



INTERNATIONAL LAW ASSOCIATION
AMERICAN BRANCH
EST. 1922

NEWSLETTER

Celebrating 100 Years of the American Branch

By ABILA President Leila Nadya Sadat

This is my final letter as ABILA President, and it has been an extraordinary four years. In spite of a global pandemic and ongoing war, we have grown to become the largest ILA Branch and created a new website. Eight members have joined as patrons, and we are currently celebrating our 100th anniversary.

This is largely due to the talent and efforts of our members, and the leaders of our Branch who came before me. It is also due to the dedication of our staff and our officers, including our long-time Treasurer **Houston Putnam Lowry**; our corporate secretaries **Amity Boye** and **M. Imad Khan**; Membership Officers **Bethel Mandefro**, **Tabitha Crawford**, and **Madaline George**; Media Officers **Zoe Ferguson**, **Rukhsar Azamee**, and **Kristi Ueda**; our Student Ambassadors; and of course our Committee Chairs, our at-large Board of Directors, Chairman of the Board **David Stewart**, and our officers and Co-directors of Studies, **Jennifer Trahan** and **Peter Yu**.

ABILA has become a Centennial organization because it is a service organization of individuals working for the betterment of the world through the teaching, study, and development of international law. We are small, but part of a [larger whole](#), and we love that. We are bottom-up, rather than top-down; members can propose new committees and projects as well as serve on existing [committees](#) and [propose panels](#) at [International Law Weekend \(ILW\)](#), [regional ILWs](#), or [other events](#). There is not very much gatekeeping in

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Celebrating 100 Years of the American Branch

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our organization; instead, there are many entrepreneurs. We are by and large a volunteer organization with little in the way of permanent staffing, and no permanent physical space; we encourage [students](#) to attend our meetings free of charge and keep our costs very low for [members](#); and our [Board](#) has been remarkably stable, particularly in the adoption of a leadership troika model that allows for continuity and effective collective governance.

Today we continue to cleave to our core values and the [International Law Association's](#) mission of peace and justice through law. We continue to advance our mission through researching, teaching, and studying international law as a practical, as well as a scholarly, discipline and our annual meeting, [International Law Weekend](#), has continued to grow and flourish, even during a global pandemic. We continue to be a service organization and have encouraged the next generation of international lawyers to join—free of charge—and participate actively—free of charge.

We have reached out to new constituencies and embraced diversity and inclusion as key elements of our successful future while at the same time honoring our past. I have been proud to serve as ABILA's second woman President and thrilled to see a [woman](#) chair [our parent organization](#), the International Law Association, and the continuing diversity of our global organization. For this reason, I am convinced that in spite of an ongoing conflict, the continued scourge of the pandemic, economic inequality, racism, religious tension, nationalism, and climate change, we will steadfastly continue to do what we do best: work together, as a community, dedicated to achieving peace and justice through law.

As our organization looks hopefully towards its second century, I am grateful for the opportunity I have had to lead it for the past four years, and to continue to serve as ABILA Chair as the presidential baton passes to my dear friend and colleague, **Michael Scharf**.

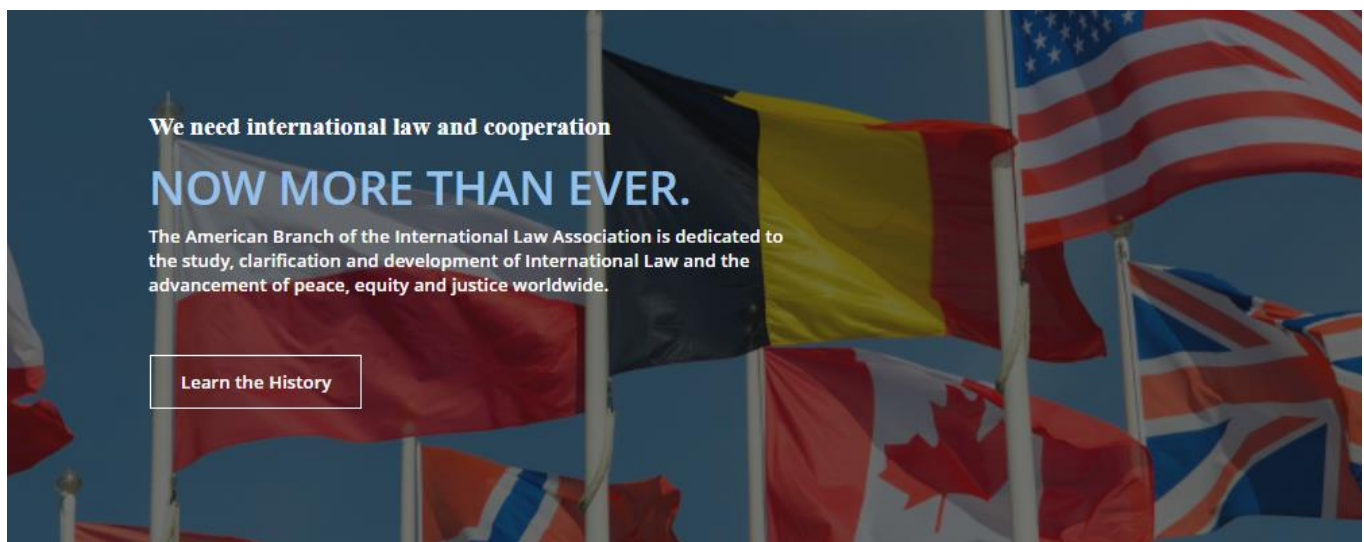
Sincerely,



Leila Nadya Sadat



Leila Nadya Sadat





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

www.ila-americanbranch.org

On April 7, 2022, the Branch hosted a **Centennial Reception** during the American Society of International Law's Annual Meeting in Washington, D.C. It was great to see so many familiar faces and meet new friends and colleagues.

The event featured twenty publications of our members and brief remarks by International Residual Mechanism for Criminal Tribunals Judge **Margaret deGuzman**, author of [Shocking the Conscience of Humanity: Gravity and the Legitimacy of International Criminal Law](#).



Top row: **Margaret deGuzman**; **M. Imad Khan** and **MJ Durkee**; **Leila Sadat**

Middle row: **Larry Johnson**, **Leila Sadat**, **Charles Jalloh**, **Valerie Oosterveld**; **Jessica Peake**, **M. Imad Khan**, **Freddy Sourgens**, and **Fredy Doughtry**

Bottom row: **Larry Johnson**, **Christian De Vos**, and **Jennifer Trahan**

Editor's Note

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

ABILA Celebrates Its 100th Birthday

The American Branch was founded in January 1922. One hundred years later, we are excited to celebrate our centennial year with friends and colleagues as the world reopens to in-person meetings.

Stay tuned for details on more ways that we will recognize our 100th year.

ABILA's Centennial

Committee is composed of:

Philip Moreman (Chair)

William Aceves

David Attanasio

Chiara Giorgetti

Nancy Thevenin

Leila Nadya Sadat

Madaline George (*ex officio*)

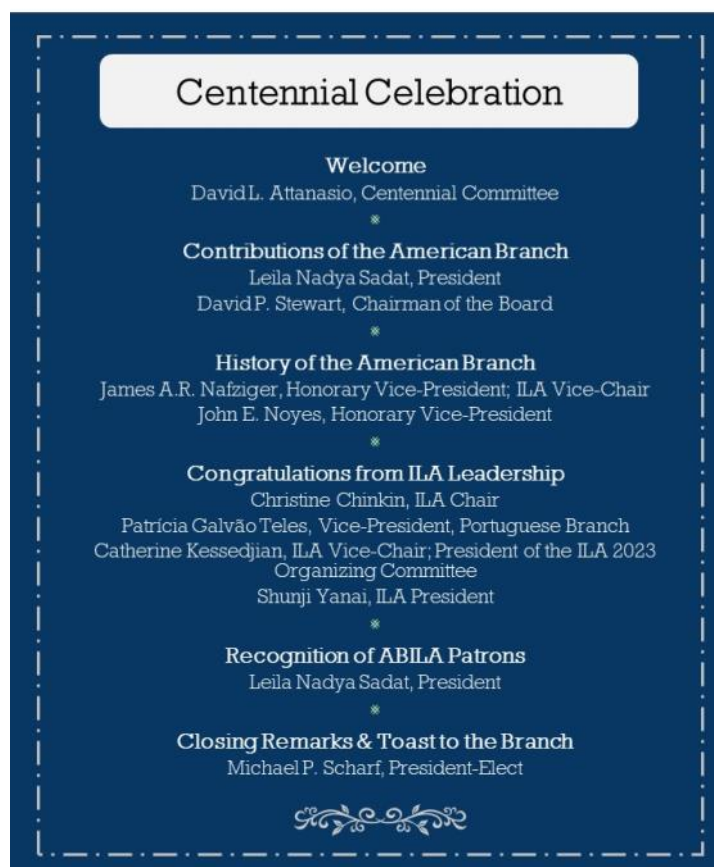
ABILA Kicks Off Its Centennial Celebration with ILA Leaders on January 27, 2022



Top row, from left: Leila Nadya Sadat, Christine Chinkin, Shunji Yanai. Bottom row: Patrícia Galvão Teles, Catherine Kessedjian

The American Branch began its 100th-anniversary celebration on January 27, 2022, 100 years to the day from its founding, with a virtual event featuring ILA leaders. A recording of the event is available [online](#). ILA Chair **Christine Chinkin** noted that “the American Branch [has] played a significant role in international law through its research and dissemination,” while **Patrícia Galvão Teles**, Vice-President of the Portuguese Branch, reflected on how ABILA’s work inspires other ILA Branches.

The event concluded with President-Elect **Michael Scharf** leading a “toast in recognition of our Branch’s rich history and past triumphs, a toast to all the members who contributed to its successes, and a toast in contemplation of our bold aspirations for the future as we seek to promote peace and justice through international law.”



