



INTERNATIONAL LAW ASSOCIATION
AMERICAN BRANCH
EST. 1922

NEWSLETTER

International Law Weekend 2021

[International Law Weekend 2021](#) will take place from **October 28-30, 2021**. The unifying theme is **Reinvesting in International Law**, as follows:

Hindered by a retreat from multilateralism, the international legal community is struggling to respond to the global challenges of our day: climate change, economic inequality, impunity for atrocity crimes, and now the pandemic. We are at a key inflection point in crafting our response to these challenges. We must ask ourselves, “where is the international legal order meeting expectations and where is it falling short?” Where should we reinforce the current system and where must we develop new solutions? How can we revitalize our global health, economic, and human rights institutions to make them more durable and impactful? Where do we require more robust legal frameworks and where, perhaps, do we need less regulation? How should we tailor our reinvestment in international law?

This exciting annual conference is a signature event of the Branch. Given the continuing effect of the COVID-19 pandemic, this year’s conference will be hosted remotely by [Arbitration Place](#). It will take place during International Law Week at the United Nations and will feature the 99th annual ABILA’s Members’ Meeting.

The Organizing Committee is co-chaired by **Julian Arato**, **Amity Boye**, and **Nawi Ukabiala**. Committee members include **Carolina Arlota**, **Pamela Bookman**, **Kathleen Claussen**, **J. Benton Heath**, **Gabrielle McKenzie**, **Frédéric Sourgens**, **Milena Sterio**, **Peter Tzeng**, and **Isavella Vasilogeorgi**. Branch President **Leila Nadya Sadat**, President-Elect **Michael Scharf**, Board Chair **David Stewart**, and Membership Officer **Madaline George** participate *ex officio*.

The conference will open on Thursday with a high-level plenary panel moderated by ABILA President Leila Nadya Sadat. The conference will continue on Friday and Saturday and feature nearly 30 panels on a range of public and private international law topics, as well as keynote addresses and the annual Members’ Meeting.

(cont’d on p. 3)

Inside this issue

| | |
|---|-------|
| Letter from the ABILA President..... | 2 |
| ILW 2021: Reinvesting in International Law | 3 |
| Meet our New Media & Membership Officers | 3 |
| Co-Sponsored Events | 4-6 |
| ILW 2020 Recap | 7-9 |
| ABILA Member Spotlights | 10-11 |
| News from Branch Committees | 12-14 |
| New Committee on International Law in Domestic Courts | 14 |
| New Committee on the Legitimacy and Fundamental Principles of International Law ... | 15 |
| Study Group on Threats to the International Legal Order—Upcoming Publication | 15 |
| Branch Member Publications | 16-17 |
| News from Branch Members | 17-18 |
| ABILA Then & Now | 19 |
| Call for Student Ambassadors | 20 |
| ABILA Proceedings (2015-2019) | 20 |
| Presidential Statement..... | 21 |
| New ABILA Leadership | 22 |
| Call for Nominations: Book & Service Awards .. | 22 |
| Resolution Congratulating Judge Donoghue | 23 |
| Report on ILA Executive Council May 2021 Meeting | 24-25 |
| Climate Change Summit 2021 | 26 |





Leila Nadya Sadat

Letter from the Branch President

I am proud to report that the ILA's [American Branch](#), now in its 99th year, is thriving. Our finances are strong, our membership numbers steady, a new website was launched in December, and the *2015 – 2019 Proceedings* were published in March. In October 2020, despite the pandemic, we successfully hosted a virtual [International Law Weekend](#) attended by nearly 2,000 individuals from all over the globe. We have become more diverse as an organization, launched new prizes to celebrate service and scholarship, and taken advantage of this new virtual world to convene programs addressing a variety of international law subjects. We are grateful to our members for their support, and especially to the members of our Board of Directors for their leadership and contributions during this challenging pandemic year. I would like to thank Tabitha Crawford and Zoe Ferguson for their wonderful work as Membership Officer and Media Officer, respectively, and welcome Rukhsar Azamee as our new Media Officer.

Yet as we celebrate our achievements, we mourn our losses. Personal connections have been severed, businesses and jobs lost, and lives shattered. We are still reeling from the twin crises of the pandemic and systemic racism. Even now, as the United States experiences a significant reduction in COVID-19 infections and mortality, the pandemic continues to ravage much of the world. Infection rates in India have skyrocketed, and high levels of disease are present in the Russian Federation, much of the Americas, Europe, and parts of Africa and Asia. Lockdowns have generated despair and anger in tired and fearful populations, and unscrupulous or authoritarian politicians have exploited their suffering by either minimizing the threat of the virus or by imposing draconian measures that disproportionately impact human rights. They have also attacked the international institutions tasked with combating the disease, as if the institutions were the source of the problem rather than the virus itself.

The pandemic's impact is stressing an already fragile international legal order. Vaccine nationalism and self-interest are driving shortsighted behavior on the part of countries with substantial vaccine supplies and production. Yet unless all countries have access to vaccines, the pandemic may rage for years. The Biden administration's pivot to multilateralism and recent [announcement](#) that the U.S. supports easing patent rules on COVID-19 vaccines are welcome developments. But can – and will – the Administration invest effort into (re)turning the international legal order into a rule-of-law-based system, rather than something resembling a new season of [Game of Thrones](#)? Just as the U.S. government has embraced the need to "[build back better](#)," the international legal order needs repair.

Our community of international lawyers is a small but important part of the solution. We have thus chosen "Reinvesting in International Law" as the theme for International Law Weekend 2021. We will meet again virtually this fall for ILW 2021, in recognition of the fact that many will be unable to travel to New York for either health or financial reasons. Next year, however, we are determined to celebrate ABILA's Centennial in person. Until then, please be safe and well, register for ILW 2021, and stay in touch!

Yours sincerely,

Leila Nadya Sadat, ABILA President

New Membership Brochure

The Branch membership brochure has been revised and updated. The new version is dated April 2021.

It is available for download at the Branch website under the Membership tab at www.ila-americanbranch.org.

All members are encouraged to print copies for use in recruiting new members.

ILW 2021: Reinvesting in International Law

(cont'd from p. 1)

As in prior years, given the virtual format, we anticipate nearly 2,000 participants including practitioners, academics, diplomats, business leaders, federal and state government officials, NGO leaders, journalists, students, and interested citizens.

The ILW Organizing Committee [invites panel proposals to be submitted online](#) by **May 30, 2021**. Proposals will only be accepted through the online ILW Panel Proposal Submission Form. ILW 2021 is committed to promoting representation and dialogue among diverse voices. Per the ILA Guidelines for Gender Diversity, all panels must include at least one woman as a speaker, and preference will be given to panels with gender parity. Further, the Committee will give preference to panels that include representation of historically underrepresented groups and promote dialogue across different professional perspectives, including scholars and practitioners.

Introducing our New ABILA Media Officer: Rukhsar Azamee



ABILA is pleased to welcome Rukhsar Azamee as our new Media Officer. Rukhsar is a human rights activist from Afghanistan, where she studied law. She has been working on projects focused on addressing social injustice and promoting women's rights and democratic values in Afghanistan. She established a nonprofit organization dedicated to improving women's situation in the country by advocating for their receipt of university scholarships and creating a mental health advice hotline authorized by the Ministry of Health.

Rukhsar is a Master's student at New York University (NYU), where she studies Global Affairs. At NYU, she serves as the Student Council Representative at the Student Association for Global Affairs (SAGA) Executive Board. She also worked as a Communications and Research Intern with Parliamentarians for Global Action. Prior to her graduate studies, Rukhsar worked for many years as a journalist in Afghanistan, including as the news correspondent for the Voice of America. Rukhsar will be promoting the ABILA in a variety of ways and running its official Twitter account: [@ABILA_official](#).

Reintroducing our New Membership Officer: Madaline George



The American Branch is pleased to welcome Madaline George into her new role as Membership Officer. Ms. George has worked with the American Branch as its Program Officer since 2018 and has been actively involved in the past three ILWs. She is the Senior Fellow at the Whitney R. Harris World Law Institute at Washington University School of Law and recently taught International Organizations Law at China University of Political Science and Law. Her

research focuses on international criminal law, international human rights, migration, and U.S. gun violence.

ILW 2021 Call For Panel Proposals

Panel proposals may concern any aspect of contemporary international law and practice.

When submitting a proposal, please provide the names, titles, and affiliations of the moderator and panelists.

All panels must include at least one woman as a speaker, and preference will be given to panels with gender parity.

Further, the ILW Organizing Committee will give preference to panels that include representation of historically underrepresented groups and promote dialogue across different professional perspectives, including scholars and practitioners.

Please identify what format you are proposing for your panel. We welcome various formats, such as debates, roundtables, lectures, and break-out groups, as well as the usual practice of panel presentations.

American Branch Committees are encouraged to submit joint proposals with other Branch Committees.

We encourage you to consider taking the necessary steps to qualify your panel for CLE credit.

More information is available [online](#).

ABILA Events

Each year, the American Branch hosts and co-sponsors a variety of events covering a wide array of international law topics, including webinars, panel discussions, and more.

We welcome proposals and offers for additional events from Branch Committees, as well as from members and their institutions across the country.

Committee Event: *Sanctions Against the International Criminal Court: Constitutional and International Law Issues*



Sanctions Against the International Criminal Court: Constitutional and International Law Issues

On January 27, 2021, the American Branch's **Committee on the International Criminal Court**, along with Cleveland Marshall School of Law, Association of American Law Schools (AALS) National Security Law Section, and the ASIL International Courts and Tribunals Interest Group, hosted a virtual panel on "Sanctions Against the International

Criminal Court: Constitutional and International Law Issues." Moderated by Professor Gregory Magarian (Washington University School of Law), the event featured ABILA President **Leila Nadya Sadat** (Washington University School of Law); ABILA Board member **Milena Sterio** (Cleveland-Marshall College of Law); Co-Chair of ABILA's Committee on International Humanitarian Law **Gabor Rona** (Cardozo School of Law); Scarlet Kim (ACLU); and Ambassador Stephen J. Rapp (United States Holocaust Memorial Museum's Center for Prevention of Genocide; former Ambassador-at-Large, Office of Global Criminal Justice, U.S. Department of State).



