



INTERNATIONAL LAW ASSOCIATION
AMERICAN BRANCH
EST. 1922

NEWSLETTER

Celebrating a Successful ILW 2022

International Law Weekend (ILW) 2022 took place from October 20-22, 2022 in New York City. The unifying theme was *The Next 100 Years of International Law*.

Held during the Branch's centennial anniversary, this year's annual event invited reflection on the past and future of international law. Today the international legal order faces extraordinary challenges—threats to the peace, persistent economic and social inequalities, environmental and global health risks, and populist isolationism. Yet there are also many ways that international law has succeeded over the past century in resolving differences, keeping the peace, protecting human rights, and facilitating human flourishing. Which foundations from the last century of international law should remain in the next century, and which should be reimaged?

With 35 panels, a high-level opening plenary, three keynote addresses, more than 200 speakers, a record number of registrations and attendees, and participants from 50+ countries, ILW 2022 offered the opportunity to reevaluate the core features of international law, explore the areas that offer robust solutions, and consider those that require reinvention.

Attendees included leading academics, ambassadors and other diplomats, federal and state government officials, NGO leaders, practitioners and partners at some of the world's top law firms, students, journalists, business leaders, and other interested persons.

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

www.ila-americanbranch.org

Editor's Note

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

Message from the American Branch President

It is my great pleasure to address the members of the American Branch of the International Law Association as your new President. As we approach the end of 2022, it is appropriate to take a moment to reflect on what an extraordinary year this has been for our organization and for international law.

The American Branch celebrated its Centennial in grand fashion with a return to an in-person International Law Weekend at the New York City Bar Association and Fordham University School of Law in New York City. We set several records: most money raised from co-sponsors, most registrations (nearly 1,500 from over 50 countries), most in-person attendees (over 800), and most speakers (over 200). And the prestigious *Fordham International Law Journal* has agreed to publish the articles generated from ILW 2022 and our future conferences.

ILW 2023 will be held in New York City from October 19-21, 2023. Mark your calendar. But ABILA is so much more than its annual conference. Our membership has swelled to nearly 400, making us the largest of the International Law Association's 64 branches. Many of our members are actively engaged in the Branch's committees, organizing panels, drafting reports, and even launching a book, *"Is the International Legal Order Unraveling?"* with chapters written by several of our members.

In the midst of the American Branch's centennial celebrations, Russia launched an invasion of Ukraine that may represent the most significant shock to the global order since World War II. As explored by many of the panels and speeches at ILW 2022 and other events we have organized during the year, the international community's response to the invasion is reshaping international law and international organizations in ways that will likely reverberate for decades to come. Through its conferences and committee reports, the Branch has helped influence the development of international law during the past 100 years. I believe we will play an even more important role in the face of the extraordinary challenges facing the world today.

I have been asked what my vision is for the Branch as we commence our second century. Having served as President **Leila Nadya Sadat's** right hand during my two years as President-Elect, my primary mission will be to build on all that she and Board Chair **David P. Stewart** achieved during the past four years. I will work to increase diversity of all kinds in our leadership, membership, and event speakers. And I will continue to support the Branch's engagement in difficult discussions on momentous international issues in a balanced and thoughtful manner.

I look forward to working with you as we enter the Branch's second century! And in the spirit of the holidays, I invite you to consider making the gift of a donation to the American Branch.

Warm regards,



Michael P. Scharf
President of ABILA

Dean of Case Western Reserve University School of Law



ILW 2022 Recap *(cont'd)*

International Law Weekend 2022 offered a broad array of both public international law and private international law topics, such as *Reproductive Rights: Where Do We Go From Here?*; *Prosecutions & Accountability in Ukraine*; *Reforming the WTO for a Sustainable Future*; *Civil War Peace Agreements*; *Reforming the UN Security Council to Address Modern Challenges*; *Controlling Misimplementation and Misuse of Global Anti-Money Laundering Standards*; *“Whose is the Bed of the Sea?” - 1922-2022 and Beyond*; and *100 Years of International Intellectual Property Law*.

A record 29 panels—including *Recent Developments in International Immunities Law*; *Prosecuting Sexual & Gender-Based Crimes at the ICC*; *Accountability in Internet Governance*; and a practicum on *Human Rights Claims & Counterclaims in International Energy Arbitration*—were designated for continuing legal education (CLE) credit, made possible through the generous sponsorship and assistance of White & Case LLP.



Judge Ganna Yudkivska



Leila Nadya Sadat, Dr. Christopher Ward, Michael P. Scharf



Mr. Miguel de Serpa Soares

ILW 2022 opened at the New York City Bar Association on Thursday, October 20 with welcome remarks from **Professor Christine Chinkin** (Chair, International Law Association) and a President’s High Level Opening Plenary Panel. Moderated by then American Branch President **Leila Nadya Sadat**, plenary speakers included: **H.E. Dr. Fatou Bensouda** (Gambia High Commissioner to The United Kingdom and the Commonwealth); **Mr. Miguel de Serpa Soares** (U.N. Under-Secretary-General for Legal Affairs); **Dr. Christopher Ward SC** (Immediate-Past President & Vice-President, International Law Association); and **Judge Ganna Yudkivska** (European Court of Human Rights (2010-2022)).

(cont'd on p. 4)

ILW 2022 Recap *(cont'd)*

Following a lively session of question and answer with the Opening Plenary speakers, the evening's festivities continued with a reception at the New York City Bar Association, sponsored by Debevoise & Plimpton LLP. The reception provided the opportunity for ABILA members, colleagues, and attendees from around the globe to gather in-person after several years of online annual meetings.



The Thursday night program concluded with a Centennial Gala at White & Case LLP featuring a keynote address by **H.E. Judge Abdulqawi Ahmed Yusuf** (International Court of Justice). For more on the Gala, see page 8.

ILW 2022 continues on Friday at Fordham University School of Law. It features an afternoon keynote address by **H.E. Ambassador Beth Van Schaack**, Ambassador-at-Large for Global Criminal Justice, on *The Biden Administration's Approach to International Justice*. Ambassador Van Schaack is a long-time ABILA member and a David Dudley Field Patron of the Branch. During her speech, she noted her support for the International Criminal Court, stating: "part of repairing the U.S. and international affairs relationship includes actively responding to requests for help by the Office of the Prosecutor." She also declared that "it falls to us to be responsive to the abuses around the world. Part of this is seriously engaging with biases and inconsistent and selective justice."



Ambassador Beth Van Schaack

ILW 2022 Recap *(cont'd)*

The Friday program concluded with a reception hosted by the Permanent Mission of The State of Qatar to the United Nations.



Justice Richard Goldstone

The Saturday program began with the Outstanding Achievement Keynote Address by **H.E. Justice Richard Goldstone**, former Justice of the Constitutional Court of South Africa and former Chief Prosecutor of the U.N. International Criminal Tribunals for the former Yugoslavia and Rwanda. His inspiring talk was followed by the 100th Annual ABILA Members Meeting.

On Saturday afternoon, **Professor Adrien Wing**, Associate Dean for International and Comparative Law Programs and the Bessie Dutton Murray Professor at Iowa University College of Law, delivered a keynote on *COVID & Global Critical Race Feminism*. She began with a discussion of her role as an advisor to the South African constitution's founding fathers—and how she ensured the constitution included intersectionality within its text—and ended with a rousing reading of *Still I Rise* by Audre Lorde (to a standing ovation). She explored the importance of “looking from the bottom” when writing about Women of Color and the “shadow pandemic” of increased domestic violence against women during COVID-19, giving advice to early career researchers about areas in need of further investigation. She declared: “We need to take Women of Color out of the margins and bring them in to the center of the discussion” and reminded the audience that “when looking at international law,



Professor Adrien Wing

we must look at it through an intersectional lens.” Professor Wing's keynote was a moving insight into her long and dedicated international law career.

ILW 2022 also included **networking rooms** by several ABILA committees and three community networking rooms for Women and International Law, Minorities and International Law, and Young Lawyers.

ILW 2022 concluded with an outstanding ***Pathways to Careers in International Law*** session for students and young professionals, organized in partnership with the ABA Section on International law and the International Law Students Association.



Highlighting New Voices at ILW 2022

On the occasion of the American Branch's centennial year, the ILW Organizing Committee was pleased to highlight young and new voices in international law throughout the conference. The American Branch has always prioritized the inclusion of the next generation and the ILW 2022 program, focused on the past and *future* of international law, reflected this commitment.

Young Discussants: At the request of the Organizing Committee, several ILW moderators featured Young Discussants on their panels to promote a reimagination and reinvention of international law in line with the conference's theme. Some of these include:

- **Shani Friedman**, a Ph.D. student at the Hebrew University of Jerusalem Faculty of Law, spoke on the panel *The Vienna Convention on the Law of Treaties in Investor-State Disputes: History, Evolution, and Future*.
- **Tibisay Morgandi**, an Assistant Professor in International Energy Law at the School of Law at Queen Mary University of London, spoke on the panel *Beyond Rocket Science: Assessing the Role of Natural and Social Sciences in Galvanizing International Climate Action*.
- **Mario R. Osorio**, a Doctoral Candidate at Georgetown University Law Center, spoke on the panel *The International Trade Regime's Foundations in an Era of Increased Geopolitical Conflict*.
- **Michael Pizzi**, an Associate at Debevoise & Plimpton LLP, co-moderated the panel *The Cybercrime-Cyberwar Continuum: State Responsibility and Accountability for Cyberattacks under International Law*.
- **Sahar T. Sadoughi**, a Doctoral Researcher at City Law School, City University of London, spoke on the panel *Coercive Diplomacy in the Skies: Dispute Resolution Mechanisms and Legal Remedies for States*.

