



INTERNATIONAL LAW ASSOCIATION
AMERICAN BRANCH
EST. 1922

NEWSLETTER

International Law Weekend 2021

[International Law Weekend](#) 2021 took place from **October 28-30, 2021**. The unifying theme was **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 was hosted virtually by [Arbitration Place](#) during International Law Week at the United Nations.

Roughly 1,500 people registered for the event. Attendees included leading academics, ambassadors and other diplomats, federal and state government officials, NGO leaders, practitioners and partners at some of the world’s largest law firms, students, journalists, business leaders, and interested citizens. The conference participants hailed from more than 80 countries.

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Happy Birthday ABILA!

On January 27, 2022, ABILA turns 100!

Stay tuned for announcements of centennial activities.



Letter from the Branch President

As this *Newsletter* goes to print, the days are getting shorter in the Northern Hemisphere, and winter approaches. Yet the news from our Branch is bright, and positive change abounds.

We recently learned from London HQ that our Branch is now the largest ILA Branch globally of the ILA's 63 branches. I believe that is because you know that international law really *is* needed, now, more than ever, to address the pressing problems of today's world. And

whether we need to *reinvest* in international law, as our ILW theme postulated, or *reinvent* it, as some of our speakers suggested, the ILA and our Branch are ready to undertake the task.

I am also thrilled to announce that the new ILA Chair will be Professor Christine Chinkin. Professor Chinkin is replacing Lord Mance, who served with extraordinary commitment, grace, and distinction. Lord Mance was a wonderful leader of the organization, and we are deeply grateful for his many years of service. It is therefore fitting that he will be succeeded by a renowned and accomplished international lawyer. Professor Chinkin's accomplishments are too many to name – she has been an active ILA member, serving as ILA Director of Studies as well as in various other capacities, and we look forward to her assuming the leadership of the organization next year.

On January 27, 2022, ABILA officially turns 100. Stay tuned for updates from our Centennial Committee, chaired by Phil Moreman, about special activities relating to ABILA's birthday party, and news of special events commemorating our 100th birthday, which we are planning to have in New York City, during ILW 2022, from October 20-22, 2022. We are planning for an in-person event that we hope will also have hybrid features, to allow those who cannot travel to New York to participate. Our virtual ILWs have been remarkably successful and full of rich content; but we miss seeing you and cannot wait until we can be together again in person.

Meanwhile, please do take good care, stay safe and well, and happy holidays.



Leila Nadya Sadat

A handwritten signature in black ink, appearing to read 'Leila Nadya Sadat'. The signature is stylized with loops and flourishes.

Leila Nadya Sadat
ABILA President

Recap of ILW 2021: Reinvesting in International Law *(cont'd)*

This year's program included 32 panels, 186 speakers, two distinguished keynote speakers, and a High-Level Plenary Panel. The Weekend offered a broad array of both public international law and private international law topics, such as *The Meaning of Silence*, *The Role of the ICJ in State Intervention by Non-Parties to a Dispute*, *Leveraging the UN for Greater Rule of Law Protections in MENA and Beyond*, *The Meaning of Diversity, Equity, and Inclusion in International Law*, and *Debating a WTO TRIPS Waiver for COVID*.

Nineteen panels on a variety of private and public international law topics—including *The Geopolitics of Economic Competition*, *Prosecuting the Crime of Ecocide*, *Small Satellites*, *Big Possibilities: How to Build a Fair Legal Regime for a Developing Technology*, and *Environmental Degradation and Indigenous Rights*—were designated for continuing legal education (CLE) credit, made possible through the sponsorship and assistance of White & Case LLP.



From Left: Nicola Bonucci; Pablo A. Arrocha Olabuenaga; Nazhat Shameem Khan; Dire Tladi

ILW 2021 opened Thursday afternoon with the President's Opening Plenary Panel on *Reinvesting in International Law*. ABILA President **Leila Nadya Sadat** moderated a discussion between **Pablo Arrocha Olabuenaga** (Permanent Legal Adviser, Permanent Mission of Mexico to the United Nations), **Nicola Bonucci** (Partner, Litigation Department, Paul Hastings LLP; former Director for Legal Affairs, Organization for Economic Cooperation and Development (OECD)), **Ambassador Nazhat Shameem Khan** (President, UN Human Rights Council), and **Dire Tladi** (Member, International Law Commission; Professor of International Law and SARCHI Chair of International Constitutional Law, University of Pretoria; President, International Law Association (South Africa)).

On Friday afternoon, **Oona Hathaway**, the Gerard C. and Bernice Latrobe Smith Professor of International Law and Counselor to the Dean at Yale Law School, delivered a keynote address on "War Beyond Law: A Threat to the International Legal Order." Reviewing the development and enforcement of international humanitarian law, Professor Hathaway set forth the argument that the prohibition



Nawi Ukabiala

against the unilateral use of force is a foundational principle of the modern legal order and not merely an auxiliary provision. Her remarks explored modern challenges, including cyberattacks, partnered operations, and the growing lack of legal clarity around the parameters of self-defense. **Leila Sadat** and **Nawi Ukabiala** moderated a lively Q&A following Professor Hathaway's formal remarks.



Oona Hathaway

(Cont'd on page 4).

Recap of ILW 2021 *(cont'd)*

Save the Date!

ILW 2022 will be held in New York City on October 20-22, 2022.



Fatou Bensouda

Fatou Bensouda, former Chief Prosecutor at the International Criminal Court, opened the Saturday morning program with the Inaugural ABILA Outstanding Achievement Award keynote address. She remarked that: “nine years ago I stated that justice, real justice, is not a pick and choose system and that to be effective, to be just, and to be a real deterrent the Office of the Prosecutor’s actions and decisions must be based solely on the law and on the evidence. We may operate in a political environment, but our work must

be shielded and free from the whims of politics when those trends are not aligned with our collective obligations under the Rome Statute. During my tenure, I have done my utmost to lead by these convictions in service of the Rome Statute. [...] Even in the face of adversity, even at considerable personal cost, I have sought to focus not on the words and propaganda of a few influential individuals whose aim is to derail justice, but rather to listen to the victims who look to the court as a beacon of hope, as a last bastion of justice and accountability for atrocity crimes, where the law, their protector, has otherwise fallen silent.”

Her inspiring talk was followed by the 99th Annual ABILA Members Meeting. ILW 2021 also hosted networking rooms by 15 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. Brill Nijhoff also hosted a drop-in room for attendees, with a virtual exhibition room of its many international law titles for registrants to peruse.

On Saturday, ABILA Vice-President **Amity Boye** organized a splendid Career Networking Session for students and young professionals, who attended ILW in large numbers this year from law schools around the globe. The event was organized in cooperation with the ABA International Law Section, the International Law Students Association, Wade Channell, **Norman Greene**, and David Kassebaum.

The Weekend also featured the Second Annual International Law Trivia Night, hosted by ABILA President-Elect **Michael P. Scharf** (Dean, Case Western Reserve University School of Law) and ABILA Membership Officer **Madaline George**. Participants were challenged by a tough set of questions, including the name of the first woman to receive the Nobel Peace Prize and the name of her famous book (Austrian Baroness Bertha von Suttner, “Die Waffen Nieder!” (Lay Down Your Arms!, 1889)); and the first cases before the ICC, ICTY, ICRY, and ECCC, the name of the vessel that was sunk in 1985, leading to an important case on State responsibility (the *Rainbow Warrior*); the African-American diplomat who served on the U.S. delegation for both the Dumbarton Oaks Conference and the UN Conference in San Francisco (Ralph Bunche), and how many prosecutions there have been under the U.S. War Crimes Act (zero). The winners of the Second Annual Trivia Night were: **Kevin Gray, Barry Hashimoto, Marcelo Meza, Michael J. Moffatt, Douglas Pivnichny**, and **Benjamin Salas**. A truly international team, the players hailed from Austria, Canada, Chile, and the United States.

Recordings of all ILW 2021 panels, keynotes, and plenary sessions are available online to members in good standing.

Editor’s Note

The names of ABILA members are identified in bold throughout this *Newsletter*.
Join the Branch and be recognized!

Thank you to the Sponsors of ILW 2021

The American Branch thanks the sponsors of ILW 2021:

- ♦ **Diamond Level:** Arbitration Place, Debevoise & Plimpton LLP, and White & Case LLP
- ♦ **Platinum Level:** Winston & Strawn LLP
- ♦ **Gold Level:** ASU Sandra Day O'Connor College of Law; Benjamin N. Cardozo School of Law; Columbia Law School; Covington & Burling LLP, Georgetown Law Center; George Washington University Law; The University of Georgia School of Law; NYU Law; Santa Clara University School of Law; and Vanderbilt Law School's International Legal Studies Program
- ♦ **Silver Level:** American Bar Association—International Law Section; American Society of International Law; Brill | Nijhoff; California Western School of Law; Case Western Reserve University School of Law; Cornell Law School; Dechert LLP; FDM OGEMID; International Law Students Association; the University of Pennsylvania Law School; Seton Hall University School of Diplomacy and International Relations; and Washington University School of Law.

ILW 2021 Organizing Committee

ILW 2021 was made possible by the Organizing Committee and Student Ambassadors as well as the effort of **Madaline George** (ABILA Membership Officer & ILW Administrative Coordinator) and **Rukhsar Azamee** (ABILA Media Officer). The 2021 ILW Co-Chairs were **Julian Arato**, Professor of Law and Co-Director of the Dennis J. Block Center for the Study of International Business Law at Brooklyn Law School; **Amity Boye**, Director of Executive Projects at White & Case LLP; and **Nawi Ukabiala**, Associate at Debevoise & Plimpton LLP.