Milena Sterio

Committee Event: *The Folly of U.S. Sanctions Against the International Criminal Court*

The **International Humanitarian Law Committee** of the American Branch co-sponsored a virtual event with the Cardozo Law Institute in Holocaust and Human Rights on Wednesday, February 3, 2021, entitled "The Folly of U.S. Sanctions Against the International Criminal Court."



Beth Van Schaack

Speakers included two ABILA members—**Gabor Rona**, Professor of Practice and Director of CLIHHR Law and Armed Conflict Project at Cardozo Law School, and **Beth Van Schaack**, Leah Kaplan Visiting Professor of Human Rights at Stanford Law School—as well as Betsy Apple, Advocacy Director and Head of the Rule of Law Division at Open Society Justice Initiative; Andrew Loewenstein, Partner at Foley Hoag; and Adam Smith, Partner at Gibson, Dunn and Crutcher.

ILA Biennial Conference, Kyoto 2020: November 29 - December 13

The International Law Association's 79th biennial conference, *ILA 2020: Bridging for the Future*, was held online from November 29 to December 13, 2020. The Japan Branch of the International Law Association, which was founded in 1920, celebrated its centenary anniversary in 2020.

Several American Branch members [participated](#), including **Frederick Abbott** who chaired the panel on the Global Health Law, and ABILA President **Leila Nadya Sadat**, who chaired the session of the Committee on Human Rights in Times of Emergency with Committee Chair **Christina Cerna**. **Warren Binford** participated in the Study Group on Cross-Border Violations of the Rights of Children in Migration, Enforcement Mechanisms & Legal Remedies as the Group's Chair, and **J. Ashley Roach** chaired the session of the Committee on Submarine Cables & Pipelines Under International Law. Other American Branch members participated, including **James Nafziger**, ILA Vice-Chair and member of the Committee on Participation in Global Cultural Heritage Governance, **Hee Eun Lee**, Rapporteur for the Study Group on Asian Practice in Domestic Implementation of International Law, **Thomas Baxter, Jr.**, Vice-Chair of the Committee on International Monetary Law, **Dalee Dorough**, Chair the Committee on the Implementation of the Rights of Indigenous Peoples, and **Paul Stevens**, Rapporteur for the Committee on International Securities Regulation.

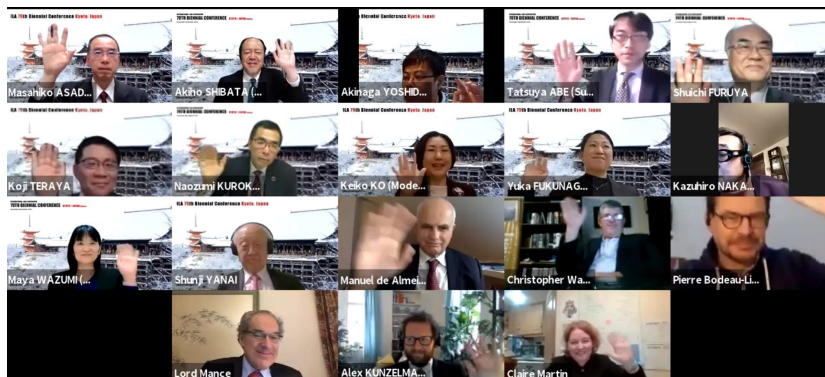
The 80th Biennial ILA Conference will be held in Lisbon, Portugal in 2022.

Co-sponsored Event: *International Arbitration and Dispute Resolution Symposium - New Directions in International Arbitration & Mediation*

The American Branch, along with the Whitney R. Harris World Law Institute at Washington University School of Law, again co-hosted the [Annual International Arbitration and Dispute Resolution Symposium](#). Cosponsors included the University's Negotiation and Dispute Resolution Program and the Young Members Group of the North America Branch (NAB) of the Chartered Institute of Arbitrators (CIArb).

The conference was held on two Fridays in February and featured a keynote address by ABILA Vice-President **Chiara Giorgetti**: *Looking at the Future: Reflecting on the Reform Process in Investor-State Dispute Settlement*. A panel discussion led by Professor **Frédéric G. Sourgens** (Washburn University School of Law) expanded on the keynote and explored how non-arbitration modes of dispute resolution will play an increased role in international dispute resolution. The second day of the Symposium featured a panel discussion chaired by ABILA Secretary **M. Imad Khan** on anticipated developments in U.S. arbitration law in light of recent developments and circuit splits on an array of arbitration topics.

Additional speakers included Kun Fan (University of New South Wales – Law), Won Kidane (Seattle University School of Law), Viren Mascarenhas (King & Spalding), Judge Lawrence Mooney (JAMS), Hannah Tümpel (United World Colleges), and Greta Walters (Chaffetz Lindsey).



**ANNUAL INTERNATIONAL ARBITRATION & DISPUTE RESOLUTION SYMPOSIUM:
New Directions in International Arbitration & Mediation in 2021**
Held remotely • 2.0 MCLE / day

| Day 1: Friday, Feb. 19 1-2:45 CT | Day 2: Friday, Feb. 26 1-2:45 CT |
|--|--|
| Keynote: Looking at the Future: Reflecting on the Reform Process in Investor-State Dispute Settlement Chiara Giorgetti | Panel 1: Charting the Course of International Dispute Resolution Through ADR Moderator: Frédéric G. Sourgens |
| | Panel 2: Unleashing the Future of U.S. Arbitration Law Moderator: M. Imad Khan |

Future Regional Events

Regional events are an important and productive way to highlight the international law programs at law schools (and related programs at other institutions). These events stimulate student interest in the field of international law, and encourage participants to engage on a regional basis with colleagues at other institutions, foreign affairs councils and specialists, and the international law sections of local and state bar associations.

We welcome proposals and offers for additional events from members and their institutions across the country.

International Law Weekend-South: Democracy & Governance in the Internet Era

The Dean Rusk International Law Center at the University of Georgia School of Law, in collaboration with the American Branch, hosted **International Law Weekend-South** virtually on April 7, 2021. The one-day program, *Democracy and Governance in the Internet Era*, featured three panels and a roundtable discussion. The conference was organized with the excellent help of Sarah Quinn, Associate Director of Global Practice Preparation at the Dean Rusk International Law Center. ILW South opened with remarks from the University of Georgia School of Law's Dean Peter "Bo" Rutledge and ABILA President Leila Nadya Sadat.

The first panel, *Civil Society's Role in Informing, Protecting the Right of Peaceful Assembly*, reflected the recent adoption of the Human Rights Committee's General Comment No. 37 (on ICCPR article 21) and discussed the right of peaceful assembly in the online context. A second panel focused on *Political Campaigns: Perspectives from Abroad* and offered a comparative look at the regulation of political campaign communications, including how to handle false and misleading political speech, especially when funded by foreign sources. ILW South also featured a roundtable on *Reforming the National Security State*, moderated by ABILA members **Diana Marie Amman** and **Harlan G. Cohen**. A final panel considered *Social Media and the Language of Statehood* and assessed the role of social media companies' decision-making on questions relating to human rights.

Recordings of the program are [available online](#).



Investment Arbitration Workshop Series: The Latest Challenges in Latin America

The American Branch's **Investment Law and International Arbitration Committees** held the inaugural program of their Investment Arbitration Workshop Series, [*The Latest Challenges in Latin America*](#) – hosted online by Dechert LLP – on April 14, 2021. The program brought together distinguished practitioners to discuss how they see the path ahead for investment arbitration in Latin America. The speakers debated the significance of human rights and corruption issues in recent investment arbitrations, as well as how the investment protection system may modernize to resolve these and other recurring challenges in Latin America. The event engaged the audience in a frank and open conversation about the challenges facing investment arbitration in the region.



David Attanasio

Speakers included Mérida Hodgson (Partner, Jenner & Block), Andrés Jana (Partner, Bofill Mir & Alvarez Jana Abogados), Maria A. Burgos (Associate, Baker McKenzie), and ABILA Board member **David L. Attanasio** (Associate, Dechert LLP).

Recap of ILW 2020: International Law in Challenging Times

The American Branch hosted [International Law Weekend 2020](#) from October 22-24, 2020, with the theme *International Law in Challenging Times*. ILW 2020 coincided with the 75th Anniversary of the entry into force of the United Nations Charter on Saturday, October 24, and was a resounding success.

The global COVID-19 pandemic meant that ILW 2020 had to be held online. The American Branch hosted ILW 2020 in collaboration with [Arbitration Place](#) using videoconferencing technology. More than 1,900 people registered for the event, surpassing registration records of past years, when the conference was held in New York City. Attendees included practitioners, academics, U.N. diplomats, business leaders, federal and state government officials, NGO leaders, journalists, students, and interested citizens.

This year's [program](#) included 27 panels, 135 panelists, two distinguished keynote speakers, and two High-Level Plenary Panels. The Weekend offered a broad array of both public international law and private international law topics, such as *Standard Setting for Outer Space Activities*, *Novel Human Rights Crises During a Global Pandemic*, and *Trends and Challenges in the Enforcement of International Arbitral Awards*. Eleven panels on a variety of private and public international law topics—including *The Challenge of Globalizing Private International Law* and *On Being a Lawyer-Diplomat*—were designated for continuing legal education (CLE) credit, made possible through the sponsorship and assistance of White & Case LLP.

ILW 2020 opened Thursday afternoon with the President's Opening Plenary Panel on *International Law in Challenging Times*. ABILA President **Leila Nadya Sadat**, moderated a discussion between **H.E. Judge Silvia Fernández de Gurmendi** of the International Criminal Court (ICC), **Professor Gian Luca Burci** of the Graduate Institute of International and Development Studies of Geneva, and Professor, and former **Ambassador David**



Scheffer of the Northwestern Pritzker School of Law. The panelists spoke of the challenges within institutions they had been closely associated with, especially the World Health Organization (WHO) and the ICC. They also discussed the need for reform as well as cooperation in order not only to “change the world,” but in the view of Ambassador Scheffer, to “save the world” from the many pressing challenges it faces.

