



American Society
of International Law

ASIL Midyear Meeting and Research Forum

November 6 - 8, 2014 - Chicago, IL

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The American Society of International Law is a nonprofit, nonpartisan, educational membership organization founded in 1906 and chartered by Congress in 1950. The mission of ASIL is to foster the study of international law and to promote the establishment and maintenance of international relations on the basis of law and justice. ASIL holds Category II Consultative Status to the Economic and Social Council of the United Nations and is a constituent society of the American Council of Learned Societies.

The Society's nearly 4,000 members from more than 100 nations include attorneys, academics, corporate counsel, judges, representatives of governments and nongovernmental organizations, international civil servants, students, and others interested in international law. Through our meetings, publications, information services, and outreach programs, ASIL advances international law scholarship and education for international law professionals as well as for broader policy-making audiences and the public.



American Society of International Law

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2014 ASIL MIDYEAR MEETING AND RESEARCH FORUM

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Larry Helfer, Duke University School of Law
Jason Yackee, University of Wisconsin Law School
David Zaring, Wharton School, University of Pennsylvania
Laura Pedraza-Fariña, Northwestern University School of Law

GENERAL INFORMATION

REGISTRATION

The Research Forum Registration Desk will be located in the Atrium of the Northwestern University School of Law, 375 E. Chicago Ave., Chicago, IL 60611.

Registration Hours

Friday, November 7 11:00 am - 4:00 pm

Saturday, November 8 8:00 am – 4:30 pm

For safety and security reasons, photo ID will be required to pick up conference badges. Name badges must be worn for admittance to all meetings, sessions, receptions, and lunches.

ASIL SOCIAL MEDIA

Follow ASIL on Twitter (@asilorg) and tweet about the Midyear Meeting using the hashtag #ASILMYM.

MESSAGE BOARD

Messages may be left with ASIL staff at the Midyear Meeting Registration Desk. ASIL staff will endeavor to forward your message to the relevant party.



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Zuzanna Godzimirska	Eric Priest
Seth Greenfest	René Provost
Naomi Hart	Sergio Puig

SPEAKERS, PANELISTS, AND DISCUSSANTS

Jaya Ramji-Nogales
Sarah Riddell
Anthea Roberts
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***Careers in International Law:
A Guide to Career Paths in International Law
(2013-14)***

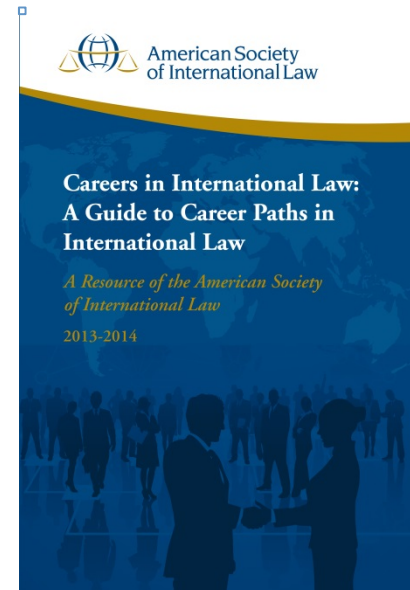
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Schedule
November 6-8, 2014

Accommodations: Whitehall Hotel, 105 East Delaware Place, Chicago, IL 60611

Thursday, November 6

- 3:30 – 5:00 p.m. **International Law Career Panel and Speed Mentoring event**
The John Marshall Law School (315 South Plymouth Court)
- Bartram S. Brown, Professor, Chicago-Kent College of Law
 - Shahram Dana, Associate Professor, The John Marshall Law School, former Legal Officer, United Nations International Criminal Tribunal for the former Yugoslavia
 - John C. Dehn, Assistant Professor, Loyola University Chicago School of Law; retired JAG officer, U.S. Army
 - Christine H. Martinez, Associate, Barnes/Richardson
 - Sarah Riddell, Investment Management Associate, Morgan, Lewis, & Bockius
 - Major General (Ret.) Charles Tucker, Executive Director, World Engagement Institute
 - Adrien Wing, Professor, The University of Iowa College of Law
- 5:30 – 8:00 p.m. **Opening Reception & Plenary Panel ***
Baker & McKenzie LLP (300 East Randolph Street, Suite 5000)
- 5:30 – 6:30 p.m.: Reception**
- Welcome on behalf of Baker & McKenzie: Michael Morkin, Managing Partner
 - Welcome on behalf of American Society of International Law: Lori Damrosch, President
- 6:30 – 8:00 p.m.: Panel discussion**
“The Missile that Shot Down Flight MH 17: Whose Legal Responsibility?”
- Larissa van den Herik, University of Leiden Law School
 - Barry Kellman, DePaul University College of Law
 - Michael Morkin (moderator), Baker & McKenzie
 - Ruth Wedgwood, Johns Hopkins School of Advanced International Studies