Meet Our Members

In recognition of our 100th anniversary, we want to introduce you to some of the amazing members who make our organization great.

These videos are available [on our website](#).

Meet ABILA President Leila Nadya Sadat



Helping to Create the International Criminal Court

Meet ABILA Investment Law Committee Co-Chair David Attanasio



A Diverse Community of International Lawyers

Meet ABILA ICC Committee Chair Jennifer Trahan



An ABILA Conference Led to My Career in International Law

Meet ABILA Honorary Vice-President Ved Nanda



Bringing International Lawyers Together From Across the USA

Meet ABILA Vice-President Chiara Giorgetti



Being Part of a Global Network of International Lawyers

Meet Former ABILA President Jim Nafziger



Influencing the Development of International Law

Meet ABILA President-Elect Michael Scharf



ABILA Connected Me to My Law Publisher

Meet ABILA Board Member William Aceves



Contributing to the Development of International Law

Meet ABILA Board Member Nawi Ukabiala



Working Alongside Esteemed International Law Pioneers

Meet ABILA IHL Committee Co-Chair Ashika Singh



The Important Work of ABILA Committees

Meet ABILA Membership Officer Madaline George



Contributing to the UN through ABILA Committees

Meet former ABILA President John Noyes



Expanding My Network in a Global Organization

Meet ABILA Vice-President Amity Boye



Providing Meaningful Opportunities to Students

Save the Date!

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

ILW 2022 Organizing Committee

MJ Durkee, Co-Chair

M. Imad Khan, Co-Chair

Floriane Lavaud, Co-Chair

Carolina Arlota

Pamela Bookman

Amity Boye

LaWonda Love

Mae Nguyen

Lisa Reinsberg

Lucia Solano

Frédéric Sourgens

Milena Sterio

Isavella Vasilogeorgi

Madaline George, ILW
Administrative Coordinator

Leila Sadat, *ex officio*

Michael Scharf, *ex officio*

David Stewart, *ex officio*

Save the Date! International Law Weekend (ILW) 2022: *The Next 100 Years of International Law*

International Law Weekend 2022—the annual conference of the American Branch—will be held in New York City on October 20–22, 2022. We look forward to gathering in person for the first time since ILW 2019. The ILW 2022 Organizing Committee, chaired by **MJ Durkee** (University of Georgia School of Law), **M. Imad Khan** (Winston & Strawn), and **Floriane Lavaud** (Debevoise & Plimpton), is pleased to invite panel proposals for inclusion in the 2022 conference program.

The unifying theme for ILW 2022, held during ABILA's centennial year, is ***The Next 100 Years of International Law***:

On the occasion of ABILA's centennial anniversary, International Law Weekend 2022 invites reflection on the past and future of international law. Which foundations from the last century of international law should remain in the next century, and which should be reimagined? 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. Present circumstances offer the opportunity to reevaluate the core features of international law. ABILA's centennial ILW will explore the areas of international law that offer robust solutions, and those that require reinvention.

ILW 2022 will consider these issues through a diverse set of engaging and provocative panels. As in prior years, we anticipate nearly 1,200 registrants including practitioners, academics, diplomats, business leaders, federal and state government officials, NGO leaders, journalists, students, and interested citizens. We plan to include a broad array of both public international law and private international law topics in each time slot.

For more information on submitting a panel proposal, please visit: <https://www.ila-americanbranch.org/ilw-2022-call-for-panel-proposals/>.



From Left: MJ Durkee, M. Imad Khan, Floriane Lavaud

For questions regarding ILW 2022, please contact: ilw@ila-americanbranch.org.



INTERNATIONAL
LAW ASSOCIATION
AMERICAN BRANCH ▶ EST. 1922



International Law Weekend

The Next
100 Years of
International
Law

100th Members Meeting

October 20-22, 2022
New York City

**Submit a panel proposal
by June 1st:**

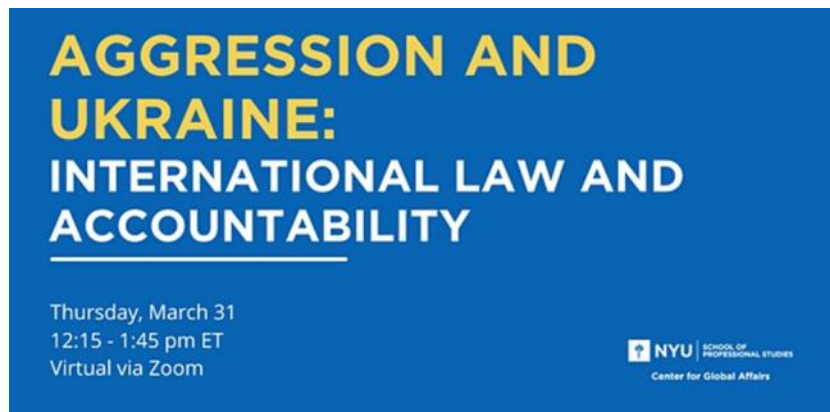
[www.ila-americanbranch.org/
international-law-weekend](http://www.ila-americanbranch.org/international-law-weekend)

ABILA's International Criminal Court Committee Webinar: *Aggression and Ukraine: International Law and Accountability*

The ABILA Committee on the International Criminal Court (Co-Chaired by **Megan Fairlie** and **Jennifer Trahan**) co-sponsored a panel with NYU's Center for Global Affairs entitled *Aggression in Ukraine: International Law and Accountability*, which was held virtually on March 31, 2022.

Given the tragic outbreak of war in Ukraine and Russia's flagrant violation of the UN Charter and ongoing commission of crimes, this panel explored justice possibilities both at the level of state accountability as well as individual criminal responsibility. The panel considered the role that the International Criminal Court (ICC) can play, as well as other possibilities for accountability. The discussion included consideration of crimes under the ICC Statute, the crime of aggression, cyberattacks as encompassed within the ICC's crimes, and the potential role of the International Court of Justice.

The panel featured Ambassador Christian Wenaweser as keynote speaker, with panelists Ambassador David Scheffer and Professors Lindsay Freeman, Oona Hathaway, and Adil Haque. Professor **Jennifer Trahan** (Co-Chair, ICC Committee) moderated.



ABILA Webinar: *The Ukraine Conflict - What is at Stake?*

The American Branch co-sponsored a webinar entitled *The Ukraine Conflict—What is at Stake?*, on March 10, 2022, with the American Society of International Law, Institute for Transnational Arbitration, and Southwestern Institute for International and Comparative Law. The event featured Danae Azaria, **Leila Nadya Sadat**, **Frédéric G. Sourgens**, Harry W. Sullivan, Jr, and Baiju Vasani.



Harry W. Sullivan, Jr.



Danae Azaria



Baiju Vasani

Russia's invasion of Ukraine has changed the world in fundamental ways in a short period of time. International legal proceedings against the Russian Federation are pending, including an international criminal investigation before the International Criminal Court and a case before the International Court of Justice. Further, sanctions have targeted key Russian interests, including energy interests. The certification of the Nord Stream 2 pipeline has been put on hold by the German government in response to Russian action. Similarly, international energy companies have indicated their exit from or intent not to further invest in Russian energy projects. At the same time, Russian-Chinese energy projects continue to go forward and may even accelerate.

This panel provided a briefing of these late-breaking issues and context against which to understand these developments. It discussed what to make of the pending legal proceedings and predicted potential future legal proceedings by the Russian Federation or Russian nationals. It also considered what (energy) world we are waking up to as Europe continues its attempt to decouple from Russia, and China appears poised to deepen its energy cooperation with the Russian Federation. A recording of the event is [accessible online](#).

Presidential Statement on the Situation in Ukraine

By ABILA President Leila Nadya Sadat

February 22, 2022

On February 21, 2022, after weeks of military buildups and threats, the Russian Federation sent troops into two areas of eastern Ukraine's Donbas region shortly after recognizing them as independent countries and ordered a mass evacuation of the civilian residents there. Russia's parliament subsequently approved the use of military force in Ukraine.

The Russian Federation's actions violate core principles of international law, principles that are the foundation of our work as members of the American Branch of the International Law Association. The use of force against the political independence and territorial integrity of a U.N. Member State, enshrined in Article 2(4) of the United Nations Charter, without prior authorization of the Security Council or pursuant to Article 51's exception for self-defense, violates the Charter and a fundamental norm of *jus cogens* character. Acts of aggression and unlawful intervention threaten the peace and security of the world and undermine the fundamental purposes of the United Nations under Article 1 (1) of the Charter. States committing them may be subject to sanction, other U.N. Member States have a duty not to recognize the internationally unlawful situation they create, and a criminal investigation may be warranted for any violations of humanitarian law or other crimes committed during the conflict.

Since its founding in 1922, in the wake of a devastating World War, the ABILA has stood up for the rule of law and our work emphasizes the need for negotiation, diplomacy, and the peaceful settlement of international disputes. The invasion of a sovereign nation on Europe's eastern frontier threatens the peace and stability of the entire region. As Kenya's Ambassador noted during the emergency session of the Security Council convened to discuss the Russian Federation's invasion of Ukraine, whatever its claims of lost territory may be, Russia must "complete [its] recovery from the embers of dead empires in a way that does not plunge us back into new forms of domination and oppression."

We stand in solidarity with the people of Ukraine and urge the Russian Federation to come back to the negotiating table and withdraw its troops.



