



INTERNATIONAL LAW ASSOCIATION
AMERICAN BRANCH
EST. 1922

NEWSLETTER

ILA 2023—150th Anniversary

October 13, 1873 saw the birth of our parent organization, 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.”

On June 18-20, 2023, we invite you to Paris, France in 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.

The American Branch is pleased to sponsor the symposium’s Opening Reception on June 18, 2023. More details to come. We look forward to this opportunity to connect with our friends and colleagues—old and new—from around the world.

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Letter from the American Branch President

Since our last [*Newsletter*](#), the ABILA has selected the Co-Chairs of the Organizing Committee for International Law Weekend 2023 (**William Aceves**, **Floriane Lavaud**, and **Milena Sterio**); appointed the sixteen other members of the Organizing Committee; came up with an exciting theme for the Conference (“Beyond International Law”); and is in the midst of picking panels from a record number of excellent proposals. It is going to be a fantastic conference as we gather in New York from October 19-21 to celebrate the dawn of the ABILA’s second century and discuss how international lawyers can effectively harness their creativity to tackle the complex challenges of our time.

Before then, the ABILA will be the named sponsor of the opening reception at the International Law Association’s 150th Anniversary Conference in Paris on June 18. For more information and to register to attend in person or remotely, please visit: <https://www.ilaparis2023.org/en/>

Meanwhile, I’m happy to report that at its April 5 meeting, the ABILA Board unanimously approved a process for issuing Board Statements on current events related to international law. The new procedure does not affect the existing authority of the ABILA President or ABILA Committees to issue statements on their own, but it will enable our prestigious Board to weigh in on a timely basis on an array of important international law issues in which our collective voice can carry weight.

The way it works is that any ABILA Officer, Board Member, or Committee Chair may propose that the Board issue a Board Statement on a matter involving salient international law issues, proposals, or developments and circulate the draft to the members of the Board via email. If a two-thirds majority of the members of the Board indicate their approval during a five-day period, then the Statement will be deemed adopted. If adopted, the Statement will be posted on the ABILA website and circulated as appropriate by the President. The names of those Board Members and Officers who indicated their approval will appear under the Board Statement with an indication that the undersigned is supporting the Statement as a member of the ABILA Board and that their support does not represent the position of any other institution to which they may belong.

I hope you will find the articles and updates contained in our *Spring/Summer 2023 Newsletter* to be of interest. I look forward to seeing you at our upcoming events and encourage you to get involved or remain active in one of our committees, which continue to do such important work.

Editor’s Note

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

Sincerely,

Michael Scharf

President of the ABILA

Dean of Case Western Reserve University
School of Law

ILA 2023: 150th Anniversary *(cont'd)*

Leading up to the conference in Paris on June 18-20, 2023, newsletters have been published and will continue to be published featuring interviews of international law experts and International Law Association members from different branches; summaries of past events; news on pressing international law issues; and more. The first newsletter was published in September 2021 and each issue is accessible [online](#).

In addition, webinars have been held and will continue to be held 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. The webinar schedule is as follows:

- | | |
|--|---|
| ◆ January 12: Inaugural: Increasing the Legitimacy of International Law: The Role of Parliaments | ◆ May 31: Dispute Resolution |
| ◆ January 24: Energy | ◆ July 5: Civil Status |
| ◆ February 1: Anthropocene | ◆ July 12: The Future of Labour Law |
| ◆ February 14: SDGs Beyond 2030 | ◆ August 24: Intellectual Property |
| ◆ March 7: Global Governance and Multilateralism | ◆ September 4: Outer Space |
| ◆ March 16: Food Agriculture | ◆ September 12: Mass Crimes and Impunity |
| ◆ April 3: International Investments | ◆ September 14: Human Rights |
| ◆ April 20: Business and Human Rights | ◆ September 25: Law in Support of Democracy and the Rule of Law |
| ◆ April 25: Ocean | ◆ October 19: Migration |
| ◆ May 4: Health | ◆ First week of November: International Finance |
| ◆ May 16: The Fight Against Corruption | ◆ November 14: Taxation |
| ◆ May 23: Digital Challenges for International Law | ◆ November 21: Cultural Heritage |

In December 2023, conclusions of two and a half years of work (the drafting of white papers began in 2021) will be drawn and recommendations for future work proposed. These recommendations will be published in 2024 as the 150th anniversary legacy and the contribution of the Association to the construction of tomorrow's international law.

