



**21ST CENTURY CONFLICT:
INTERNATIONAL LAW AND THE WAR IN UKRAINE**

Pace International Law Review Symposium

April 14, 2023

New York State Judicial Institute, Elisabeth Haub School of Law

- 9:30am: Registration and Breakfast, *Judicial Institute Lobby*
- 10:00am: Welcome and Opening Remarks, *Judicial Institute Lecture Hall*
Alexandra Tamburrino, Editor-in-Chief, Pace International Law Review
Bailey Andree, Managing Editor, Pace International Law Review
- 10:15am: Panel 1 – REGULATING WAR, *Judicial Institute Lecture Hall*
Moderator: **Thomas McDonnell**, Professor of Law, Elisabeth Haub School of Law
- **Christopher Borgen**, Professor of Law and Co-Director of the Center for International Comparative Law, St. John’s University School of Law
 - **Nancy Combs**, Robert E. and Elisabeth S. Scott Research Professor, Ernest W. Goodrich Professor of Law, and Director of the Human Security Law Center, William & Mary Law School
 - **Jonathan Hafetz**, Professor of Law, Seton Hall Law School
- 11:30am: Coffee Break, *Judicial Institute Lobby*

11:45am: Panel 2 – PROSECUTING INTERNATIONAL CRIMES, *Judicial Institute Lecture Hall*
Moderator: **James Toomey**, Assistant Professor of Law, Elisabeth Haub School of Law

- **Alexander Greenawalt**, Professor of Law and Stevens Family Faculty Scholar, Elisabeth Haub School of Law
- **Steven Koh**, Associate Professor of Law and R. Gordon Butler Scholar in International Law, Boston University School of Law
- **Milena Sterio**, Director of the Domestic and International LL.M. Program and Charles R. Emrick Jr.-Calfee Halter & Griswold Professor of Law, Cleveland State University College of Law

1:00pm: **Lunch & Dyson Lecture – The United States and Ukraine: One Year On**
Judicial Institute Omni Room
Monica Hakimi, William S. Beinecke Professor of Law, Columbia Law School
Opening Remarks: **Horace Anderson**, Dean and Professor of Law, Elisabeth Haub School of Law

2:35pm: Panel 3 – HUMAN RIGHTS AND THE ENVIRONMENT, *Judicial Institute Lecture Hall*
Moderator: **Smita Narula**, Haub Distinguished Professor of International Law, Elisabeth Haub School of Law

- **Peggy McGuinness**, Professor of Law and Co-Director of the Center for International and Comparative Law, St. John’s University School of Law
- **Sahr Muhammedally**, Expert on Protection of Civilians
- **Cymie Payne**, Associate Professor in the Department of Human Ecology, Rutgers University and the School of Law-Camden

4:00pm: Reception, *Judicial Institute Lobby*

Up to 4 PD credits available for students.

Dyson Distinguished Lecture

Monica Hakimi

William S. Beinecke Professor of Law
Columbia Law School

The United States and Ukraine: One Year On



Monica Hakimi's scholarship draws on both doctrine and legal theory to understand the operation of international law. She focuses on public international law, the use of force, U.S. foreign relations law, human rights, and national security. She was recently elected co-editor in chief of the *American Journal of International Law*.

Professor Hakimi was the Nathaniel Fensterstock Visiting Professor of Law at Columbia Law School during the 2022 spring semester and was appointed professor of law on July 1, 2022. She was previously the James V. Campbell Professor of Law at the University of Michigan Law School, where she was also the associate dean for faculty and research and the associate dean for academic programming. She has held visiting appointments at Interdisciplinary Center Herzliya, University of Tokyo, and Benjamin N. Cardozo School of Law.

Prior to entering the academy, Professor Hakimi spent four years as attorney-adviser in the Office of the Legal Adviser in the U.S. Department of State; she counseled policymakers on nuclear nonproliferation, efforts to reconstruct Iraq immediately after the 2003 war, international investment disputes, and international civil aviation. Professor Hakimi has also served as counsel before the Iran-U.S. Claims Tribunal and worked on cases before the International Court of Justice and U.S. federal courts and agencies. She clerked for Judge Kimba M. Wood on the U.S. District Court for the Southern District of New York.

Professor Hakimi's scholarship has appeared in publications including the *American Journal of International Law*, *Michigan Law Review*, and *Yale Journal of International Law*, among others.