On Friday afternoon, **Catherine Amirfar**, President of the American Society of International Law and Partner & Co-Chair of the Public International Law Group at Debevoise and Plimpton, LLP, delivered a keynote address on “The Making (and Unmaking) of the International Rule of Law.” She noted the importance of international law in a complex world, and urged a return to bipartisan support for it in U.S. politics.

(cont'd on page 8)



Catherine Amirfar

Save the Date!

ILW 2021 will be held virtually
on October 28-30, 2021.

Recap of ILW 2020 (cont'd)



H.E. Judge Julia Sebutinde

challenging times, the Court's enduring offer of peace through law is as important as ever." Judge Sebutinde noted that despite the wide range of global challenges facing international law, she sees a path forward. "I do not see only challenges. I also see promise," she stated. "Our responses to all of the new challenges we face, and the old ones, must be informed by the ever-evolving rules of international law that have brought so much peace and prosperity over the 75-year history of the United Nations."

Her inspiring talk was followed by the United Nations 75th Anniversary Plenary Panel. Hosted by **Leila Nadya Sadat**, the Plenary Panel included **Ambassador Christian Wenaweser**, Permanent Representative of the Principality of Liechtenstein to the United Nations; **Larry D. Johnson**, former Assistant Secretary-General for Legal Affairs at the United Nations and an ABILA Board member; and two distinguished members of the U.N. International Law Commission: Professor **Charles Jalloh** of Florida International University and Professor **Patricia Galvão Teles** of the Autonomous University of Lisbon.



From Left: Amb. Christian Wenaweser, Larry Johnson, Charles Jalloh, Patricia Galvão Teles

ILW 2020 also hosted networking rooms by 14 ABILA Committees, and three community networking rooms for Women and International Law, Minorities and International Law, and Young Lawyers. The virtual platform allowed individuals to meet and converse with other participants from around the world. The conference drew scores of participants from dozens of countries.

The International Law Students Association organized a Career Networking Session for students, who attended ILW in large numbers this year from law schools around the globe. Brill Nijhoff hosted a drop-in room for attendees, with a virtual exhibition room of its many international law titles for registrants to peruse.

In another ILW first, the weekend featured an International Law Trivia Night, hosted by ABILA President-Elect **Michael P. Scharf** (Dean, Case Western Reserve University School of Law) and ABILA Program Officer **Madaline George** (Senior Fellow, Whitney R. Harris World Law Institute). Participants answered 26 international law questions in six categories. Nearly 100 people from at least 17 different countries participated.

(cont'd on p. 9)

Recap of ILW 2020 (cont'd)

Recordings of all ILW 2020 panels, keynotes, and plenary sessions are [available online](#) to members in good standing.

The American Branch thanks the sponsors of ILW 2020:

- ♦ **Diamond Level:** Arbitration Place, Debevoise & Plimpton, and White & Case
- ♦ **Gold Level:** Columbia Law School
- ♦ **Silver Level:** American Society of International Law, American Bar Association—International Law Section, Brill | Nijhoff, Case Western Reserve University School of Law, Benjamin N. Cardozo School of Law, International Law Students Association, California Western Reserve University School of Law, Covington & Burling LLP, FDM OGEMID, Polivy, Lowry & Clayton LLC, and the Whitney R. Harris World Law Institute at Washington University School of Law.



ILW 2020 was made possible by the Organizing Committee and Student Ambassadors as well as the effort of **Tabitha Crawford**, **Zoe Ferguson**, and **Madaline George**. The 2020 ILW Co-Chairs were **Yvonne Dutton**, Indiana University Robert H. McKinney School of Law; **Chiara Giorgetti**, University of Richmond School of Law; and **Tejasvi M. Srimushnam**, Counsel for International Consumer Protection, Federal Trade Commission.

Other members of the ILW 2020 Organizing Committee included **William Aceves**, California Western School of Law; **Pamela Bookman**, Fordham Law School; **Kristen Boon**, Seton Hall Law School; **Amity Boye**, Director of Executive Projects at White & Case LLP; **M. Imad Khan**, Associate at Winston & Strawn LLP; **David Nanopoulos**, Acting Chief of the Treaty Section, Office of Legal Affairs, United Nations; **Victoria Sahani**, Arizona State University's Sandra Day O'Connor College of Law; **Nawi Ukabiala**, Associate at Debevoise & Plimpton, LLP; **Leila Nadya Sadat**, Washington University School of Law and President of ABILA; **David P. Stewart**, Georgetown University Law Center and Chair of the ABILA Board of Directors; and **Isabella Vasliogeorgi**, Legal Officer, Department of Management Strategy, Police and Compliance, United Nations.

The 2020 Student Ambassadors were **Anthony Carl**, Benjamin N. Cardozo School of Law '20; three Washington University in St. Louis School of Law students: **Yuan Fang** '22, **Katherine Griffin** '22, and **Chantal Sochaczewski** '22; and three University of Pittsburgh School of Law students: **Boutros Imad** '20, **Andres Sellito-Ferrari** '22, and **Leanne Winkels** '21.

New & Rejoined Branch Members

We welcome the following new ABILA members who have joined our Branch since January 2021:

Sumudu Atapattu
John Balestriere
Simon Batifort
Gabiella Blum
Carl Bruch
Larry Cata Backer
Zachary Clopton
Matthew Charity
Elena Cima
Rebecca Crotoft
Viviane Curran
Dalee Dorough
Alan Franklin
Jocelyn Getgen Kestenbaum
Jean Galbraith
Guillermo Jose Garcia Sanchez
Richard Gordon
Colleen Graffy
Brody Greenwald
Jimmy Gurule
Patrick J. Hannan
Sital Kalantry
Matthew Kane
Asaf Lubin
Dana MacGrath
Stephen Marks
Matt Montazzoli
Godfrey Musila
Janewa OseiTutu
Juan Francisco Padin
Carter Page
Douglas Pivnichny
Bruce Rashkow
Sharon Sandeen
Luke Sobota
Frederic Sourgens
Paul Stevens
Anastasia Telesetsky
Eddie Varon
Edith Brown Weiss

New Member Spotlight: Asaf Lubin



Dr. Asaf Lubin is an Associate Professor of Law at Indiana University Maurer School of Law and a Fellow at IU's Center for Applied Cybersecurity Research (CACR). He is also an affiliated fellow at Yale Law School's Information Society Project, a Faculty Associate at the Berkman Klein Center for Internet and Society at Harvard University, and a visiting Scholar at the Hebrew University of Jerusalem Federmann Cyber Security Research Center.

Dr. Lubin's research centers upon the intersection of law and technology, particularly as it relates to the regulation of cybersecurity harms, liabilities, and insurance as well as

comparative and international legal rules covering intelligence operations, data protection, and internet governance. His work draws on his experience as a former intelligence analyst, Sergeant Major (Res.), with the Israeli Defense Forces' Intelligence Branch, as well as his vast practical training and expertise in national security law and foreign policy. Dr. Lubin's work additionally reflects his time spent serving as a Robert L. Bernstein International Human Rights Fellow with Privacy International, a London-based non-profit devoted to advancing the right to privacy in the digital age and curtailing unfettered forms of governmental and corporate surveillance.

Prior to joining the Maurer School of Law, Dr. Lubin held several academic and governmental positions, including as an affiliate at the Berkman Klein Center for Internet and Society at Harvard University, as a cybersecurity policy postdoctoral fellow at the Fletcher School of Law and Diplomacy at Tufts University, as an expert contributor to the United Nations Office of Drugs and Crime (UNODC) Group for the Education for Justice (E4J) Module Series on Cybercrime, as an articulated clerk for the International Law Division of the Israeli Ministry of Foreign Affairs Office of the Legal Adviser, and as an assistant to the Turkel Public Commission of Inquiry into the Maritime Incident of May 31, 2010 established under the Israeli Prime Minister's Office.

Dr. Lubin holds a dual degree in law and international relations (LLB/BA, magna cum laude, '14) from Hebrew University of Jerusalem, and a Master of Laws (LLM, '15) and a Doctor of the Science of Law (JSD, '20) from Yale Law School. He has published with the *Harvard International Law Journal*, the *Harvard National Security Journal*, the *Yale Journal of International Law*, and the *Chicago Journal of International Law*, and written for *Just Security* and *Lawfare*. His research is available on his [SSRN page](#).

ABILA Board Member Spotlight: Sherry Holbrook



Sherry Holbrook has worked at the United Nations since 2004 and has been a member of the ABILA Board since 2015. She has more than 15 years of global experience in advancing peace, human rights, and the rule of law. Ms. Holbrook began at the United Nations as a Legal Officer in the Treaty Section of the Office of Legal Affairs and has served in different capacities since 2009 for UN OSASG-Cyprus, including as Legal Adviser and Senior Political Affairs Officer.

Beginning her career as an attorney at Sullivan & Cromwell (1998-2002), she has deep experience with the private sector as a U.S.-qualified lawyer executing international securities offerings for financial institutions and governments, as well as extensive program development and implementation experience in developing and post-conflict countries. In addition to widespread exposure to international negotiation strategies in action, Ms. Holbrook excels at networking and building consensus in divided societies and among international actors to promote governance, accountability, and public policy formation.