* Separate ticketed event

Friday, November 7

Leadership Meetings (The Whitehall Hotel)

9:00 – 12:00 p.m. **AJIL Board Meeting**
(Whitehall Hotel, Salon III)
(Continental Breakfast starting at 8:30 a.m.)

12:30 – 4:00 p.m. **Executive Council Meeting**
(Whitehall Hotel, Salon III)
(Luncheon served at 12:00 p.m.)

Student and New Professional Development Events (Northwestern University School of Law)

9:00 – 10:30 a.m. **“Practicing International Law in the Midwest”**
(McCormick 381)

Panelists from government, nongovernmental organizations, and private practice will share their experiences and describe the work they are doing in international law in the Midwest. Breakfast will be served.

11:00 – 12:00 noon **“International Law Research Strategies”**
(McCormick 381)

Law librarians will share international research strategies for the digital age with students, including tips and tricks learned from decades of experience in international legal research.

Research Forum (Northwestern University School of Law)

12-1:30 p.m. **“Empirical Approaches to Studying International Law: Quantitative, Qualitative, Experimental and Mixed Methods”**
(Lincoln Hall)

- Tom Ginsburg, University of Chicago Law School
- Barbara Koremenos, University of Michigan, Department of Political Science
- Katerina Linos, UC Berkeley School of Law
- Yonatan Lupu, George Washington University Law School
- Janice Nadler, Northwestern University School of Law
- Jide Nzelibe (moderator) Northwestern University School of Law

1:45 – 3:15 p.m. **Research Forum Session I**

International Law Theory-Political Science: Putting Caveats into International Legal Agreements (Wieboldt Hall Room 247)

- The Nuanced Design of Escape Clauses in the General Population of International Agreements; Barbara Koremenos, University of Michigan
- The Language of Compromise in International Agreements; Tom Pegram, University College London and Katerina Linos, UC Berkeley School of Law
- Dynamic Legalization: The evolution of global climate agreements; Alexander Thompson, Ohio State University

Discussant: Eyal Benvenisti, New York University School of Law

International Economic Law-Private International Law: BRICs and International Economic Law (Wieboldt Hall Room 250)

- Catch Me If You Can: A case for coherent anti-circumvention framework in the WTO Agreement; Tomohiko Kobayashi, Otaru University of Commerce
- The Policy Space of Development Strategies: An analysis of industrial policy and regulatory coherence between Brazil and the U.S.; Ada Siqueira and Julia Martins, Georgetown University Law Center

Discussant: Sungjoon Cho, Chicago-Kent College of Law

Courts: International Law and the Reshaping of the American Constitution

(Wieboldt Hall Room 502)

- Congress's International Legal Discourse; Kevin Cope, Georgetown University Law Center
- International Law Constraints as Domestic Power; Rebecca Ingber, Columbia Law School
- How to Amend the Constitution without Anyone Noticing: Treaty supremacy, human rights, and constitutional transformation; David Sloss, Santa Clara University School of Law


Discussant: Jean Galbraith, University of Pennsylvania Law School

Human Rights-Armed Conflict-Criminal Law: Protecting Refugees and Immigrants

(Wieboldt Hall Room 203)

- Refugees and the Responsibility to Protect: Syria as a case study; Tendayi Achiume, UCLA Law School
- The Fragmented Organization: Contract, competition, and immunity in the governance of migration; J. Benton Heath, Second Circuit Court of Appeals
- Human Rights, Immigration and Border Walls; Moria Paz, Stanford University