PANELISTS

Christopher Borgen



Christopher J. Borgen is Professor of Law and Co-Director of the Center for International and Comparative Law at St. John's University School of Law. From 2009 to 2014, he was also the Associate Dean for International Studies for the Law School. Professor Borgen is the co-founder of *Opinio Juris*, a website devoted to discussion, debate, and reports concerning international law. Professor Borgen's current research focuses on secession and on how "great powers" use of international law as a diplomatic tool in international crises. He has written widely on the topics of self-determination, secession, the recognition of states, international dispute resolution, and other topics in international law and national security law. While at St. John's, he has also served as the Chairperson of the United Nations Committee of the New York City Bar, on the Executive Council of the American Society of International Law and as a member of the European Affairs and the Foreign and Comparative Law Committees of the New York City Bar. Professor Borgen has received the Order of Civic Merit, the highest honor awarded to a civilian by the Republic of Moldova, for his work on the ongoing separatist conflict.

Nancy Combs



Nancy Combs is a Robert E. and Elisabeth S. Scott Research Professor and Ernest W. Goodrich Professor of Law at William & Mary Law School, and the Director of William & Mary's Human Security Law Center. A graduate of the University of California at Berkeley School of Law, Professor Combs was awarded the Thelen Marrin prize for graduating first in her class, and she served as an Articles Editor on the *California Law Review*. Professor Combs received her B.A., in philosophy, *summa cum laude*, from the University of Portland and her Ph.D. from Leiden University in December 2005. Professor Combs served as legal advisor at the Iran-United States Claims Tribunal in The Hague, The Netherlands. She has written extensively on topics in international law and international criminal justice, publishing two books and dozens of articles and essays. In 2022, Professor Combs received the 1L Professor of the Year Award from the Class of 2022. Professor Combs is a 2009 recipient of William and Mary's Alumni Award Fellowship Award for teaching excellence and a 2009 and 2016 recipient of the Plumeri Award for Faculty Excellence. She has participated as an expert witness in international criminal trials in Norway, Sweden and The Netherlands, and she was a member of the International Expert Framework on International Criminal Procedure. She is currently on the Steering Board of Rethinking SLIC, a global research project that explores secondary liability for international crimes and serious human rights violations. Before attending university, Professor Combs owned and operated a chimney sweeping business.

Alexander Greenawalt



Alexander K.A. Greenawalt is a Professor of Law and Stevens Family Faculty Scholar at Elisabeth Haub School of Law at Pace University, where he joined the faculty in 2006. Prior to joining Haub Law, Professor Greenawalt worked on international disputes at Debevoise & Plimpton LLP. He was also a teaching fellow at Columbia Law School in 2005. Professor Greenawalt is a graduate of Columbia Law School, where he was a James Kent Scholar and Articles Editor of the *Columbia Law Review*. Professor Greenawalt's research focuses on criminal law, international law, and the laws of war. His article, "Targeted Capture," received Pace's 2018 Goettel Prize for Faculty Scholarship, which is awarded based on blind review by a panel of external peer reviewers. Professor Greenawalt also received the 2016 Goettel Prize for Faculty Scholarship for his article, "Foreign Assistance Complicity," and he was the 2017 recipient of the Law School's Richard Ottinger Faculty Achievement Award. Professor Greenawalt was a Visiting Professor at Columbia Law School during the Spring 2017 semester, and has also been a Visiting Professor at St. John's Law School.

Jonathan Hafetz



Professor Jonathan Hafetz joined Seton Hall in 2010 and is an expert on constitutional law, national security, international criminal law, and transnational justice. Hafetz is the author of two books, one of which received the American Bar Association's Silver Gavel Award for Media and the Arts, Honorable Mention, and the American Society of Legal Writers, Scribes Silver Medal Award. He is also the editor of *Obama's Guantanamo: Stories from an Enduring Prison* (NYU Press 2016) and the co-editor (with Mark Denbeaux) of *The Guantanamo Lawyers: Inside a Prison Outside the Law* (NYU Press 2009). Professor Hafetz's scholarship has appeared in numerous publications and has been cited by many courts, including the U.S. Supreme Court. Professor Hafetz earned his J.D. from Yale Law School, and holds an M. Phil in Modern History from Oxford University and a B.A. from Amherst College. He previously received a Fulbright Fellowship to conduct research in Mexico. Prior to joining Seton Hall, he was a senior attorney at the American Civil Liberties Union, a litigation director at New York University's Brennan Center for Justice, and a John J. Gibbons Fellow in Public Interest and Constitutional Law at Gibbons, P.C. Professor Hafetz has also authored or co-authored more than thirty *amicus curiae* briefs for the U.S. Supreme Court and federal courts of appeals. Professor Hafetz has testified before Congress, and frequently provides expert commentary for major media outlets and news programs. Professor Hafetz is the former chair of the New York City Bar Task Force on National Security and the Rule of Law. In 2020, Professor Hafetz was named to the List of Experts for the International Criminal Court at The Hague.