ABILA Board Member Spotlight: Nancy Thevenin



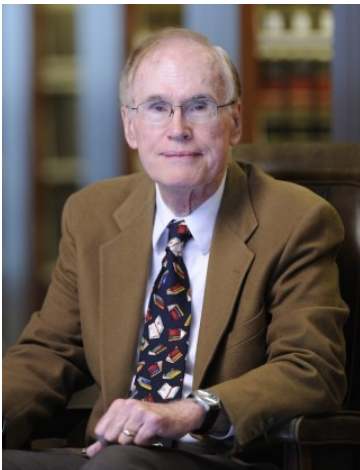
Nancy M. Thevenin is an international arbitrator and mediator based in New York City. She is a Fellow of the Chartered Institute of Arbitrators, an adjunct professor of the International Commercial Arbitration course at St. John's University School of Law, a past chair of the New York State Bar Association's International Law Section, and a Member of the ICSID Panel of Arbitrators for the Republic of Haiti.

Ms. Thevenin also serves as a General Counsel for the United States Council for International Business (USCIB/ICC USA), the U.S. national committee to the ICC International Court of Arbitration, and manages its Arbitration & ADR Committee, which, *inter alia*, provides assistance in the nomination of U.S. arbitrators, makes referrals to parties seeking arbitration practitioners and arbitrators, and serves as a resource for the U.S. business community. She also manages requests for USCIB to participate in amicus

brief filings on issues of relevance to USCIB's membership and works closely with USCIB's Business Development team in ensuring a more comprehensive policy and engaging in membership outreach to both law firms and corporations.

Ms. Thevenin previously served as deputy director of the ICC International Court of Arbitration's North American office. During her tenure, the group helped launch the ICC International Mediation Competition and developed the USCIB Young Arbitrators Forum (YAF), with Ms. Thevenin drafting the proposal for the ICC to make YAF a global organization. She then joined Baker & McKenzie as a special counsel in, and global coordinator of, their International Arbitration Practice Group. Ms. Thevenin left Baker in 2014 to start her own practice as an arbitrator and mediator.

In Memoriam: John F. Murphy



Professor John F. Murphy, who had a distinguished career in international law and made invaluable contributions to the American Branch, passed away on Thursday, February 4, 2021.

Professor Murphy was a member of the American Branch for almost 50 years, joining at the start of the 1970s. He was active in Branch committees in his areas of expertise – the Committee on Armed Conflict in the late 1970s to early 1980s, the International Terrorism Committee in the 1980s, and the Economic Sanctions Committee in the 1990s. He chaired the International Terrorism Committee from 1983-1986, and the Economic Sanctions Committee for most of the 1990s. Committees he chaired produced incisive substantive reports. Professor Murphy was also a member of the Branch's Executive Committee from 1986 to 1996, a Vice-President from 1996 to 2004, and an Honorary Vice-President from 2004 until his death. He was a long-time Patron of the American Branch.

Professor Murphy earned both his BA and LL.B. degrees from Cornell University. Following law school, Professor Murphy was awarded a Ford Foundation Fellowship to work in India. Upon his return, he worked at Wall Street firms, and later in the Legal Adviser's office for U.N. affairs at the U.S. Department of State, before turning to a career in academia. Professor Murphy began as a law professor in 1969 at the University of Kansas Law School, and ended at Villanova University School of Law, where he had joined the law faculty in 1983 and remained until his retirement in 2014. He traveled the world to participate in conferences, as well as taught in Aix-en-Provence, London, Mexico City, Paris, and Haifa, at Cornell and Georgetown Law Schools, and at The Naval War College.

Professor Murphy received many awards for his work, including, in 2011, the American Bar Association's Louis B. Sohn Award for Public International Law. He authored many law journal articles and books, including *The Regulation of International Business and Economic Relations* (published in 1991 with the late Alan C. Swan), that was awarded a Certificate of Merit by the American Society of International Law. Among his other books are *The United States and the Rule of Law in International Affairs* (Cambridge University Press, 2004) and *The Evolving Dimensions of International Law* (Cambridge University Press, 2010). He served on dozens of boards, held a variety of advisory roles, and was known as a mentor to students and young lawyers. Professor Murphy is remembered as a productive and insightful scholar who was even-tempered, always thoughtful, and had a great sense of humor.

ABILA Committees

The American Branch of the International Law Association and its Committees are pleased to co-sponsor events organized by ABILA members.

Please let us know via email at membership@ila-americanbranch.org if you have events you would like the Branch to co-sponsor or promote on the ABILA online calendar.

News from Branch Committees

Co-Directors of Studies **Peter K. Yu** and **Jennifer Trahan** are pleased to report that **David Attanasio** was nominated to the **ILA Committee on Rule of Law and International Investment Law**. The ILA Executive Council approved the nomination at its May 2021 meeting.

The **Committee on International Commercial Law** welcomed **Irene Calboli** as its new co-chair, joining **Jessica R. Simonoff**. The Committee sponsored a panel at ILW 2020 entitled “International Supply Chain: Challenges in the Time of Pandemics and Global Disruption,” moderated by the co-chairs.

The **Committee on International Environmental and Energy Law** has been active on different fronts. **Myanna Dellinger**, who co-chairs the Committee with **Carolina Arlota**, has issued several [podcasts](#) focusing on global energy and environmental law most pressing issues. The Committee sponsored a panel at ILW 2020 entitled “COVID-19 and Climate Change: A Setback or Strengthening the Resolve to Move Forward?”

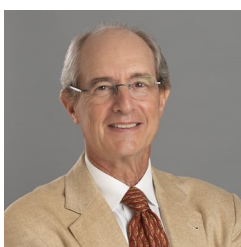
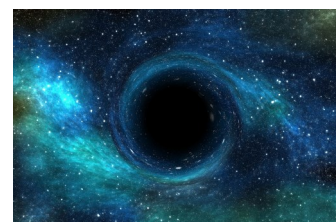
The **Committee on Islamic Law & Society**, previously known as the Committee on Islamic Law, has been renamed and welcomed **Sahar Aziz** as its new chair. The Committee sponsored an ILW 2020 panel on “Race, Culture, and Law in Muslim-Majority Countries.”



Sahar Aziz

The **International Human Rights Committee**, chaired by **Aaron Fellmeth**, sponsored a panel at ILW 2020 entitled “Novel Human Rights Crises During a Global Pandemic.” The Committee continues to await the outcome in *Flores v. Barr*, to which it submitted an amicus brief. Assuming it is appealed and granted *certiorari*, the Committee will submit a follow-up brief to the U.S. Supreme Court. Some members of the Committee may also file amicus briefs relating to the human right to freedom of assembly in appeals from various lawsuits in Oregon and elsewhere regarding the abuse of force against peaceful protesters and journalists by city police, county sheriffs, and federal officers recruited from U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement.

The **Committee on Space Law**, co-chaired by **Henry R. Hertzfeld** and **Matthew Schaefer**, sponsored a roundtable at ILW 2020 entitled “Standard Setting for Outer Space Activities: Choice of Forums and Methods.” New commercial activities and public-private partnerships in outer space demand further flesh be put on the bones of existing international space norms for safety, sustainability, capabilities for long-term presence, and protection of heritage sites. Nations and private actors are cooperatively engaging in new standard-setting forums. The roundtable explored the choice of options on the outer space standard-setting menu. During the first half of 2021, the Committee has been working with the American Society of International Law Space Law Interest Group on a “World Speaks Space” Series to take advantage of Zoom webinar capabilities in hearing viewpoints on key space law and policy issues from around the world.



Gabor Rona

The **Committee on International Humanitarian Law** welcomed **Gabor Rona** as its new co-chair in 2020, joining **Ashika Singh**. The Committee sponsored a panel at ILW 2020 on “Strengthening the International Criminal Court: A Path Forward?”

News from Branch Committees (cont'd)

The **Committee on Law of the Sea**, chaired by **Coalter G. Lathrop**, sponsored a panel at ILW 2020 entitled “Submarine Cables and Pipelines under International Law: The Ongoing Work of the ILA Committee.”

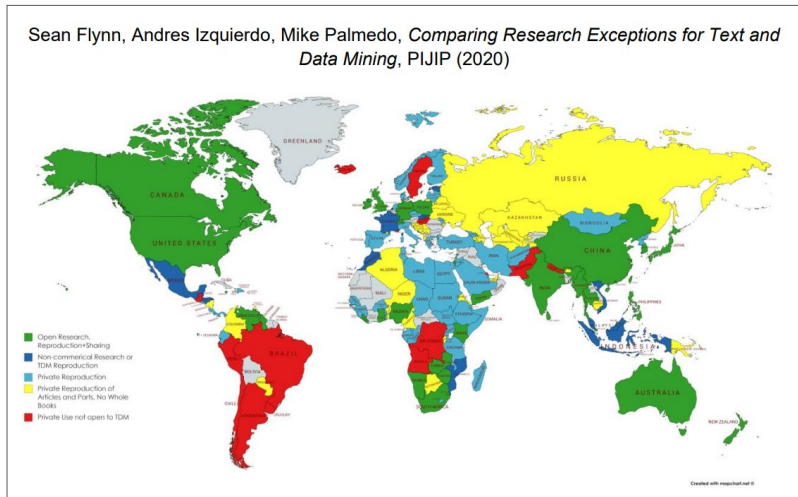
The **Committee on Arms Control and Disarmament**, which has been dormant for several years, welcomed **Christopher Borgen** as a new Chair in 2020. The Committee sponsored a panel at ILW 2020 entitled “Weaponry, Technology, Uncertainty, and Regulation.”



Christopher Borgen

The **Committee on International Arbitration**, co-chaired by **Floriane Lavaud** and **Daniel Reich**, sponsored two panels at ILW 2020. The first, entitled “2020 Vision: Trends and Challenges in the Enforcement of International Arbitral Awards,” assessed the major trends and challenges facing the enforcement regime for international arbitration awards as we look ahead to a new decade. It explored perennial issues such as sovereign immunity and the impact of insolvency on enforcement, as well as newer challenges such as the disruptive effects of COVID-19 and the impact of current reform proposals for investor-state dispute settlement on enforcement. The second panel, entitled “Arbitration of Human Rights at Sea: Giving International Law Teeth by Empowering Victims to Enforce It,” explored the continued human rights abuses that occur at sea, despite a well-established body of international human rights law. It explored whether giving victims the ability to enforce rights directly through arbitration can improve human rights protection at sea.