Emerging Voices Panel: Over the summer, the ILW Organizing Committee invited the submission of abstracts relating to the conference theme from new and emerging professionals who have been in the field of international law for five years or less. The Committee received a record number of applicants and selected five young professionals to present at ILW 2022.



Under the moderation of Organizing Committee members **Carolina Arlota** (Associate Research Scholar, Sabin Center for Climate Change Law, Columbia Law School; Co-Chair, ABILA Committee on International Environmental and Energy Law) and **Lisa Reinsberg** (Executive Director, International Justice Resource Center), this fruitful panel saw the speakers, all from different countries, present on a diverse range of issues, as follows:

- **Emily T. Behzadi**, Associate Professor of Law, California Western School of Law: *Cultural Heritage Protection & Neutrality in War*
- **Julian Huertas**, Doctoral Candidate, University of Toronto Faculty of Law: *International Human Rights Law and the Challenge of Authoritarian Judicial Reasoning*
- **Maria Pena Ermida**, Ph.D. Candidate and Researcher, Católica Global School of Law: *A Horizontal Approach to the Protection of Global Commons*
- **Michal Swarabowicz**, Visiting Postdoctoral Fellow, University of New South Wales in Sydney: *International Law, the Past and the Future of Economic Warfare*
- **Sarah Zarnsky**, Ph.D. Candidate and Assistant Lecturer, Human Rights Centre, University of Essex: *The Inclusion of New Harms in International Criminal Law: A Case Study of Online Harm*

Thank you to the Sponsors of ILW 2022

The American Branch thanks the sponsors of ILW 2022:

- ◆ **Diamond:** Debevoise & Plimpton LLP; Fordham University School of Law; White & Case LLP; and the Silicon Valley Community Foundation
- ◆ **Platinum:** Winston & Strawn LLP and the Leitner Center for International Law and Justice
- ◆ **Gold:** Berliner Corcoran & Rowe LLP ; 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; Sidley LLP; and Validity Finance LLC
- ◆ **Silver:** 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; Dechert LLP; Ford Paulekas LLP; Freshfields Bruckhaus Deringer LLP; Harvard Law School; International Law Students Association; New York University School of Law; OGEMID; Oxford University Press; Racial Equality for Arbitration Lawyers (REAL); Santa Clara University School of Law; Seton Hall University School of Diplomacy and International Relations; Touro University Jacob D. Fuchsberg Law Center; the University of Baltimore School of Law; the University of Chicago Law School; the University of Connecticut School of Law; the University of Nebraska's Clayton Yeutter Institute of International Trade and Finance; the University of Pennsylvania Carey Law School; and the University of Pittsburgh School of Law's Center for International Legal Education

ILW 2022 Organizing Committee

ILW 2022 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 **Kristi Ueda** (ABILA Media Officer). The 2022 ILW Co-Chairs were **MJ Durkee**, Associate Dean for International Programs, Director of the Dean Rusk International Law Center & Allen Post Professor, University of Georgia School of Law; **M. Imad Khan**, Senior Associate, Winston & Strawn LLP; and **Floriane Lavaud**, Counsel, Debevoise & Plimpton LLP.

Other members of the ILW 2022 Organizing Committee were **Carolina Arlota**, Associate Research Scholar, Sabin Center for Climate Change Law, Columbia Law School; **Pamela Bookman**, Associate Professor of Law, Fordham Law School; **Amity Boye**, Director of Executive Projects, White & Case LLP; **LaWonda Love**, Director, U.S. Income Tax - Enbridge (U.S.) Inc.; **Trang (Mae) Nguyen**, Assistant Professor of Law, Temple University Beasley School of Law; **Lisa Reinsberg**, Executive Director, International Justice Resource Center; **Lucia Solano**, Legal Adviser, Permanent Mission of Colombia to the United Nations; **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; **Milena Sterio**, Charles R. Emrick Jr.-Calfee Halter & Griswold Professor of Law, Cleveland-Marshall College of Law; and **Isavella Vasliogeorgi**, 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 ILW 2022 Student Ambassadors were **Freya Doughty**, Washington University in St. Louis School of Law; **Lotta Lampela**, Syracuse University College of Law; **Matthew Reilly**, Touro Law Center; **Naomi Rothenberg**, Seattle University School of Law; and **Talia Wolkowitz**, Washington University in St. Louis School of Law. We are also incredibly thankful for the assistance of the *Fordham International Law Journal* and its staff, who provided assistance throughout the conference.

Save the Date!

ILW 2023 will be held in New York City on October 19-21, 2023.



Student Ambassadors helping at registration



Fordham International Law Journal staff at the Opening Plenary

Centennial Gala at White & Case LLP—October 20, 2022

The American Branch held a Centennial Gala on the first night of International Law Weekend on October 20, 2022 at White & Case in New York City. **Hugh Verrier**, Chair of White & Case LLP, delivered welcoming remarks, commenting on the special relationship between the firm and the American Branch and their joint commitment to advancing international law. We were honored to have **Judge Abdulqawi Ahmed Yusuf** of the International Court of Justice as the night's Keynote Speaker. He congratulated the American Branch on its centennial year and called on us to strive for the development and promotion of an international law capable of addressing the needs of humanity in the next 100 years.



The American Branch's Centennial Year

The American Branch was founded 100 years ago, on January 20, 1922. Throughout 2022, the Branch organized projects and hosted several events—both in-person and virtual—to celebrate this momentous occasion. To learn more about the history of the Branch and the events held in recognition of its 100th anniversary, visit the new [Centennial page](#) on our website.

Centennial Documentary



The American Branch was excited to premiere our Centennial Documentary at International Law Weekend in October 2022 in New York City. The 11-minute documentary looks back 100 years to the founding of the Branch in 1922, and explores how the organization—including its mission, membership, influence, and relationship to other ILA Branches and organizations—has evolved over the years.

The documentary features some of our esteemed Board Members, Committee Chairs, and ABILA members who make our Branch so special. It can be viewed [on our website](#). We extend a special thank you to Spot Media for producing our centennial video projects with us over the past two years.

Member Spotlights

In honor of our 100th anniversary, the American Branch created a series of short videos to recognize some of the amazing people who make a difference in our Branch. All have different stories of how they came to the Branch, how it changed their careers, and how they contribute to the development of international law through their Branch work.

Our Member Spotlight videos are available [on our website](#).

Read our Member Spotlight blogs on our website:

- [Jennifer Trahan](#)
- [William J. Aceves](#)
- [Michael Scharf](#)
- [Chiara Giorgetti](#)

ABILA's Centennial Committee

Philip Moremen (Chair)

William Aceves

David Attanasio

Chiara Giorgetti

Leila Nadya Sadat

Nancy Thevenin

Madaline George (*ex officio*)

Report on the ILA Biennial Conference: June 19-24, 2022

With contributions by Summer 2022 Student Ambassador Natalie Swatowski

The objectives of the International Law Association (ILA) are the study, clarification, and development of international law, both public and private, and the furtherance of international understanding and respect for international law. One of the ILA's main activities in furtherance of this goal is an international law conference that takes place in a different jurisdiction every two years. The inaugural conference was held in Brussels in 1873; the most recent took place in Portugal in June 2022.

The 80th Biennial ILA Conference, organized by the Portuguese Branch, brought more than 200 attendees to Lisbon from around the world. Dozens of American Branch members took part, including many of the ABILA members that currently represent the American Branch on ILA committees.

The Conference provides opportunities to share both experiences and understandings of current issues and challenges in international law. ILA committees report on their work, and reports and resolutions in particular areas of international law are considered and adopted. It is also an excellent opportunity to connect with colleagues from across the world, not only catching up on local and regional developments but also establishing new links to build upon once you have returned home after the event. The ILA has established a Scholarship Fund to help graduate and postgraduate students and early career professionals attend the biennial conferences.

The theme of the 2022 Biennial was ***International Law: Our Common Good***. The conference opened with a [video message by UN Secretary-General António Guterres](#), while the closing ceremony featured an address by the U.N. Under-Secretary-General for Legal Affairs, Miguel de Serpa Soares. In the days between, the program included sessions of the ILA committees and study groups and a set of parallel panels where the main issues affecting the current status of international law were discussed. All reports and resolutions [are available online](#). Despite the breadth of issues, all presentations shared the common thread of aspiring to make the world a better place.



Report on the ILA Biennial Conference *(cont'd)*



As one of the main threats to future generations, climate change was a common issue discussed throughout the Conference. The impacts of climate change are undeniable, and cooperation among the international legal community is necessary. During the Conference, the **ILA Committee on International Law & Sea-Level Rise** presented its [Interim Report](#) on the effects of sea-level rise. The Committee, which includes ABILA members **Maxine Burkeett**, **Elizabeth Burleson**, **Anita Halvorsen** (alternate), **Sean Murphy**, and **Captain J. Ashely Roach**, is working to promote legal frameworks for the new realities set by climate change, a daunting yet necessary task, and will ultimately draft a resolution to help avoid future conflict arising out of rising sea levels and to facilitate orderly

relations between States. To address this task, the Committee looks at the intertwined issues as law of the sea, forced migration, human rights, and statehood. As sea levels rise, the baselines of coastal States will change and populations will be displaced. What obligation do surrounding States have to aid affected States and their displaced populations? Do States even have the responsibility to intervene? Some States, specifically island States, are at risk of losing their land altogether—will they lose their statehood? Should States secure additional territory or construct artificial territory? These are just some of the challenging questions that the Committee grapples with. By producing its resolution, the Committee aims to contribute to the underlying goals of international law to promote peace and avert conflict.