Steven Koh



Steven Arrigg Koh's scholarship explores the foreign relations, cultural, and racial dimensions of U.S. domestic, transnational, and international criminal justice. He joined the Boston University School of Law faculty as Associate Professor of Law and R. Gordon Butler Scholar in International Law, using his experience in high-level legal practice at both U.S. federal criminal and international criminal legal institutions to inform his scholarship. As a Trial Attorney in the Criminal Division of the U.S. Department of Justice (DOJ) in Washington, D.C., he advised U.S. federal and state prosecutors on international, criminal, and constitutional legal issues arising in U.S. criminal cases with transnational dimensions. At DOJ, he also served as Counsel to the Deputy Assistant Attorney General and Counselor for International Affairs, the top international law adviser to Attorney General Loretta Lynch. His international legal experience spans multiple continents. As a Visiting Professional at the International Criminal Court (ICC), he advised the Legal Adviser to the ICC Presidency on matters including the enforcement of sentence agreements with States party to the Rome Statute of the ICC. As an Associate Legal Officer at the U.N. International Criminal Tribunal for the former Yugoslavia, he served in Chambers on the *Prosecutor v. Radovan Karadžić* trial, one of the capstone cases in the Tribunal's history regarding charges of war crimes, genocide, and crimes against humanity. Professor Koh earned his J.D. from Cornell Law School, where he served as Senior Article Editor of the *Cornell Law Review*. He earned an A.B. degree *cum laude* from Harvard College and an M.Phil degree in Social and Developmental Psychology from the University of Cambridge, England.

Peggy McGuinness



Peggy McGuinness joined St. John's in 2010 and is a Professor of Law and Co-Director of the Center for International and Comparative Law. Professor McGuinness researches and teaches in the areas of international law and international human rights law, and she has published widely on the subjects of international human rights law, international security and the resolution of armed conflict, and the role and influence of international law in the United States. Her current research examines U.S. diplomacy and its influence on international human rights governance. Professor McGuinness currently teaches International Law, International Human Rights, International Dispute Resolution, and Transnational Legal Practice for LL.Ms. Professor McGuinness serves on the Council on International Affairs of the New York City Bar and the Executive Committee of the International Section of the New York State Bar Association, where she is also co-chair of the Public International Law Committee. She is an active member of the American Society of the International Law, where she served on the Executive Council, and the International Law Association and its American Branch. She co-founded *Opinio Juris*, the leading international law blog. Professor McGuinness graduated with distinction from Stanford Law School, where she was an articles editor for the *Stanford Law Review* and a graduate

fellow at the Stanford Center on Conflict and Negotiation. Her career in the law follows an early career as a Foreign Service Officer with the State Department, which included service in Germany, Pakistan and Canada, and as a Special Assistant to Secretary of State Warren Christopher.

Sahr Muhammadally



Sahr Muhammedally has worked for two decades on human rights and armed conflict, and advises governments and militaries on civilian harm mitigation policies and practices. Most recently, she was the Director of the Middle East and South Asia program at the Center for Civilians in Conflict, where she led the organization's work on urban warfare. Previously, Sahr worked as a Consultant at Human Rights Watch, where she was a Human Rights Fellow on Indonesia and Malaysia, Consultant on Pakistan and Malaysia, and Consultant on Afghanistan. She also worked as a Senior Associate on Law & Security at Human Rights First, a National Security Consultant at the ACLU, and practiced law in New York at Gibbons P.C. Her specialties include civilian harm mitigation, urban operations, protection of civilians, climate change and conflict, and emerging technologies. She has published on a variety of topics, including civilian harm reduction, police abuse, detention and imprisonment, and more. She graduated with a J.D. from Brooklyn Law School in 2002 and holds a B.A. in Politics and Biological Sciences from Mount Holyoke College.