The **Committee on International Intellectual Property**, co-chaired by **Sean Flynn** and **Peter K. Yu**, undertook a number of activities exploring the intersection of international copyright law with the technical fields of text and data mining and artificial intelligence. Committee co-chairs and members engaged in a number of activities that mobilized academics to express views and analysis on matters at the intersection of copyright and text and data mining and artificial intelligence at WIPO, including: a [Letter to WIPO Director General Francis Gurry on IP and the Covid-19 Response](#) (April 2020), endorsed by 500+ organizations and individuals; a [Joint Comment to WIPO on Copyright and Artificial Intelligence](#) (February 17, 2020), endorsed by 16 legal academics, many of whom are Committee members; and a [Statement to the World Intellectual Property Organization Standing Committee on Copyright and Related Rights on behalf of the Global Expert Network on Copyright User Rights](#), which includes several Committee members.



The Committee sponsored a panel at ILW 2020 on “Intellectual Property and COVID-19 in International Law,” which considered the relation between international copyright law and access to and use of research materials for text and data mining, and surveyed developments in international law and policy at the intersection of intellectual property law and responses to the COVID-19 pandemic.

The **Committee on International Investment Law**, co-chaired by **David Attanasio** and **Diora Ziyaeva**, continues to focus on organizing public events in collaboration with active members of the Committee, and to seek new members through those events. The Committee organized a roundtable on climate change and investment law and a conference on the power of investment tribunals to sanction misconduct. The Events Subcommittee continues to program its ongoing Seminar Series, with a goal of having approximately two to three events per year. The Committee hosted a panel at ILW 2020 entitled “Investor-State Disputes, International Finance, and the COVID-19 Economic Crisis,” which considered whether and to what degree investment-state arbitration has a useful role to play in resolving the controversies that inevitably follow high-stakes regulatory actions in the midst of economic crisis.

News from Branch Committees (cont'd)

The **Committee on United Nations Law**, co-chaired by **Christiane Ahlborn** and **Bart L. Smit Duijzentkunst**, sponsored a panel at ILW 2020 entitled “UN Diplomacy in Times of COVID-19.”

The **Committee on the Use of Force**, chaired by **Jack M. Beard**, sponsored a panel at ILW 2020 entitled “From Accord back to Confrontation: The Return of the Iran Nuclear Crisis.” The panel considered the return of the international crisis concerning Iran’s nuclear program following the Trump Administration’s decision in 2018 to withdraw from the 2015 Joint Comprehensive Plan of Action. The increase in tension between Iran and the United States since the withdrawal has led to a dangerous standoff that has already produced military action on both sides. The panel discussed related international legal questions and the future of Iran’s nuclear program.

The **Committee on Teaching International Law** welcomed **Milena Sterio** as its new co-chair, joining **Mark E. Wojcik**. The Committee held a panel entitled “Teaching International Law During Challenging Times” on October 2, 2020. The Committee is reviving its newsletter and invites Committee members to submit announcements of upcoming activities, upcoming conferences, recent publications, and personal accomplishments.

The **Committee on the International Criminal Court** welcomed **Megan Fairlie** as its new co-chair, joining **Jennifer Trahan**. The Committee sponsored a panel at ILW 2020 on “The U.S. and the International Criminal Court: Can a Court in the Netherlands be a U.S. National Security Threat?” On October 1, 2020, the Committee issued a [“Statement by the American Branch of the International Law Association International Criminal Court Committee: The Use of U.S. Sanctions to Undermine the Work of the ICC,”](#) expressing concerns about the U.S. sanctions against ICC staff pursuant to a June 11, 2020 Executive Order (EO). It called for revocation of the EO and urged that no additional persons be designated under it. The Committee [reiterated its call](#) in a second statement on January 14, 2021. The Committee and the U.S. Chapter of the Association Internationale de Droit Pénal issued a [Joint Statement](#) on May 4, 2021 congratulating ICC Prosecutor Fatou Bensouda and the Office of the Prosecutor of the International Criminal Court on their nomination for the 2021 Nobel Peace Prize.



Megan Fairlie

New Committee on International Law in Domestic Courts

The ABILA is pleased to announce a new **Committee on International Law in Domestic Courts**, co-chaired by **Steven Schneebaum** and **Martin Flaherty**. The Committee will study and analyze the domestic judicial invocation of international law, whether as the law of decision in individual cases or as a guide to the interpretation of national legal norms. It will also consider the means by which both treaties and customary law are incorporated into the work of municipal judges. Although its principal focus is the use of international law in the courts of the United States, the Committee also invites comparative study of other nations’ legal systems. The Committee intends to organize mini-conferences when there are judicial decisions of special importance – such as the U.S. Supreme Court decision in *Nestle and Cargill v. Doe* anticipated in the spring of 2021 – as well as to sponsor panels during International Law Weekend, and to encourage research, teaching, and writing on this very challenging topic. Although the Committee invites all members of ABILA to participate in its work, its emphasis on litigation may make it of special interest to practitioners.



Steven Schneebaum



Martin Flaherty

As its inaugural event, the Committee will host a panel on the *Nestle and Cargill* Alien Tort Statute cases, argued this Term before the Supreme Court. The event will take place via Zoom on June 24 at 6:00 pm. Details to follow.

Anyone interested in joining the Committee is invited to email the co-chairs (sms@smslawdc.com and mflaherty17@yahoo.com).

New Committee on the Legitimacy and Fundamental Principles of International Law

The American Branch is pleased to announce that a second new Committee has been formed in 2021—the **Committee on the Legitimacy and Fundamental Principles of International Law**, chaired by **Mortimer Sellers**.

The Committee will engage in projects seeking to strengthen the value and legitimacy of international law by identifying the fundamental principles that support and justify the international legal order, making practitioners more aware of their content, and identifying and promoting the justice of international legal institutions.

Members of the ABILA interested in joining the Committee or advancing its work should email Professor Mortimer Sellers at mortimer.sellers@gmail.com.



Mortimer Sellers

The Study Group on Threats to the International Legal Order - Forthcoming Book



The **Study Group on Threats to the International Legal Order** is publishing a book with Oxford University Press (forthcoming 2022), tentatively titled “Is the International Legal Order Unraveling?” Study Group Chair **David Sloss** served as the editor, and 17 contributing authors wrote 15 separate chapters, including two co-authored chapters.

The book was framed and debated at four separate meetings of the Study Group and focuses on two central questions. First, do current threats to the international legal order suggest that we are backsliding from a rules-based international order to a more lawless world? Second, if the rules-based international order is deteriorating, are we in the midst of a revolutionary change, or should we expect more gradual, evolutionary changes in the

international legal order over the next decade? Individual chapters in the book address discrete topics related to these central themes.

The central concept at the heart of the book is the concept of a rules-based international order: i.e., an international order based on the rule of law. The term “rule of law” is notoriously difficult to define. Study group members (who are also authors of individual chapters) have not agreed how to define that term. Even so, one can conceive of the international order as a system with an ideal “rule of law” at one end of the spectrum and a “lawless world” at the other end of the spectrum. Study Group members had different views about where the current international system is located on that spectrum, but there was general agreement that the current system exists somewhere between the two poles. The central purpose of the book was to analyze the directionality and pace of change along that spectrum.

The international legal system is not a monolith. Numerous sub-fields of international law operate somewhat independently from each other. The work of the Study Group suggests that answers to questions about the directionality and pace of change in the international legal system depend partly on which sub-field of international law one chooses to focus upon. Therefore, the book adopted an inductive approach to the general problem. Several individual chapters focus on specific sub-fields; the editor’s introduction derives general conclusions based on the analyses presented by individual authors in particular chapters.

ILA Committees

ABILA membership provides the opportunity to represent the Branch on various ILA Working Committees. Currently 67 ABILA members serve on 20 ILA Committees, including:

Committee on Complementarity in International Criminal Law

Committee on Global Health Law

Committee on Human Rights in Times of Emergency

Committee on Implementation of the Rights of Indigenous Peoples

Committee on Intellectual Property and Private International Law

Committee on International Commercial Arbitration

Committee on International Law and Sea Level Rise

Committee on International Monetary Law

Committee on International Protection of Consumers

Committee on International Securities Regulation

Committee on Nuclear Weapons, Non Proliferation and Contemporary International Law

Committee on Participation in Global Cultural Heritage Governance

Committee on Procedure of International Courts and Tribunals

Committee on Protection of Privacy in Private International and Procedural Law

Committee on Role of International Law in Sustainable Natural Resource Management for Development

Committee on Rule of Law and International Investment Law

Committee on Space Law

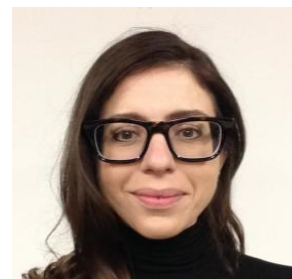
Committee on Submarine Cables and Pipelines under International Law

Committee on Sustainable Development and the Green Economy in International Trade Law

Committee on Use of Force: Military Assistance on Request

Publications from Branch Members

Carolina Arlota (co-chair of the ABILA Committee on International Environmental and Energy Law) recently published an article entitled ["The Amazon is burning—Is Paris, too? A Comparative Analysis between the United States and Brazil based on the Paris Agreement on Climate Change"](#) in *The Georgetown Journal of International Law*, Vol. 52 (2021) and ["How President Trump's War on Science Undermines Cost-Benefit Analysis of Climate Policies"](#) in *The Environmental Law Reporter* (December 2020).