The **Committee on Submarine Cables and Pipelines under International Law** also submitted an [Interim Report](#) and Appendix ([1](#) & [2](#)). The Committee, chaired by **Captain J. Ashely Roach** and which also includes ABILA members **Alice deJuvigny Colarossi**, **Omni Irish**, and **Colleen Sechrest**, was established in 2018. The Committee acknowledged that the international legal regime governing submarine telecommunication and power cables and oil and gas pipelines may not address the myriad of challenges that States, and entities engaged in cable and pipeline activities, currently face in the development of policies relating to all aspects of the life cycles of submarine cables and pipelines, particularly given their extensive use. The Committee's current mandate was extended a further four years.

ABILA member **Frederick Abbott**, in his capacity as co-chair of the **ILA Global Health Law Committee**, chaired a panel on



Global Health Law in a Deteriorating Environment. In response to tremendous challenges facing the world, including the pandemic, climate change, and the war in Europe and consequential disruption of food supplies, the panel examined the role of global health law in preparing for, addressing, and mitigating the consequences of the deterioration in the international environment. Professor Abbott also co-chaired a Committee session, which discussed the Committee's [2022 Report](#).

Report on the ILA Biennial Conference (cont'd)



Another fascinating presentation dedicated to averting conflict pertained to the Peace Treaty Initiative, an ongoing initiative to develop an international law of peace negotiation. There is no normative framework to promote internal peace within international law. The Initiative is trying to change that by creating a sovereign-friendly legal space where conflicting parties can negotiate and avoid armed conflict. Much of international law is focused on armed conflict and its aftermath. However, dispelling armed conflicts before they even start would be the greatest win for human rights and international law.

Aspirations to avoid and end conflicts highlight the idealism of international law. Practicing international law requires the sincere belief that we, as States and citizens of the world, want to come together to better the lives and environment around us. One such example of altruistic efforts to improve the world was shared during a presentation discussing the opportunities to support sustainable development and growth (“SDG”) through trade. Trade makes the world go round, and despite the slowdown caused by the pandemic, the global economy is making a comeback. But while recovery is a relief, increased international trade may exacerbate human rights and environmental problems that already exist. However, some international lawyers see an opportunity in trade agreements to help address SDG. As trade agreements are being renewed or newly drafted, parties can agree to incorporate new clauses that encourage SDG. If parties are successful in the domestic implementation of SDG clauses, trade agreements could promote, rather than frustrate, sustainability.

The **International Securities Regulation Committee**, which includes ABILA members **Cynthia Lichtenstein** and **Edward Fleischman**, noted that market and regulatory trends continue to be clustered around COVID-19, sustainable finance, and ESG issues, as well as financial technology, and the use and monitoring of technology in the financial industry. The COVID-19 pandemic remains virulent, albeit with some abatement and adjustment of responses – but still has a profound influence on markets and regulatory supervision and regulation. Separately, but in parallel, sustainable finance and ESG have grown in influence as a policy tool and investment drivers, and Fintech and RegTech are a topic of interest to regulators and the markets with new issues on the horizon. The Committee’s [2022 Report](#) continued its review and analysis of these issues.

The **ILA Committee on Complementarity in International Criminal Law**, in which **Leila Nadya Sadat** has been an active member, presented its final [Report](#) at the Conference. “Mindful of the need to ensure that complementarity is not merely an ideal but also a practice,” the “Lisbon Conclusions and Recommendations on Complementarity” were [adopted](#), and the Committee, having accomplished its mandate, was dissolved. In its final report, the Committee brought together its work on two questions of its mandate: (a) What are the obstacles to domestic investigations and prosecutions or alternative accountability processes for crimes within the jurisdiction of the International Criminal Court at the domestic level? and (b) (How) could a policy of so-called “positive complementarity” overcome any obstacles, and which actors are best placed to implement such policy?



Report on the ILA Biennial Conference *(cont'd)*

Also at the Conference, the **Committee on Protection of Privacy in Private International and Procedural Law's Guidelines** were **adopted**, and the Committee was dissolved. The Committee completed its mandate focused on the promotion of international co-operation and the contribution to predictability on issues of jurisdiction, applicable law, and circulation of judgments in privacy (including defamation) matters, taking into account, i.a., questions of fundamental rights. ABILA Board members **David P. Stewart** and **Louis Ellen Teitz** have been active in the Committee since its establishment.

Other **resolutions** at ILA Lisbon 2022 concerned the work of the Committees on **Participation in Global Cultural Heritage Governance; Sustainable Development and the Green Economy in International Trade Law; Nuclear Weapons, Non Proliferation & Contemporary International Law; International Protection of Consumers; International Commercial Arbitration;** and the **Protection of Privacy in Private International and Procedural Law.**

Practicing international law requires idealism—the belief that the world can be better and that we can make it better. ILA 2022 strengthened that belief.



ABILA Centennial Reception at the ILA Biennial

The American Branch was proud to host a Centennial Reception on June 21, 2022 at the International Law Association's 80th Biennial Conference in Lisbon, Portugal. We were honored to receive Deputy Chief of Mission, Kristin M. Kane, who kindly gave remarks and led a toast to our centennial anniversary. We thank our ILA colleagues and ABILA members for joining us to celebrate the Branch's past 100 years of transforming international law.



Pay Your Dues

The Branch's membership year begins in January. If you have not yet paid your 2022 membership dues, please do so now. 2023 membership fees will be due on January 15, 2023.

To pay your dues, log on to 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.

2022 Charles Siegal Distinguished Service Award

The **Charles Siegal Distinguished Service Award** was established in 2020 to recognize outstanding contributions to the Branch. After considering several compelling nominations, the Selection Committee, chaired by **Michael Scharf** and including **William Aceves**, **Christina Cerna**, **Paul Dubinsky**, and **Peter Yu**, selected **David P. Stewart** to be the 2022 recipient.

David Stewart has been a longstanding leader in the American Branch. He has served as an ABILA Executive Committee member, Vice-President, President-Elect (2012-2014), President (2014-2018), and Chair of the Board of Directors (2018-2022). Prior to his term as President, he took on many presidential duties, including the Branch *Newsletter*. During his tenure as President, he organized several conferences, including the inaugural International Law Weekend–South, and served as a key member of the organizing group for the 76th International Law Association Conference in Washington, D.C. in 2014.

Professor Stewart represented the American Branch on ILA committees, including the International Protection of Consumers Committee and the Committee on Protection of Privacy in Private International and Procedural Law. He also led several American Branch committees including as Co-Chair of the Extraterritorial Jurisdiction Committee and Co-Chair of the Commercial Dispute Resolution Committee.

Committed to service and innovation, he spearheaded joint initiatives with other organizations, for instance, serving as Co-Director of the 2009-10 ABILA-ASIL study of the implementation of transparency norms in international investment and commercial arbitration. He is a regular panelist and panel chair at International Law Weekends. Professor Stewart has been a mentor to many ABILA members, a friendly and diplomatic colleague, and a willing participant whenever assistance has been needed.



2022 Outstanding Achievement Award



The 2022 Outstanding Achievement Award was given to **Justice Richard Goldstone**. Justice Goldstone served as Prosecutor of the ICTY and ICTR (1994-1996), prior to which he chaired what became known as the Goldstone Commission, an independent judicial commission that investigated activities and people who posed a threat to the restoration of civil rights during the transition to post-apartheid South Africa. He also served as justice of the Constitutional

Court of South Africa (1995-2003). Since his retirement, Goldstone has engaged in numerous activities related to the rule of law and human rights.

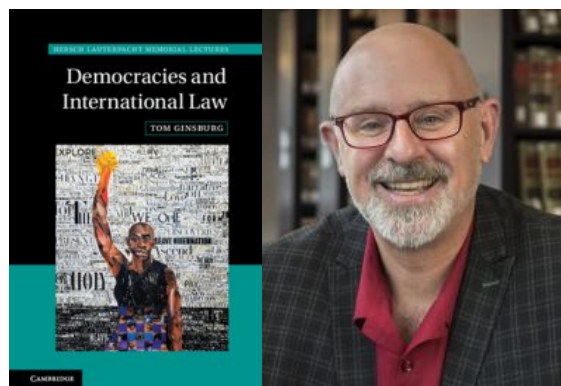
This award was established in 2021 to recognize outstanding contributions in the field of international law. Such contributions might include, but are not limited to, service to an international organization, a State, or an international court or tribunal; or to teaching, research, and scholarship in the field of international law. While candidates are reviewed comprehensively, factors considered may include 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**.

2022 ABILA Book Awards

The ABILA Book of the Year Award was founded in 2020. In 2022, the Board approved the creation of two additional awards: one for the best book on a practical or technical subject, and one for the best book from a first-time author. The 2022 Selection Committee was composed of **Mark Janis**, **Peggy McGuinness**, **Fernanda Nicola**, and **Mortimer Sellers** (Chair).

