panel, please [click here](#).

Moderator:

Davis Brown, University of Virginia

Panelists:

- Jutta Bertram-Nothnagel, Permanent Representative of the Union Internationale des Avocats to the United Nations
- Elizabeth Wilmhurst, Royal Institute of International Affairs at Chatham House
- Yoram Dinstein, Tel Aviv University

- Toram Dinstein, Tel Aviv University
- Larry May, Washington University in St. Louis
- Noah Weisbord, Duke Law School

### **IMF Governance Reform and its Broader Implications for the IMF's Work**

9:00am - 10:30am Roosevelt

Workshop Organized by the University of Illinois College of Law Center on Law and Globalization; co-sponsored by the American Bar Foundations

The present financial crisis underscores the critical role of the International Monetary Fund in the world economy. It also raises acutely the links among the IMF's governance, legitimacy and effectiveness. This panel will address the recommendations of the Manuel Committee for governance reform at the IMF, its implications for the IMF's global activities, and its potential impact on governance reforms of other international financial institutions and international governance bodies.

To purchase and download audio of this panel, please [click here](#).

#### Moderator:

Hans Corell, former United Nations Legal Counsel

#### Panelists:

- Sean Hagan, General Counsel, International Monetary Fund
- Kenneth Dam, University of Chicago and Member, Manuel Committee on International Monetary Fund Governance

### **Lecture: Transatlantic Views of International Law: Cooperation and Conflict in Hard Times**

10:45am - 12:15pm Ballroom II

Daniel Bethlehem QC is currently UK Foreign and Commonwealth Office Legal Adviser and previously was one of the most prominent private practitioners of international law, regularly appearing before the International Court of Justice and European tribunals, as well as before British courts. Mr. Bethlehem will draw on his experience in both the public and private sectors in a far-reaching and substantive discussion of the most fundamental legal issues arising in the trans-Atlantic relationship.

To purchase and download audio of this panel, please [click here](#).

Lecturer: Daniel Bethlehem, Legal Adviser, U.K. Foreign and Commonwealth Office

Discussant: Jane Stromseth, Georgetown University Law Center