Please see the [conference website](#) and follow ILA-ADI 2023 on Twitter ([@150ADIILA2023](#)) for more information, to sign up to receive regular updates, and to register for the webinars and conference. **Registration for the conference ends May 31, 2023.**



Catherine Kessedjian
Honorary President,
ILA/ADI French Branch
President,
2023 Organisation Committee



Franck Latty
President,
ILA/ADI French Branch



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

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.

Co-sponsored Event: *Looking to the Future of Investor-State Dispute Settlement* | January 20, 2023

The American Branch sponsored *Looking to the Future of Investor-State Dispute Settlement*, a webinar and formal side event to the 44th Session of UNCITRAL Working Group III on January 20, 2023, to discuss the future of ISDS. The event was co-organized by **Chiara Giorgetti** and Catharine Titi.

ISDS is undertaking a profound reform process which has the potential of changing the entire system of how we resolve investment disputes. The reform involves many efforts and organizations, including Working Group III at UNCITRAL, ICSID, and the Energy Charter Secretariat. The panelists, Aurélia Antonietti, **Chiara Giorgetti**, Karin L. Kizer, Jae Sung Lee, Catharine Titi, and André von Walter discussed the reform process and the specific proposals, and the likelihood of their success.



Chiara Giorgetti

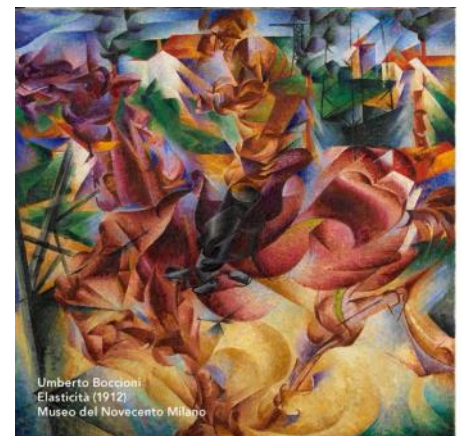


Catharine Titi

Co-sponsored Event: *Assessing the Past, Envisioning the Future* April 20-21, 2023

The American Branch was thrilled to co-sponsor the conference *Assessing the Past, Envisioning the Future: International Investment Arbitration Law and Policy* on April 20-21, 2023 at Bocconi University in Milan.

This unique event explored the past and future of investment arbitration. The high-level conference included speakers from practice, academia, and institutions. Keynote speakers included George Bermann, Anne Joubin-Bret, and Meg Kinnear.



American Society of International Law Annual Meeting | March 29-April 1



American Society
of International Law

The American Society of International Law (ASIL) held its Annual Meeting on March 29-April 1, 2023 in Washington, D.C. The theme of the Annual Meeting was *The Reach and Limits of International Law to Solve Today's Challenges*, as follows:

International law seems to be perpetually in crisis. Profound questions abound regarding its functions, utility, relevance, and ability to provide solutions in a complex and changing world. The past few years have presented us with multiple challenges – from trade wars to a global pandemic to the worsening of climate change to the invasion of Ukraine – which have led some to question the role and value of international law as a tool for solving modern day crises. As international lawyers, it is incumbent on us to question underlying assumptions and to revisit the aims of international law and its ability to provide solutions to crises, big and small. It is worth reflecting on the more modest wins of international law, and to query the reach – as well as the very real limits – of what international law is, and what it can do. It is only in challenging and questioning the reach and limits of international law that we can, as a community, navigate, and ultimately strive to reinforce and strengthen its importance.

The American Branch was well represented at the Meeting. ABILA patron and ILW 2022 Keynote Address Speaker Ambassador **Beth Van Schaack** and member **Judge Ivana Hrdličková** participated in the Hague Closing Reception and Plenary. ABILA's 2022 Book of the Year award winner **Tom Ginsburg** hosted a Book Launch for [*Democracies and International Law*](#), and ABILA patron and Honorary Vice-President **Charles N. Brower** hosted a book launch for his new book [*Judging Iran: A Memoir of The Hague, The White House, and Life on the Front Line of International Justice*](#).