The **2022 ABILA Book of the Year Award** was given to **Tom Ginsburg** for *Democracies and International Law* (Cambridge University Press, 2021). Tom Ginsburg is the Leo Spitz Distinguished Service Professor of International Law, Ludwig and Hilde Wolf Research Scholar, and Professor of Political Science at the University of Chicago Law School. Democracies and authoritarian regimes have different approaches to international law, grounded in their different forms of government. As the balance of power between democracies and non-democracies shifts, it will have consequences for international legal order. Human rights may face severe challenges in years ahead, but citizens of democratic countries may still benefit from international legal cooperation in other areas. Ranging across several continents, this volume surveys the state of democracy-enhancing international law, and provides ideas for a way forward in the face of rising authoritarianism.



The inaugural **ABILA Award for a Book on a Practical or Technical Subject** was given to **James A.R. Nafziger** for *Frontiers of Cultural Heritage Law* (Brill Nijhoff, 2021). Jim Nafziger is the Thomas B. Stoel Chairholder, Professor of Law, and Director of International Programs at Willamette University College of Law. His book covers emerging topics of cultural heritage law, a relatively new landmark in the field of both national and international law. The primary focus is on the frontiers identified and developed by the work products of the ILA's Committee on Cultural Heritage Law. The construction of cultural heritage law is a good example of transnationalism at work, combining national initiatives with diplomacy, UNESCO and other

intergovernmental agreements, international custom, and non-governmental initiatives such as the ILA Committee's own contributions. This volume concludes by briefly exploring current and future frontiers of a burgeoning range of topics that are central to many people's daily experiences and interests.

The **ABILA Book Award for a First-time Author** was given to **David Attanasio** for *International Investment Protection for Global Banking and Finance: Legal Principles and Arbitral Practice* (Wolters Kluwer, 2021), co-authored with Arif Ali. David Attanasio is an Associate at Dechert LLP. This book is a comprehensive guide to international investment protection in the banking and finance sector and provides the first complete discussion of how international investment law applies to investors and investments in the sector. Global banking and finance is a complex and specialized field with sector-specific investment forms, subject to distinctive legal and regulatory frameworks and unique kinds of political risk. This trailblazing book paves the way for the future consolidation of international investment protection as a critical tool for managing the political risk confronting global banking and finance. Featuring expert guidance on the vital legal protections for cross-border finance and banking investments, along with exhaustive and up-to-date coverage of investor-State cases, the book crystallizes a set of field-specific legal principles for the sector.



New Membership Brochure

The Branch membership brochure has been revised and updated. The new version is dated December 2022.

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.

New Board Members

At the 100th Annual Members Meeting of the American Branch, held during ILW 2022, several new officers and directors were elected to the ABILA Board and leadership positions.

- **Leila Nadya Sadat** was elected Chair of the Board of Directors.
- **Michael P. Scharf** was elected as President for a two-year term.
- **Jennifer Trahan** was elected as Vice-President
- **Floriane Lavaud**, **Alison Renteln**, **Frédéric Sourgens**, and **Diora Ziyava** were elected to the Board of Directors.

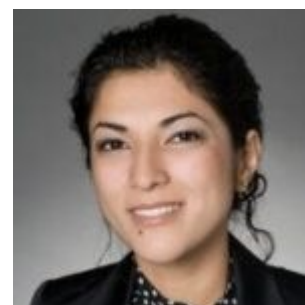
Additionally, **Paul R. Dubinsky**, **Scott Horton**, **Steven M. Schneebaum**, and **David P. Stewart** were elected by the Board as an Honorary Vice-Presidents.



Alison Renteln



Frédéric Sourgens



Diora Ziyava



Jennifer Trahan



Floriane Lavaud



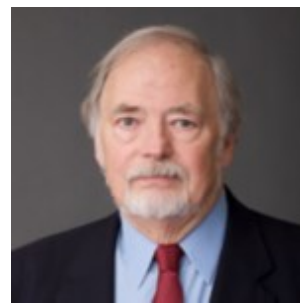
Steven Schneebaum



Paul R. Dubinsky



Scott Horton



David P. Stewart

ILA Executive Council Meeting (November 2022)



Christine Chinkin

The ILA's Executive Council held its most recent meeting on November 12, 2022, in London and virtually on Zoom. ABILA President **Michael Scharf** represented the Branch. **Jim Nafziger** (Vice Chair of ILA) and **David Stewart** (past ABILA Board Chair) also remotely attended the meeting.

During initial announcements, ILA Chair Professor **Christine Chinkin** noted that the American Branch had submitted revised numbers, indicating a substantially greater number of members than had initially been reported by the ILA.

Professor Chinkin then turned to the matter of open positions. **Chantal Ononaiwu**, President of the ILA's

Caribbean Branch, was elected the ILA's first Diversity Officer under the Association's newly adopted Diversity Guidelines. Professor Chinkin noted that the ILA needs to appoint a new Media Officer at its next Executive Council meeting in June and seeks nominations from the Branches.

Most of the meeting focused on a discussion of draft recommendations regarding the organization and running of ILA conferences. After the 150th anniversary conference (to be held in Paris in June 2023), the next biennial conferences will be held in Delphi in 2024 and in Vienna in 2026. Previous biennials have typically been organized and substantially paid for by the host Branch. Professor Chinkin suggested that alternative arrangements might well be considered.



Chantal Ononaiwu

Following discussion, the Executive Council approved recommendations (1) to draft Conference Guidelines and appoint a professional conference organizer to ensure the collection and dissemination of institutional memory, and (2) to hold future biennials in hybrid format so that members can attend remotely or in person. It also affirmed a commitment to keep conference fees affordable, including by utilizing different fee categories with options for 1-day and 1/2-day attendance fees. Finally, the Executive Council agreed that the new diversity guidelines shall apply to conference panel speaker selections.

The next ILA Executive Council meeting will be on June 18, 2023 in Paris just before the 150th anniversary conference.

The International Law Association Launches a New Website

The International Law Association has spent the last few months working on a new website. This website was created to update the Association's overall system, but also to respond to the changing needs of its members and to build for the future.

The new website was launched in October 2022 and can be viewed here: https://www.ila-hq.org/en_GB

All American Branch members should have received an email from Headquarters in early October with instructions to create a new password for their ILA accounts.



New Branch Members

We welcome the following new ABILA members who have joined (or re-joined) our Branch since May 2022:

Christine Abely
Chloé Agelou
Yasmin Al Ameen
Bieta Andemariam
Caroline Armstrong Hall
Pablo Hugues Arthur
Emily Behzadi
John Berger
Eirik Bjorge
Marcelo Blackburn
Mia Bonardi
Florian Botto
Morgan Brock-Smith
Tiffani Brownley-Meijer
Nicola Caon
Sophia Castellero
Elena Chachko
Sarah Cleveland
Romain Collet
Pooja Dadhania
Claire-Naila Damamme
Lisa Davis
Lamis Deek
Richard Dicker
Valerie Doescher
David Donat Cattin
Rachel Finn
Matilde Flores
Gregory Fox
Marcelo Garcia
Craig Gaver
Shannon Ghadiri
Christopher Gibson
Heidi Gilchrist
Kiran Gore
Zaineb Hamdan
Adil Haque
Shea Hazel
Ezequiel Heffes
Ivana Hrdlickova
Tejal Jesrani
Michael Imran Kanu

Meet Our ILW 2022 Student Ambassadors



Freya Doughty is a J.S.D. candidate at Washington University in St. Louis School of Law, an Associate Lecturer at UWE Bristol, England, and a Research Assistant at the Gephardt Institute for Civic and Community Engagement. Her thesis focuses on the intersection of international human rights law and international environmental law through a child rights' lens. She has worked under Professor Leila Sadat of the Whitney R. Harris World Law Institute and Professor Charles C. Jalloh of the International Law Commission. Freya achieved her LL.M in Public International Law at the London School of Economics and Political Science.

Lotta Lampela is a LL.M candidate at Syracuse University College of Law. As president of SU Law's International Law Society, her goal is to increase awareness of the impact of global legal developments on different areas of American Law. She is a former Finnish civil servant and European Union diplomat. Her research interests include European and American approaches to regulating facial recognition technologies and AI in general.



Matthew Reilly is a J.D. candidate at Touro Law Center, where he is currently the Vice President of the International Law Student Association. He received his bachelor's degree in International Affairs from John Jay College with a minor in History. He has also served as a volunteer for AmeriCorps' National Civilian Community Corps (NCCC). His passion for international law, politics, and history has led him to this ABILA Student Ambassador opportunity.

Naomi Rothenberg is a J.D. candidate at Seattle University School of Law, where she is a member of the *Seattle Journal for Social Justice*, International Refugee Assistance Project, and Seattle University Post-Conviction Appellate Alliance. She is pursuing a career advocating for children and families affected by immigration, the family regulation system, and incarceration. During summer 2022, Naomi participated in a race-equity fellowship committed to juvenile justice and multi-dimensional advocacy. She was also involved with the ILA Study Group on Cross-Border Violations of the Rights of Children in Migration, Enforcement Mechanisms, and Legal Remedies, and is eager to collaborate with ABILA members this year.



Talia Wolkowitz is a J.D. candidate at Washington University in St. Louis School of Law and current federal judicial extern at the Eastern District of Missouri. Talia serves as the President of the University's Law Students Against Trafficking organization and as staff editor on Washington University's *Global Studies Law Review*. Last summer, she worked at Husch Blackwell where she will return for the summer of 2023. Talia previously attended the George Washington University where she majored in international affairs, focusing on security policy, and earned a minor in entrepreneurship.