Carolina Arlota



BANKING BAILOUT LAW
A COMPARATIVE STUDY OF THE UNITED STATES,
UNITED KINGDOM AND THE EUROPEAN UNION

Virag Ilona Blazsek



Virag Ilona Blazsek published three articles related to her research topic and recently published book, *Banking Bailout Law: A Comparative Study of the United States, United Kingdom and the European Union* (Routledge U.S. & U.K., 2020). [Banking Bailout Law](#) was published in the Blue Sky Blog hosted by Columbia Law School (Oct. 2020). It provides a concise overview of the book's chief research findings. ["Financial Consumer Protection in the U.S. and the E.U.: A Preventive Building Block of Banking Bailout Law"](#) was published in the proceedings of the International Scientific Conference on the protection

of the collective interests of consumers by the Union University Law School, Belgrade, Serbia in April 2021. It evaluates the post-2008 legal/regulatory framework of financial consumer protection in the U.S. and the E.U. and argues that financial consumer protection is not sufficiently robust to have a significantly positive impact on financial stability. ["A Comparative Comment on the Banking Bailout Literature"](#) was published by the Global Financial Markets Center of Duke University School of Law in April 2021 and reflects on the different views and solutions offered by other scholars regarding the complex topic of bank bailouts.

John Linarelli's recent publications include ["Transatlantic Divisions in Methods of Inquiry About Law: What it Means for International Law,"](#) in *Handbook on Research Methods in International Law* (Rossana Deplano & Nicholas Tsagourias eds., Edward Elgar, forthcoming 2021), ["Global Legal Pluralism and Commercial Law,"](#) in *The Oxford Handbook on Global Legal Pluralism* 689 (Paul Schiff Berman ed., Oxford University Press 2020), and ["Inequality and Access to Credit: A Social Contract Framework,"](#) in *Law and Contemporary Problems* (2021). He also published ["Behavioral Comparative Law: Its Relevance to Global Commercial Law Making,"](#) in *The Future of Commercial Law: Ways Forward for Change and Reform*, a volume he co-edited with Orkun Akseli (Hart 2020).

ABILA Secretary **Houston Putnam Lowry** and Genevieve H. Harte published an article entitled ["Survey of 2019 Developments in International Law in Connecticut"](#) in 93 *Connecticut Bar Journal* 275 (2021).



Houston Putnam Lowry

Publications from Branch Members (cont'd)



Leila Nadya Sadat and **Madaline George** recently co-edited a White Paper on [*Global Governance: The World Health Organization \(WHO\) and the Need for Post-COVID-19 Reform – Addressing Challenges to Public Health and Society Through Global Collaboration*](#), that was submitted to the WHO's [*Independent Panel for Pandemic Preparedness and Response*](#). It includes individual contributions from several ABILA members, including "Pandemic Nationalism, COVID-19, and International Law" by ABILA President **Leila Nadya Sadat**, "Child-Proofing Global Public Health in Anticipation of Emergency" by **Frederick Abbott**, and an article co-authored by **Madaline George** and Dr. Rupa Patel (Washington University School of Medicine) entitled "Updating the International Health Regulations: Revising IHR Decision Instruments and the Binary PHEIC Declaration System." Contributions will also be published in the *Washington University Global Studies Law Review* (forthcoming 2021).

News from Branch Members

Irene Calboli has been awarded a Fulbright-Hanken Distinguished Chair in Business and Economics for 2021-2022 to lecture and research in Helsinki, Finland. Professor Calboli, an internationally known expert in Intellectual Property (IP) and Trade Law, will teach a seminar on IP Management at Hanken School of Economics, and continue her research regarding the concept of morality under U.S. and EU law trademark law and the relationship between IP and sustainable development. Professor Calboli also co-organized the Third Annual IPIRA Conference, held on March 24-27, 2021. Hosted virtually by the IP & Innovation Research of Asia (IPIRA) Network, the Third IPIRA Conference gathered over 300 presenters, chairs, and participants from Asia-Pacific, North America, Europe, the Middle East, and Africa. The IPIRA Conference provides a forum for IP researchers to discuss their papers and works-in-progress with other academics, practitioners, and policy makers.



Irene Calboli



M. Imad Khan

M. Imad Khan was recently confirmed as Treasurer of the Friends of the Hague Academy of International Law, whose purpose is to promote the teaching, study, dissemination, and wider appreciation of international law and, to that end, financially support agencies, organizations, or institutions that are organized for a similar purpose. In April 2021, he spoke on a panel entitled "Investor-State Arbitration: Here Today, Gone Tomorrow?" at American University Washington College of Law's International Trade and Investment Law Society Distinguished Alumni Honoree Event and was a moderator for the Chartered Institute of Arbitrators YMG World Tour 2021: A North America Corporate Counsel Perspective.

Leila Nadya Sadat—along with the American Civil Liberties Union—filed a [lawsuit](#) in January challenging the Trump administration's order authorizing sanctions against individuals who assist the International Criminal Court in investigating or prosecuting war crimes and other grave human rights violations. The lawsuit argues that the Trump administration's actions violate the First Amendment rights of those seeking to communicate with ICC personnel by providing human rights expertise and evidence of war crimes, and representing victims in the ICC's justice proceedings. This lawsuit is in addition to a [previous lawsuit](#) filed by four ABILA members—**Gabor Rona**, **Diane Marie Amann**, **Milena Sterio**, and **Margaret deGuzman**—along with the Open Society Justice Initiative, against the President, Attorney General, and Secretaries of State and Treasury, et al. challenging the President's Executive Order. On April 1, 2021, President Biden revoked the Executive Order just days before the government was due to answer the latter complaint.



Leila Nadya Sadat will be a visiting senior scholar at Yale Law School in fall 2021.

Building upon ABILA President-Elect **Michael Scharf's** [recent book published by Cambridge University Press on "Grotian Moments,"](#) the Max Planck Institute in Heidelberg convened an international workshop on March 26-27, 2021, entitled "Grotian Moments in International Law." Dean Scharf presented a paper on "Grotian Moments: The Concept," followed by presentations by twenty-two international law experts on the application of the Grotian Moment concept to a variety of areas. The workshop papers will be published in a book by Brill.

Mortimer ("Tim") Sellers was named Wilson H. Elkins Professor of the University System of Maryland. The Elkins Professorship is the University System of Maryland's oldest chair and was conferred on Professor Sellers in recognition of his work on the theoretical foundations of international law and the institutional basis of global justice.

Visit the ABILA Website for up-to-date information on events and activities.

The American Branch of the International Law Association launched a new website at the start of 2021. The website is designed to be user friendly and allow members to more easily communicate and learn about the work of the Branch and its Committees.

If you have an update you would like included, email Media@ila-americanbranch.org.

www.ila-americanbranch.org

News from Branch Members (cont'd)

John Linarelli recently transitioned from Durham University Law School in the United Kingdom to accept a Professor of Law position at Touro College Jacob D. Fuchsberg Law Center as of August 1, 2020. He was a visiting professor at Touro for the 2019-20 academic year. Professor Linarelli presented at the Contracts and Contract Law in the Age of AI Conference at the University of Turin in February 2021 and was a co-organizer of the "Financial Inclusion, Access to Credit, and Sustainable Finance Symposium," to be published in *Law and Contemporary Problems* (spring 2021). He also co-chaired a session on "Raising Public Procurement from Local to Global Standards: Worth It?" at the Fifth Global Procurement Conference, University of Rome Vor Tergata, in July 2020; presented a paper on "A Cognitive Turn for International Law: Implications for Understanding Global Justice" at the ASIL Mid-year Meeting in October 2020; and will speak on a panel on "Global Legal Pluralism: Philosophical and Historical Perspectives" at the Law and Society Annual Meeting in May 2021.



John Linarelli



Jennifer Trahan

Jennifer Trahan (ABILA co-Director of Studies and co-Chair of the ICC Committee) has held 14 successful book launch events of *Existing Legal Limits to Security Council Veto Power in the Face of Atrocity Crimes* (2020 CUP), which won the 2020 ABILA Book of the Year Award. The launches included (remotely) one at the UN and one during meetings of the ICC's Assembly of States Parties, as well as launches at King's College London, the University of Vienna School of Law, the University of Ottawa/Raoul Wallenberg Centre, UCLA Promise Institute, Blavatnik School of Government Oxford University/Centre for Geopolitics at the University of Cambridge, and launches in Bangladesh (North-South University) and India (Raffles University School of Law and Jindal Global Law School). She was also pleased to serve as an expert in meetings of the Royal United Services Institute for Defence and Security Studies on Terrorism and Foreign Terrorist Fighters, and to continue her work on the Council of Advisers on the Application of the Rome Statute to Cyberwarfare. She also signed, along with **Leila Nadya Sadat**, Doug Cassell, and Stephen Rapp, the [transmittal letter](#) to members of the Trump Administration containing the signatures of 188 U.S. international law professors opposed to the Executive Order on the ICC.

Peter Yu was designated a Regents Professor by the Board of Regents of the Texas A&M University System, becoming the first School of Law professor to be designated as such. The Regents Professor Award is the highest honor that the Texas A&M University System bestows on a faculty member. Recognizing exemplary performance in teaching, research, and service, this Award honors "achievements that had an impact on not only their institution or agency, but also the community, the state of Texas and/or at the national and international levels."

Diane Marie Amann, who is Emily & Ernest Woodruff Chair in International Law and Faculty Co-Director of the Dean Rusk International Law Center, University of Georgia School of Law, Professor (by courtesy) of International Affairs at the University of Georgia School of Public & International Affairs, and Spring 2021 Visiting Professor of Law at Northwestern University Pritzker School of Law, was elected a life member of the Council on Foreign Relations in February 2021.