- | | | | |
|----------------------|--------------------|----------------------|-------------------|
| ♦ Arif Ali | ♦ Lisa Davis | ♦ Chimène I. Keitner | ♦ Michael Scharf |
| ♦ Diane Marie Amann | ♦ MJ Durkee | ♦ Rachel López | ♦ David Sloss |
| ♦ Catherine Amirfar | ♦ Yvonne Dutton | ♦ Asaf Lubin | ♦ Lucía Solano |
| ♦ Simon Batifort | ♦ Paolo D. Farah | ♦ Timothy Nelson | ♦ Joel Trachtman |
| ♦ Kathleen Claussen | ♦ Martin Flaherty | ♦ Valerie Oosterveld | ♦ Jennifer Trahan |
| ♦ Sarah H. Cleveland | ♦ Hannah Garry | ♦ Cymie Payne | ♦ Peter Tzeng |
| | ♦ Chiara Giorgetti | ♦ Mark Pollack | |

The Association of American Law Schools Annual Meeting | January 3-7

The Association of American Law Schools (AALS) held its 2023 Annual Meeting on January 3-7, 2023 in San Diego, CA. The theme of the Annual Meeting was [*How Law Schools Can Make a Difference*](#). Over 2,000 law school faculty, deans, professional staff, and sponsors gathered to participate in more than 250 sessions and events. The American Branch had more than thirty members take part in the Annual Meeting, including:

- | | | |
|-----------------------------|----------------------|----------------------------|
| ♦ Sahar Aziz | ♦ Arlene Kanter | ♦ Mary Ellen O'Connell |
| ♦ Emily Behzadi | ♦ Zachary D. Kaufman | ♦ Diane Penneys Edelman |
| ♦ Irene Calboli | ♦ Patrick J. Keenan | ♦ Jaya Ramji-Nogales |
| ♦ Elena Chachko | ♦ Chimène I. Keitner | ♦ Leila N. Sadat |
| ♦ Riddhi Dalal | ♦ Charlotte Ku | ♦ Sharon K. Sandeen |
| ♦ Guillermo Garcia-Sanchez | ♦ Margaret K. Lewis | ♦ Dalindyabo B. Shabalala |
| ♦ Jocelyn Getgen Kestenbaum | ♦ John Linarelli | ♦ David L. Sloss |
| ♦ Heidi Gilchrist | ♦ Rachel López | ♦ Milena Sterio |
| ♦ Jonathan Hafetz | ♦ Asaf Lubin | ♦ Adrien Katherine K. Wing |
| ♦ Sital Kalanty | ♦ Craig Martin | ♦ Mark E. Wojcik |
| | ♦ Mark Nevitt | |



ILW 2023 Organizing Committee

William Aceves, Co-Chair
Floriane Lavaud, Co-Chair
Milena Sterio, Co-Chair

Carolina Arlota
David Attanasio
Emily Behzadi
Amity Boye
Jovana Crnčević
Yvonne Dutton
Martin Flaherty
Rachel López
Yaw Out Mankata Nyampong
Lisa Reinsberg
Jennifer Trahan
Federico Wynter
Alyssa Yamamoto
Madaline George, ILW
Administrative Coordinator
Leila Sadat, *ex officio*
Michael Scharf, *ex officio*


International Law Weekend (ILW) 2023: *Beyond International Law*


Save the date! International Law Weekend (ILW) 2023, co-chaired by **William Aceves**, **Floriane Lavaud**, and **Milena Sterio**, will be held October 19-21, 2023 in New York City.

The unifying theme for ILW 2023 is *Beyond International Law*, as follows:

International law is at a crossroads. While there have been many successes, the system's shortcomings still remain visible, exposed by prolonged armed conflicts, a lack of accountability for atrocities, a global pandemic followed by an economic downturn, and entrenched economic and social inequalities exacerbated by the disastrous effects of climate change. The time is ripe for the international legal community to consider what lies beyond current international law. If existing legal solutions fall short, how can international lawyers and leaders effectively harness their creativity to tackle the complex challenges of today? How does international law interface with other disciplines that also seek to promote peace and equality, such as domestic law, diplomacy, trade, social change movements, and global solidarity initiatives? How can international law adapt to become more effective in responding to the world's shifting crises? ILW 2023 encourages participants to think beyond international law.