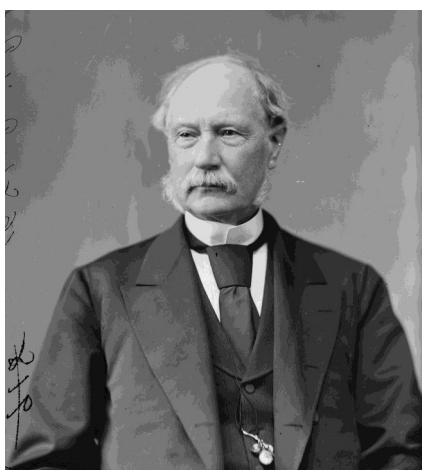
ABILA's Newest Patrons: The Second Century Campaign

At its July 2022 meeting, the Board of Directors of the International Law Association (American Branch) agreed to name our founding Patron level for one of the Branch's founders, **David Dudley Field**, the great codifier of U.S. law and, subsequently, international law. Patrons at that level contribute \$5,000 to the Branch, either as one-time gifts or in installments.

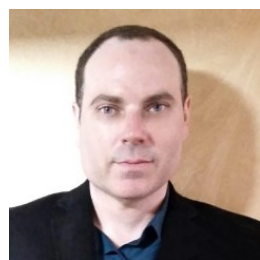
At the same time, the Branch created a new Patron level, named in honor of **Alona E. Evans**, a prominent international lawyer who was active in the Branch. Alona Evans served as an ILA Executive Committee member and was the first female President of the American Society of International Law. Alona Evans Patrons will contribute a total of \$10,000 to the Branch. (Existing Patron contributions, as well as other sustaining gifts, can be aggregated together to reach the total.)



Alona E. Evans



David Dudley Fields



Aaron X. Fellemeth

The American Branch is pleased to recognize **Aaron X. Fellemeth** as its newest David Dudley Field patron. Professor Fellemeth is the Dennis S. Karjala Professor of Law, Science, and Technology at the Sandra Day O'Connor College of Law, a member of the ABILA Board of Directors, and Co-Chair of the ABILA International Human Rights Law Committee.

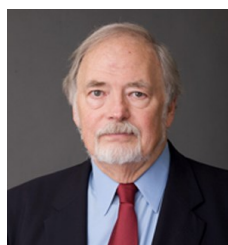
The Branch would also like to thank **Charlotte Ku**, **Houston Putnam Lowry**, **Leila Nadya Sadat**, and **David P. Stewart** for pledging to increase their current patronage to the Alona E. Evans level.



Houston Putnam Lowry



Leila Nadya Sadat



David P. Stewart



Charlotte Ku

Won't you join us by pledging either at the David Dudley Fields or Alona E. Evans level, so that the Branch can continue to grow and prosper as it begins its second century? If you are interested in becoming an ABILA Patron, please contact ABILA Membership Officer Madaline George (membership@ila-americanbranch.org).

New Branch Members (cont'd)

Michelle Keith
Shayan Ahmed Khan
Taylor Kilpatrick
Karin Kizer
Steven Koh
Sveta Ksenofontova
Nicholas Leddy
Ivan Levy
Jonathan Liljeblad
Michael Losco
Dario Maestro
Siobhan McInerney-Lankford
Tiffani Meijer
Francesco Messineo
Lawrence Moss
Mark Nevitt
Charles Norchi
Yaw Out Nyampong
Valerie Oosterveld
Susan Page
Santiago Palomo
Gianni Pizzitola
Gatluak Ramdiet
Britta Redwood
Lisa Reinsberg
Ken Reisenfeld
Nicholas Renzler
Mike Rodenbaugh
Pablo Rueda-Saiz
Alexi Santiago
Mikael Schinazi
Rebecca Shoot
Anna Sidneva
James Simeon
Mallory Sokol
Eran Sthoeger
Christel Tham
Helen Tung
Charlotte Verdon
Nataliia Voitseshyna
Elisabeth Wickeri
Adrien Wing
Rebecca Womelsdorf
Rose Marie Wong
Samuel Yankson

Write for the ABILA Blog

The American Branch has a new blog on its website and invites members to publish articles. If you are interested, please reach out to ABILA Media Officer Kristi Ueda (media@ila-americanbranch.org)

Remembering the Legacy of John Washburn

By: Jennifer Trahan and Megan A. Fairlie (Co-Chairs, ABILA ICC Committee), and Leila Nadya Sadat (Immediate-Past ABILA President and Past-Chair, ICC Committee)

It is with great sadness that the ABILA International Criminal Court Committee announces the passing of John L. Washburn on July 13, 2022.

John Washburn was a luminary in the field of international law, particularly dedicated to the International Criminal Court and advancing Americans' understanding of the Court as well as the official U.S. position on the Court.

John was a career Foreign Service officer who had postings in India, Iran, and Indonesia as well as the U.S. State Department. John served on the Iran Hostage Task Force in 1979, and from 1985-1987, was a member of the State Department's Policy Planning Staff. From 1988-1993, he was Director in the Executive Office of the U.N. Secretary-General, serving under Javier Pérez de Cuéllar and Boutros Boutros-Ghali.

He served as a founding member of the Coalition for the International Criminal Court (CICC) and participated in the 1998 Rome Conference, chairing negotiations on gender crimes. He later founded the American Coalition for the ICC (AMICC) and the Washington Working Group on the ICC (WICC), which he co-chaired.

Among other publications, John co-authored the book "Negotiating the International Criminal Court: New York to Rome, 1994-1998," with co-authors Fanny Benedetti and Karine Bonneau.

He was a member of the Crimes Against Humanity Initiative Advisory Council, a project of the Whitney R. Harris World Law Institute at Washington University School of Law in St. Louis, to establish the world's first treaty on the prevention and punishment of crimes against humanity.

John was a gracious, warm-hearted person, always giving of his time and eager to mentor the next generation. He leaves a rich legacy of academics and civil society representatives throughout America inspired by him to continue his work.



Antônio Cançado Trindade (1947-2022): A personal tribute by Christina M. Cerna

I cannot think of any other jurist who was so prepared for his destiny and so riveted to the path of fulfilling it, once he was firmly on the path, as Antônio Cançado Trindade.

Antônio Cançado Trindade was a brilliant Brazilian jurist, who spent 10 years as a judge on the Inter-American Court of Human Rights (1995-2000, 2001-2006) and then 13 years as a judge on the International Court of Justice (2009-2022). He served as President of the Inter-American Court from September-December 1999, and then again during 2000-2001 and 2002-2003. His untimely death occurred on May 29, 2022, at the age of 74, during his second term on the International Court of Justice.



Curiously, Antônio Cançado was a contemporary of the other brilliant jurist on the World Court, the Australian James Crawford, and their lives paralleled in certain respects. Cançado was a year older, but they both received their Ph.D.s from Cambridge in 1977. Cançado's thesis received the Yorke prize (best thesis of the year) and was on "[*Developments in the Rule of the Exhaustion of Local Remedies in International Law*](#)." Crawford's thesis was on the creation of states under international law, under Professor Ian Brownlie, published in 1979 by OUP. Crawford served on the International Court of Justice from February 2015 - May 2021 and died while on the Court, as did Cançado a year later.

I was fortunate to know Antônio Cançado while he was a judge on the Inter-American Court and I was a lawyer at the Inter-American Commission on Human Rights. He advocated for the victim's direct access to the Inter-American Court to claim justice for violations of human rights, following the example provided by the European Court of Human Rights, which in 1998 fused the European Commission and Court to create a sole institution, the European Court of Human Rights, and granted the victim direct access to the European Court. In 2000, I was granted a Fulbright to study in Strasbourg, to study whether the European Court was collapsing under the weight of an avalanche of cases that were no longer filtered by the European Commission or whether the Court was functioning well. It was clear to me after three months in Strasbourg that the European Court was functioning well. But it was no longer the appropriate model for the Inter-American system.

The Inter-American system did not have the same long trajectory of the European system and the fusion of the Inter-American Commission into the Inter-American Court did not have the same urgency as it did in Europe, despite Judge Cançado's call for the expiration of the Commission and direct access to the Inter-American Court for the victim. The Inter-American Commission and Court have seven members each and were not as duplicative in their decisions as the European Commission and Court that had over 40 members each (one for each State Party to the European Convention on Human Rights).

But Judge Cançado's call for the autonomy of the victim from the Commission had resonance. With the creation of the Inter-American Court, the victim's lawyers were considered "assistants" of the Commission rather than "parties" to the case. Eventually the Rules of Court were amended, and the victim's representatives and the State were officially considered the parties to the case. The Commission's role became that of a *Ministerio Público*, explaining and defending its rationale for bringing the case to the Court. This new realignment of roles was more appropriate and changed the actual litigation. For Judge Cançado, the right to access to justice was a peremptory norm of international law and encompassed access to a tribunal, the right to a fair trial, due process of law, reparations, and the execution of judgments.