Other members of the ILW 2021 Organizing Committee included **Carolina Arlota**, Visiting Assistant Professor, The University of Oklahoma College of Law; **Pamela Bookman**, Associate Professor of Law, Fordham Law School; **Kathleen Claussen**, Associate Professor of Law, University of Miami School of Law; **J. Benton Heath**, Assistant Professor of Law, Temple University Beasley School of Law; **Gabrielle McKenzie**, Law Clerk, Debevoise & Plimpton LLP; **Milena Sterio**, Charles R. Emrick Jr.-Calfee Halter & Griswold Professor of Law, Cleveland-Marshall College of Law; **Frédéric Sourgens**, Senator Robert J. Dole Distinguished Professor of Law and Director of the Washburn Oil and Gas Law Center, Washburn University School of Law; **Peter Tzeng**, Associate, Foley Hoag LLP; and **Isavella Vasiliogeorgi**, Legal Officer, Department of Management Strategy, Police and Compliance, United Nations. Branch President **Leila Nadya Sadat**, President-Elect **Michael Scharf**, Board Chair **David Stewart**, and Membership Officer **Madaline George** participated *ex officio*.

Our 2021 Student Ambassadors were **Brooke Behrmann**, Case Western Reserve University School of Law; **Hannah Fulwiler**, Willamette University College of Law; **Riley Garrison**, Pepperdine Caruso School of Law; **Angelika Kligos**, Georgetown University Law Center; **Rory Hayes**, Santa Clara University School of Law; **Nacer Najdi**, George Washington University Law School; **Raj Telwala**, Touro College Jacob D. Fuchsberg Law Center; and **Sam Walker**, UIC John Marshall Law School.

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

SABILA at ILW: A Perspective from South Africa

By: Martha M Bradley, Jaymion Hendricks, and Clea Strydom



Martha M Bradley



Clea Strydom



Jaymion Hendricks

Three members of the South African Branch of the ILA (SABILA) attended ILW 2021 as part of a new collaboration between the American Branch and SABILA.

COVID-19 has upset the apple cart in terms of conferences and travel, and while many would prefer in-person conferences, virtual conferences have enabled a larger and more diverse audience. Being so far away and with limited funds, it is not always easy for South Africans, and people from the Global South in general, to attend prestigious conferences in North America and Europe. The (forced) movement to virtual conferences has overcome this barrier. This year, ILW was attended by people from over 80 countries, which not only was beneficial for those that could not otherwise attend but also added a range of diverse voices to the discussions and panels.

The ILW Opening Plenary was impressive and inspiring, presenting a balanced gender representation and diverse voices from different regions. The speakers and discussion that ensued did not shy away from issues often critiqued by scholars from the Global South, such as the composition of the UN Security Council, the nationality of the legal advisors to the Secretary General, and the lack of gender representation on the International Court of Justice. The inclusivity that ILW as a whole represented made us, as members of a non-American ILA branch, feel very welcome.

The idea of a diversity of views was echoed throughout this year's panels. It was often noted that the voices of smaller countries, LDC's, and developing countries are often missing in the interpretation, application, enforcement, and development of International Law. The sentiment often expressed was that when "reinvesting in International Law" (the conference's theme), there must be greater representation from the Global South. International Law is not as well represented on and by the African continent as it is in many European and North American countries, partly because we do not always have a seat at the table where it matters and resources are not always shared equally. But as Professor Leila Sadat noted in the Opening Plenary, when there isn't a seat at the table then you might just have to bring your own chair.

We are very grateful for the opportunity to attend the ILW this year as SABILA members. It was indeed a unique opportunity which would not have been possible without the support of ABILA. Many of our colleagues from the Global South and our continent were unaware of the conference or unable to attend, and therefore we do not take this opportunity for granted and commit to reinvesting the knowledge gained from attending the ILW this year in our own region and to inspire our colleagues and students to reinvest and reimagine international law.

We are confident that attending the conference not only benefitted our general formation as international lawyers and future international lawyers but that it also informed our expertise as an academic, a practitioner, and a researcher. We hope this is but the start of a long and fruitful collaboration between ABILA and SABILA.



ABILA 2021 Charles Siegal Outstanding Service Award

The Charles Siegal Distinguished Service Award was established in 2020 to recognize outstanding contributions to the ABILA by a member of the ABILA Board, ABILA committees, and/or the ABILA's International Law Weekend. The inaugural Charles Siegal Award winner was **Cynthia Lichtenstein**. After considering several compelling nominations, the Selection Committee, chaired by **Michael Scharf** and including **Christina Cerna**, **Paul Dubinsky**, **William Aceves**, and **Peter Yu**, selected **James Nafziger** to be the 2021 recipient of the Charles Siegal Service Award.

Professor Nafziger has contributed to the American Branch and International Law Association (ILA) over a 40-year span. In the American Branch, he chaired the Human Rights Committee; served as Director of Studies, Vice President, and President; initiated, during his tenure as President, regional ILWs and greatly expanded Branch membership; and promoted cooperation with other international law organizations. In the ILA, he served for over 25 years as Rapporteur and then Chair of the Cultural Heritage Law Committee, which produced valuable studies and two draft conventions. Professor Nafziger was named to the ILA's Executive Council in 2000, representing the American Branch there for 16 years before his elevation to the office of Vice-Chair of the Council – one of a very small number of ABILA members ever to have been so honored. Professor Nafziger truly appreciates, and has worked diligently to further, the roles of the ILA and the Branch in preparing committee studies that develop and advance international law and in staging educational and networking events (International Law Weekend, regional ILWs, and ILA conferences); he has strengthened the ILA and the Branch on numerous fronts. Finally, he has been a valuable mentor and resource for the current ABILA leadership.



James Nafziger

ABILA 2021 Outstanding Achievement Award



Fatou Bensouda

The Outstanding Achievement Award was established in 2021 to recognize outstanding contributions in the field of international law. Such contributions might include, but are not limited to, service to an international organization, a State, or an international court or tribunal; or to teaching, research and scholarship in the field of international law. While candidates are reviewed comprehensively, factors considered may include consideration of an individual's specific extraordinary service initiatives and/or sustained superior contributions to the field of international law over a number of years, as well as visionary and innovative leadership. The Award Committee was chaired by **Jennifer Trahan**, and included **James Boykin**, **Matthew Kane**, and **Ashika Singh**. The inaugural winner of the ABILA Outstanding Achievement Award is **Fatou Bensouda**, who served as the Chief Prosecutor at the International Criminal Court from 2011-2021.

ABILA 2021 Book of the Year Award

The ABILA Book of the Year Award was founded in 2020. The Selection Committee, composed of **Mark Janis**, **Peggy McGuinness**, **Fernanda Nicola**, and **Mortimer Sellers** (Chair), selected **Christian M. De Vos** as the 2021 winner for his book [*Complementarity, Catalysts, Compliance, The International Criminal Court in Uganda, Kenya, and the Democratic Republic of Congo*](#) (Cambridge University Press, 2020).

The book deals with a topic of importance—the legitimacy and effectiveness of the International Criminal Court—and Dr. De Vos coupled perceptive analytical insight with careful empirical research to reach very persuasive and useful conclusions on the role that complementarity can play in the implementation of international criminal law. This volume amply deserves recognition as “Book of the Year.”



The International Law Association's Influence on the United Nation's International Law Commission

By: Angelika Kligos (ABILA 2021 Student Ambassador, Georgetown Law, JD '23) and Riley Garrison (ABILA 2021 Student Ambassador; Pepperdine Caruso School of Law, JD '22)

The work of the [International Law Association \(ILA\)](#) – founded in 1873 – has played a significant role in the development of international law throughout its history. This is evidenced by the influence ILA reports and recommendations have had on the work of the [International Law Commission \(ILC\)](#). Indeed, several ILC reports and proposals, on topics ranging from rising sea levels and the protection of the environment in relation to armed conflicts to State responsibility and evidence in international courts and tribunals, have cited the work of ILA committees.

In the early 2000s, the ILC Annual Reports mentioned the ILA on several occasions. For example, the [2002 Annual Report](#) cites to the ILA's 69th conference when discussing the changes in the law of nationality of claims.

In more recent years, the ILA has been mentioned significantly more often by the ILC, including as many as thirteen times in the [2018 Annual Report](#). Within its



Members of the International Law Commission for the 2017–2021 term, with members of the Secretariat (2018)

discussion of climate change, the 2018 Report frequently cites the ILA to provide a more comprehensive record of specific issues like sea-level rise: "The topic of sea-level rise was initially examined by the International Law Association (ILA) Committee on Baselines under the International Law of the Sea ... [which] recognized 'that substantial territorial loss resulting from sea-level rise is an issue that extends beyond baselines and the law of the sea and encompasses consideration at a junction of several parts of international law.'" (pp. 327-28). The ILA's influence on the ILC's coverage of environmental issues can also be observed in other ILC annual reports, including the [2014 Annual Report](#) and [2012 Annual Report](#) when discussing the Exclusive Economic Zone, and the [2008 Annual Report's](#) coverage of water resources.

Aside from environmental issues, the ILA has influenced the ILC's annual reports in the area of human rights, as observed in the 2018 Annual Report and the structuring of international organizations described in the [2009 Annual Report](#). Indeed, it is evident from the numerous occasions the ILC cites to the ILA in its annual reports that the ILC considers the ILA a significant source of international law. As the [2019 Annual Report](#) states, "the International Law Association may qualify as 'teachings of the most highly qualified publicists.'"