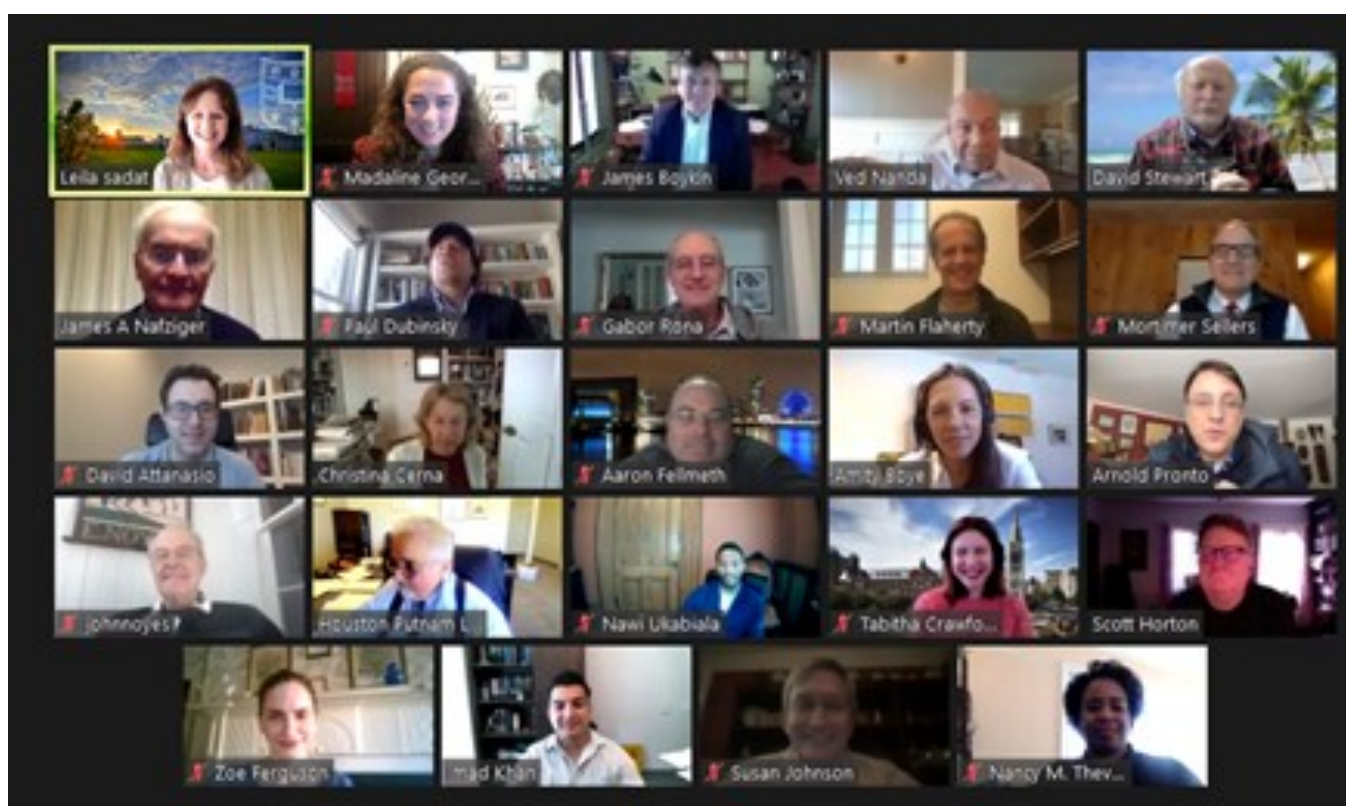


Diane Marie Amann

Then & Now



THEN: Attendees of the Twenty-Ninth Conference of the International Law Association, held in Portsmouth, UK (1920)



NOW: ABILA Board Members in January 2021

ABILA Centennial

The American Branch was founded in 1922. We look forward to celebrating our centennial anniversary next year, in 2022.

A Centennial Committee, chaired by David Attanasio, Chiara Giorgetti, and Phillip Moremen is working on ways to celebrate this momentous occasion.

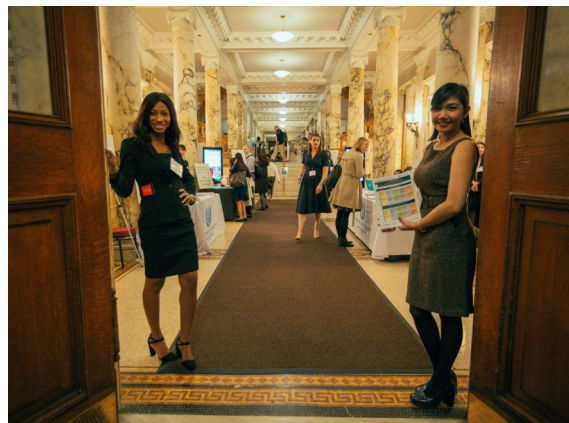
The Branch welcomes all members to share their favorite Branch memories with us by emailing them to: media@ila-AmericanBranch.org.

Call for Nominees: Student Ambassador Program

The Branch is seeking nominations for its Student Ambassadors program. All ABILA members are invited to nominate students for this position.

Student Ambassadors help with the work of the organization, especially in the preparation of ILW 2021. Each Student Ambassador will be assigned to specific individuals such as the Organizing Committee Chairs, the President, or one of the Vice Presidents to provide various forms of assistance with ILW, including blogging and providing logistical support as needed. After ILW, the Student Ambassadors may be asked to assist with the *Newsletter*, to support ABILA committees, or to perform other tasks as assigned by the President. ABILA endeavors to create networking opportunities for the Student Ambassadors both with ABILA members and with one another.

Members are invited to send their nominee's cover letter and résumé to Ms. Madaline George (membership@ila-americanbranch.org) by Tuesday, June 1, 2021.



2015-2019 Proceedings of the American Branch

The Branch recently published the *2015-2019 Proceedings of the American Branch*, which was mailed to all active members and will be available on *HeinOnline* later this summer.

The Branch would like to extend its deepest gratitude to the *Proceedings* Editor, **Louise Ellen Teitz**, for her steadfast and excellent work on this volume. It would also like to recognize **Russell Childree** and **Gifany Ten-Ten L. Tongohan** who served as assistant editors.

If you are a member in good standing and did not receive a copy of the *Proceedings* and wish to have one mailed to you, please contact ABILA Membership Officer Madaline George (membership@ila-americanbranch.org).



Louise Ellen Teitz

Past *Proceedings* dating back to 1922 can be accessed [online](#).

Presidential Statement on Revocation of Executive Order 13928 and Travel Restrictions against ICC Personnel

Leila Nadya Sadat

Issued April 7, 2021

On Friday, April 2, 2021, the United States [revoked Executive Order 13928 \(EO\)](#), which had been adopted by former U.S. President Donald Trump on June 11, 2020. The EO declared the International Criminal Court (ICC) to be a threat to U.S. national security under the International Emergency Economic Powers Act (IEEPA). The EO, and the Regulations implementing it, were subsequently used by the Trump administration to impose sanctions on ICC Prosecutor Fatou Bensouda, and another senior member of her office, Phakiso Mochochoko. Although policy differences between the ICC and the United States have been long-standing, the use of an Executive Order permitting the imposition of civil and criminal penalties upon officials of an international organization was unprecedented and perceived as Executive overreach and an attack on the [judicial independence of the Court](#). It also provoked a rift between the United States and many of its closest allies, which are strong supporters of the Court.

As President of the International Law Association (American Branch), I commend President Biden's [actions](#) terminating the national emergency declared in the June 11 Executive Order, revoking the June 11 Executive Order, and ending travel bans on ICC personnel. The President's action is consistent with his declaration that "America is back," and ready to join its allies in the promotion of human rights and global governance achieved through the rule of law. Although Secretary of State Anthony Blinken [announced](#) that the United States was not withdrawing its "long-standing objection to the Court's efforts to assert jurisdiction over personnel of non-States Parties such as the United States and Israel," he also agreed that "engagement with all stakeholders in the ICC process rather than the imposition of sanctions" was the proper approach.

I would like to thank the many individuals, and particularly members of the Branch, who worked assiduously on lifting the sanctions and revoking the Executive Order. Some worked behind the scenes, some wrote articles and blogs on the impact and legality of the sanctions and the Executive Order, and others, including this writer and other ABILA leaders, brought [lawsuits](#) challenging its constitutionality. As [one Federal Court has already found](#), the EO was so sweeping in its provisions that individuals attempting to work with the Court, whether by providing information, submitting amicus briefs, or doing legal analysis, could be prevented from doing so, in likely violation of their First Amendment rights.

Since its founding in 1922, in the wake of a devastating global conflict, the ABILA has stood up for the rule of law. Our work emphasizes the need for negotiation, diplomacy, and civil discourse even when approaching difficult and tendentious issues and policies. We hope that the United States can now move forward and [work constructively with the ICC](#), joining its allies and friends and advancing the rule of law and international justice. As General Wesley Clark (Ret.) wrote in his [critique](#) of the EO, "the United States benefits from its leading role in developing and complying with international law and from the institutions that help enforce that law." Worrying trends of authoritarianism and human rights violations require the reaffirmation of our commitment to international institutions and the rule of law.



ABILA Board of Directors and Officers

Chair, Board of Directors

David P. Stewart

President

Leila Nadya Sadat

President-Elect

Michael P. Scharf

Vice-Presidents

Amity Boye
Christina M. Cerna
Paul R. Dubinsky
Chiara Giorgetti
Peter K. Yu

Honorary Vice-Presidents

Charles N. Brower
Edward Gordon
Philip M. Moremen
John E. Noyes
Gary N. Horlick
George K. Walker
Valerie Epps
P. Nicholas Kourides
James A.R. Nafziger
Ruth G. Wedgwood
Cynthia C. Lichtenstein
Ved P. Nanda

Treasurer

Houston Putnam Lowry

Secretary

M. Imad Khan

Board of Directors

William Aceves
David Attanasio
Jack Beard
Andrea Bjorklund
James H. Boykin
Ronald Brand
Aaron Fellmeth
Martin Flaherty
Sherry Holbrook
Scott Horton
Larry Johnson
Charlotte Ku
Gabor Rona
Steven M. Schneebaum
Mortimer (Tim) Sellers
Milena Sterio
Louise Teitz
Nancy Thevenin
Jennifer Trahan
Nawi Ukabiala

Co-Directors of Studies

Jennifer Trahan
Peter K. Yu

Membership Officer

Madaline George

Media Officer

Rukhsar Azamee

New Leadership at the American Branch

At the 98th Annual Members Meeting of the American Branch, held during ILW 2020, several new officers and directors were elected to the ABILA Board and leadership positions.