The coherence of Judge Cançado's view of the individual/victim, rather than the State, as the center of international law was something that he had fully formed in his studies and time as a judge in the Inter-American system. This evolved into his concept of the "humanization" of international law. His many concurring, dissenting, and separate opinions all further elaborated this human-centered view of international law. Brill publishers recognized how unique he was and in its series on "Judges" included a collection of his individual opinions (1991-2013) entitled "[*Judge Antônio A. Cançado Trindade. The Construction of a Humanized International Law*](#)." The volumes included his separate opinions and commentaries during his time on the Inter-American Court and the International Court of Justice. Unfortunately, he was not as widely esteemed on the International Court of Justice as he was on the Inter-American Court, but he carefully constructed his separate or dissenting opinions to leave behind a coherent explanation of his world view and how he differed from his contemporaries. His was a unique talent and commitment to the central role of the individual in international law, perhaps our greatest achievement in the 20th century. He will be greatly missed.

Christina M. Cerna is a Vice-President of the American Branch of the International Law Association.

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 2023: Build Tomorrow

October 13, 1873 saw the birth of the International Law Association (ILA). It is with great pleasure that, on behalf of the French Branch and all ILA partner branches, throughout the year 2023, we invite you to celebrate the 150th anniversary of the organization, guided by the idea of “Building Tomorrow.”

Registration for all online events occurring as part of the celebrations to mark the 150th anniversary of the ILA are now open! Please [register online](#).



The inaugural event for the 2023 Conference will take place online on January 12, 2023. The theme is '*Increase Legitimacy of International law—The Role of Parliaments*'. The debates, moderated by Philippe Sands and Michael Hahn, will bring together parliamentarians from all continents.

Twenty or so webinars are planned throughout 2023, which will be an opportunity to discuss each of the White Papers prepared to guide our collective reflection, on subjects as diverse as the Anthropocene, Food and Agriculture, the Sustainable Development Goals, Human Rights, Energy, and Investments, etc.

The first thematic webinar will discuss the White Paper on Energy and will take place on January 24, 2023.

There are currently 15 White Papers covering all aspects of International Law already available on [the conference website](#). There are more to follow. Public consultation for the White Papers is open to December 31, 2022. You may send your comments and contributions to the email indicated at the end of each paper. Please note that the consultation email is specific to each White Paper. The ILA 2023 organizers, including **Catherine Kessedjian**, extend their gratitude to all who have been involved in the preparation of the White Papers. Their vision, perseverance, and hard work is true to the nature of the ILA and will mean we are well prepared for our discussions in 2023.

On June 18-20, we invite you to Paris, in a hybrid format, for a symposium that will reflect on cross-cutting topics such as cooperation, due diligence, sanctions, the rights of future generations and more. The 150th anniversary book, entitled *The International Law Association – 150 Years in Support of International Law*, will be unveiled on this occasion. The Symposium will occur at the magnificent setting of the Cité Internationale Universitaire de Paris, whose DNA is perfectly in line with that of the ILA: to support peace and harmony within international society.

Please see the conference website for a full list of webinars and to sign up to receive the *Newsletter* for regular updates. Look out for further communications and updates regarding the events in 2023.

ILW Midwest Explores International Law & The New Cold War

In addition to its annual ILW conference in New York City, every year the American Branch sponsors regional conferences across the United States. On September 29-30, 2022, Case Western Reserve University School of Law hosted International Law Weekend–Midwest. The two-day conference focused on how the Russian invasion of Ukraine is changing international law and institutions.

Highlights of the conference included a dinner cruise on Lake Erie with an after-dinner speech by Kevin Nealer, Principal of the Scowcroft Group, and a performance by “Razing the Bar,” the Case Western Reserve faculty-student band; a morning keynote address by **Sean Murphy**, member of the U.N. International Law Commission; a lunch keynote address by **Ambassador Beth van Schaack**, U.S. Ambassador at Large for Global Criminal Justice; and a closing address by Judge Chile Eboe-Osuji, former President of the International Criminal Court.

Panels featuring two-dozen members of the ABILA and other experts explored whether the world has entered a new Cold War, the role of international law in resolving the Russia/Ukraine conflict, the power shift caused by Security Council paralysis due to Russia’s use of the veto, information operations in the modern age, and a new era of international courts and tribunals. Videos of the conference speeches and panels are [available online](#). Articles generated from the Conference will be published in Volume 55 of the *Case Western Reserve Journal of International Law* (2023).



ABILA Co-Sponsored Event: Emerging Issues in Legal Practice: Ethics, Representation and International Dispute Resolution



The American Branch co-sponsored a panel on *Emerging Issues in Legal Practice: Ethics, Representation and International Dispute Resolution* with the Permanent Mission of Armenia to the U.N. and the Armenian Bar Association on October 26 at U.N. Headquarters in New York.

In the age of social media and disinformation, the shifting standards with respect to decisions about clients, cases, and strategies that lawyers can select necessitate revisiting the voluntary and binding ethical standards governing the conduct of advocates before international courts and tribunals. Against the backdrop of the growing number and complexities of inter-State disputes, it is important to take a look at the expanding body of practice in international law. The event discussed the evolution of the area of legal practice related to the ethical considerations in

representation. Discussions focused on the role played by the practitioners in developing, implementing, and enforcing ethical standards, as well as the role of the international community in supporting such processes. Drawing on examples from both commercial and inter-State proceedings, the panelists aimed to identify recommendations and suggestions as to how ethical standards governing the conduct of advocates representing State clients before international courts and tribunals can be improved and further implemented.

Moderated by Grant Hanessian, panelists included Meriam Al-Rashid, Alex Bedrosyan, **Chiara Giorgetti**, and Arman Sarvarian. Welcome remarks were delivered by H.E. Mher Margaryan, Ambassador Permanent Representative of Armenia to the United Nations.

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 for the Branch to co-sponsor or promote on the ABILA online calendar.

News from Branch Committees

The **Committee on Arms Control and Disarmament** is looking for a new Chair. If you are interested, please contact the Co-Directors of Studies: Jennifer Trahan and Peter Yu.

The **Committee on International Environmental and Energy Law** (chaired by **Myanna Dellinger** and **Carolina Arlota**) has been working on different fronts and actively participated in ILW 2022. It sponsored a panel discussing the crucial role of science in informing the need for meaningful reduction of greenhouse gases and collaborative action among all countries against climate change. The panel, *Beyond Rocket Science: Assessing the Role of Natural and Social Sciences in Galvanizing International Climate Action*, featured **Carolina Arlota**, **Myanna Dellinger**, **Freddy Sourgens**, and Gudny Nielsen. Tibisay Morgandi joined the panel as a young scholar. The Committee also co-hosted a networking room at ILW 2022 with the **Law of the Sea Committee**.

The **Committee on the Formation of Rules of Customary International Law** sponsored a panel at ILW 2022 on *The Role of Customary International Law in the Next 100 Years*. The panel critically examined what role customary international law can and should play in the next 100 years in light of an expanding universe of sources of law, with a particular focus on the fields the international law of armed conflict, international human rights law, and international space and cyber law. The panel was moderated by Committee Chair **Brian Lepard** and included Rossana Deplano, Oona Hathaway, **Ezequiel Heffes**, and Nathalie Weizmann. The Committee also held a networking event after the panel. In the coming year, the Committee plans to continue work on a study of the status of international human rights law as customary international law. Lepard is working on a prospectus for the study.

The **Committee on International Arbitration** (chaired by **Floriane Lavaud** and **Daniel Reich**) and the **Committee on International Investment Law** (chaired by **David Attanasio** and **Diora Ziyaeva**) jointly led an effort to publicize ILW among the community of international arbitration and investment law practitioners, including arranging for ILW conference reporting for OGEMID. The Committees also published [an article reviewing the panels from ILW 2021](#) that touched on the Committees' subject matter. Building on that, the Committees had a number of panels at ILW 2022, either sponsored directly or within the general ambit of their mandates, including: *Coercive Diplomacy in the Skies: Dispute Resolution Mechanisms and Legal Remedies for States*; *Accountability in Internet Governance*; *The Vienna Convention on the Law of Treaties in Investor-State Disputes: History, Evolution, and Future*; and *Controlling Misimplementation and Misuse of Global Anti-Money Laundering Standards*. The Committees plan to organize further conferences aimed at drawing together practitioners and academics to discuss cutting edge issues in international investment law and international arbitration.

The **Committee on the International Criminal Court** (chaired by **Jennifer Trahan** and **Megan Fairlie**) is pleased to welcome **Rebecca Shoot** (Senior Technical Adviser, ABA Rule of Law Initiative and Co-Convenor of the Washington Working Group for the ICC (WICC)) as its new Advocacy Director. Sadly, in July 2022, the Committee issued a Statement "Remembering the Legacy of John Washburn" (*see p. 20*). For many years, John convened the American NGO Coalition for the International Criminal Court (AMICC), co-founded the Washington Working Group on the ICC (WICC), and the ICC Scholars' Forum. At ILW 2022, the Committee sponsored the panel *Prosecuting Sexual and Gender-Based Crimes at the ICC: An Expert Roundtable* featuring **Yvonne Dutton**, Julie Fraser, **Valerie Oosterveld**, Priya Pillai, and **Milena Sterio**.

The **Committee on International Law in Domestic Courts** (chaired by **Martin Flaherty** and **Steven M. Schneebaum**) sponsored a panel at ILW 2022 entitled *Is U.S. Ratification of Human Rights Treaties Obsolete*, moderated by **Jamil Dakwar**.