ILW 2023 will explore these issues through a diverse set of engaging and provocative panels, plenary sessions, and keynote addresses. As in prior years, we anticipate nearly 2,000 registrants. The program will include a broad array of both public international law and private international law topics in each time slot, many of which offer CLE at no additional cost. The Weekend also includes networking opportunities for both professionals and students, social events, and award ceremonies, as well as the 101st



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**BEYOND
INTERNATIONAL LAW**

OCTOBER 19-21, 2023
NEW YORK CITY

**International
Law Weekend**

Submit a panel proposal by May 1:
<https://www.ila-americanbranch.org/ilw-2023-call-for-panel-proposals/>



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International Law Weekend Organizing Committee



William Aceves, Co-Chair
California Western School of Law



Floriane Lavaud, Co-Chair
Debevoise & Plimpton LLP



Milena Sterio, Co-Chair
Cleveland State University
College of Law



Carolina Arlota
Columbia Law School



David Attanasio
Dechert LLP



Emily Behzadi
California Western School of
Law



Amity Boye
White & Case LLP



Jovana Crncevic
Withersworldwide



Yvonne Dutton
Indiana University Robert H.
McKinney School of Law



Martin Flaherty
Leitner Center for
International Law and Justice



Rachel López
Drexel University Thomas
R. Kline School of Law



Yaw Otu Mankata Nyampong
The International
Civil Aviation Organization



Lisa Reinsberg
International Justice
Resource Center



Jennifer Trahan
NYU Center for
Global Affairs



Federico Wynter
Debevoise & Plimpton LLP



Alyssa Yamamoto
Mandate of the UN Special
Rapporteur on Counter-
Terrorism and Human Rights



Madaline George,
ILW Administrative Coordinator
International Law Association
American Branch



Leila Sadat, ex officio
Washington University
in St. Louis School of Law



Michael Scharf, ex officio
Case Western Reserve
University School of Law

BEYOND INTERNATIONAL LAW

OCTOBER 19-21, 2023 | NEW YORK CITY

Invitation to Sponsor International Law Weekend 2023

International Law Weekend is one of the largest conferences in North America devoted to international law and serves an important role in promoting awareness and respect for international law. Support helps us engage this diverse audience on the most pressing and consequential international problems of the day.

ILW is free for students and charges others a very modest fee compared to other legal conferences. We are able to keep the cost of the Weekend low – and offer CLE at no additional cost for those who need it – because of the generosity of our sponsors and volunteers.

We hope you or your organization will join us this year as a sponsor. We have four levels of sponsorship from which to choose: Diamond (\$5,000+), Platinum (\$3,250), Gold (\$1,500), and Silver (\$500). Each level of sponsorship includes some free conference registrations. Sponsors can also “top-up” their support to have named sponsorship of specific events, including receptions, keynote addresses, plenary sessions, networking opportunities, lunch and coffee breaks, and the student career session. Details for each sponsorship tier are [available online](#).

For questions about ILW sponsorship, please email Madaline George at ILW@ila-americanbranch.org.

Call for Proposals: Emerging Voices at International Law Weekend 2023

The American Branch is committed to featuring the voices of emerging scholars and practitioners at ILW 2023. We are pleased to invite submissions for this year’s [Emerging Voices Panel](#) at ILW 2023.

The ILW Organizing Committee invites the submission of abstracts relating to the theme of *Beyond International Law*. Preference will be given to unpublished papers. Eligibility is restricted to applicants working in the field of international law for five years or less. The American Branch has secured funding to provide need-based reimbursement to help cover the cost to attend ILW in New York City. More details are [available online](#).

To apply, applicants should submit a single PDF document to ILW@ila-americanbranch.org with the following: (1) a 500-word abstract; (2) a cover letter describing their professional development, explaining how their submission fits with the conference theme, and indicating whether they intend to participate in person; and (3) a CV of no more than three pages. The submission deadline is June 15, 2023.