- **Leila Nadya Sadat** was re-elected as President for a second two-year term;
- **Michael Scharf** was elected President-Elect;
- **Amity Boye** and **Peter K. Yu** were elected as Vice-Presidents;
- **Charlotte Ku**, **Mortimer (Tim) Sellers**, and **Nawi Ukabiala** were elected to the Board.

Additionally, **Philip M. Moremen** was elected by the Board as an Honorary Vice-President.



Michael Scharf



Philip M. Moremen



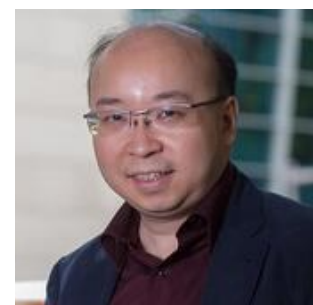
Charlotte Ku



Nawi Ukabiala



Amity Boye



Peter Yu

Seeking Nominees for the ABILA Book Award and Charles Siegal Outstanding Service Award

The American Branch is now accepting nominations for the 2021 ABILA [Book of the Year Award](#) and 2021 [Charles Siegal Outstanding Service Award](#). The awards shall be announced and presented to the recipients at International Law Weekend 2021.

Recipients must be current members of the ABILA in good standing at the time of nomination. For more information, including nomination procedures, please visit the respective award announcements linked above.

The Book Award Committee is chaired by **Mortimer Sellers**. The Service Award Committee is chaired by **Michael Scharf**.

The deadline to submit nominations is July 1, 2021.



Charles Siegal



INTERNATIONAL LAW ASSOCIATION
AMERICAN BRANCH
EST. 1922

**Resolution Congratulating Judge Donoghue on her Election as
President of the International Court of Justice**

Whereas Her Excellency Judge Joan E. Donoghue has had a distinguished record of service and leadership at the International Court of Justice; and

Whereas the work of the Court is critically important to the maintenance of international peace and security; and

Whereas the American Branch of the International Law Association is dedicated to the study, clarification, and development of international law and the advancement of peace, equity, and justice worldwide; and

Whereas the Board applauds Judge Donoghue's steadfast dedication to "strengthen and promote the various means for settling disputes peacefully" and commitment to "actively seek differing perspectives and promote open exchanges of ideas, especially with those whose views differ from our own";

Now be it therefore resolved that the Board of Directors of the American Branch of the International Law Association **congratulates** Judge Joan E. Donoghue on her election as President of the International Court of Justice and wishes her the best in her new position.

Done this 22 day of April 2021

Leila Nadya Sadat, President

David P. Stewart, Chairman, Board of Directors

Upcoming ILA Executive Council Meeting s

The Executive Council will next meet on November 13, 2021 (in London & online) and May 7, 2022 (online).

The Full Council will convene on June 19 and 22, 2022 in Lisbon during the Biennial.

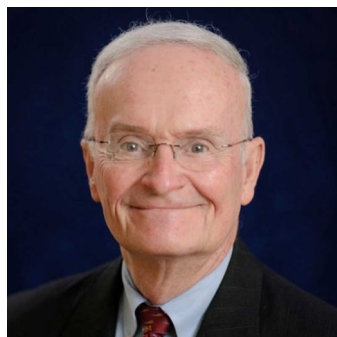
The Executive Council will then meet again on November 21, 2022 (London & online)



Report on ILA Executive Council Meeting May 2021

The May 2021 ILA Executive Council Meeting was held online on Saturday, May 8, 2021. President **Leila Nadya Sadat**, President-Elect **Michael Scharf**, Chairman **David P. Stewart** and ILA Vice Chair **James Nafziger** were in attendance.

Following approval of the minutes of the Council's last meeting (November 14, 2020), the Association's Media Officer **Jen Tridgell** (Australian Branch) introduced the report of the Association's Working Group on Diversity, Equality and Inclusiveness. The report reflects consideration of feedback from branches to a draft "policy document" prepared in February 2021. Among its recommendations: to include the Diversity Officer on the ILA management committee; to encourage national branches to include diversity, equality, and inclusion in their policies, practices, and publications; to aim for diverse representation in panels and conferences; and to share resources and strengthen scholarship funds for young scholars and practitioners and support the ILA Network of Young Scholars and Practitioners. The Council endorsed the policy.



James Nafziger

A report on the ILA Network on Young Scholars and Practitioners, reflecting experience at the Kyoto Biennial (where 25 scholars were involved), was presented by **Bruce Mauleverer** (British Branch). The Council approved proposed changes aimed at reinvigorating the Network.

Three incumbent members of the Management Committee were renominated and reelected by acclamation: **Yuji Iwasawa** (Japan Branch), **Catherine Kessedjian** (French Branch), and **James Nafziger** (American Branch).

ILA Treasurer **Rainer Hofmann** (German Branch) noted that Branch membership (and contributions) have clearly been affected by the pandemic. However, the Association remains in stable condition, including the Scholarship Fund. The proposed 2021 budget reflects some modifications concerning a possible relocation of the HQ office and continuing revision of and support for the ILA's website. Regarding contributions and membership, it was noted that several branches were long in arrears and steps to would therefore need to be taken to retire their membership.

ILA Director of Studies **Pierre Bodeau-Livinec** (French Branch) noted that draft reports for all Committees and Study Groups must be submitted by January 2022 in order to be ready for the Lisbon Biennial. Currently there are 17 Committees (the mandate of the Committee on International Commercial Arbitration has been extended to enable it to report at Lisbon). **Vasilka Sancin** (Slovene Branch) and **Thibaut Fleury Graff** (French Branch) have finalized the proposed mandate of a new Committee on International Migration and International Law. Bodeau-Livinec also noted that a proposal had been made for a new Committee/Study Group on Global Governance of Cyberspace.



Vasilka Sancin



Thibaut Fleury-Graff

(cont'd on page 25)

Report on ILA Executive Council Meeting May 2021 *(cont'd)*

The Study Group on Cross-Border Violations of Children's Rights (chaired by **Warren Binford** of the American Branch) has finalized its 114-page report on "Enforcing the Rights of Children in Migration" and is working on a proposal for the creation of a new ILA Committee focusing on "Access to Justice for Children on the Move" or on "Enforcing the Rights of Children in Migration."



Warren Binford

The review of Study Group Purposes, Membership and Methods of Work, which includes **Maria Gavouneli** (Hellenic Branch), **Rainer Hofmann** (German Branch), **Catherine Kessedjian** (French Branch), and **Claire Martin** (Chief Operations Officer), continues.

The Council approved a number of nominations to ILA Committees, including **David Attanasio** (American Branch) to the Committee on Rule of Law and International Investment Law. The Director of Studies reminded Branches to forward nominations at least 3 or 4 months in advance of the relevant Council meetings.

Applications to ILA Headquarters' Membership from the Philippines and Mongolia were discussed. The Secretary General noted that work continues to create Estonian and Armenian Branches.

Leila Nadya Sadat (American Branch) reported on preparations for ILW 2021 and encouraged both participation and proposals for panels from other ILA branches.

Work on publication of the Report on the 79th (Kyoto) Biennial Conference continues, aimed at publication midsummer.

The 80th Biennial will take place in Portugal June 19–24, 2022. A report on preparations was made by **Manuel Ribeiro** (Portuguese Branch) and **Patricia Galvão Teles** (Portuguese Branch).



Lisbon, Portugal

Pay Your Dues

The Branch's membership year began in January. If you have not yet paid your 2021 membership dues, please do so now.

Log into your account at www.ila-americanbranch.org and select the "Orders" tab under your Account page, or contact our Membership Officer Madaline George at membership@ila-americanbranch.org to pay your dues.

Climate Change Summit 2021

While the United States is recovering from a deadly pandemic, the climate crisis stays at the center of attention for the country. The new administration not only has fulfilled its promise of [rejoining the Paris Agreement](#), but it has also taken further steps to lead the fight against the climate crisis. In a two-day climate summit on [April 22-23, 2021, the Biden administration pledged to reduce U.S. carbon emission by 50-52 percent by 2030](#). President Biden also called on other global leaders to join him in this fight.

The U.S. climate summit focused on important topics related to climate change. Carbon emission target renewal was a significant part of this summit. The United States' new pledge encouraged some countries to commit to new, higher carbon emissions targets than what they had already promised as [parties to the Paris Agreement](#). Other nations reinforced their commitment to reducing earth warming. Leaders from [Canada, Brazil, and Japan](#) made a new pledge towards carbon neutrality by 2030. These new pledges bring countries a step closer to achieving the [Paris Agreement's](#) goal of keeping the global temperature to 1.5°C above the pre-industrial era.

The pledge for more funding for climate change initiatives was another part of the summit discussion. Brazil's president, [Jair Bolsonaro](#), asked the U.S. administration for one-billion-dollar funding to reduce deforestation by 40 percent. Meanwhile, the Biden administration [pledged an estimated 5.7 billion dollars](#) by 2024 to help developing countries tackle climate challenges. According to [the United Nations' Financing Climate Action](#), the world needs 90 trillion dollars by 2030 to make investments in infrastructure, and to build a green economy. The formation of a green economy will lead to more economic opportunities and more jobs. The Biden team recognizes the urgency to address the climate change crisis and the opportunities the green economy presents. The United States will continue fighting this crisis by uniting global leaders abroad, and promoting the climate agenda through the [Infrastructure Plan](#) at home.

By Rukhsar Azamee

American Branch of the International
Law Association

Madaline George, Membership Officer
C/O Washington University School of Law
One Brookings Drive
Campus Box 1120
St. Louis, MO 63130-4899

membership@ila-americanbranch.org

PLEASE
PLACE
STAMP
HERE



INTERNATIONAL
LAW ASSOCIATION
AMERICAN BRANCH ▸ EST. 1921