Several other ILA Branches have issued statements. [Read them here.](#)

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)

Members' Analysis and Commentary on the War in Ukraine

Chimène Keitner co-published a three-part Q&A series with Zoe Tatarsky on *Just Security*. The first part, [Next Steps in Ukraine's Application to the ICJ](#), analyzes the ICJ's jurisdiction in relation to the Genocide Convention and the plausibility threshold, which the Court has stated must have a "link between the rights claimed and the provisional measures requested." The second part addresses [Ukraine at the International Court of Justice, Russia's Absence & What Comes Next](#) and notes the Russian Federation's submission as noteworthy in that Russia is seemingly taking the case seriously enough to respond. However, this raises the following questions: Who are its arguments for? Does Russia genuinely intend to convince the ICJ? The international community? The final part, [The ICJ's Order on Provisional Measures in Ukraine v. Russian Federation](#), analyzes how the Court, in its provisional measures, used language that was in some respects broader and other respects narrower than the language in Ukraine's request. The Court's order itself emphasized that "the measures to be indicated need not be identical to those requested."



ABILA President **Leila Nadya Sadat**, along with Kip Hale, co-published an essay on *Just Security* on [How International Justice Can Succeed in Ukraine and Beyond](#). The authors note that the unprecedented interest in justice for Ukraine has exposed weaknesses in the global justice system to a much larger audience, and underscore that international institutions, including the International

Criminal Court, can only be as strong as the commitment of the States supporting them. Achieving accountability for atrocity crimes in Ukraine, while also bolstering the field's overall effectiveness and legitimacy, is attainable, if the international community approaches the problem with that goal in mind. To this end, State Parties to the ICC and those that are not, including the United States, should pursue a combination of innovative and long-overdue improvements. They suggest three ways in which efforts to ensure accountability for the ongoing crimes in Ukraine can be strengthened and the world's fledgling international justice system can be bolstered.

ABILA Co-Director of Studies **Jennifer Trahan** published [The Need to Reexamine the Crime of Aggression's Jurisdictional Regime](#) on *Just Security*. She observed that "the International Criminal Court (ICC) lacks jurisdiction to investigate or prosecute the crime of aggression" committed in the territory of Ukraine and argues that "[w]hat is needed in the long run is for States Parties to the ICC's Rome Statute to amend the crime of aggression's jurisdictional regime and create more jurisdiction in support of the core norm in the UN Charter against the aggressive use of force, Article 2(4)." She also wrote an *ASIL Insight* on [Revisiting the History of the Crime of Aggression in Light of Russia's Invasion of Ukraine](#).

(cont'd on p. 10)

Members' Analysis and Commentary on the War in Ukraine *(cont'd)*

ABILA Board Member **Milena Sterio** published an article on *IntLawGrrls* entitled [*Russia v. Ukraine: The Limits of International Law*](#). Sterio states that while international law contains clear legal norms to condemn Russia's invasion of Ukraine and theoretically impute state responsibility onto Russia and individual criminal responsibility on Vladimir Putin, it remains limited in its ability to address the conflict. Her reasoning is threefold: 1) Authorization for the use of force against Russia remains deadlocked in the veto-blocked Security Council; 2) the crime of aggression has a limited jurisdictional regime and because Russia is not a member of the ICC, Russian leaders are effectively shielded from accountability at the ICC; and 3) while the ICJ could order Russia to cease using military force in Ukraine, it lacks an enforcement mechanism to enforce its own judgment. Sterio asserts that due to its status as a Great Power, Russia benefits from international law's institutional design and may remain insulated from international law's reach despite violating fundamental international law norms.

ABILA President-Elect **Michael Scharf** and **Milena Sterio** discussed the Ukraine Invasion with Sandy Hodgkinson, Paul Williams, and Avidan Cover in a new video entitled [*Talking Foreign Policy—The Ukraine Crisis*](#). The experts discussed Russia's strategy and tactics, such as deception, in its invasion of Ukraine as well as the West's response to the invasion with crippling sanctions and Russia's response with implied threats to use nuclear and chemical weapons. They also contemplate whether the responses have generated enough deterrence for other geopolitical contexts to refrain from similar actions. They also examine avenues for holding Russia and Vladimir Putin accountable for war crimes, crimes against humanity, the crime of aggression, and genocide through international and domestic courts or even the creation of a hybrid tribunal.



Oleksandr Ratushniak / UNDP Ukraine



INTERNATIONAL LAW ASSOCIATION

AMERICAN BRANCH

EST. 1922

The Second Century Campaign

In recognition of its centennial anniversary, the American Branch is launching a Second Century Campaign.

The American Branch invites all its members to consider becoming a patron, or to otherwise give a special donation to the Branch.

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.

All donors to the Second Century Campaign will receive special recognition .



The American Branch extends a sincere “thank you” to our current patrons:

Andrea K. Bjorklund
Charles N. Brower
Lee C. Buchheit
David Canon (*deceased*)
Christina M. Cerna
Valerie Epps
Edward Gordon
Charlotte Ku
Anthony Lee Larson
Cynthia C. Lichtenstein
Houston Putnam Lowry
Philip M. Moremen
John F. Murphy (*deceased*)

James A.R. Nafziger
Ved P. Nanda
Andre Newburg (*deceased*)
John E. Noyes
Anibal M. Sabater
Leila Nadya Sadat
Michael P. Scharf
Mortimer N. Sellers
Charles D. Siegal (*deceased*)
David P. Stewart
Beth Van Schaack
Jennifer Trahan
Ruth G. Wedgwood



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 Leila Nadya Sadat (Sadat@wustl.edu).

ABILA's Newest Patrons: The Second Century Campaign



Charlotte Ku



Andrea K. Bjorklund



Michael Scharf



Jennifer Trahan



Valerie Epps

The American Branch is pleased to recognize five new patrons who have pledged their support to the organization since the start of our Second Century Campaign. Patrons are life members of the Branch and do not pay annual dues. Patrons not only support the organization but are also actively involved in the organization's activities.

Andrea K. Bjorklund is a member of the ABILA Board of Directors and a Full Professor and the L. Yves Fortier Chair in International Arbitration and International Commercial Law at McGill University Faculty of Law. She is widely published in investment law and dispute resolution and transnational contracts and is currently working on a new book with Stefan Kröll and Franco Ferrari: *Cambridge Compendium of International Commercial and Investment Arbitration* (Cambridge University Press).

Valerie Epps is a long-time member of ABILA and an Honorary Vice-President. She is a Research Professor of Law at Suffolk University Law School and was awarded the Catherine T. Judge Teaching and Service Award in November 2019. She also serves on the Board of Directors of the Boston Committee on Foreign Relations. She recently co-published [*International Law*](#) (Carolina Academic Press, 6th ed., 2019) with John Cerone and Brad R. Roth.

Charlotte Ku is a member of the ABILA Board of Directors and Professor of Law and Director, Global Programs at the Texas A&M University School of Law. Throughout her years of senior academic leadership positions, she has fostered the building of awareness of international law and institutions and has championed the interdisciplinary collaboration of international law and international relations scholars.

Michael Scharf is the ABILA President-Elect and Co-Dean, Joseph C. Hostetler – BakerHostetler Professor of Law, and Director of the Frederick K. Cox International Law Center at Case Western Reserve University School of Law. He also serves as Managing Director of the Public International Law and Policy Group. He is a prolific author, having published over 100 scholarly articles and 20 books, four of which have won national book-of-the-year honors.

Jennifer Trahan is the ABILA Co-Director of Studies, Co-Chair of ABILA's International Criminal Court Committee, and a Clinical Professor at NYU's Center for Global Affairs and Director of its Concentration in International Law and Human Rights. She was recently appointed Convener of The Global Institute for the Prevention of Aggression. She recently published [*Existing Legal Limits to Security Council Veto Power in the Face of Atrocity Crimes*](#) (Cambridge University Press, 2020), which won ABILA's inaugural Book-of-the-Year Award.

If you are interested in becoming an ABILA Patron, please contact ABILA Membership Officer Madaline George (membership@ila-americanbranch.org).

New Branch Members

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

Emad Alshame
Nicolas Angelet
Krishna Mohan Arya
Kwabena Asumadu Tieku
Teddy Baldwin
Stephanie Ball
Laurie Blank
Edward Cain
Lorena Ferreira de Araújo
Matthew Dillon
Freya Doughty
Muhammad Dzaki Fadhiil
Jean Galbraith
Hannah Garry
Jared Green
Ryan Haigh
Marlène HOUNGBEDJI
Gunay Jabbarova
Julia Krusen
Urooj Lashari
Chinyelu Kambui Lee
Craig Martin
Abdul Aziz Meslat
Gautam Mohanty
Besar Murati
Asad Nadeem
David Novosardian
Raul Orozco
Fatima Saeed
Skylar Sakis
Uffaifah Samoo
Tyler Shappee
Evan Shiver
Anna Ventouratou
Khawla Wakkaf
Catherine Willis
Paras Zafar
Joey Zhou

ABILA New Member Spotlight: Teddy Baldwin



Teddy Baldwin is a Partner at Steptoe & Johnson. He regularly acts as lead counsel in significant litigations and arbitrations, and in arbitration-related proceedings, such as the enforcement of arbitration awards in US courts.

Mr. Baldwin advises clients with respect to disputes and potential disputes before the SCC, ICSID, ICC, SIAC, HKIAC, LCIA, and other arbitral institutions. His representations and advisements have included disputes brought under CAFTA, NAFTA,

foreign investment laws, bilateral investment treaties, and the Energy Charter Treaty.

Mr. Baldwin is involved with several task forces of the Energy Charter Secretariat, including with respect to its dispute resolution provisions. He is on the Editorial Board of Oxford University Press' Investment Claims and on the Advisory Board of Georgetown's International Law Center. He also regularly lectures on arbitration-related issues and writes on similar topics.

His successful record in dispute resolution and his leadership in this field have resulted in various recognitions, including obtaining the defense win of the year and being shortlisted by *Global Arbitration Review* for the most important case of the year.

Introducing Our New Media Officer: Kristi Ueda



Kristi Ueda

We are pleased to welcome **Kristi Ueda** as the new Media Officer of the American Branch. Kristi is the 2021–2023 Donald M. and Susan N. Wilson Fellow at Robert F. Kennedy Human Rights, where she works with the International Advocacy and Litigation Team on its Africa and Asia portfolios.