In 2014, the ILA Study Group on Due Diligence in International Law published its [First Report](#), which summarized "the history of due diligence in international law, the development of due diligence in the context of State responsibility, and the role of due diligence in several specific areas of international law." The ILC cited this report in the Commentary to its ['Draft Principles on Protection of the Environment in Relation to Armed Conflicts,'](#) which were adopted by the Commission on first reading in 2019.

(Cont'd on page 9).

The ILA's Influence on the UN International Law Commission *(cont'd)*

In 2017, the ILC proposed to include the topic “[evidence before international courts and tribunals](#)” to the long-term programme of work, following the ILA's establishment of the Committee on the Procedure of International Courts and Tribunals in 2016. The Committee was cited as a body “studying the rules of procedure generally and evidence” as a sub-topic. The Committee's work was also cited as being important because of its access to the States and thus access to States' views on the outcomes of the study. The report states that, “the outcome of this study would be an influential contribution of a substantial practical value.”

Also in 2017, the ILC drafted [guidelines](#) on the protection of the atmosphere and a report on the Succession of States in Respect of State Responsibility. In drafting the guidelines, the ILC cited many ILA documents, including the Report of the Seventy-fifth Conference held in Sofia in August 2012, the International Law and Sea Level Rise interim report from the Johannesburg Conference in 2016, and draft article 10 (on interrelationship) of resolution 2/2104 on the declaration of legal principles relating to climate change of the International Law Association from the Report of the Seventy-sixth Conference held in Washington D.C. in August 2014. In drafting the report, the ILC cited the ILA Report of the Seventy-third Conference in Rio de Janeiro in 2008 stating, “several members supported the Commission's consideration of the work of private bodies on the topic, including the Institute of International Law and the International Law Association, but underlined that the Commission should proceed independently in its examination of the topic.”

In 2017, Mr. Marcelo Vázquez-Bermúdez proposed to include “[General Principles of Law](#)” in the ILC's program of work. In the proposal, ABILA was referenced in a footnote:

... it was also expressed by the American Branch of the International Law Association that the customary law-making process may not logically lead to the emergence of peremptory norms of abstention, rather, the law-making process of general principles of law is better suited to meeting the requirements for the formation of jus cogens, ...

(Citing Committee on the Formation of Customary International Law, American Branch of the International Law Association: “The Role of State Practice in the Formation of Customary and Jus Cogens Normal of International Law” (January 19, 1989)).

The ILA's work is becoming increasingly more important in supporting and guiding the work of the ILC. It is used in the study of procedural methods, environmental resolutions, and general legal principles in creating a peaceful and just world through law.



New Branch Members

We welcome the following new ABILA members who have joined or rejoined our Branch since May 2021:

Adrian St Francis
Alexia Nefeli Douma
Alma Mozetič
Amabel Kay Africa
Amber Rose Maggio
Andrej Lang
Andrew Larkin
Atiya Baldwin
Beatrice Lindstrom
Beth DiFelice
Camilla Gambarini
Carl Micarelli
Christopher Pioch
Colleen Devine
Dalindyabo Shabalala
Diane Edelman
Duncan Hollis
Duncan Pickard
Elise Keppler
Emily Spiegel
Emma Habanananda
Fernando Orrantia
Gizem Demirel
Hernan Salinas
Heidi Simpson
Ioanna Tourkochoriti
Jane McCosker
Jeremy Sharpe
Jingyuan Zhou
Jose A David

(Cont'd on p. 11)

ABILA Board Member Spotlight: Peter Yu



Peter K. Yu (ABILA Vice-President and Co-Director of Studies) is the Regents Professor of Law and Communication and Director of the Center for Law and Intellectual Property at Texas A&M University. He previously taught at Drake University Law School and Zhongnan University of Economics and Law in Wuhan, China, and served as a visiting professor of law at Bocconi University, Hanken School of Economics, Hokkaido University, the University of Haifa, the University of Helsinki, the University of Hong Kong, the University of Strasbourg, and Washington and Lee University. He also founded the

nationally renowned Intellectual Property & Communications Law Program at Michigan State University, at which he held faculty appointments in law, communication arts and sciences, and Asian studies.

Born and raised in Hong Kong, Professor Yu is a leading expert in international intellectual property and communications law. He also writes and lectures extensively on international trade, international and comparative law, and the transition of the legal systems in China and Hong Kong. A prolific scholar and an award-winning teacher, he is the author or editor of seven books and more than 180 law review articles and book chapters. He has served as the general editor of *The WIPO Journal* published by the World Intellectual Property Organization (WIPO) and is an elected member of the American Law Institute. Professor Yu has spoken at events organized by WIPO, the World Trade Organization, the International Telecommunication Union, the U.N. Conference on Trade and Development (UNCTAD), the U.N. Educational, Scientific and Cultural Organization (UNESCO), the Chinese, EU and U.S. governments, and at leading research institutions from around the world. His lectures and presentations have spanned over 30 countries on six continents. He is a frequent commentator in the national and international media.

ABILA Board Member Spotlight: Amity Boye



Amity Boye (ABILA Vice-President and ILW 2021 Co-Chair) currently serves as Director of Executive Projects and Chief of Staff to the Chair at White & Case LLP. There, she assists the Chair in developing and executing the firm's strategic priorities. Ms. Boye coordinates the work of the Chair's office staff and serves as liaison between the Chair and other parts of the firm. She leads special projects important to the Chair and advises the Chair on various legal and business issues, including developments in the legal industry, global policies and internal investigations. Ms. Boye also maintains an active pro bono practice on death penalty and innocence cases.

Since 1999, she has also volunteered for Court Appointed Special Advocates (CASA), serving as a court appointed third-party in foster care proceedings in New York City. Prior to joining White & Case in 2010, Ms. Boye spent four years as the Executive Director of the International Law Students Association. She is a graduate of Brooklyn Law School and a former clerk of the Florida Supreme Court.

ABILA New Member Spotlight: Elise Keppler



Elise Keppler is Associate Director of the International Justice Program at Human Rights Watch. She is the author of fact-finding reports on the UN-backed Special Court for Sierra Leone and Uganda's International Crimes Division, and played an integral role in advocacy for former Liberian president Charles Taylor's surrender to the Special Court and Darfur's referral to the International Criminal Court (ICC).

Ms. Keppler works closely with civil society across Africa to combat unprincipled backlash to the ICC following arrest warrants for the Sudanese president for Darfur crimes. She is regularly quoted by international and African media, including *The Associated Press*, *The British Broadcasting Corporation*, *Al Jazeera*, National Public Radio, *The New York Times*, *American Lawyer*, *The Guardian* (Nigeria), *Daily Times* (Malawi), *The Monitor* (Uganda), and *Mail & Guardian* (South Africa).

From January to April 2012, Ms. Keppler was a visiting scholar with the Democratic Governance and Rights Unit at the University of Cape Town's Faculty of Law, during which she guest lectured on challenges for the future of international justice and national prosecutions of human rights abuses. Ms. Keppler worked as a litigation associate at Schulte Roth & Zabel LLP prior to joining the International Justice Program in 2004.

Tej Srimushnam—It's Never too Late: Making the Switch to an International Law Career

Tej Srimushnam joined the American Branch in 2019 as the ILW Administrative Officer. The following year, he served as a Co-Chair of ILW 2020, *International Law in Challenging Times*. During this period, Mr. Srimushnam was working at the Federal Trade Commission, where he spent 11 years in several roles.

In September 2021, Tej Srimushnam joined the Office of Legal Adviser at the U.S. Department of State.



"I am grateful to ABILA President Leila Sadat and Professor William Aceves for the opportunity to gain experience in the international law sector through my work on the ILW conferences.

I urge professionals seeking to break into this space to volunteer with ABILA. These positions provide opportunities to interact with practitioners and academics in international law and stay attuned to cutting-edge issues in this space."

New Branch Members (cont'd)

Joseph Ben Heath
Julia Grabowska
Julianne Marley
Julie Fraser
Justin Lindsay
Katherine Ball
Kathleen Maloney
Madeline Garlick
Mamadou Hébié
Margaret Satterthwaite
Mark Pollack
Marwa Farag
Melissa Stewart
Mike Newton
Mohammad Sirazul Islam
Muhammad Taufan
Nadia Ahmad
Nancy Stafford
Natalie Fong
Norman Young
Pedro Pizano
Rachel VanLandingham
Rajika Shah
Rhianna Hoover
Robin Effron
Silvia Maciunas
Stefano Di Leonardo
Tatiana August-Schmidt
Theodore Folkman
Tim Meyer
Tom McDonnell
Tzu-I Lee
Upendra Acharya
Weichen Zhu

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-Midwest *The Academy and International Law – A Catalyst for Change and Innovation*



International Law Weekend (ILW) Midwest – 2021 was hosted in-person on September 24-25, 2021 by Case Western Reserve School of Law in Cleveland, Ohio, and sponsored by the Frederick K. Cox International Law Center.

Perhaps more than in any other legal field, academic institutions and organizations run by academics have had a profound influence on the development of international law. During this two-day in-person conference, two dozen expert panelists from international organizations, NGOs, and academic institutions explored how academia has influenced war crimes prosecutions, peace negotiations, and the pursuit of human rights since the Second World War.

ILW-Midwest 2021 opened with a panel discussion featuring Judge Silva Fernandez de Gurmendi, President of the Assembly of States Parties of the International Criminal Court, along with Professor **Michael Scharf** (ABILA's President-Elect) and Professor Jessica Wolfendale, with Professor Shannon E. French moderating.