News from Branch Committees *(cont'd)*

The **Committee on the Law of the Sea** sponsored an ILW 2022 panel entitled “*Whose is the Bed of the Sea?*” 1922-2022 and *Beyond*, which addressed the past, present, and future of ownership over, benefits from, and control of, the seabed and subsoil of the continental shelf and deep seabed. Participants included Seline Trevisanut, **Cymie Payne**, and Kevin Baumert. Committee Chair **Coalter Lathrop** moderated. The Committee also co-hosted a lively networking during with the **Committee on International Environmental and Energy Law**.

The **Committee on International Human Rights** (chaired by **Aaron X. Fellmeth** and **Warren Binford**) sponsored two panels at ILW 2022: *Growing Threats to the Human Rights of U.S. Transgender & Intersex Children* and *The Legitimacy and Fundamental Principles of International Human Rights Law*, the latter of which was co-sponsored with the **Legitimacy & Fundamental Principles of International Law Committee**. The **Subcommittee on Gun Violence & Human Rights** will continue to pursue research and coordinated action regarding U.S. gun violence and human rights, and the **Working Group on Consumer Protection & Human Rights** will continue to research a white paper on human rights and consumer protection. The 100th Anniversary of Children’s Rights will be in 2024, and the Committee would like to organize activities in 2023 to commemorate that milestone the following year.

The **Committee on International Humanitarian Law** (chaired by **Gabor Rona** and **Ashika Singh**) held a networking room during ILW 2022, and sponsored the panel *The Cybercrime-Cyberwar Continuum: State Responsibility and Accountability for Cyberattacks under International Law*. The panel brought together experts and practitioners from the fields of cyber and humanitarian law to examine critical legal questions that arise when different actors carry out cross-border cyber operations for different purposes—from financially motivated “cybercrime” to hybrid, cyber-kinetic “warfare.” With attention to real-world case studies, the panel considered the factors that might bring a cyberattack within the scope of international humanitarian law and explored unanswered questions of State responsibility and accountability for different types of cyber operations, including those carried out by “private” actors.

The **Committee on International Trade Law** (chaired by **Richard Steinberg**) organized a panel on *The International Trade Regime’s Foundations in an Era of Increased Geopolitical Conflict* at ILW 2022. The panel surveyed developments in international trade law associated with recent and ongoing geopolitical shifts, including Russia’s invasion of Ukraine and China’s revisionist rhetoric and behavior, offering a range of views on present and future trade policy and implications for the global architecture of trade. **Kathleen Claussen**, **Sergio Puig**, **Kelly Ann Shaw**, and **Richard H. Steinberg** participated as speakers, while the panel was moderated by **Matthew Schaefer**.

The **Use of Force Committee** co-sponsored an ILW 2022 panel on *Prosecuting the Crime of Aggression: Russia and Beyond?*, organized by ICC Committee Co-Chair **Jennifer Trahan**. Committee Chair **Jack Beard**, along with Committee members **Mary Ellen O’Connell**, **Brad Roth**, and **Jennifer Trahan** have also been active at the **ILA Committee on the Use of Force** which is studying the question of military assistance on request. All four attended the May 2022 Committee meeting in Graz, Austria; Trahan and O’Connell presented.

The **Committee on United Nations Law** (chaired by **Christiane Ahlborn** and **Bart Smit**) sponsored an ILW 2022 panel on *Negotiating the Sustainable Future of Marine Biological Diversity in Areas Beyond National Jurisdiction*. This panel explored the issues at stake, positions, and challenges in the negotiations to conclude a treaty on marine biodiversity in the high seas and international seabed area beyond national jurisdiction.

The **Committee on Teaching Public International Law** (chaired by **Milena Sterio**) co-sponsored a panel on “Teaching Transitional Justice” in November 2022, organized by ASIL’s Transitional Justice and Rule of Law Interest Group. The roundtable discussion included scholars who teach transitional justice at universities and in varied classroom settings, and considered how diverse student bodies and instructors impact transitional justice pedagogy. A recording of the panel is [available online](#). It discussed how the specific classroom context within which transitional justice is taught shapes the ways in which professors teach it as well as the content of the course(s), challenges and/or unexpected opportunities professors have faced while teaching transitional justice, and best practices for teaching transitional justice in varied contexts. The discussion also considered how the personal and professional backgrounds of teachers of transitional justice shape the ways in which they teach the topic, and offered an opportunity for current and recent students of transitional justice to share their experiences on how they were taught transitional justice. The Committee is also co-sponsoring a Pedagogy program at the AALS 2023 Annual Meeting in San Diego, CA, on January 6, 2023.

News from Branch Committees *(cont'd)*

The **Committee on the Legitimacy and Fundamental Principles of International Law** (chaired by **Mortimer Sellers**) continued its effort 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. More specifically, it continued its systematic review of the different areas of international law, addressing their legitimacy and fundamental principles in cooperation with subject experts. The Committee's ILW 2022 panel focused on International Human Rights Law, in cooperation with the **ABILA International Human Rights Committee**.

The **Committee on Islamic Law and Society** (chaired by **Sahar Aziz**) held a well-attended networking room during ILW 2022.

The **Space Law Committee** (chaired by **Henry R. Hertzfeld** and **Matthew Schaefer**) co-sponsored a panel at ILW 2022 along with the **Committee on International Trade Law**. The panel—*The International Trade Regime's Foundations in an Era of Increased Geopolitical Conflict*—looked at the impact of geopolitical conflict on supply chains in aerospace and transport industries and continued the Committee's tradition of cooperation with other ABILA committees. The Committee again co-sponsored the University of Nebraska's Annual D.C. Conference, which was back in person this year at the Army & Navy Club across from the White House. Professor Schaefer moderated the keynote address discussion by Dennis Burnett and Franceska Schroeder. He also moderated the commercial space panel. Another panel was moderated by ABILA **Use of Force Committee** Chair **Jack Beard** and focused on rendezvous and proximity operations.

News & Publications from Branch Members

Leila Nadya Sadat (ABILA Board Chair and immediate past President) was appointed a Visiting Fellow at the Schell Human Rights Center at Yale Law School for the 2022-2023 academic year. She continued her work as Director of the Crimes Against Humanity Initiative, publishing a [White Paper](#) on procedural mechanisms for advancing the ILC's draft articles and attending the UNGA Sixth Committee meeting on the same. She also spoke on the topic on a panel at ILW 2022 and during the IBA Showcase on Atrocity Prevention at the IBA's annual meeting in Miami. She spoke at the Nuremberg Academy Forum in fall 2022 on *The ICC of the Future* (publication forthcoming) and led a training on Crimes Against & Affecting Children for the ICC Prosecutor's Office in November. She has also been active on the problems of gun violence, publishing and speaking at various venues on school shootings based on her [article](#) *Torture in our Schools*, 135 Harv. L. Rev. 512 (2022).

Carolina Arlota became an Associate Research Scholar at Columbia Law School under the Sabin Center for Climate Change Law. Her work explores international and U.S. laws governing the cross-border transport of carbon dioxide for sequestration, and how such transportation fits into broader climate and environmental protection regimes, including the Paris Agreement on Climate Change, carbon markets, and emissions trading. This line of investigation builds on her previous research on the Paris Agreement and related climate policies. In October 2022, she published "[The Impact of the COVID-19 Pandemic on Foreign Investment and Investment Arbitration Disputes: From Energy Transition Disrupted to the Path Forward to a Greener Future](#)" in the peer-reviewed *Journal of World Energy Law and Business*.

Juan Fansico Padin became a Diplomat in the Argentine Foreign Service. He participated actively in ILA activities, having been the only ABILA member in the ILA Youngs' Member Commission at the ILA/ADI 2023 Meeting and its publication.



News & Publications from Branch Members *(cont'd)*



Irene Calboli was named a Regents Professor by the Texas A&M University system. Established in 1996, the Regents Professor Award is the highest honor that the Texas A&M University System bestows on a faculty member. The award recognizes exemplary performance in teaching, research, and service, and honors achievements that impact the institution and community — both statewide and internationally.

At ILW Midwest in September 2022, ABILA President **Michael Scharf**, Board Member **Milena Sterio**, and their co-author Paul Williams, [received](#) the Association Internationale De Droit Pénal (AIDP) American National Section's 2022 Book of the Year Award for "[The Syrian Conflict's Impact on International Law](#)" (CUP). The annual award, for scholarly and theoretical contributions to the field, was presented by Professor Michael Kelly, the Chair of the AIDP American National Section's Book Award Committee. In November, Scharf was [honored](#) at Denver University School of Law, which bestowed on him the annual Cox Price International Human Rights Award. Established in 2006 in conjunction with the inauguration of the Nanda Center, the Cox Price International Human Rights Award honors extraordinary contributions in the field of human rights. Scharf also assembled an expert panel on international prosecutions for "Accountability for Russian War Crimes," a special broadcast of his one-hour radio program *Talking Foreign Policy*, on October 24. The show aired and was streamed worldwide from Cleveland's NPR station and several affiliates. This broadcast also marks the launch of the Talking Foreign Policy podcast. This episode and others are now available for downloading as a podcast from the [Talking Foreign Policy archives](#).



Paolo Farah chaired the [Second Annual Energy Transition Colloquium](#) in April and June 2022. Another ABILA member, **Larry Catá Backer**, took part, speaking on the panel *Facilitating the Energy Transition I: Public International Law, Trade and Climate Change*.