Prior to joining RFK Human Rights, Kristi was a Staff Attorney with Legal Aid Foundation of Los Angeles's Right to Counsel Workgroup, where she represented people living in poverty in unlawful detainer cases, and a fellow in Human Rights Watch's Africa Division, where she covered xenophobic violence in South Africa.

Renewed Member Spotlight: Marlène Hounbedji



Marlène Hounbedji

Marlène Hounbedji is a Supervisory Refugee Officer within the Department of Homeland Security's Refugee, Asylum and International Operations in Washington, D.C. She recently rejoined the American Branch after a multiple-year hiatus, recognizing the value it brings to her professional and personal development.

She has worked in various capacities in the field of refugee resettlement, asylum and refugee law for over a decade, also completing training materials on International Humanitarian Law in complex humanitarian emergencies for the Harvard Humanitarian Initiative. She presented research on gender in international law at the Fletcher School and on gender and demilitarization in the Democratic Republic of the Congo at the University of Ireland–Galway, and has published work on mass migration, gender-based violence in times of

war and humanitarian emergencies in Africa's Great Lakes ([*Gendered Misconceptions of Militarized Identities in Disarmament, Demobilization, Reintegration of Female Combatants in the Democratic Republic of the Congo*](#), ATHA White Paper Series, Harvard University, March 2015).

Undoubtedly fortunate to have found means to channel her passion for human rights, protection of civilian populations during and after armed conflicts and international law into a career, Ms. Hounbedji specializes in refugee law and legal conditions for resettlement admissibility to the United States. Her adjudicative portfolio has otherwise included affirmative asylum claims and asylum screening but now focuses exclusively on overseas refugee cases adjudication to identify individuals and families qualified for resettlement within the framework of the U.S. Refugee Admissions Program. She has, in that capacity, either led or participated in refugee processing assignments in Africa's Horn and Great Lakes areas, South-East Asia and Central America in cooperation with international, governmental and non-profit partners on the ground.

While her current workload only entails navigating an ever-morphing refugee and asylum legal landscape, Ms. Hounbedji says she retains a strong 'off-duty' interest in other areas of international law, including International Humanitarian Law, the *jus ad bellum*, and International Criminal Law, and their relevance to a multi-polar world potentially nearing large-scale conflict. She sees being part of the ABILA community as a way to increase her exposure to international legal news and academic research by other IHL aficionados, experts in the field of the laws of war, and accomplished jurists worldwide.

In Memoriam: James Kingston Former President, Irish Branch of the International Law Association



James Kingston, legal adviser at the Irish Department of Foreign Affairs, past President of the Irish Branch of the International Law Association, and a highly respected international lawyer, passed away in April 2022.

A qualified barrister, Mr. Kingston joined the Department of Foreign Affairs in 1995 and became legal adviser in 2009. He advised on EU and human rights law and provided legal counsel to the department on matters ranging from Brexit and the Lisbon Treaty to the European Stability Mechanism and the International Criminal Court. He also taught law at Trinity College Dublin.

Mr. Kingston worked closely with successive ministers for foreign affairs, the department's secretary general and other officials on domestic and international matters through his work with the European Union, the Council of Europe, the United Nations and other international bodies.

He was elected as President of the Irish Branch of the ILA in 2015 and served in that capacity from 2016-2020. He was well known to, and respected by, many American Branch members and those at Branches around the world. He will be sorely missed by the organization.

Thanks to our 2021 Student Ambassadors

The American Branch is grateful to our 2021 Student Ambassadors:

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.



Call for Nominees: Student Ambassador Program

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

Student Ambassadors help with the work of the organization, especially in the preparation of and reporting on ILW 2022. Student Ambassadors will be assigned to specific individuals such as the Organizing Committee Chairs, the President, or one of the Vice-Presidents to provide various forms of assistance

with ILW, including blogging and providing logistical support as needed. After ILW, Student Ambassadors may be asked to assist with the *ABILA Newsletter*, support ABILA committees, or perform other tasks as assigned by the President. ABILA endeavors to create networking opportunities for Student Ambassadors both with ABILA members and with one another.



Send nominee's cover letter and résumé to ABILA Membership Officer Madaline George (membership@ila-americanbranch.org) by July 1, 2022.

ILA 2023: Build Tomorrow 150th Anniversary of the ILA

On 13 October 1873, on the occasion of a meeting held in Brussels, Belgium, the Association for the Reform and Codification of the Law of Nations was born, which later became the International Law Association (ILA/ADI).



The French Branch of the ILA is pleased to invite you to celebrate the organization's 150th anniversary in 2023. In addition to a series of webinars throughout the year, the Branch will host a conference in Paris on June 18–20, 2023.

The Branch hopes for this meeting to be a festive occasion but also a time for reflection.

A festive occasion, as no anniversary worthy of the name can be held without at least some enjoyment. A time for reflection, as can be seen from the title chosen for the meeting: *Build Tomorrow*. History is interesting not merely for its own sake, but because it allows us to take stock of who we are and what future we want to build. With that in mind, we have embarked on an exercise of reflection covering all parts of the world, with the younger generation at the forefront, to gather ideas for our discussions in Paris. Our meeting will have a rich diversity of ages, cultures, origins and ideas to draw from.

Visit www.ilaparis2023.org/en/ and subscribe to the ILA 2023 Newsletter for updates and other information.



Call for Nominations: 2022 Charles Siegal Distinguished Service Award

ABILA is now accepting nominations for the 2022 Charles Siegal Distinguished Service Award. Previous recipients of this award are **Cynthia Lichtenstein** (2020) and **James A. R. Nafziger** (2021).

Recipients must be current members of ABILA in good standing at the time of nomination. This Award recognizes outstanding contributions to ABILA by a member of ABILA. Such contributions could include to the ABILA Board, ABILA Committees, and/or International Law Weekend. In choosing the recipient, the Selection Committee may consider an individual's specific extraordinary service initiatives and/or sustained superior contributions to ABILA over a number of years.

Nominations should be sent to the Chair of the Service Award Nomination Committee (Michael Scharf, Chair: mps17@case.edu) by July 1, 2022. For more information on the nomination process, [please visit our website](#).

Committee Members include: **Michael Scharf, William Aceves, Christina Cerna, Paul Dubinsky, and Peter K. Yu.**

Call for Nominations: 2022 ABILA Book Awards

ABILA is now accepting nominations for the 2022 ABILA Book Awards. **Recipients must be current members of ABILA in good standing at the time of nomination.** This year, the Book Awards Committee, chaired by **Mortimer Sellers**, is pleased to offer three separate awards, as follows:

- **ABILA Book of the Year Award:** Awarded each year to the best book published in the previous year on international law or a topic in international law.
- **ABILA Practitioners' Book Award:** Awarded each year to the best book published in the previous year on a technical topic in international law or on a topic likely to be of particular interest to practitioners of international law.
- **ABILA New Author's Book Award:** Awarded each year to the best first book published on international law or a topic in international law by an author who has not previously published a book on this or any other subject.



Nominations should be sent to the Book Awards Nomination Committee (Mortimer Sellers, Chair: msellers@ubalt.edu; Margaret McGuinness: mcguinnm@stjohns.edu; Fernanda Nicola: fnicola@wcl.american.edu) by July 1, 2022. For more information on the nomination process, [please visit our website](#).

Call for Nominations: 2022 Outstanding Achievement Award

ABILA is now accepting nominations for the 2022 Outstanding Service Award. The inaugural winner of this award, established in 2021, was former International Criminal Court Prosecutor Fatou Bensouda.

Recipients of this annual award need not be current members of ABILA. The Outstanding Achievement Award recognizes outstanding contributions to 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 teaching, research, or 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.

Nominations should be sent to the Chair of the Outstanding Achievement Award Nomination Committee (Jennifer Trahan, jt487@nyu.edu) by July 1, 2022. For information on the nomination procedure, [please visit our website](#).

Committee Members include: **James Boykin, Matthew Kane, Ashika Singh, Frédéric G. Sourgens, and Jennifer Trahan.**

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.

Register for ILA 2022: *International Law: Our Common Good*



It is a great pleasure to invite the international law community to attend and participate in the 80th Biennial Conference of the International Law Association, organized by the **Portuguese Branch** and taking place in Lisbon from June 19–24, 2022. The theme for ILA 2022 is *International Law: Our Common Good*. Registration is now open. More information is [available here](#).

After the confinements of the last two years, an in-person conference is finally possible, and the organizers have promised to do their best to make it a memorable occasion.

The program includes sessions of ILA committees and study groups and a set of parallel working sessions where the main issues affecting the current status of international law will be discussed.

Committee Co-Sponsored Event: *Cyberattacks and the ICC's Rome Statute*



The **ABILA International Criminal Court Committee**, co-chaired by **Jennifer Trahan** and **Megan Fairlie**, co-sponsored a webinar entitled *Cyberattacks and the ICC's Rome Statute* with experts from the Council of Advisers on the Rome Statute and Cyberwarfare to discuss their newly launched report on November 5, 2021. Speakers considered when such attacks could be considered the crime of aggression, crimes against humanity, war crimes, or genocide, and what type of cyberattack would reach the “gravity” threshold to fall within the gambit of these crimes under the ICC Statute. With cyberattacks becoming a frequent occurrence, exploration of the topic was particularly timely.

The event featured a keynote address by Ambassador Christian Wenaweser, Permanent Representative of Liechtenstein to the United Nations. Other speakers included Matthew Cross (Appeals Counsel, Office of the Prosecutor, International Criminal Court); Oona Hathaway (Yale Law School); Charles C. Jalloh (Florida International University; UN International Law Commission), Claus Kress (University of Cologne; *ad hoc* Judge, International Court of Justice); and **Jennifer Trahan** (NYU SPS Center for Global Affairs; Co-Chair of ABILA's ICC Committee).