Several ABILA members took part in the program, including **Jennifer Trahan** (ABILA Co-Director of Studies & Chair, ICC Committee), **Michael Scharf**, and **Milena Sterio** (Co-Chair, Teaching International Law Committee) on Panel 1: *The Academy and Grotian Moments*. On Panel 2: *75th Anniversary of the Nuremberg Judgment: The Academy and War Crimes Prosecutions*, ABILA President **Leila Sadat** spoke alongside ABILA Patron **Beth van Schaack** and ABILA member **Michael Newton**. Other ABILA members participating included **Geoffrey Corn** on Panel 3: *The Academy and the War on Terrorism: A 20 Year Retrospective*.



ILW Midwest also featured a keynote address by Mark Ellis, Executive Director of the International Bar Association and concluded with a panel on *The Academy and the Pursuit of Peace and Human Rights*.

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

ABILA Committee Event: *The Supreme Court's Decision in Nestle & Cargill v. Doe*

The American Branch's **Committee on International Law in Domestic Courts** held its inaugural event on June 24, 2021. The Committee hosted a panel discussion on The Supreme Court's decision in *Nestle & Cargill v. Doe*.

Committee Co-Chair **Steven Schneebaum** (Interim Director, International Law and Organizations Program, Paul H. Nitze School of Advanced International Studies, The Johns Hopkins University) opened the event, which was moderated by **Martin Flaherty** (Committee Co-Chair and Professor, Co-Director, Leitner Center for International



© Joe Ravi

Law and Justice at Fordham University School of Law; Visiting Professor, School of Public and International Affairs, Princeton University). The event featured David Golove (Hiller Family Foundation Professor of Law, NYU School of Law), **Paul Hoffman** (Adjunct Clinical Professor, University of California, Irvine School of Law; Partner, Schonbrun DeSimone Seplow Harris & Hoffman, LLP); Michael Ramsey (Hugh and Hazel Darling Foundation Professor of Law; Director, International & Comparative Law Programs, University of San Diego School of Law); and **Beth Stephens** (Distinguished Professor of Law, Rutgers Law School). A video of the event is available [online](#).

ABILA Committee Co-Sponsored Event: *The Mauritanian and the Future of Guantánamo*



In June 2021, the **Committee on International Humanitarian law**, in coordination with the American Society of International Law Program Committee, organized a panel entitled “The Mauritanian and the Future of Guantánamo”—the inaugural panel of the ASIL Film Series. This year marks the 20th anniversary of the 9/11 attacks. Yet five men charged with conspiracy to commit those attacks, including the alleged mastermind Khalid Sheikh Mohammed, remain in U.S. custody at the Guantánamo Bay detention facility, their trial yet to begin. The problems that have bedeviled the 9/11 proceedings have been endemic to the facility since its inception: the use of torture, the use of classified evidence, the endless debates over which rules of law apply to the men detained there. The Biden Administration has announced a renewed effort to close the facility, but these and other issues have posed formidable barriers to previous closure attempts and to obtaining just dispositions for the remaining detainees. The recently-released film *The Mauritanian*, which tells the story of former Guantánamo detainee Mohamedou Ould Slahi, shines a renewed spotlight upon many of these issues.

Nancy Hollander, counsel to Slahi, and Lt. Col V. Stuart Couch, USMC, Ret., the former military prosecutor who refused to prosecute his case, joined a panel of experts from academia, government, and civil society in a discussion that used the film as a launching point to assess the current state of affairs at Guantánamo and prospects for the future. Additional speakers included **Brian Egan**, former Legal Adviser, U.S. Department of State and Partner, Steptoe & Johnson LLP; Oona Hathaway, Gerard C. and Bernice Latrobe Smith Professor of International Law, Yale Law School; and Andrea Prasow, Deputy Washington Director, Human Rights Watch. Committee Co-Chair **Ashika Singh** moderated.

A recording of the panel can be viewed [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.

ILA Committee Co-Sponsored Event: *The World Health Organization and the Need for Reform*

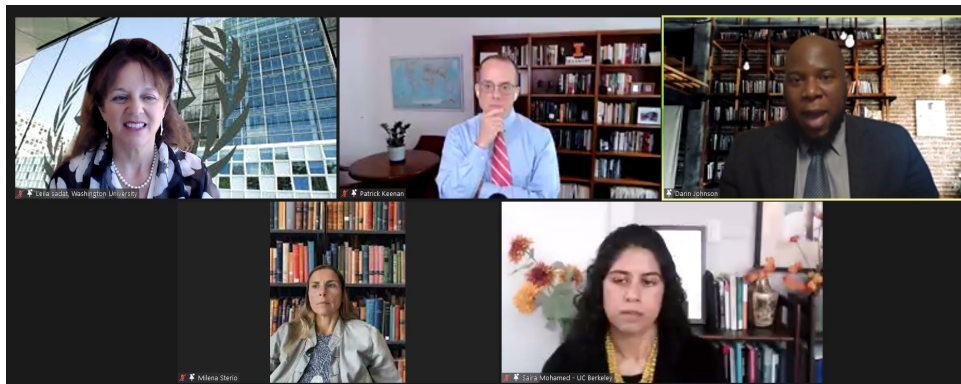


Frederick M. Abbott

On August 25, 2021, the International Law Association's **Global Health Law Committee** co-sponsored, with the Whitney R. Harris World Law Institute at Washington University School of Law and the Centre for International Law at the National University of Singapore, a Report Launch for the project *Global Governance: The World Health Organization and the Need for Post-COVID-19 Reform*. Chaired by ABILA President **Leila Sadat**, the project also featured Professor **Frederick Abbott**, Chair of the ILA Global Health Law Committee, and **Madaline George**, ABILA's Membership Officer. A copy of the Report, which was submitted to the World Health Organization's Independent Panel for Pandemic Preparedness and Response for consideration, can be [read online](#).

ABILA Committee Co-Sponsored Event: *Experts' Seminar on the International Criminal Court*

In June 2021, experts, law professors, NGOs, and others gathered for an "Experts Seminar on the International Criminal Court," organized by NYU's Center for Global Affairs, Washington University in St. Louis School of Law, and the University of Illinois College of Law, and co-sponsored by ABILA's **International Criminal Court Committee**.



Former U.S. War Crimes Ambassador David Scheffer delivered the Keynote Address, with **Beth Van Schaack** of Stanford Law School delivering closing remarks. ABILA President **Leila Sadat** moderated the panel on *Teaching on the ICC*, featuring Darin Johnson, Howard School of Law; **Patrick Keenan**, University of Illinois College of Law; Saira Mohamed, University of California Berkeley School of Law; and **Milena Sterio**, Cleveland-Marshall College of Law & co-chair of the ABILA Committee on Teaching International Law.

ABILA ICC Committee co-chair **Jennifer Trahan** moderated the panel on *US/ICC Advocacy*, featuring **Kristin Smith**, Director, Atrocity Crimes Initiative, ABA Criminal Justice Section & Center for Human Rights; Elizabeth Evenson, Associate Director, International Justice Program, Human Rights Watch; Katie Gallagher, Senior Staff Attorney, Center for Constitutional Rights; and Rebecca Shoot, Co-Convener, Washington Working Group on the ICC. Violeta Willemsen-Curic, Head of the Outreach Unit of the International Criminal Court, also joined, making a presentation on the use of the Court's outreach materials.

ABILA Committee Co-Sponsored Event: *When Vetoes Enable Atrocity Crimes: What if the Security Council Were Not Blocked From Acting When Faced With Atrocity Crimes?*



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In November 2021, the **ABILA Committee on the International Criminal Court** and the **ABILA United Nations Law Committee** co-hosted, along with NYU's Center for Global Affairs, a webinar on *When Vetoes Enable Atrocity Crimes: What if the Security Council Were Not Blocked From Acting When Faced With Atrocity Crimes?* When situations that threaten international peace and security involve genocide, war crimes, and crimes against humanity, a Security Council that is habitually deadlocked by permanent member vetoes actually creates a permissive environment for the commission of these atrocity crimes. The broadly supported voluntary veto restraint initiatives indicate that the vast majority of States are dissatisfied with this situation. There are also compelling arguments to suggest that there are limits under international law for the use of the veto in these circumstances.

The panel discussion was moderated by Andras Vamos-Goldman (formerly Founder and Executive Director Justice Rapid Response; formerly, political coordinator and legal adviser, Canadian Mission to the United Nations) and included Ambassador Bob Rae (Permanent Representative, Mission of Canada to the United Nations); Ambassador Christian Wenaweser (Permanent Representative, Mission of Liechtenstein to the United Nations); Ambassador Juan Ramón de la Fuente (Permanent Representative, Mission of Mexico to the United Nations); and Professor **Jennifer Trahan** (NYU Center for Global Affairs).

ABILA Committee Co-Sponsored Event: *Gun Violence and Human Rights: "Building Momentum"*

On June 29, 2021, the **ABILA Human Rights Committee** co-sponsored the *Gun Violence and Human Rights Workshop: "Building Momentum,"* hosted by the Whitney R. Harris World Law Institute and the Gun Violence and Human Rights Initiative at Washington University School of Law. This workshop was broken into two parts. The first involved the presentation of research by scholars working on gun violence, firearm laws, and gun safety issues, as well as a discussion of recent action by the U.S. government to fight gun violence. The second half of the Workshop, which was closed to the public, opened with a presentation of the Initiative's research, followed by a discussion of a variety of strategies to address the U.S. gun violence crisis and keep progress moving forward. Speakers included Joseph Blocher (Duke University School of Law; Center for Firearms Law), Kateri Chapman-Kramer (Washington University Institute for Public Health); Barbara Frey (University of Minnesota), **Madaline George** (Washington University School of Law), Jonathan Hafetz (Seton Hall University); Daniel Harawa (Washington University School of Law), David Konig (Washington University School of Law), Alla Lefkowitz (Everytown for Gun Safety), Jonathan E. Lowy (Brady Law Center), Gregory P. Magarian (Washington University School of Law), **Leila Nadya Sadat**, (Washington University School of Law), Jasmeet Sidhu (Amnesty International USA), Reva Siegel (Yale Law School), and Adam Skaggs (Giffords Law Center to Prevent Gun Violence).