The Emerging Voices Sub-Committee of the ILW Organizing Committee is run by **Carolina Arlota**, **Emily Behzadi**, and **Lisa Reinsberg**.



ILW 2022 Panel: Emerging Voices

International Law Weekend 2023: South African Branch—ILA Representatives

The American Branch is excited to continue our close working relationship with the South African Branch (SABILA) by sponsoring two SABILA members to attend ILW 2023 in New York City. We are excited to announce that the selected representatives are Jaymion Hendricks and Sikelela Ndlazi.



Jaymion Hendricks

Jaymion Hendricks is a Legal Advisor, International Law, at South Africa's Department of International Relations and Cooperation. An admitted attorney, he holds an LL.M. in International Air, Space and Telecommunications Law from the University of Pretoria. On attending ILW, he says, "I look forward to engaging in thought-provoking discussions with a diverse range of experts and practitioners in the field of international law. As someone from a developing country, attending ABILA ILW 2023 is a significant capacity-building opportunity for me and will strengthen our local chapter."

Sikelela Ndlazi is a senior lecturer of Human Rights Litigation and a doctoral candidate at the University of South Africa. He has published journal articles in the field of substantive constitutionalism and artisanal and small-scale mining. In his open time, he alternates between reading autobiographies of his favorite people and watching tennis majors. He is most excited to meet American Branch members and contribute as much as he can to making ILW a splendid success.



Sikelela Ndlazi

Following ILW 2023, the representatives will write a report on their experiences that will be published on the American Branch's website and in its *Newsletter*. We look forward to continuing our longstanding relationship with the South African Branch.

Read SABILA Representative Clea Strydom's reflection on ILW 2022 on Pages 14-15.

Watch Past ILW Panels on our YouTube Channel

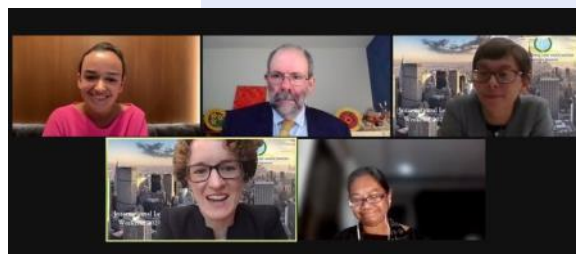
Select recordings from ILW 2020, 2021, and 2022 panels and keynote speeches are now available on the American Branch's YouTube channel! Previously, these recordings were only available to members and ILW attendees. Now, over 80 videos can be viewed by anyone at www.youtube.com/@abila34/featured.

These recordings are rich in information and insight. They are for your own education and a great tool to use in the classroom. Topics cover a range of private and public international law issues, including [The Meaning of Diversity, Equity, and Inclusion in International Law](#); [Sustainability and Ethical Trade in Times of Uncertainty](#); [Prosecuting the Crime of "Ecocide" at the ICC and Elsewhere](#); [Renewing and Improving the United States' Relationship with the International Criminal Court](#); and [The Rush for Resources: International Legal Implications of Space Mining](#).

Other videos include the [short documentary](#) of the American Branch and [member profile videos](#), created in celebration of the Branch's centennial year.

Save the Date!

International Law Weekend
2023 (#ILW2023) will be held on
October 19-21, 2023 in New
York City.



ILW 2021 Panel: [Disappearing Land and Displaced Persons: Climate Change and International Law](#)

Excerpt from *Criminal Courts, State Succession, and Watercourses: Three Points of Influence on the International Law Commission*

By: Kelly Adams

The International Law Commission (ILC)'s reliance on the work of the International Law Association (ILA) dates back to the ILC's creation in 1947, when the ILC [cited](#) the 1920s work of the ILA on the creation of a permanent international criminal court in the development of the draft Code of Crimes Against the Peace and Security of Mankind (the "Code of Crimes"). This [draft Code of Crimes](#) was the basis for the Rome Statute, which was adopted in 1998 and established the International Criminal Court. In 1967, the ILC [appointed](#) multiple Special Rapporteurs to evaluate the various effects of state succession in international law, including the appointment of Sir Henry Waldock as the Special Rapporteur on the topic of the effects of state succession on treaties to which the former state was a party. This ILC working group highlighted the work of the ILA in its [1969 Annual Report](#), referencing the ILA's *The Effects of Independence on Treaties* publication. As Sir Humphrey Waldock's reliance on the Fifty-Third Conference Report grew, so did the ILC's citations to this work; in the ILC's 1972 Annual Report, the work of the 53rd Conference Report was cited more than 25 times.