ABILA Committee Co-Sponsored Event: *The Impact of a TRIPS COVID Waiver on Trade and Investment Agreements*

The **ABILA International Intellectual Property Law Committee**, co-chaired by **Sean Flynn** and **Peter K. Yu**, co-sponsored a webinar on *The Impact of a TRIPS COVID Waiver on Trade and Investment Agreements* on February 4, 2022 with American University Washington College of Law's Program on Information Justice and Intellectual Property (PIJIP).

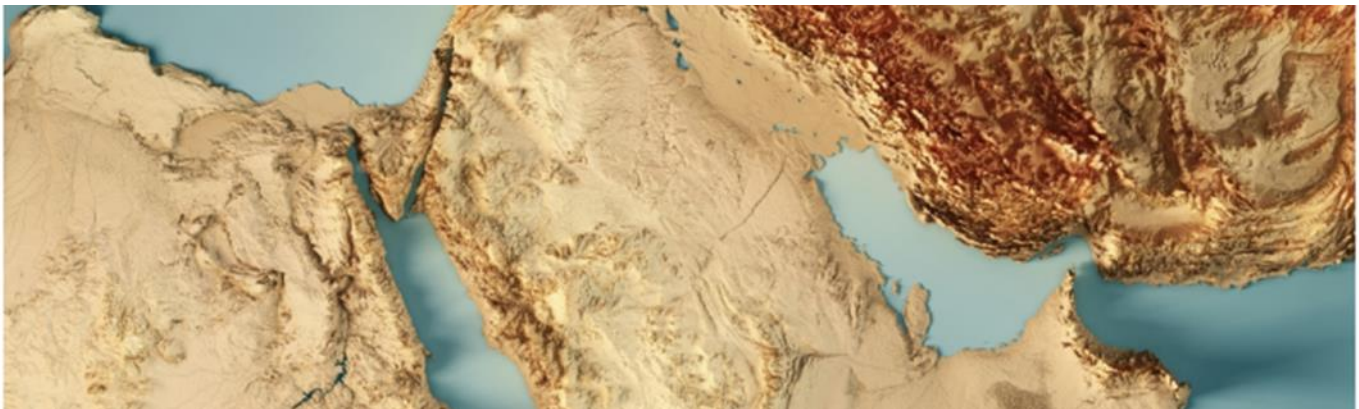
The event featured a presentation of a report written by Federica Paddeu and Henning Grosse Ruse-Khan, followed by a roundtable discussion with international law experts, including Daniel Uribe, Lead Program Officer, South Centre; Professor Rochelle Dreyfuss, Pauline Newman Professor of Law, NYU School of Law; Professor Holger Hestermeyer, Professor of International and EU Law at King's College London; Professor **Peter K. Yu**, Regents Professor of Law and Communication and Director, Center for Law and Intellectual Property, Texas A&M University School of Law, and Co-Chair, ABILA's International Intellectual Property Law Committee; and Nirmalya Syam, Senior Program Officer, South Centre.



Henning Grosse Ruse-Khan

Federica Paddeu

ABILA Committee Co-Sponsored Event: *Recent Arbitration-Related Developments in the Middle East*



The **Committee on International Arbitration**, co-chaired by **Floriane Lavaud** and **Daniel Reich**, and **Committee on International Investment Law**, co-chaired by **David Attanasio** and **Diora Ziyaeva**, co-sponsored a webinar titled *Recent Arbitration-Related Developments in the Middle East* on February 1, 2022 with Debevoise & Plimpton LLP, the International Court of Arbitration, and Al-Ansari & Associates.

Companies in the Middle East increasingly resort to arbitration to resolve their commercial disputes in various sectors, including energy, telecommunications, and infrastructure. The panelists discussed key changes to national laws and enforcement of arbitral awards, considered the role of arbitral institutions and the selection of arbitrators, and offered their perspectives on how to improve the arbitration process in the region.

Speakers included Salman Al-Ansari, Partner, Al-Ansari & Associates; Alexander Fessas, Secretary General, International Court of Arbitration of the ICC; Lara Hammoud, Senior Legal Counsel, Abu Dhabi National Oil Company, Arbitrator; Firas Oggar, Group Head of Legal, Zain Group; and **Floriane Lavaud**, Counsel (Moderator), Debevoise & Plimpton and Co-Chair, ABILA International Arbitration Committee.

The Committee is planning to organize two additional webinars this year as part of its regional series, with one focused on Europe and the other on Central Asia. It is also planning an in-person event in Washington, D.C. for the fall.

Future Regional Events

Regional events are an important and productive way to highlight 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.

ABILA Members Represented at the 2022 American Society of International Law Annual Meeting

The American Society of International Law (ASIL) held its Annual Meeting on April 6–9, 2022 in Washington, D.C. This meeting marked a return to an in-person event after two years of virtual conferences due to the pandemic. The theme of the Annual Meeting was *Personalizing International Law*, as follows:

As we emerge from one of the most isolating years in our memories, we invite reflection on how international law is experienced by individuals, communities, business organizations, and other non-state actors, the ways in which these actors shape international law, and how states might react to these efforts. From those combatting disease, seeking asylum, facing unemployment, resisting eviction, or struggling to access basic nutrition, to others who may just be wondering "what is the relevance of international law for me?"—this year's Annual Meeting focuses on how people, independently or collectively, interact with international law. Specifically, the 2022 Annual Meeting will examine how international law is experienced personally.

The American Branch was well represented at the meeting, including many members speaking on panels, roundtables, and committee meetings., including **Catherine Amirfar**, President of ASIL, **D. Wes Rist**, ASIL's Deputy Executive Director, and several members of ASIL's Annual Meeting Organizing Committee: **Nicolas Angelet**, **Margaret M. deGuzman**, and **Trang (Mae) Nguyen**.

Additional ABILA members on the program included:

- | | |
|------------------------|----------------------------|
| ◆ José Alvarez | ◆ Guillermo Garcia Sanchez |
| ◆ Diane Marie Amman | ◆ Madeline Garlick |
| ◆ Simon Batifort | ◆ Chiara Giorgetti |
| ◆ Laurie Blank | ◆ Asaf Lubin |
| ◆ John R. Crook | ◆ Leila Nadya Sadat |
| ◆ Vivian Curran | ◆ Michael P. Scharf |
| ◆ Lori Fisler Damrosch | ◆ David Sloss |
| ◆ Christian De Vos | ◆ Barbara Stark |
| ◆ Melissa (MJ) Durkee | ◆ Nancy Thevenin |
| ◆ Yvonne Dutton | ◆ Jennifer Trahan |



American Society
of International Law



ABILA Leadership Makes an Impact at the International Criminal Court



ABILA Co-Chair of the International Humanitarian Law Committee **Gabor Rona** submitted an [amicus brief](#) to the ICC in November 2019 responding to the Prosecutor's request for an investigation into international crimes arising out of Afghanistan. A Pre-Trial Chamber (PTC) had rejected the prosecutor's request to investigate CIA war crimes arising from secret detention and torture of detainees at "black sites" in Poland, a State Party to the Rome Statute. The PTC held that those events lacked sufficient nexus to the armed conflict in Afghanistan. In his brief, Rona argued to the Appellate Chamber that the PTC misconstrued the Rome Statute in two respects by incorrectly concluding that: (1) Common Article 3 (CA3) applies only to purely internal non-international armed conflicts and (2) the Elements of Crimes requires that the conduct must occur "in the context of" the non-international armed conflict and must be associated with it.

To his first point, Rona presented five examples demonstrating that CA3 is not limited to only conflicts occurring "on the territory of one of the State Parties." First, he referred to the "scope of application" language of Addition Protocol II (AP II), which is meant to supplement CA3. Rona noted that AP II Article I applies to armed conflicts taking place on the territory of "a" High Contracting Party, not "one" High Contracting Party. Next, he stated the ICRC position that the CA3 phrase "on the territory of one of the High Contracting parties" is moot as it was meant to distinguish States that were party to the Geneva Conventions from those that were not—a distinction that no longer exists. Third, Rona referred to the U.S. Supreme Court case *Hamdan v. Rumsfeld*, which ruled that an alleged Al Qaeda member was protected by CA3, as it provides a floor of protections to all armed-conflict detainees. Then, he stated that the ICJ has opined that CA3 applies to all armed conflicts. Lastly, Rona referred to the U.N. Security Council's acknowledgement of CA3's extraterritorial reach by its application of the Rwanda Tribunal Statute to CA3 violations committed in States neighboring Rwanda.

On his second point, Rona reflected on his negotiations on the Elements of Crimes as a Legal Advisor in the Legal Division of the ICRC. The drafters used such language to clarify that because conduct does occur on the territory of a State experiencing a non-international armed conflict, it is not necessarily "associated with" the armed conflict. His brief stated that acts outside the territory of hostilities are not *per se* outside the context of the armed conflict.

Citing Rona's amicus brief, the Appeals Chamber issued a [judgment](#) in March 2020, finding that the Prosecutor is authorized to commence an investigation "in relation to alleged crimes committed on the territory of Afghanistan in the period since 1 May 2003, as well as other alleged crimes that have a nexus to the armed conflict in Afghanistan and are sufficiently linked to the situation and were committed on the territory of other State Parties in the period since 1 July 2002."

ABILA Vice-President **Milena Sterio**, ABILA Co-Director of Studies **Jennifer Trahan**, and ABILA President-elect **Michael Scharf**, together with PILPG, [submitted an amicus brief](#) to the ICC Appeals Chamber on the insanity defense in the *Ongwen* case. The brief argues that the provisions of the ICC statute, read in the context of the statute's negotiating history, should be interpreted as requiring the defense to produce evidence supporting the insanity defense. However, it should then be interpreted thereafter to require the prosecution to prove that the evidence



Michael Scharf (left) and Milena Sterio (right)

adduced regarding mental disease or defect does not raise a reasonable doubt as to the guilt of the accused. On February 14, 2022, Sterio and Scharf [presented their arguments](#) before the Appeals Chamber.