Several members above submitted an *amicus* brief in *New York State Rifle & Pistol Association Inc. v. Bruen* in September 2021.

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

The **Committee on the Formation of Rules of Customary International Law** (chaired by **Brian Lepard**) collaborated with the newly formed **Committee on the Legitimacy and Fundamental Principles of International Law** (chaired by **Tim Sellers**), to plan a panel for International Law Weekend 2021. The roundtable, entitled “Reinvesting in the Legitimacy and Fundamental Principles of Customary International Law,” sought to discover and reassert—or expose and criticize, if necessary—the fundamental principles that justify customary international law and support its legitimacy and power to regulate and constrain public action through law. The panelists were Noora Arajarvi (Hertie School & Université Paris Nanterre); Jean d’Aspremont (University of Manchester); Omri Sender (Advisor and Litigator in Public International Law); and Ingrid Brunk Wuerth (Vanderbilt Law School).

The **Committee on International Arbitration** (co-chaired by **Floriane Lavaud** and **Daniel Reich**) and the **Committee on International Investment Law** (co-chaired by **David Attanasio** and **Diora Ziyayeva**) worked closely to put together an Investment Arbitration Workshop series, with panels focusing on cutting-edge issues in different global regions. The first installment of the series, addressing “The Latest Challenges in Latin America,” took place on April 14, 2021. The speakers discussed 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. As part of this series, the two committees plan to organize additional panels during the coming year, with each panel dedicated to addressing investment arbitration developments in a different region of the world. The **Committee on International Arbitration** also sponsored the panel “Rethinking the Service of Documents in Cross-Border Transactions” at ILW 2021. The **Committee on International Investment Law** sponsored the panel “Investment Law and the Future of International Energy Governance.”



Daniel Reich



Brad Brooks-Rubin

The **Committee on International Commercial Law** (co-chaired by **Irene Calboli** and **Jessica Simonoff**) sponsored a panel at ILW 2021 entitled “Sustainability and Ethical Trade in Times of Uncertainty: The Role of Corporate Social Responsibility Between Self-Regulation and Legal Obligations.” The panel featured Diana Verde Nieto (Positive Luxury); Gail A. Lione (Dentons & Georgetown University Law Center); and Brad Brooks-Rubin (Responsible Jewellery Council). The panel addressed the increasingly important topic of sustainability and its impact on the international supply chain.

The **Committee on the International Criminal Court** (co-chaired by **Megan Fairlie** and **Jennifer Trahan**) sponsored a panel at ILW 2021 entitled “Renewing and Improving the United States’ Relationship with the International Criminal Court.” The panel featured **Michael A. Newton** (Vanderbilt Law School); **Diane Orentlicher** (American University Washington College of Law; former Deputy for War Crimes Issues); David J. Scheffer, (former U.S. Ambassador-at-Large for War Crimes Issues); and Clint Williamson (former U.S. Ambassador-at-Large for War Crimes Issues; The McCain Institute). The Committee also sponsored the Third Annual ICC Scholars Forum, a panel on cyberattacks and the Rome Statute, and, with the **UN Law Committee**, a panel on Security Council vetoes.

News from Branch Committees *(cont'd)*

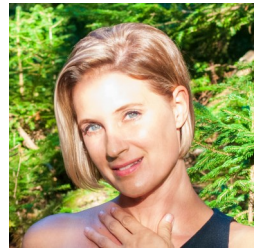
The **Committee on International Environmental and Energy Law** (co-chaired by **Carolina Arlota** and **Myanna Dellinger**) sponsored the panel “Prosecuting the Crime of ‘Ecocide’ at the ICC and Elsewhere” with the ICC Committee at ILW 2021. It also organized a panel on the role of the United States in matters of climate governance entitled “Back in the Game: Assessing the United States’ Reengagement in the Paris Agreement and Climate Governance.” The panel featured **Charlotte Ku** (Texas A&M University School of Law); Albert Lin (University of California Davis, School of Law); and Tade Oyewunmi (University of Vermont, Law School).

The **International Human Rights Committee** (chaired by **Aaron Fellmeth**) sponsored a panel at ILW 2021 entitled “Surveillance, Privacy and Human Rights.” Participants included **Brian Egan** (Steptoe & Johnson; former Legal Adviser, U.S. Department of State); **Els de Busser** (Leiden University & The Hague Program for Cyber Norms); Margaret Hu (Penn State Law); Becky Richards (NSA); and Patrick Toomey (ACLU). **Peter S. Margulies** (Roger Williams University School of Law) moderated. Members of the **Subcommittee on Gun Violence and Human Rights**, under the leadership of Branch



Sarah Dadush

President **Leila Sadat**, submitted an [*amicus* brief](#) to the U.S. Supreme Court in *New York State Rifle & Pistol Association v. Bruen* on behalf of Amnesty International USA and the Gun Violence and Human Rights Initiative of the Whitney R. Harris World Law Institute. The brief explained how state gun control laws like those in New York help the United States avoid violating its obligations under international human rights law. The Committee has formed a **Working Group on Human Rights and Consumer Protection**, chaired by **Chrystin Ondersma** and **Sarah Dadush**, both of Rutgers Law School. The Working Group will start by producing a white paper on the relationship between consumer protection and international human rights law. The white paper will form the basis for future coordination and action in this area.



Chrystin Ondersma

The **Committee on International Humanitarian Law** (co-chaired by **Gabor Rona** and **Ashika Singh**) sponsored a panel at ILW 2021 entitled “Minding the Gaps: Strengthening Accountability for War Crimes Under U.S. Law.” The panel featured **Geoffrey Corn** (South Texas College of Law); Teresa McHenry (U.S. Department of Justice); **Beth Van Schaack** (Stanford Law School); and **Rachel VanLandingham** (Southwestern Law School). On June 25, 2021, the Committee, in coordination with the American Society of International Law Program Committee, organized a panel entitled “The Mauritanian and the Future of Guantánamo”—the inaugural panel of the ASIL Film Series (see p. 13).



J. Janewa OseiTutu

The **Committee on International Intellectual Property** (co-chaired by **Sean Flynn** and **Peter K. Yu**) sponsored a panel at ILW 2021 entitled “Debating a WTO TRIPS Waiver for COVID.” Held in the run-up to the 12th WTO Ministerial Conference in Geneva, this timely panel brought together leading intellectual property experts to explore the process and politics surrounding the proposal from India and South Africa for a waiver of select provisions in the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights to promote the prevention, treatment, and containment of COVID-19. Participants included **J. Janewa OseiTutu** (Florida International University College of Law); Srividhya Ragavan (Texas A&M University School of Law); **Sharon Sandeen** (Mitchell Hamline School of Law); Josh Sarnoff (DePaul University College of Law); and Antony Taubman (World Trade Organization).

The **Committee on International Law in Domestic Courts** (co-chaired by **Martin Flaherty** and **Steven M. Schneebaum**) sponsored a panel at ILW 2021 entitled “How Should U.S. Courts Deal with the Law and Judgments of Authoritarian States?” Panelists included Vivienne Bath (International Centre for Asian and Pacific Law, University of Sydney); Donald Clarke (The George Washington University Law School); Mark Cohen (Berkeley Center for Law & Technology, University of California Berkeley School of Law); and **Lee Tzu-i** (National University of Taiwan and Ministry of Science and Technology, Taiwan).

News from Branch Committees *(cont'd)*

The **Committee on Islamic Law & Society** (chaired by **Sahar Aziz**) sponsored a panel at ILW 2021 entitled “Commerce & Economics in Islamic Social Contexts: Past, Present & Future.” Speakers included Mehmet Asutay (Durham University); Nicholas H.D. Foster (The Association for Comparative Legal Studies Limited); Abba Hasan (University of Nebraska); Maya Shatzmiller (Western University & the Royal Society of Canada); and Kristen Stilt (Harvard Law School). **Tabrez Ebrahim** (California Western School of Law) moderated.



Tabrez Ebrahim



Coalter G. Lathrop

The **Committee on Law of the Sea** (chaired by **Coalter G. Lathrop**) held a networking room during ILW 2021 that featured a substantive discussion of deep seabed mining and marine biodiversity beyond national jurisdiction (BBNJ).

The **Committee on Space Law** (co-chaired by **Henry R. Hertzfeld** and **Matthew Schaefer**) engaged with other space law groups and organizations over the past year as a co-sponsor of various space law events. These events included notably the World Speaks Space Series organized by the American Society of International Law Space Law Interest Group, which featured sessions on Europe, Australia/New Zealand, Latin America, and Africa with leading experts from academia, industry, and government

elaborating on space law and policy views of numerous countries within these regions and cooperative efforts within international organizations. The Committee also co-sponsored the 14th Annual University of Nebraska Washington, D.C. Space Law Conference, which was delivered as an online Space Law Week due to COVID-19. Speakers from SpaceX, Relativity Space, Redwire Space, Echostar, and Lockheed Martin, as well as representatives from other organizations, law firms, and universities, addressed commercial space regulatory reform, spectrum management challenges, the Artemis Accords, and neutrality and proportionality in outer space. The World Speaks Space: Africa session also took place during the University of Nebraska Space Law Week.

The **Committee on Teaching International Law** (co-chaired by **Milena Sterio** and **Mark E. Wojcik**) sponsored a panel at ILW 2021 entitled “The Meaning of Diversity, Equity and Inclusion in International Law.” The panel featured Ambassador Namira Negm (African Union); **Monica Pinto** (University of Buenos Aires School of Law); and **Daniel Stewart** (Independent International Legal Advocates). Sohini Chatterjee (Presidential Appointee at the U.S. Department of State and Senior Policy Advisor to the U.S. Ambassador to the United Nations) moderated.