Milena Sterio



Professor Milena Sterio, Director of the Domestic and International LL.M. Program and Charles R. Emrick Jr.-Calfee Halter & Griswold Professor of Law at Cleveland State University College of Law, earned her law degree, *magna cum laude*, from Cornell Law School, where she was Order of the Coif and general editor of the *Cornell International Law Journal*. She holds two degrees from the University Paris I-Panthéon-Sorbonne: a master's degree, *cum laude*, in Private International Law, and a *Maitrise en droit franco-américain, cum laude*. She graduated from Rutgers College, *summa cum laude*, with a degree in Political Science and French. She was an associate in Cleary, Gottlieb, Steen & Hamilton and an Adjunct Law Professor at Cornell, where she taught in the International War Crimes Clinic. Her research interests are in the field of international law, international criminal law, international human rights, law of the seas, maritime piracy, and private international law. In her capacity as expert on maritime piracy law, she has participated in the meetings of the United Nations Contact Group on Piracy off the Coast of Somalia, and has been a member of the Piracy Expert Group. Professor Sterio is one of six permanent editors of the prestigious IntLawGrrls blog. She was a Fulbright Scholar in Baku, Azerbaijan.

Cymie Payne



Professor Cymie Payne, Associate Professor in the Department of Human Ecology at Rutgers University and the School of Law-Camden, earned her master's degree from The Fletcher School of Law and Diplomacy and her JD from the University of California, Berkeley. She writes frequently on international courts and tribunals. She has appeared as legal counsel before the International Tribunal for the Law of the Sea and has practiced international, natural resource, and environmental law with the United Nations, the U.S. Department of the Interior, and the law firm of Goodwin, Procter. She participated in landmark decisions on the legal responsibility of aggressor states for the restoration and remediation of damage to the environment from armed conflict as counsel to the United Nations Compensation Commission in Geneva, Switzerland. As Director of the Global Commons Project at University of California Berkeley's Center for Law, Energy and the Environment, she focused on the linkage of state and international climate policy. She is an appointed member of the International Union for Conservation of Nature and Natural Resources' Commission on Environmental Law, and the International Law Association's Role of International Law in Sustainable Natural Resource Management for Development Committee.

MODERATORS

Dean Horace Anderson



Horace E. Anderson Jr. is the ninth dean of the Elisabeth Haub School of Law at Pace University, appointed in December 2019. Under Dean Anderson's leadership, Haub Law garnered its first U.S. News & World Report ranking as the No. 1 environmental law program in the country. He also strengthened the law school's social justice initiatives and oversaw the launch of the new Pace Access to Justice Project. During his tenure as dean, Dean Anderson also directed the expansion of the Haub Law Advanced Certificate in Health Law and Policy program, including the launch of the first fully virtual program in Health Law and Policy, to meet the increasing demand for legal education in the health care sector, spurred by industry growth and by an ever-evolving legal, regulatory, and financial environment for healthcare professionals. He also spearheaded the establishment of the Haub Sustainable Business Law Hub, which serves as an incubator space, student-training program, research endeavor, and think tank devoted to addressing global sustainability challenges through the lens of business systems and practices. Dean Anderson has served on New York and New Jersey committees formed to review police practices and recommend improvements in the wake of the 2020 murder of George Floyd. He has recruited new full-time and visiting faculty and helped boost law school scholarships, grants and donations.

Dean Anderson joined the Haub Law faculty in 2004, and served as the school's Associate Dean for Academic Affairs from 2011 until his appointment as interim dean in 2018. He received his J.D. from the University of Pennsylvania Law School and a B.S. in Economics, with a concentration in finance, from the Wharton School of Business at the University of Pennsylvania. His areas of legal expertise include intellectual property, internet privacy, law and technology, and communications law. Prior to joining Haub Law, Dean Anderson worked at White & Case LLP. His law practice there focused on intellectual property, privacy and data protection, the internet, and media and technology law. In addition to his law practice experience, Dean Anderson advised companies in business strategy as a consultant at Monitor Group, and he worked as a systems integration consultant in the Financial Markets Division of Andersen Consulting (now Accenture).

Thomas McDonnell



Thomas M. McDonnell, Professor of Law at Elisabeth Haub School of Law at Pace University, is an expert in international law. In his scholarship, Professor McDonnell highlights specific topics of legal interest including torture, extra-judicial detentions, targeted-killing-drone strikes, the invasions of Afghanistan and Iraq. Professor McDonnell has written scholarly articles and books on international law, international human rights law, international refugee law, lawyering, and legal writing and research. Admitted in New York and California, Professor McDonnell has worked in Legal Services, representing the indigent, and in private practice. Professor McDonnell is recent Chair of the International Human Rights Law Section of the American Association of Law Schools ("AALS") and is a member of the AALS International Law Section's Executive Committee. He has previously chaired the AALS International Law Section and the AALS Section on Legal Writing, Reasoning and Research. He also previously served as the Co-Chair of the Teaching International Law Interest Group of the American Society of International Law (ASIL).