Discussant: Jaya Ramji-Nogales, Temple University Beasley School of Law

3:15 – 3:30 p.m.  **Coffee Break**
(Northwestern University School of Law Atrium)

3:30 – 5:00 p.m. **Research Forum Session II**

International Law Theory-Political Science: Empirical Analysis of Discourse and Legitimacy (McCormick 195)

- Becoming European – Legally: A network analysis of self-representation of the EU legal order; Mikael Madsen and Urska Sadl, University of Copenhagen Faculty of Law
- Imagining a World without Internationalization of Human Rights?; Tom Ginsburg, University of Chicago Law School
- Empirical Studies of the Webs of International Case Law: A new research agenda; Urska Sadl and Henrik Palmer Olson, University of Copenhagen Faculty of Law

Discussant: Katerina Linos, UC Berkeley School of Law

International Law Theory-Political Science: Building Support and Respect for International Law (Rubloff 175)

- New Thinking Regarding the Use of Conditions in U.S. Treaty Practice; Cindy Buys, Southern Illinois University School of Law
- Who Supports International Law, and Why? The United States, the European Union, and the International Legal Order; Mark Pollack, Temple University
- Multilateral Treaty Making, Duncan Snidal, University of Oxford and Karolina Milewicz, University College Oxford

Discussant: Daniel Abebe, University of Chicago Law School

International Economic Law-Private International Law: Changing Practice of Investment Arbitration (Rubloff 140)

- Public vs. Private: The contingent moments in the development of international commercial arbitration; Christopher Casey, UC Berkeley
- Disagreement in Arbitral Tribunals; Irene Ten Cate
- The U.S. Turn to International Litigation; Alan Nissel, Wilshire Skyline, Inc.

Discussant: Jason Yackee, University of Wisconsin, School of Law

Human Rights-Armed Conflict-Criminal Law: Evolving Practices of Prosecuting Atrocities (Rubloff 150)

- Implementing International Law: The worldwide criminalization of atrocities in domestic legal systems since World War II; Mark Berlin, University of California, Irvine
- The Death of the Ad-hoc Tribunals and the Rebirth of International Criminal Law; Mikkel Christensen, University of Copenhagen Faculty of Law
- Do Transnational Tribunals Help Improve Countries' Compliance with Human Rights Norms?; Samuel Baumgartner, University of Akron School of Law

Discussant: David Scheffer, Northwestern University School of Law

5:30 – 8:00 p.m.

Keynote Address & Dinner *

Kasbeer Hall, Loyola University of Chicago School of Law
(25 E. Pearson Street, Chicago, IL)

5:30 – 6:30 p.m.:

“State Realism versus Human Realism: The Individualization of International Law”

- Anne Marie Slaughter, President, New America Foundation

6:30 – 8:00 p.m.:

Dinner

- Introduction of new ASIL Executive Director, Mark Agrast

* Separate ticketed event

Saturday, November 8

Research Forum (*Northwestern University Law School Classrooms*)

9:00 – 10:30 a.m. Research Forum Session III

International Law Theory-Political Science: Towards Effectiveness and Influence

(Rubloff 140)

- Legislative Veto Players and the Effects of International Human Rights Agreements; Yonatan Lupu, George Washington University
 - Unintended Positive Complementarity: Why International Criminal Court investigations increase domestic human rights prosecutions; Geoff Dancy, Tulane University and Florencia Montal, University of Minnesota
 - Reputation, Trust, and International Law; Julian Nyarko, UC Berkeley School of Law
- Discussant: Duncan Snidal, Oxford University*

International Economic Law-Private International Law: Who Sets Private Standards?

(Rubloff 150)

- Transcommercial Institutional Legitimacy; Kish Parella, Washington & Lee University School of Law
 - Global Technocrats: Accounting (IFRS), cross-border fraud (IOSCO), and money laundering (FATF); Stavros Gadinis, UC Berkeley School of Law
 - Law in Hiding: Market principles and mistaken hierarchies in international law; Odette Lienau, Cornell University Law School
- Discussant: Jose Alvarez, New York University School of Law*

Courts: African Legal Practices and International Courts: Tensions and Prospects


(Rubloff 175)