The **Committee on United Nations Law** (co-chaired by **Christiane Ahlborn** and **Bart L. Smit Duijzentkunst**) sponsored a panel at ILW 2021 entitled “International Organizations in the Digital Age,” which discussed the role that international organizations may play in managing the risks of digitization in international relations while harnessing the attendant opportunities. The panel featured Nemanja Malisevic (Microsoft); Megan Roberts (United Nations Foundation); Eneken Tikk (Tallinn University of Technology & Erik Castrén Institute, University of Helsinki); and Martin Waehlich (U.N. Department of Political and Peacebuilding Affairs).



Christiane Ahlborn

ABILA Members on ILA Committees

James Nafziger and **Jaya Ramji-Nogales** were recently nominated by the American Branch to the new ILA International Migration and International Law Committee, founded officially in May 2021.

Branch members continue to be active on ILA committees. The following members are currently serving on those committees:

- ♦ **Committee on Complementarity in International Criminal Law:** Leila Sadat
- ♦ **Committee on Global Health Law:** Frederick Abbott (Co-Chair), Ryan Abbott, and Ruth Atherton
- ♦ **Committee on Human Rights in Times of Emergency:** Christina Cerna (Co-Chair), William Aceves, Aaron Fellmeth, and Hurst Hannum
- ♦ **Committee on International Commercial Arbitration:** Charles Brower, Philip O'Neill, Louise Ellen Teitz, Ruth Wedgwood, Ved Nanda (Alternate), Andrea Bjorklund (Alternate), and Paul Dubinsky (Alternate)
- ♦ **Committee on International Law and Sea Level Rise:** Maxine Burkett, Elizabeth Burleson, Sean Murphy, Captain J. Ashley Roach, and Anita Halvorsen (Alternate)
- ♦ **Committee on International Monetary Law:** Thomas Baxter, Jr. (Vice-Chair), David Gross (Rapporteur), Lee Buchheit, James Freis, Cynthia Lichtenstein, and Ernest Patrikis
- ♦ **Committee on International Protection of Consumers:** James Nehf
- ♦ **Committee on International Securities Regulation:** Paul Stevens (Rapporteur), Edward Fleischman, and Cynthia Lichtenstein
- ♦ **Committee on Nuclear Weapons, Non Proliferation and Contemporary International Law:** Larry Johnson
- ♦ **Committee on Participation in Global Cultural Heritage Governance:** James Nafziger and Alison Renteln
- ♦ **Committee on Protection of Privacy in Private International and Procedural Law:** Cristina M. Mariottini (Co-Rapporteur), David P. Stewart, and Louise Ellen Teitz
- ♦ **Committee on Rule of Law and International Investment Law:** Andrea Bjorklund (Co-Rapporteur), José Álvarez, and David Attanasio
- ♦ **Committee on Space Law:** Rafael Moro Aguilar, Matthew Schaefer, and Frans von der Dunk
- ♦ **Committee on Submarine Cables and Pipelines under International Law:** Captain J. Ashley Roach (Chair), Kent D. Bressie, Alice Colarossi Leonard de Juvigny, and Onni Irish
- ♦ **Committee on Sustainable Development and the Green Economy in International Trade Law:** Gary Horlick, Amelia Porges, and Paolo Farah (Alternate)
- ♦ **Committee on Use of Force: Military Assistance on Request:** Jack M. Beard, Mary Ellen O'Connell, Jennifer Trahan, and Brad Roth (Alternate)

The following members served on recently dissolved committees:

- ♦ **Committee on Implementation of the Rights of Indigenous Peoples** (dissolved in December 2020): Dalee Dorough (Co-Chair), Lorie Graham, and Siegfried Wiessner
- ♦ **Committee on Intellectual Property and Private International Law** (dissolved in December 2020): Rochelle C. Dreyfuss, Jane C. Ginsburg, Marketa Trimble, and Peter K. Yu
- ♦ **Committee on Procedure of International Courts and Tribunals** (dissolved in December 2020): Jeffrey Dunoff and Chiara Giorgetti
- ♦ **Committee on Role of International Law in Sustainable Natural Resource Management for Development** (dissolved in December 2020): Charles Marvin and Ved Nanda



Jaya Ramji-Nogales

ILA Committees

Currently, there are eighteen ILA committees and ten study groups at the international level.

Membership in the American Branch provides the opportunity to represent the Branch on ILA committees.

ILA committees are established to undertake research and to prepare reports on carefully selected areas of international law. The reports take various forms, such as: a re-statement of the law; a draft treaty or convention; an elaboration of a code or rules or principles of international law; or a review of recent developments of law or practice.

Any ILA Member or Branch can propose a subject for a new committee to the Director of Studies who will advise the Executive Council (EC) on the establishment of such a new committee.

Committees are established with a mandate in the first instance for four years. The EC may renew the mandate either in its original form or with amendments, for further periods of up to four years.

Nominations for committee membership are made by branches and passed to the Committee Chair and Director of Studies for their approval before being considered by the EC.

For additional information, contact the ABILA Co-Directors of Studies: Jennifer Trahan (jennifer.trahan@att.net) and Peter Yu (peter_yu@msn.com).

Pay Your Dues

The Branch's membership year begins in January. If you have not yet paid your 2021 membership dues, please do so now. 2022 membership fees are due on January 15, 2021.

To pay your dues, 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.

Consider becoming a Sustaining Member or an ABILA Patron in recognition of ABILA's Centennial.

News from Branch Members

Beth Van Schaack (ABILA Patron and the Leah Kaplan Visiting Professor in Human Rights at the Stanford Law School) has been nominated by U.S. President Joe Biden for the post of Ambassador at Large for Global Criminal Justice at the Department of State. Professor Van Schaack previously served as Deputy to the Ambassador-at-Large for War Crimes Issues in the Office of Global Criminal Justice of the U.S. Department of State.



Beth Van Schaack

Jennifer Trahan (NYU School of Professional Studies; Co-Chair, ABILA ICC Committee) was named Convenor of the [Global Institute for the Prevention of Aggression](http://www.gipav.org), assuming the role from Don Ferencz (son of Nuremberg Prosecutor Benjamin Ferencz). The Institute was convened as a cooperative network of interested parties to help further dialogue and information-sharing specifically aimed at advancing the goal of criminalizing the illegal use of force. Trahan was also pleased to participate on the Council of Advisers on the Application of the Rome Statute of the International Criminal Court to Cyberwarfare, which has now issued its expert report.



GLOBAL INSTITUTE FOR THE
PREVENTION OF AGGRESSION

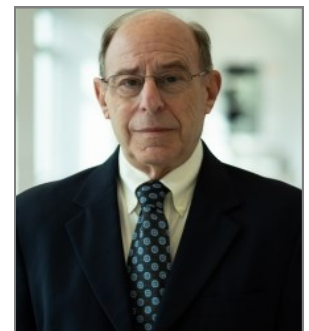
Leila Sadat (Washington University School of Law; ABILA President) was reappointed special adviser on crimes against humanity to the new ICC Prosecutor Karim A.A. Khan. She previously held this position under the former prosecutor Fatou Bensouda, where she contributed extensively to the work of the ICC. In September, she testified on the topic of crimes against humanity to the members of the U.S. Commission on International Religious Freedom.



Myanna Dellinger

Myanna Dellinger (co-chair, ABILA Committee on International Environmental and Energy Law) will take on the role of Law and Policy Director at the nonprofit Einstrong Foundation to help solve the climate change problem and poverty from mixed private/public angles. She begins her new position on January 1, 2022.

Henry Hertzfeld (Elliott School of International Relations, The George Washington University; co-chair, ABILA Space Law Committee) coached the winning team in the North American rounds of the Manfred Lachs Space Law Moot Court Competition.



Henry Hertzfeld

News from Branch Members *(cont'd)*

Aaron Fellmeth (Arizona State University College of Law; co-chair ABILA Human Rights Committee) was elected to the Amnesty International Board of Directors. The Board develops a clear vision for the organization through policies that set goals and priorities; provides stewardship for the organization; establishes appropriate and constructive working relationships with staff; and ensures the financial health of the organization through fiscal oversight and fundraising.



Aaron Fellmeth

Multiple ABILA Members Appointed to the USA Sub-Committee of the Equal Representation in Arbitration Pledge

Several ABILA members have been appointed to the newly launched USA Sub-Committee of the [Equal Representation in Arbitration Pledge](#) (ERA Pledge). **Dana MacGrath** (Independent Arbitrator, MacGrath Arbitration) and **Victoria Sahani** (Associate Dean and Professor of Law, Arizona State University Sandra Day O'Connor College of Law) serve as Co-Chairs, along with Sarah Reynolds. ABILA's Arbitration Committee Co-Chair **Floriane Lavaud** (Counsel, Debevoise & Plimpton LLP), as well as ABILA Board Member **Nancy Thevenin** (General Counsel, USCIB; Independent Arbitrator, Thevenin Arbitration) have been appointed to the group.