Smita Narula



Professor Smita Narula is the Elisabeth Haub School of Law's inaugural Haub Distinguished Chair of International Law and Co-Director of the Global Center for Environmental Legal Studies. She is author of dozens of widely-cited publications on human rights, food systems, and the environment, and has helped formulate policy, legal, and community-led responses to a range of social justice and ecological issues worldwide. In 2021, Professor Narula was inducted as a Fellow into the American College of Environmental Lawyers. She currently serves on the Executive Committees of the International Human Rights Law Section and the South Asia Law Section of the American Association of Law Schools. Prior to joining Haub Law, she was Interim Director of the Human Rights Program at the Roosevelt House Public Policy Institute at Hunter College, and Associate Professor of Clinical Law and Faculty Director of the Center for Human Rights and Global Justice at NYU School of Law. From 2008 to 2014, Professor Narula served as legal advisor to the U.N. Special Rapporteur on the Right to Food. From 1997 to 2003, she was India researcher and

Senior Researcher for South Asia at Human Rights Watch. In these capacities, she co-founded India's National Campaign for Dalit Human Rights and the organizations that help advance the right to equality for 260 million people affected by caste-based discrimination worldwide.

James Toomey



Professor James Toomey joined the Elisabeth Haub School of Law faculty as an Assistant Professor of Law in 2022. He teaches Property, Contracts, Bioethics and Medical Malpractice, and Wills, Trusts and Estates. Professor Toomey's scholarship focuses on health law, bioethics, private law theory, and elder law, and his work has been published or is forthcoming in a number of leading journals. Prior to joining the Haub Law faculty, Professor Toomey was a Climenko Fellow & Lecturer on Law at Harvard Law School. Before that, he clerked for Judge Stanley Marcus on the U.S. Court of

Appeals for the Eleventh Circuit. Professor Toomey holds a JD, *magna cum laude*, from Harvard Law School, and a BA, *summa cum laude*, from Cornell University.

PACE INTERNATIONAL LAW REVIEW

Alexandra Tamburrino



Alexandra is a third-year law student at the Elisabeth Haub School of Law and Editor-in-Chief of *Pace International Law Review*. She is graduating in May of 2023 with a Juris Doctor and Advanced Certificates in both International Law and Environmental Law. She will take the New York Bar Exam in July and begin her career as a Judicial Clerk for the Rhode Island Trial Courts. During her time at Pace, she has worked as an Intern at the IUCN's Permanent Observer Mission to the UN, the Pace Environmental Litigation Clinic, and the Rhode Island Office of the Attorney General in their Environment and Energy Unit.

She was also a Research Assistant for Associate Dean and Professor Jill Gross, and a Vice-Chair for Pace's National Environmental Law Moot Court Competition. Currently, she is a Legal Aide at the New York Office of the Attorney General's Westchester Regional Office.

Bailey Andree



Bailey Andree is a third-year law student at Elisabeth Haub School of Law and Managing Editor of *Pace International Law Review*. She is graduating in May 2023 with a Juris Doctor and an Advanced Certificate in Environmental Law. In her time at Pace, she has worked as an ESG Intern at Paul, Weiss, Rifkind, Wharton & Garrison; Sustainability Tax Intern at Ernst & Young; Senior Scholar of Housing and Student Associate at the Land Use Law Center; and Research Assistant to Distinguished Professor John Nolon, from whom she received the inaugural John R. Nolon Student Achievement Award. An article she co-authored with Professor Shelby D. Green, "The Aerial

View of Land Use: Preempting the Locals for Improved Housing Access," was published in *ABA Probate & Property Magazine*, notably winning its 2022 Excellence in Writing Award for Best Overall Article in Real Property. Her article, "The Future of Pandemics: Land Use Controls as Means of Preventing Zoonotic Disease," was also published by *Pace International Law Review* in 2022, and her article on Climate Resilient Development is forthcoming in *New York Zoning Law & Practice Report* in May 2023. She will take the New York Bar Exam in July.