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 **Study Group on Threats to a Rules-Based International Order** (chaired by **David Sloss**) has been working on an edited volume of a book entitled, *Is the International Legal Order Unraveling?*, to be published by Oxford University Press in September 2022. This book includes chapters written by other ABILA members, including ABILA President **Leila Sadat** and **Committee on International Trade Law** Chair **Richard Steinberg**.

The **ABILA Committee on International Environmental and Energy Law** (co-chaired by **Carolina Arlota** and **Myanna Dellinger**) has been



busy assessing the main takeaways of the three recently released reports by the UN's Intergovernmental Panel on Climate Change. The impact of Russia's invasion of Ukraine for climate change and energy transition has also been one of the Committee's interests. Both co-chairs discussed Dr. Arlota's [article](#) on Professor Dellinger's podcast, the Global Energy & Environmental Law Podcast, co-produced by ABILA, in October 2021. As of April 2022, the [joint episode](#) has reached more than 1,200 views.

The **Committee on International Law in Domestic Courts** (co-chaired by **Martin Flaherty** and **Steven Schneebaum**) is interested in exploring how to pursue justice in domestic courts for violations of international law in Ukraine.

Warren Binford Becomes New Co-Chair of the ABILA Committee on International Human Rights



Warren Binford joined **Aaron Fellmeth** as the new co-chair of the **Committee on International Human Rights** in April 2022.

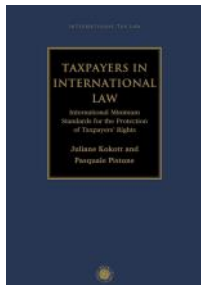
Professor Binford is a nationally and internationally-recognized expert on children's rights with over twenty years of experience advocating for children and families on issues including child abuse, exploitation, and neglect. She combines scholarship, teaching, and robust legal and policy advocacy in traditional and non-traditional forms to help ensure that children and families can thrive in the 21st century. She also provides children's rights

expertise and support to a variety of international organizations as well as major media outlets, including the *New York Times*, *BBC*, *New Yorker*, *CNN*, and others.

After 15 years as a law school professor and administrator, she joined the University of Colorado faculty in 2020. Currently, she holds the following appointments at the University of Colorado: Professor of Pediatrics, School of Medicine (since 2022); W.H. Lea Endowed Chair for Justice in Pediatric Law, Ethics & Policy (since 2020); Director for Pediatric Law, Ethics & Policy, Kempe Center for The Prevention & Treatment of Child Abuse & Neglect (since 2020); Core Faculty, Center for Bioethics and the Humanities (since 2020); and Professor of Law (by courtesy), CU School of Law (since 2021).

News from ILA Committees

The **Committee on International Migration and International Law** (co-chaired by Thibaut Fleury Graff and Vasilka Sancin) was recently constituted and has settled its work agenda. The Committee's first meeting was held in February 2022.



The work of the **Committee on International Tax Law** (co-chaired by Julianne Kokott and Pasquale Pistone) has culminated in the publication of a book, *Taxpayers in International Law: International Minimum Standards for the Protection of Taxpayers' Rights*, by Bloomsbury Hart Publishing in March 2022. The Committee will be hosting two sessions, one closed and one open, at the June 2022 ILA Conference in Lisbon. The open session will focus on three distinct but interrelated topics

relevant for a wider audience with interests in Public International Law and International Tax Law: tax sovereignty; fairness, sustainability, and equity; and taxing jurisdiction (nexus) from both perspectives.

The **Committee on Participation in Global Cultural Heritage Governance** (chaired by Andrzej Jakubowski) is now finalizing its four-year mandate. It prepared an extensive report that maps modalities of participation in international governance within and beyond cultural heritage across 44 international and regional organizations and bodies, as well as 36 national legal systems across all continents. The main findings will be discussed and endorsed at the June 2022 ILA Conference in Lisbon with the adoption of a resolution, and, subsequently, with the collaboration of the ILA HQ Secretariat, the Committee Officers will endeavor to publicize the report and its resolution containing key recommendations to a range of stakeholders within and beyond the heritage domain.



First meeting of the ILA Committee on Participation in Global Cultural Heritage Governance (2018)

The **Committee on Space Law** (co-chaired by Stephan Hobe and Maureen Williams) will work on and adopt guidelines on Suborbital Vehicles based on its previous deliberations in Toronto and Johannesburg and online meetings. These guidelines will reflect the difficult difference of the vehicles using partly air space and partly outer space. In total, eight articles plus extensive commentary will be provided.

The **Committee on Sustainable Development and the Green Economy in International Trade Law** (chaired by Mary Footer) held its last meeting in December 2021, during which it finalized the content of the seven sections for inclusion in their Final Report. This Final Report with Conclusions and Recommendations will be presented at the June 2022 ILA Conference in Lisbon together with the Resolution for adoption of the Committee's work and its dissolution.

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 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 K. Yu (peter_yu@msn.com).

News from Branch Members

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 were due on January 15, 2022.

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.



Margaret deGuzman

Margaret deGuzman, Hamilton Fish Professor of International Law and Diplomacy at Columbia Law School, was awarded the 2022 Manley O. Hudson Medal by the American Society of International Law. This recognition is awarded annually to a distinguished person of American or other nationality for outstanding contributions to scholarship and achievement in international law.

Charlotte Ku, Professor of Law and Director of Global Programs at Texas A&M University School of Law, was elected to the American Law Institute in December 2021. Membership consists of eminent judges, lawyers, and law professors from all areas of the United States and from many foreign countries, selected on the basis of professional achievement and demonstrated interest in improving the law.



Mahnoush Arsanjani

Judge **Mahnoush Arsanjani** was elected President of the World Bank Administrative Tribunal in December 2021. She served in the UN Office of Legal Affairs for over 30 years in various positions. She was Director of the Codification Division and Secretary to the UN International Law Commission and Secretary of the Committee of the Whole of the Rome Conference on the Establishment of the International Criminal Court.



Ben Heath

Myanna Dellinger, co-chair of the ABILA Committee on International Environmental and Energy Law, became the Law and Policy Director of the prestigious EinStrong Foundation in January 2022.

Ben Heath, Assistant Professor of Law at Temple University's Beasley School of Law, is taking over as co-chair of the ASIL International Economic Law Interest Group.

Christina Hioureas, Partner & Chair, United Nations Practice Group at Foley Hoag LLP, spoke on *International Arbitration Procedure: Dispositive Relief* at the University of Nottingham School of Law as part of the International Law Association Seminar Series.

Sumudu Atapattu received the 1.5 pin from Ambassador Dessima Williams of Grenada in April 2022 in honor of her work on climate change. The pin represents the goal of limiting climate change by 1.5 degrees. Atapattu had recently spoken on a panel on climate change and human rights organized by the Permanent Mission of Switzerland to the UN and others to discuss the IPCC WRIAR6 report as part of the UN Human Rights Council's 49th session.



Sumudu Atapattu

Duncan Hollis, Laura H. Carnell Professor of Law at Temple Law School, has a new [Mini-Series on the Law of Treaties](#) available at the UN Audiovisual Library of International Law.

News from Branch Members *(cont'd)*

Nadia Ahmad, also a member of the ABA Section of Civil Rights and Social Justice Council, has been working to promote [Resolution 48/13](#)—a measure adopted by the UN Human Rights Council that, for the first time, recognizes having a clean, healthy, and sustainable environment as a human right. Ahmad hopes that the United States will support the Resolution when it comes to a vote in the General Assembly. Ahmad is a visiting associate professor at Yale Law School and an associate professor at Barry University School of Law.



Nadia Ahmad

Warren Binford, co-chair of the Committee on International Human Rights, delivered the keynote address, “The Digital Child: Balancing Rights of Privacy, Protection & Participation,” at Gonzaga Law for a symposium titled *Children's Rights in a Changing World* hosted by the *Gonzaga Journal on International Law* in April 2022.

Diane Marie Amann delivered the keynote address at the 2022 European Society of International Law Research Forum entitled “No Exit at Nuremberg: The Postwar Order as Stage for 21st-Century Global Insecurity.” The Research Forum was hosted by the University of Glasgow and was themed *International Law and Global Security: Regulating an Illusion?*



Julian Arato

Julian Arato, who chaired ILW 2021, will join the faculty at the University of Michigan after seven years at Brooklyn Law School. He was also recently elected to the AJIL Board and co-chaired the ITA-ASIL Conference on Arbitration in Changed Circumstances. He recently discussed “[The Elastic Corporate Form in International Law](#)” at the UGA School of Law International Law Colloquium, with comments by **MJ Durkee**.

Simon Batifort, Partner at Curtis, was appointed co-chair of the International Bar Association Arbitration Committee’s Insolvency and Arbitration Working Group in December 2021. He was also named to *Who’s Who Legal—Arbitration: Future Leaders 2022* and *Most Highly Regarded 2021*, and recently co-published, with Charlotte Fromont, an article entitled [5 Coming Trends to Watch For in Intra-EU Investment Claims](#), on *Law360*.

Jack Beard, co-director of the Space & Cyber Law Program at the University of Nebraska College of Law, member of the ABILA Board of Directors, and chair of the ABILA Use of Force Committee, delivered a keynote address, “The Limits of Soft Law Regimes,” at the Annual U.S. Space Command Legal Conference at the U.S. Air Force Academy in Colorado Springs, Colorado on April 5, 2022.

Irene Calboli, co-chair of the Committee on International Commercial Law, is visiting Hanken School of Economics in Finland as a Hanken-Fullbright Distinguished Chair in Business and Economics until July 10, 2022.