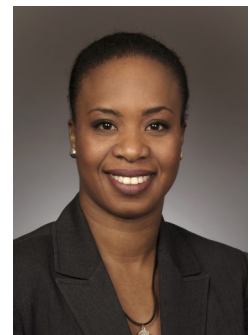
Dana MacGrath



Victoria Sahani

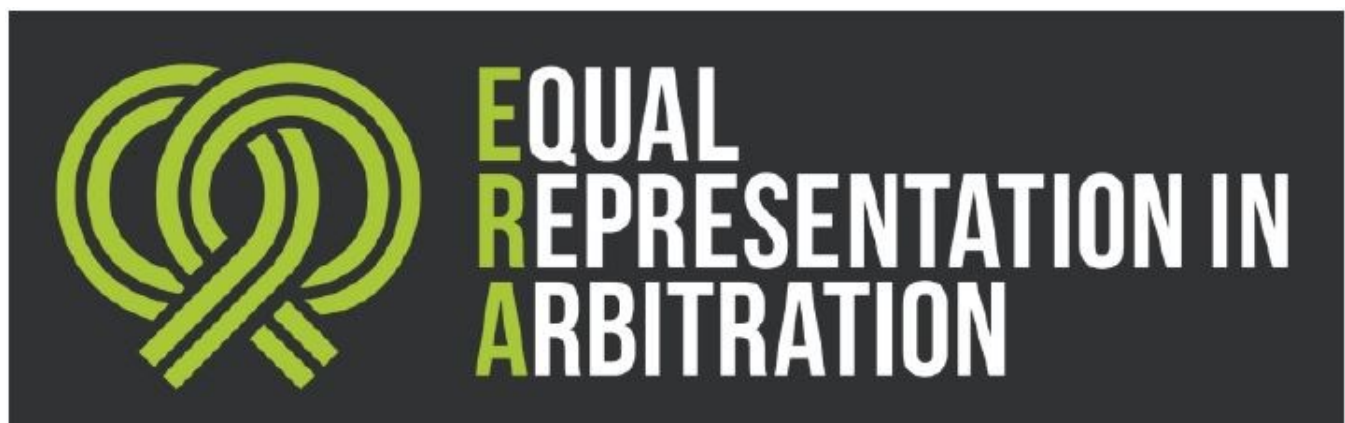


Floriane Lavaud



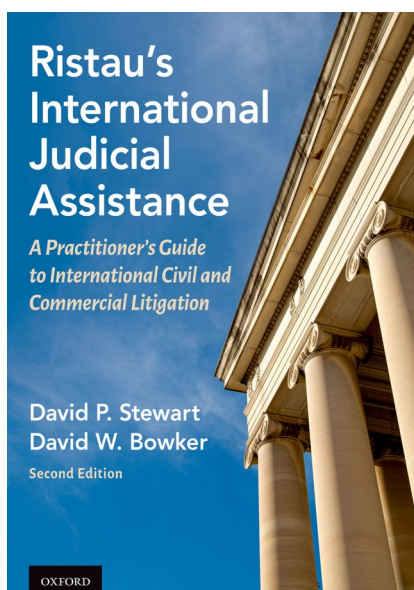
Nancy Thevenin

The Sub-Committee will help promote the ERA Pledge in the United States by focusing on increasing awareness and driving change in the appointment of female arbitrators, female practitioners as lead counsel, and the advancement of female in-house counsel. The USA Sub-Committee members will work closely with the international arbitration community and other groups to understand the needs and challenges that diverse arbitrators face in getting appointments, diverse arbitration practitioners face coming up through the ranks at law firms, and diverse in-house arbitration counsel face in advancing within their organizations, with the ultimate goal of full gender parity.

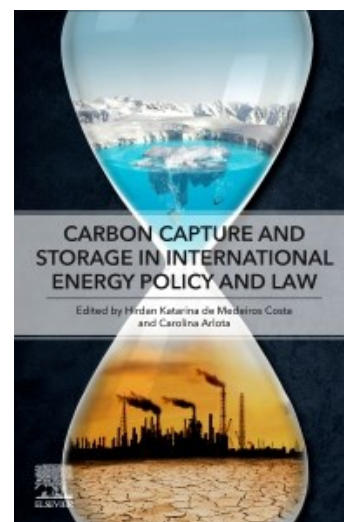


Publications from Branch Members

Carolina Arlota (co-chair of the ABILA Committee on International Environmental and Energy Law) recently published an article entitled "[The United States Climate Change Policies and COVID-19: Poisoning the Cure](#)" in the *Pace Law Review*. She also co-edited, with Hirdan Katarina de Medeiros Costa, [Carbon Capture and Storage in International Energy Policy and Law](#) (Elsevier, 2021). This book identifies the main contemporary regulatory requirements, challenges, and opportunities involving CCS from a comparative and interdisciplinary perspective. It draws on the scholarship of renowned researchers across the fields of international energy law and policy to address CCS regulation and its impact on climate change, sustainable development, and related consequences for energy transition. In this vein, the book aims to address issues related to energy, energy justice, and climate changes.



David Stewart (Georgetown Law Center), with David W. Bowker, published [Ristau's International Judicial Assistance: A Practitioner's Guide to International Civil and Commercial Litigation \(2d ed. Oxford 2021\)](#). This book provides up-to-date background, explanations, and practical guidance on how to deal with the most important challenges and recent developments in the field of transnational litigation. It focuses on the mechanisms for international judicial cooperation and assistance, provided by regional and international arrangements such as the Hague Conventions on service, evidence, apostilles, choice of court agreements, and the enforcement of judgments, as well as regional arrangements within the OAS and the EU. It also features an advanced analysis of treaties, conventions, and statutes affecting current litigators in cross-border disputes. The book updates the first edition of Bruno Ristau's groundbreaking work, *International Judicial Assistance*, through the evolution of relevant law (domestic and international) and the increase in the number of transnational disputes involving parties of different countries.



Tabrez Ebrahim (California Western School of Law) published several articles this year, including "[Intellectual Property Through a Non-Western Lens: Patents in Islamic Law](#)" in the *Georgia State University Law Review* and "[Algorithms in Business, Merchant-Consumer Interactions, & Regulation](#)" in the *West Virginia Law Review*. He also published "[Patents in Islamic Law](#)" on the *PatentlyO* blog and "[Is a Patent a Valid Legal Right Within Islamic Law?](#)" for the National Association of Muslim Lawyers.



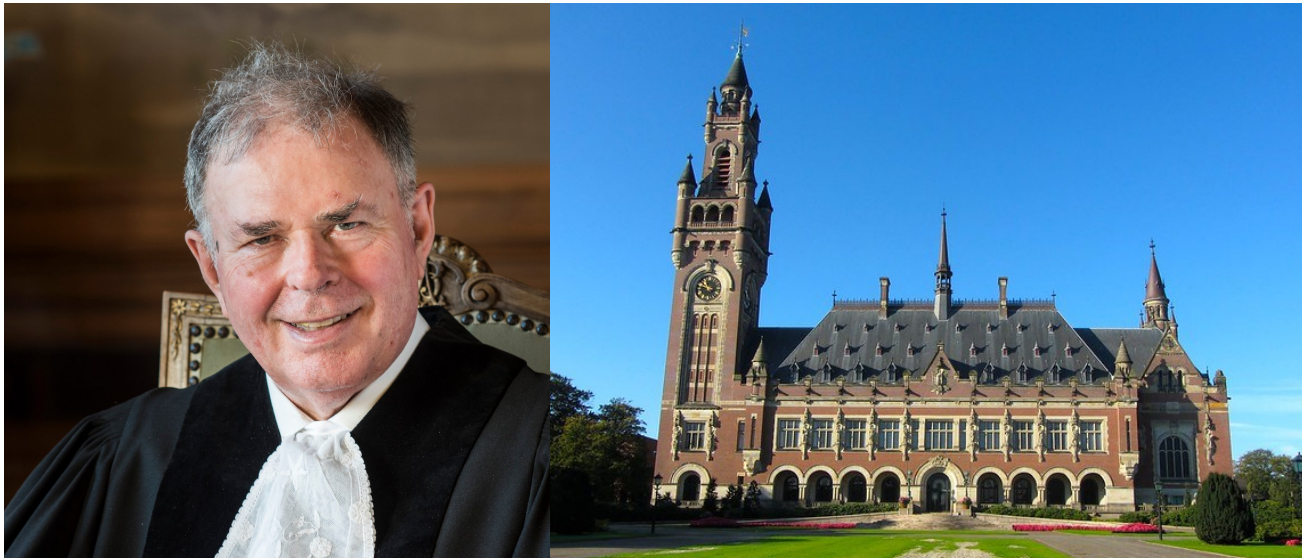
Matthew Schaefer

Matthew Schaefer (University of Nebraska College of Law; co-chair, ABILA Space Law Committee) published an op-ed in the *Space News* in September 2021. The article, entitled "[Sound space industry regulation matters for the 4th Industrial Revolution](#)" discussed space regulatory reform and its impact on the Internet of Things and Industry 4.0.

Jack Beard (University of Nebraska College of Law; co-chair, ABILA Committee on the Use of Force) is editor-in-chief of the forthcoming *Woomera Manual on the International Law of Military Space Operations*. The manual is scheduled to be published in 2022.

In Memoriam: H.E. Judge James Richard Crawford

A remembrance from ABILA member **Douglas Pivnichny**, who worked with Judge Crawford at the International Court of Justice in 2016. Judge James Richard Crawford passed away on May 31, 2021.



H.E. Judge James Richard Crawford (1948-2021)

It was a great privilege and also a pleasure to serve as a University Trainee for Judge James Crawford at the International Court of Justice. The traineeship was my first job after I finished university, and coming to work for such an eminent figure was an unrivaled opportunity. Of course, his professional standards were high, and I learned much from him on the value of precise use of language in legal practice.

But I appreciated as much when our conversations strayed to topics beyond work, which ranged from television (*Yes Minister* and the John Oliver episode on the *Philip Morris v. Uruguay* arbitration stand out in my mind) to the merits of various wine retailers in The Hague. When I eventually returned to the Court as law clerk for another judge, James remained a friendly face in the corridors of the Judges' Wing.