- Regime Complexes, Regionalism, & legitimacy in Africa: International Criminal Justice and Africa Which Way Forward?; Matiangai Sirleaf, University of Pennsylvania Law School
 - The Variation in the Use of Sub-Regional Integration Courts Between Business and Human Rights Actors: The case of the EACJ; James Gathii, Loyola University Chicago School of Law
 - Cannibal Laws: Law as a social practice in the International Criminal Tribunal for Sierra Leone; René Provost, McGill University Faculty of Law
- Discussant: Larry Helfer, Duke University School of Law*

Human Rights-Armed Conflict-Criminal Law: Developing General Principles in

International Law (Rubloff 180)

- Transformation of Trade and Investment Law; Bart Szewczyk, Columbia Law School
 - The Under-Recognized Potential of General Principles of International Law; Dwight Newman, University of Saskatchewan
 - Espionage and the International Legal Order: Doctrine and compliance; Naomi Hart, University of Cambridge
- Discussant: Curt Bradley, Duke University School of Law*

10:30 – 10:45 a.m.  **Coffee Break**
(Northwestern University School of Law Atrium)

10:45 – 12:15 p.m. Research Forum Session IV

International Law Theory: How We Teach and Discuss International Law (Rubloff 140)

- Anarchy is What Law Schools Make of It; Ryan Scoville, Marquette University Law School
 - The Invocation of Cosmopolitanism in International Law Discourse: Between thick and thin conceptions; Barrie Sander and Jason Rudall, The Graduate Institute of International and Development Studies, Geneva
 - Is International Law International; Anthea Roberts, London School of Economics
- Discussant: Ian Hurd, Northwestern University*

International Economic Law-Private International Law: Legitimacy and Authority of World Trade Organization Dispute Settlement (Rubloff 150)

- Dilemmas of Delegation: The politics of deference within the World Trade Organization; Cosette Creamer, Harvard University
 - Amicus Curiae and WTO Dispute Settlement: Hollow channel of societal participation or meaningful impact?; Theresa Squatrito, Pluricourts, University of Oslo
 - The Broad (but Fragile) Authority of the WTO Appellate Body; Gregory Shaffer, UC Irvine School of Law and Sergio Puig, University of Arizona Law School
- Discussant: Rachel Brewster, Duke Law School*

Courts: The Rights and Duties of International Organizations (Rubloff 175)

- The Emergence of Palestinian International Legal Personality and the Bilateral Negotiation Imperative: 1973 to 1993 and beyond; Robert Barnidge, Webster University
 - Consent, Practice, and the International Law Norms that Bind International Organizations; Kristina Daugirdas, University of Michigan
 - Challenging the Presumption of ‘Limited Liability’ of Member States of International Organizations; Odette Murray, University of Cambridge
- Discussant - Lori Damrosch, Columbia Law School*

Human Rights: How to Remedy Violations of Human Rights (Rubloff 180)

- Extraordinary Reparations, Legitimacy, and the Inter-American Court; David Attanasio, Universidad de Bogotá Jorge Tadeo Lozano
 - International Human Rights Obligations of Non-State Actors; Lars Schoenwald, University of Passau
 - Backlash against International Courts in West, East, and Southern Africa: Implications for theories of judicial independence; Karen J. Alter, Northwestern University; James T. Gathii, Loyola University of Chicago, and Laurence R. Helfer, Duke Law School
- Discussant: Eric Stover, UC Berkeley School of Law*

12:30 – 1:45 p.m. “International Law in United States Courts”
(Northwestern University School of Law Atrium)

Boxed Lunch Discussion Featuring:

- The Honorable Diane Wood, Chief Judge, U.S. Court of Appeals for the Seventh Circuit
- Diane Marie Amann, Emily and Ernest Woodruff Chair in International Law, University of Georgia School of Law
- David P. Stewart, Co-Director, Center on Transnational Business and the Law, Georgetown University Law Center
- Lori F. Damrosch (moderator), Hamilton Fish Professor of International Law and Diplomacy, Columbia Law School

2:00 – 3:30 p.m. Research Forum Session V

International Law Theory-Political Science: Breach → Violation → Compliance?