Jack Beard



Tabrez Ebrahim

Tabrez Ebrahim, Associate Professor of Law at California Western, was invited to speak on the Intersections of Islamic Law and Intellectual Property Law at the NAML Virtual Annual Conference in November 2021. He was awarded a Leonardo da Vinci Fellowship Research Grant from the George Mason University Antonin Scalia Law School to research and write about the Islamic view of patents, and has developed a rich vein of scholarship around the topic.

Arlene Kanter moderated a panel entitled “The Effectiveness of the Convention on the Rights of Peoples with Disabilities” at Syracuse University School of Law in April 2022.

Camilla Gambarini is part of the team at Withers LLP who will work on a pro bono project to give advice to the Ukrainian government as part of The Task Force on Accountability for Crimes Committed in Ukraine.

Günther Handl, the Eberhard Deutsch Chair in Public International Law at Tulane Law, took part in the IAEA’s First International Conference on Nuclear Law in March 2022, speaking during the session on “Nuclear Safety: Issues and Trends.”

Desiree LeClercq, Professor at Cornell University’s School of Industrial and Labor Relations, participated in a roundtable on “Trade and Distribution” at Georgetown University Law Center’s Center for the Advancement of the Rule of Law in the Americas in April 2022. The event featured discussion of recent changes in international economic law and whether they may be channeled to produce progressive and equitable distributive outcomes.

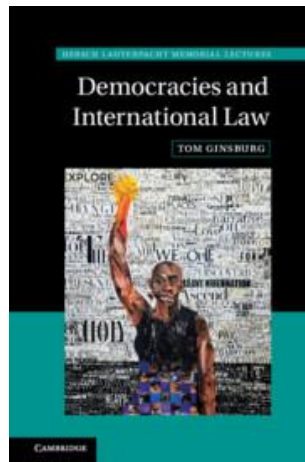
Branch Member Publications

Publish on our Blog

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

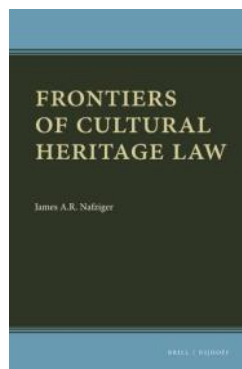
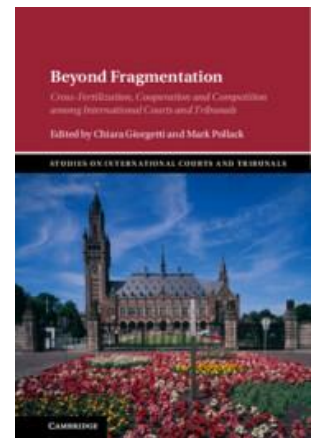
If you would like for us to feature your work—whether it is a recent publication or an important case you worked on—we would be more than happy to work with you on a piece for our blog.

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



Tom Ginsburg, the Leo Spitz Professor of International Law, Ludwig and Hilde Wolf Research Scholar, and Professor of Political Science at the University of Chicago Law School, published *Democracies and International Law* (Cambridge University Press, 2021). 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.

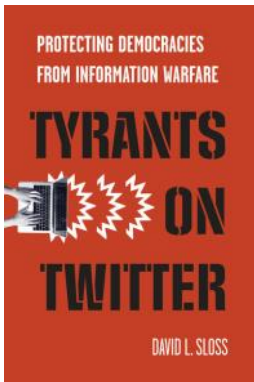
Chiara Giorgetti, ABILA Vice-President and Professor of Law at the University of Richmond School of Law, along with Mark Pollack, edited *Beyond Fragmentation: Cross-Fertilization, Cooperation and Competition among International Courts and Tribunals* (Cambridge University Press, forthcoming 2022). This book assembles a unique team of practitioners and scholars to explore and advance the study of cross-fertilization among international courts and tribunals. Using an interdisciplinary and multi-method approach, contributors analyze how international courts and tribunals interact and why it matters in practice. After a review of prior assessments of cross-fertilization and fragmentation, the editors offer a new take on competition and cooperation across courts and tribunals, exploring both substantive and procedural elements as well as the diverse agents of cross-fertilization. Contributors engage with procedural issues, identifying a “procedural cross-fertilization pull” and why and how procedure is converging in international courts and tribunals. Case studies provide contrasting experiences of substantive cross-fertilization. The volume also identifies a variety of agents of cross-fertilization, including judges, litigants, counsel, and international organizations.



James Nafziger, Honorary ABILA Vice-President, ILA Vice-Chair, and Thomas B. Stoel Professor of Law and Director of International Programs at the Willamette University College of Law, published *Frontiers of Cultural Heritage Law* (Brill, 2021). This book covers emerging topics of cultural heritage law, a relatively new landmark in the field of both national and international law. Nafziger's primary focus is on the frontiers identified and developed by the numerous work products of the International Law Association's Committee on Cultural Heritage Law, expanded and updated by some of his own writings. 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 International Law Association Committee's own contributions. These have included published studies, annotated principles and resolutions, draft treaties and a book focused on national practices in the international trade of cultural material. This volume concludes by exploring current and future frontiers of a burgeoning range of topics that are central to many people's daily experiences and interests.

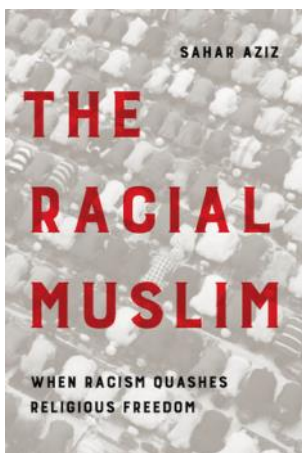
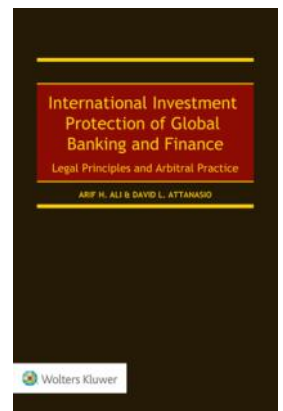
Branch Member Publications *(cont'd)*



David Sloss, chair of the ABILA Study Group to examine threats to a rules-based international order and possible responses, and the John A. and Elizabeth H. Sutro Professor of Law at Santa Clara University, published [*Tyrants on Twitter*](#) (Stanford University Press, 2022). This book provides a look inside the weaponization of social media and an innovative proposal for protecting Western democracies from information warfare. When Facebook, Twitter, YouTube, and Instagram were first introduced to the public, they were designed to help people become more connected to each other. Unfortunately, these digital tools are also easy to manipulate. As exemplified by Russia's interference in the 2016 U.S. presidential election, authoritarian states can exploit social media to interfere with democratic governance in open societies. *Tyrants on Twitter* is the first detailed analysis of how Chinese and Russian agents weaponize social media to subvert the liberal international order. In addition to examining the 2016 U.S. election, Sloss explores Russia's use of foreign influence operations to threaten democracies in Europe, as well as China's use of social media and other digital

tools to meddle in Western democracies and buttress autocratic rulers around the world. He calls for cooperation among democratic governments to create a new transnational system for regulating social media to protect Western democracies from information warfare. Drawing on his professional experience as an arms-control negotiator, he outlines a novel system of transnational governance that Western democracies can enforce by harmonizing their domestic regulations. And drawing on his academic expertise in constitutional law, he explains why that system—if implemented by legislation in the United States—would be constitutionally defensible, despite likely First Amendment objections. With its critical examination of information warfare and its proposal for practical legislative solutions to fight back, this book is essential reading in a time when disinformation campaigns threaten to undermine democracy.

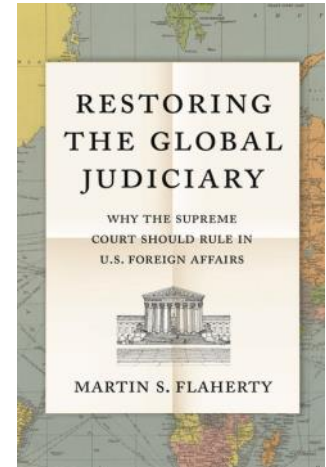
David Attanasio, ABILA Board Member, co-chair of the ABILA Committee on International Investment Law, and ABILA Centennial Committee member, co-published [*International Investment Protection for Global Banking and Finance*](#) (Wolters Kluwer, 2021) with Arif Hyder Ali. This book is a comprehensive guide to international investment protection in the banking and finance sector, authored by acknowledged experts in the field of investor-State arbitration. It 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. International disputes practitioners and academics, in-house counsel in the finance and banking industries, and arbitrators addressing banking and finance disputes will welcome this book for its practical guidance. With strategies for investors and sovereign States to navigate the intricacies of the investment protection system, the authors' comprehensive analysis will help to ensure appropriate international protection for the banking and finance sector, both when establishing investments and when resolving disputes.



Sahar Aziz, chair of ABILA's Islamic Law Committee and Professor of Law, Chancellor's Social Justice Scholar, and Middle East and Legal Studies Scholar at Rutgers University Law School, published [*The Radical Muslim: When Racism Quashes Religious Freedom*](#) (University of California Press, 2021). Why does a country with religious liberty enmeshed in its legal and social structures produce such overt prejudice and discrimination against Muslims? Aziz's groundbreaking book demonstrates how race and religion intersect to create what she calls "the Racial Muslim." Comparing discrimination against immigrant Muslims with the prejudicial treatment of Jews, Catholics, Mormons, and African American Muslims during the twentieth century, Aziz explores the gap between America's aspiration for and fulfillment of religious freedom. With America's demographics rapidly changing from a majority white Protestant nation to a multiracial, multireligious society, this book is an indispensable read for understanding how our past continues to shape our present—to the detriment of our nation's future.