This spirit of openness and desire to work towards the better was characteristic of James's engagement with the internal community of the Court. He was instrumental, for example, in starting a discussion that led to a rationalization of the Traineeship programme, including renaming it the Judicial Fellowship, the formulation of written guidelines on fellows' access to Court documents, and opening the programme to all universities. He was also a keen and constructive participant in the Court's Rules Committee, which has been particularly active in recent years.

While I am only one among so many international lawyers whose lives James touched, I will always be grateful for the opportunity I had to meet and learn from him. I can say with certainty that he will be missed by the community of the Court.



The views presented above are my own, offered in my personal capacity, and do not necessarily reflect the views of the United Nations.

Douglas Pivnichny is an Associate Legal Officer in the Codification Division, UN Office of Legal Affairs.

Upcoming ILA Executive Council Meeting s

The Executive Council will next meet on 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).



Welcoming a New Chair of the ILA



Christine Chinkin

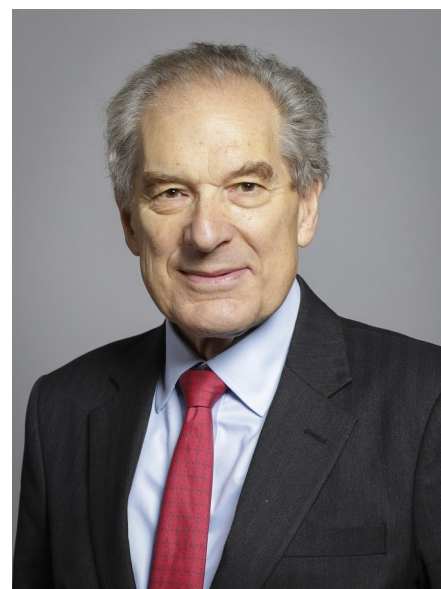
The Executive Council of the International Law Association (ILA) is delighted to announce the unanimous election of a new Chair: **Prof. Christine Chinkin** CMG FBA, on November 14, 2021.

Following her election, Prof. Chinkin recalled the objectives of the ILA: the study, clarification, and development of international law, both public and private; and the furtherance of international understanding and respect for the international rule of law; observing that these remained as relevant today as when the association was first established 150 years ago. She

observed that she was taking office at a pivotal moment for the ILA as everyone was adjusting to a post-Covid world, and highlighted the need to consider future working arrangements in light of the lessons learned from the pandemic. She referred to important initiatives in increasing the diversity and participation of young scholars within the Association and meeting the challenges of ensuring the vibrancy and relevance of the ILA as it moves beyond 2023 and into the future.

Professor Chinkin succeeded the **Rt. Hon. Lord Mance** who stepped down in accordance with the Constitution upon completion of three terms of office. Members recorded their profound thanks to Lord Mance for his long service and commitment to the ILA over the last 12 years.

The American Branch is grateful for the service of Lord Mance, and looks forward to working with Christine Chinkin.



Lord Mance

Book Review:

Compliance Tools, Edited by Marie-Anne Frison-Roche

Review by Prof. Eloise Glucksman, Université de Neuchâtel (Suisse)

Compliance Law is a new discipline that is dedicated to the application of the Rule of Law by transnational companies. It is inspired by and considered an extension of Regulation Law, consisting of a range of tools designed to be adopted within companies of a major size to avoid wrongdoings wherever those companies operate. *Compliance Tools* describes those legal tools and discusses their conception and the way they should be correlated to ensure their efficiency along with the supervision or the sanction by national or regional regulators, administrative authorities, and courts.

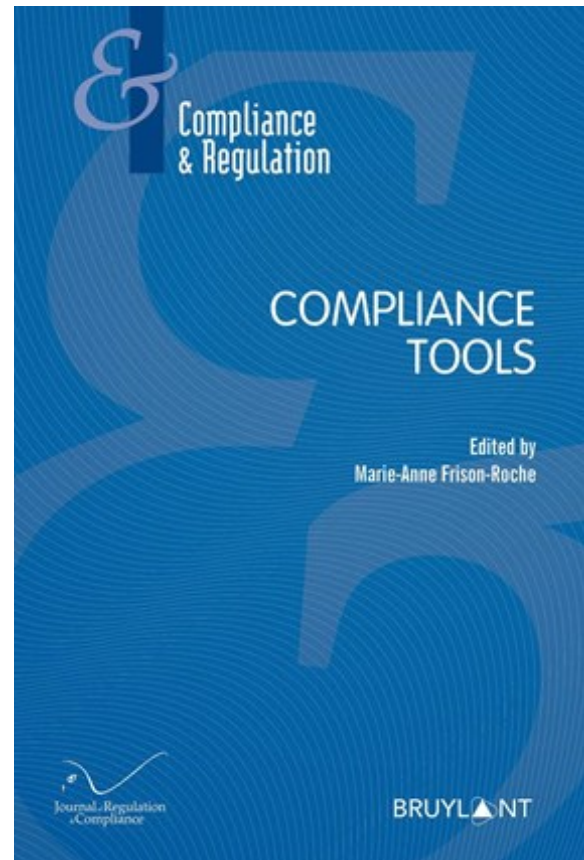
The book first demonstrates that both European and American rules related to Compliance Law have a common double influence. From a legal perspective, Compliance Law's goals promote ethics and fairness in the economic sphere and the protection of persons ("Monumental Goals"). From an economic point of view, these tools ensure those Monumental Goals are designed to adapt on their own motion to new practices of transnational companies and ensure their constant effectiveness.

The book then scrutinizes the different primary Compliance Tools in the various sectors in which they are becoming mandatory: Personal Data Protection, Fight against Corruption and Money Laundering, Duty of Care, Environmental Protection, Banking and Financial sectors, Medias industry, Space activities, and many others. It emphasizes the central place of risk-mapping in Compliance Law and explains the new articulation between incentive mechanisms and sanctions that urge companies to autoregulate themselves (with the obligation to adopt codes of conduct, whistle-blowing processes, and internal inquiry mechanisms). It demonstrates how a shift is made from an *ex post* criminal liability perspective (despite the development of deals and judicial agreements) to an *ex ante* risk management rationale by companies that fosters the increasing use of internal audits, education for an effective compliance culture, and the growing powers of regulators to inspect and advise companies on the best practices to adopt.

Compliance Tools also stresses how those tools are conceived to constantly adapt to new practices with cyclic internal evaluations of their efficiency, an internal training obligation of operators, and the conceiving of tools compliant by design. The extraterritorial range of these tools – meaning that those compliance obligations are deemed to be applied every time Monumental Goals could be jeopardized regardless of national frontiers – gives this study a comparative law perspective and provides an instructive view of the emerging European trend to rely more and more on the general adoption of Compliance Tools.

This book, with the contributions of 26 experts, is the newest contribution to a long list of studies about Compliance Law completed by the *Journal of Regulation & Compliance* (JoRC).

Marie-Anne Frison-Roche, agrégée des facultés de droit and Docteur d'Etat, is a Tenured Professor at the Institut d'Etudes Politiques de Paris (Sciences Po) and Director at the Journal of Regulation & Compliance (JoRC).



June 2021 / 9782802768883 / 357pp / Hbk / price: 70 euros

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ABILA Centennial

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

A Centennial Committee, made up of **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.

Welcome to ABILA Video

The American Branch premiered a video at the opening of ILW 2021 that provides an [introduction to ABILA](#). Produced by Spot Media, the 3-minute video features Branch members, including several members of the Board. A longer ten-minute film, recounting the history of the American Branch, will premier at ILW 2022 as part of the Branch's Centennial celebration. Keep your eyes open on our website for a series of member spotlight videos that will be posted throughout the next year.



Leadership Transition at the International Law Students Association (ILSA)

Lesley Benn, the Executive Director of the International Law Students Association (ILSA), will leave her position on January 31, 2022 after nearly a decade of service. During her tenure, she grew ILSA into the largest organization of law students in the world. ILSA's flagship program, the Philip C. Jessup International Law Moot Court Competition, boasts participants from more than 700 law schools in over 100 countries.



Lesley Benn

Tessa Walker, who currently serves as Programs Director and has worked with ILSA for more than seven years, will serve as interim Executive Director through the end of the present Jessup season. The Board of Directors will immediately commence its search for the next chief executive.

ILSA is a long-time supporter of the American Branch's annual conference, International Law Weekend. We wish Lesley Benn all the best on her next endeavors, and look forward to further collaboration with Tessa Walker.

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Recruit New Members

Every ABILA member is encouraged to recruit new members to the American Branch. The health and success of our Branch depends on a steady infusion of new talent, enthusiasm, and energy.

Please take time now to think about reaching out to several likely prospects, encouraging them to join, to attend ILW 2022, to participate in Branch committees and study groups, and/or to sponsor local and regional events.

To help you in this effort, the ABILA membership brochure is available for download from the Branch website under the [Membership tab](#).

You can also reach out to our Membership Officer Madaline George (membership@ila-americanbranch.org) who would be happy to follow up with additional information about becoming an ABILA member.

Calendar of Upcoming Events



January 27, 2022: 100th Anniversary of the first ABILA Meeting

April 6-9, 2022: American Society of International Law (ASIL) Annual Meeting—*Personalizing International Law* (Washington, D.C.)

June 19-24, 2022: ILA 2022 – International Law, Our Common Good (Lisbon)

October 20-22, 2022: International Law Weekend 2022 (New York City)

June 18-20, 2023: ILA 2023 – 150th Anniversary ILA; Build Tomorrow (Paris)

Lisbon, Portugal



American Branch of the International Law Association

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