(Rubloff 140)

- On Non-Compliance: Breach and violation; Rachel Brewster, Duke Law School
 - Reporting Bias: An obstacle to evaluating the effectiveness of international law; Paul Ling, United States Naval Academy
 - It's (not) a Fat World, After All; Tsung-ling Lee, Georgetown University Law Center
- Discussant: Karen Alter, Northwestern University, School of Law*

International Economic Law-Private International Law: Dynamics of Investment Law

(Rubloff 150)

- Unveiling the “Invisible College” of International Arbitration; Susan Franck, Washington & Lee University and Anne van Aaken, University of St. Gallen
- Against States as Corporations in Investment Contract Arbitration; Jean Ho, National University of Singapore
- Conceptualizing Armed Conflict in International Investment Law; Jure Zrilic, University of Cambridge Faculty of Law

Discussant: Paul Stephan, University of Virginia School of Law

Courts: Compliance with Human Rights and Humanitarian Law (Rubloff 175)

- Domestic Legal Culture and Treaty Action Behavior: A look at human rights treaties; Audrey Comstock, Cornell University
- Domestic Courts and International Humanitarian Law; Christi Siver, College of Saint Benedict and St. John's University and Seth Greenfest, College of Saint Benedict and St. John's University
- Of Monsters and Men: Perpetrator trauma and international criminal law; Saira Mohamed, UC Berkeley School of Law


Discussant: Bridget Arimond, Northwestern University School of Law

Human Rights-Armed Conflict-Criminal Law: Stemming Transnational Crime

(Rubloff 180)

- Understanding the Mind of the Modern War Criminal: Pre and post-conviction evaluations; George Hough, American Psychological Association and Jason Alarid, Alarid & Associates
- The International Regulation of Transnational Crimes; Yurika Ishii, National Defense Academy of Japan
- The Role of Intelligence Sharing in Counter Piracy in the Horn of Africa Region: A model for transnational criminal enforcement operations; Robert McLaughlin, Australian National University College of Law and Tamsin Paige, University of Adelaide Law School

Discussant: Juliet Sorensen, Northwestern University School of Law

3:30 – 4:00 p.m.  **Coffee Break**
(Northwestern University School of Law Atrium)

4:00 – 5:30 p.m. **Research Forum Session VI**

International Law Theory-Political Science: Unilateral Acts Affecting Respect for International Law (Rubloff 140)

- The Rhetoric of Legitimacy: Mapping members' expressed views on the WTO dispute settlement mechanism; Zuzanna Godzimirska, University of Copenhagen Faculty of Law and Cosette Creamer, Harvard University
- Channeling Unilateralism, Maggie Gardner, Harvard Law School
- Infringement as Unfair Competition: A new paradigm for regulating global supply chains; Sean Pager, Michigan State University College of Law and Eric Priest, University of Oregon School of Law

Discussant: Mark Wojcik, John Marshall Law School

International Economic Law-Private International Law: Developing Issues in Trade Law (Rubloff 150)

- A New Governance Recipe for Food Safety Regulation; Alexia Brunet Marks, University of Colorado Law School
- The Standard of Compensation for Takings; Mark Chinen, Seattle University School of Law
- The WTO's "China, Inc." Challenge; Mark Wu, Harvard Law School

Discussant: David Zaring, Wharton School, University of Pennsylvania

Lessons from Constitutional Lawyers (Rubloff 175)

- Constitutional Lawyers and the Inter-American Court of Human Rights; Alexandra Huneeus, University of Wisconsin Law School
- Marbury Moments; Steven A. Koh, U.S. Department of Justice
- Constraining States: Constitutional court lessons for international courts; Shalev Roisman, New York University School of Law

Discussant: Ingrid Wuerth, Vanderbilt University Law School

Human Rights-Armed Conflict-Criminal Law: Regulating Armed Conflict (Rubloff 180)

- Protection of Persons in Militias in Time of Civil War; Diane Marie Amann, University of Georgia School of Law
- The Killer Robots are Here: Legal and Policy Implications; Rebecca Crootof, Yale Law School
- The Multilateralization of Armed Conflict; Gregory Fox, Wayne State University Law School and Kristen Boon, Seton Hall University Law School

Discussant: Stuart Ford, John Marshall Law School

5:30 – 6:30 p.m. Closing Reception
(Northwestern University School of Law Atrium)

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