Branch Member Publications *(cont'd)*

Martin S. Flaherty, co-chair of ABILA Committee on International Law in Domestic Courts, published a book entitled [*Restoring the Global Judiciary: Why the Supreme Court Should Rule in U.S. Foreign Affairs*](#) (Princeton University Press, 2022). This book argues for a robust judicial role in the conduct of U.S. foreign policy, challenging the decades-old chorus of voices contending that the Supreme Court and federal judiciary should stay out of foreign affairs and leave the field to Congress and the president. Utilizing a combination of constitutional history, international relations theory, and legal doctrine, Flaherty demonstrates that the Supreme Court and federal judiciary have the power and duty to apply the law without deference to the other branches. He first shows that the Constitution's original commitment to separation of powers was as strong in foreign matters as domestic matters. However, this eroded as the nation rose from fledgling state to superpower, fueling the growth of a dangerously formidable executive that today asserts near-plenary foreign affairs authority. He then explores how modern international relations makes the commitment to balance among the branches of government all the more critical, and he considers implications for modern controversies that the judiciary will continue to confront. This book makes the case for a zealous judicial defense of fundamental rights involving global affairs.



Gabor Rona, co-chair of the ABILA International Humanitarian Law Committee and Professor of Practice at Cardozo Law, published an article in *Just Security* on [*Russia, the Int'l Criminal Court, and the Malign Legacy of the U.S. "War on Terror."*](#)



Kamel Aitelaj

Kamel Aitelaj co-published, with Michael D. Nolan and Christopher J. Gaspar, [*When Intellectual Property Is the 'Investment': Arbitrating against Sovereigns*](#), in *GAR — Guide to Intellectual Property Arbitration* (2021).

Nadia Ahmad published the article [*The Clodynamics of Mass Incarceration, Climate Change, and 'Chains on Our Feet'*](#) in the *Fordham Urban Law Journal* Vol. 49 (2022).

Carl Bruch co-published, with Shanna N. McClain, Erin Daly, James May, Yuko Hamada, Miko Maekawa, Nagisa Shiiba, Mikiyasu Nakayama, and Glykeria Tsiokanou, the article *Migration with Dignity: A Legal and Policy Framework* and co-published (with Shanna N. McClain and Mai Fujii) [*The Methodology and Application of a Migration with Dignity Framework*](#) in *Journal of Disaster Research* Vol. 17 No. 3 (2022). He also co-published, with David Jensen and Monica Emma, the chapter *Defining Environmental Peacebuilding* in [*Routledge Handbook of Environmental Security*](#) (2022).

Vivian Curran published [*L'Utilité Du Droit Comparé*](#) (The Utility of Comparative Law), which was delivered as a conference keynote address celebrating the 100th anniversary of the University of Lyon's Institut Édouard Lambert.



Vivian Curran

Jennifer Trahan, co-chair of the ABILA ICC Committee, published the chapter "Contributing to Cyber Peace by Maximizing the Potential for Deterrence: Criminalization of Cyber-Attacks under the International Criminal Court's Rome Statute," in [*Cyber Peace: Charting a Path Toward a Sustainable, Stable, and Secure Cyberspace*](#) (S. Shackelford, F. Douzet, and C. Ankersen eds., Cambridge University Press, 2022), and several law review articles: *Why the Veto Power Is Not Unlimited*, *Case W. Res. J. Int'l L.* (2022); [*Veto Use and the UN Charter Obligation to Act in Accordance with the 'Purposes and Principles' of the United Nations*](#) (*Journal on the Use of Force and Int'l Law*, 2022); and *The Importance of Dedicated Individuals to Motivate the Development of International Law and the Need for a Crimes against Humanity Convention to Solidify the Obligation to 'Prevent' Crimes Against Humanity* (*Wash. U. Global Stud. L. Rev.*, 2022).

Branch Member Publications *(cont'd)*

Janelle M. Diller authored a book chapter on migration, work and human rights due diligence in [Elgar's Handbook on Globalisation and Labour Standards](#).

Robin Effron's recent article with John F. Coyle, [Forum Selection Clauses, Non-Signatories, and Personal Jurisdiction](#), was [cited by the Israeli Supreme Court](#). She is a Professor at Brooklyn Law School.



Robin Effron

Carolina Arlota, co-chair of the ABILA Committee on International Environmental and Energy Law, finished updates to her co-edited book, [Carbon Capture and Storage in International Energy Policy and Law](#) (Elsevier, 2021). She also presented her working paper, *Are the Recent Deregulatory Measures Targeting the Protection of the Brazilian Amazon Justified Under Cost-Benefit Analysis?*, at the Society for Benefit-Cost Analysis' International Conference in March 2022.

Peter K. Yu, ABILA Co-Director of Studies, published the chapter "[Fitting Machine-Generated Data into Trade Regulatory Holes](#)" in [Trade in Knowledge: Intellectual Property, Trade and Development in a Transformed Global Economy](#) (Taubman, Anthony and Watal, Jayashree, Cambridge University Press and World Trade Organization, 2022).



Peter Bekker

Peter Bekker, Partner and Head of Investment Arbitration Task Force at CMS, published two articles: an ASIL Insight on [The World Court Fixes the Somalia-Kenya Maritime Boundary: Technical Considerations and Legal Consequences](#) and an article in the ICSID Review (Foreign Investment Law Journal) on [Reimagining the Damages Valuation Framework Underlying Fair and Equitable Treatment Standard Violations through a Three-Stage Contextualized Approach](#).

Pamela Bookman, Associate Professor of Law at Fordham University School of Law, published an article entitled [Where is the U.S. International Commercial Court?](#) on the Transnational Litigation Blog.

Julie Fraser published a column, with Laura Henderson, entitled *Human Rights and the Environment*, in the March 2022 issue of the Netherlands Quarterly of Human Rights.

Jocelyn Getgen Kestenbaum, Associate Professor at the Benjamin N. Cardozo School of Law and Director of the Benjamin B. Ferencz Human Rights and Atrocity Prevention Clinic, co-authored, with Magali Maystre, [Sexual Slavery is Enslavement](#) on OpinioJuris as part of the Symposium in Pursuit of Intersectional Justice at the International Criminal Court.



Julie Fraser

Vladyslav Lanovoy, Assistant Professor in Public International Law at the Faculty of Law, Université Laval, published [Causation in the Law of State Responsibility](#) in the British Yearbook of International Law (Jan. 2022).

Leila Nadya Sadat, ABILA President, published [Torture in Our Schools?](#) (Harvard Law Review Forum, forthcoming 2022), [Little Progress in the Sixth Committee on Crimes Against Humanity](#) (Case Western Reserve Journal of International Law, forthcoming 2022), and [Justice without Fear or Favour? The Uncertain Future of the International Criminal Court](#) in *The Past, Present and Future of the International Criminal Court* (Alexander Heinze & Viviane E. Dittrich, eds., 2021).

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 Office Kristi Ueda (media@ila-americanbranch.org).

We are always happy to feature your work in our Newsletter or on our blog.

ILA Executive Council Meeting (May 2022)

The International Law Association Executive Council met on May 7, 2022. The meeting was convened remotely by President (Prof.) Shunji Yanai (Japanese Branch). It was the first meeting chaired by the ILA's new Chair, Professor (emerita) Christine Chinkin, who is the first woman to hold the position. ABILA Chairman **David Stewart**, President **Leila Nadya Sadat**, and ILA Vice-Chair **James Nafziger** represented the American Branch at the meeting.



Christine Chinkin

The Council noted with sympathy the passing last month of James Kingston, legal adviser to the Irish Department of Foreign Affairs (DFA) and former President of the Irish Branch of the ILA.

The Council welcomed the Mongolian Branch and heard reports about efforts to revive the Egyptian Branch; on the situation regarding the Russian, Ukrainian, and Byelorussian Branches in light of international sanctions; and on the Turkish Branch.

ILA Treasurer Professor Rainer Hofmann (German Branch) indicated that the Association remains in a "sound financial situation" notwithstanding the challenges of the Covid-19 pandemic. The scholarship fund will be able to provide funds for 10 young scholars to participate in the Lisbon Biennial.



Regarding the Biennial, the Portuguese Branch provided a comprehensive report on preparations for the 80th ILA Biennial Conference to take place in Lisbon June 19–24 ("Our Common Good," information available at <https://ila2022.org/>). The agenda will include presentations of 90 papers, 14 committee reports, and 2 study group reports. Seven resolutions have already been provided in draft. Members of the Council stressed the importance of providing financial assistance to support attendance by young scholars. There was some discussion of Biennial Conference pricing policies, the need to ensure diversity, and the possibility of hybrid options.

Claire Martin, the ILA's Chief Operating Officer, updated the Council on the situation regarding the upgrading of the ILA database and indicated that the new website is now being tested.

Professor Catherine Kessedjian (French Branch) reported on preparations for the ILA's 150-year celebration to take place in Paris June 18–20, 2023. In the lead up to the celebration, 200 ILA members from around the world have been working on 24 "white papers," each of which will address trends in a particular field of international law. These papers, based in part on scores of interviews with largely public practitioners, will appear consecutively at the ILA website over a period of several months, beginning this September, along with related webinars.



Director of Studies Professor Pierre Bodeau-Livinec reported on the plans of ILA committees and study groups. Three committees have asked to have their mandates extended: submarine cables, use of force, and sea level rise.

The Council approved the application of new members and heard a report by the Diversity Officer regarding the new diversity and equity policy.

The Council will meet several times during the Lisbon Biennial and again in London on November 12, 2022.

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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, attend ILW 2022, 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.



Calendar of Upcoming Events

June 15-17, 2022: The Evolving Face of Cyber Conflict and International Law: A Futurespective (Washington, D.C.)

June 30 - July 1, 2022: Conference on Liberalism and Ecology in the Anthropocene (organized by the ESIL Interest Group on International Environmental Law) (Messina, Italy)

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

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

October 30 - November 4, 2022: International Bar Association Annual Conference (Miami)

November 10-12, 2022: ASIL Midyear Meeting (Miami)

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

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

American Branch of the International Law Association

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