Myanna Dellinger continues to advance international environmental and energy law research and awareness in her work at the EinStrong Foundation and in her [podcast](#), which is sponsored by ABILA. Recently, she produced the following podcasts: [Climate Change Governance](#), an interview with Dr. Kristian Nielsen of the University of Cambridge and [Educating Girls in Africa Using Carbon Offsets](#), an interview with Gudny Nielsen, Director of SoGreen in Iceland.

Jennifer Trahan (ABILA Vice-President and Co-Director of Studies) spoke remotely at the 43rd Parliamentarians for Global Action Forum in Buenos Aires, Argentina, held in the National Congress of Argentina on November 5, 2022. The meeting was the 12th Consultative Assembly of Parliamentarians on the International Criminal Court and the Rule of Law.



Have your work featured by the American Branch

If you have work that you would like featured by the American Branch, contact ABILA's Media Officer Kristi Ueda (media@ila-americanbranch.org).

We are always happy to feature your work in our [Newsletter](#) or on our [blog](#).

Publish on our Blog

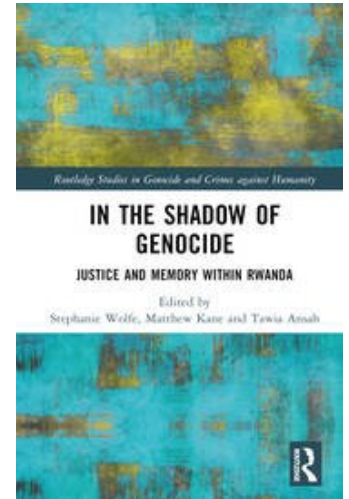
The American Branch of the International Law Association loves to highlight our members' fantastic work.

If you would like for us to feature your work—whether it is a recent publication or an important case you worked on—we would be more than happy to work with you on a piece for our blog.

Contact our Media Officer Kristi Ueda at media@ila-americanbranch.org for more information.

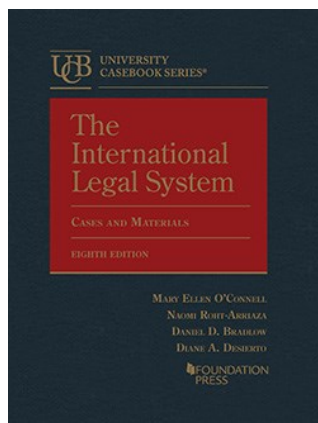
News & Publications from Branch Members *(cont'd)*

Matthew Kane's co-edited book *[In the Shadow of Genocide—Justice and Memory Within Rwanda](#)* was published by Routledge. This book brings together scholars and practitioners for a unique inter-disciplinary exploration of justice and memory within Rwanda. It explores broad and varied approaches to post-atrocity memory and justice through the work of those with direct experience with the genocide and its aftermath—including the strategies employed by the state, civil society, and individuals. By exploring how justice and memory are understood, the editors have compiled a book that combines disciplines, voices, and unique insights that are not generally found elsewhere.



In June 2022, several ABILA members—including **Catherine Amirfar**, **Sarah Cleveland**, **Brian Egan**, **Duncan Hollis**, **Asaf Lubin**, and **Jennifer Trahan**, spoke at *[The Evolving Face of Cyber Conflict and International Law: A Futurespective](#)*, a three-day program organized by the Tech Law Program at American University Washington

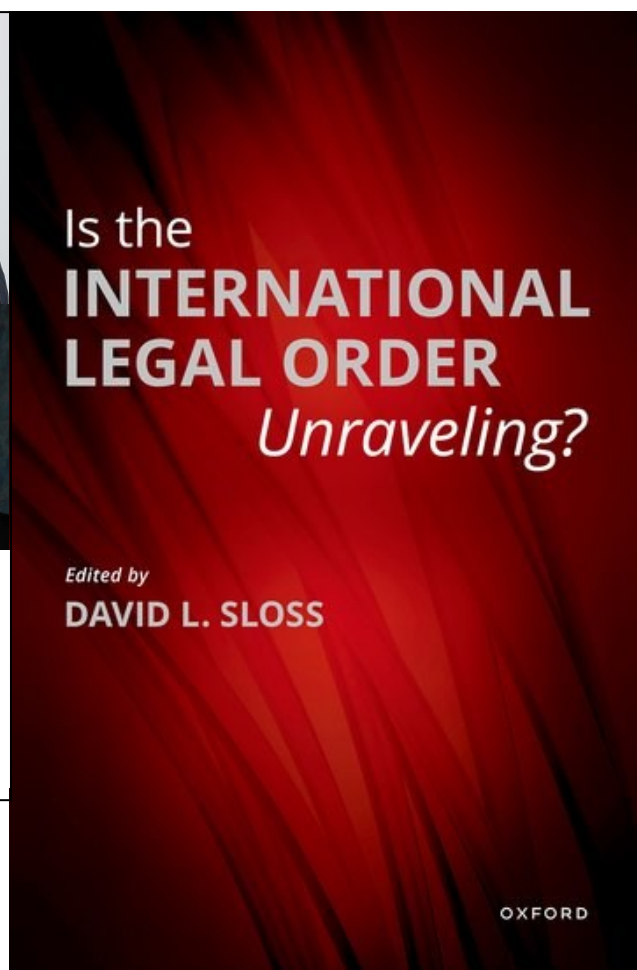
College of Law. Over the past quarter-century, criminals, non-state actors, and states have leveraged the inherent insecurities and vulnerabilities of cyberspace at an ever-increasing rate and with ever-more harmful impact. At the same time, States had until recently remained relatively silent on their views of how international law regulates their cyber activities. That has begun to change, however, with an increasing number of States making official pronouncements of their *opinio juris*, either independently or through established multilateral processes like the UNGGE and OEWG. While this is a positive trend, it has also highlighted several disparate views on critical issues and the difficulty in achieving anything more than limited clarity and consensus. The Symposium considered what we can discern from these State pronouncements, what is the present state of the law governing State cyber activities, and where is it headed?



ABILA member **Mary Ellen O'Connell**, along with Naomi Roht-Arriaza, Daniel Bradlow, and Diane A. Desierto, published *The International Legal System: Cases and Materials* (8th edition, Foundation Press, 2022). The world of international law is expanding and changing at an accelerated pace. This edition captures the critical developments for law students as they prepare for the global legal marketplace. Important additions include an entirely new chapter, Humanitarian Emergency, Health and Migration Law, and a thoroughly revised International Economic Law chapter with extensive new material on trade, investment, and development. Materials on Russia's 2022 invasion of Ukraine have been added, as

well as material on cryptocurrencies, and updates to the discussion on climate change and other global environmental concerns.

Is the International Legal Order Unraveling? (CUP, 2022)



The book *Is the International Legal Order Unraveling?*, edited by **David L. Sloss**, was published by Oxford University Press in November 2022.

This book grows out of the work of the American Branch's Study Group on Threats to the Liberal International Order, which had the mandate to examine threats to the rules-based international order and possible responses. Sloss chaired the Study Group.

The several chapters in the book generally support the conclusion that the rules-based international order confronts significant challenges, but it is not unraveling—at least, not yet. Climate change is the biggest wild card in trying to predict the future. If the world's major powers—especially the United States and China—cooperate to combat climate change, then other threats to the rules-based order should be manageable. If the world's major powers fail to address the climate crisis by 2040 or 2050, the other threats addressed in this volume may come to be seen as trivial in comparison.

The book consists of 14 chapters—several of which were written by other ABILA members—plus an introduction. ABILA authors include: **Maxine Burkett, Kathleen Claussen, Tom Ginsburg, Jaya Ramji-Nogales, Leila Nadya Sadat, Wayne Sandholtz, David Sloss, and Richard Steinberg.** Three chapters address specific threats to the rules-based international order: climate change, autonomous weapons, and cyber weapons. Eight chapters address particular substantive areas of international law: *jus ad bellum*, *jus in bello*, trade law, investment law, anti-bribery law, human rights law, international criminal law, and migration law. The remaining chapters provide a range of perspectives on the past evolution and likely future development of the international legal order as a whole.

A book launch was held in conjunction with the American Society of International Law on November 14. You can [watch the program online](#) (available until December 31).

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, attend ILW 2023, participate in Branch committees and study groups, and/or 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.

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Donations are vital to the long-term success of the organization and ensure that it can carry out its important work long into the future.

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If you are interested in supporting the American Branch, please reach out to
ABILA Membership Office Madaline George (membership@ila-americanbranch.org) and
ABILA President Michael P. Scharf (mps17@case.edu).



Calendar of Upcoming Events

January 4-7, 2023: AALS Annual Meeting—How Law Schools Can Make a Difference (San Diego, CA, USA)

January 12, 2023: ILA 2023 Inaugural Event—Increasing the Legitimacy of International Law: The Role of Parliaments (virtual)

January 19, 2023: 11th ITA-IEL-ICC Joint Conference on International Energy Arbitration (Houston, TX, USA)

January 24, 2023: ILA 2023: Thematic Webinar to discuss the White Paper on Energy

March 3-5, 2023: Law in the Age of Globalisation: Convergence of India and the West Conference (ABA International Law Section; New Delhi, India)

March 23-24, 2023: Third World Meeting of the Global Network of Societies for International Law (Lima, Peru)

March 29-31, 2023: 117th Annual Meeting of the American Society of International Law (Washington, D.C., USA)

May 1-3, 2023: ILS Annual Conference – Back Together (ABA International Law Section; New York, NY, USA)

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

American Branch of the International Law Association

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