Kelly Adams

In its 1974 Report, the ILC continued its heavy reliance on the work of the 53rd Conference Report and introduced a new citation to a separate piece of the ILA's work. The Annex of the [1974 Report](#) included the Report of the Sub-Committee on the Law of the Non-Navigational Uses of International Watercourses, which discussed the open legal question of the "meaning and scope" of the phrase "international watercourses" in international law. After discussing various existing examples of state practice, the Sub-Committee noted that the ILA had "prepared a set of articles on the Uses of the Waters of International Rivers." These draft articles ultimately became known as the "Helsinki Rules," which offered [additional guidance](#) on the definition of the term "international watercourses."

The ILC [1975](#), [1976](#), [1977](#), and [1979](#) Annual Reports refer to works produced by the ILA, including the 53rd Conference Report, the Helsinki Rules, and ILA's work on other topics, including state responsibility and decolonization. The most in-depth citation during these years was the ILC's reference to the Classification of Public Debts; in both the [1977](#) and [1979](#) Annual Reports, the ILC's Draft Articles on Succession of States in Respect of Matters Other Than Treaties heavily rely on the ILA's debt classification system to define three different types of public debts.

The ILC continued to rely on the works of the ILA throughout the 1980s, citing to the ILA at least once in seven of the ten annual reports. These citations solidified the use of the Helsinki Rules to define the concept of "international waters," but also reference a variety of ILA works relating to state responsibility, including the topics of restitution, jurisdictional immunity, and armed attacks. Although the ILC relied on the ILA less during the 1990s, the ILC Annual Reports for [1990](#), [1991](#), [1993](#), [1996](#), and [1999](#), referenced the ILA on topics including restitution, jurisdictional immunity, and the uses of international waters.

The ILC's reliance on the ILA has dramatically increased over the past two decades. In [2001](#), the ILC referenced the ILA's work on state responsibility and restitution as well as the Helsinki Rules. Between [2003](#) and [2005](#), the ILC referenced the Helsinki Rules and ILA work on state responsibility and diplomatic protection. In its [2006](#) report, the ILC looked to the ILA on topics including state responsibility and diplomatic protection, the uses of waters of international rivers, environmental transboundary harm enforcement, and natural disaster response in international humanitarian law. The ILC then looked to the ILA again between [2008](#) and [2010](#), on state responsibility, shared natural resources, and the succession of states to treaties.

The [ILC 2011 Annual Report](#) cites to ILA work about state responsibility and attribution, the formation and evidence of the existence of customary international law, the protection of the atmosphere, and the protection of the environment in relation to armed conflict. In [2012](#) and [2013](#), the ILC again cited to ILA works relating to customary international law,

Excerpt from *Criminal Courts, State Succession, and Watercourses* (cont'd)

as well as works regarding the principles of mass expulsion in 2012 and natural disaster response in 2013. The [2014 Annual Report](#) again examined the principles on mass expulsion, and both the 2014 and [2015 Annual Reports](#) referenced the ILA's work on the protection of the atmosphere in relation to climate change. The [2016 Annual Report](#) cited to the ILA's work on the formation of customary international law alongside citations to work on the settlement of international disputes as well as subsequent practice in the interpretation of treaties. The [2017 Annual Report](#) referenced multiple works relating to climate change, including reports from the ILA's Johannesburg Conference and 75th and 76th Conference Reports.

In its most recent reports, the ILC has cited the work of the ILA quite frequently. In its [2018 Annual Report](#), the ILC cited to the ILA on fifteen different occasions covering five different legal topics, including climate change and sea-level change, the protection of the environment in relation to armed conflicts, the protection of the atmosphere in relation to climate change, the formation and evidence of existing customary law, and subsequent practice in the interpretation of treaties. In [2019](#), the ILC referenced the ILA's work on the protection of the environment in relation to armed conflict, as well as its work on the development of custom and general principles of law, and its work on the subsidiary means for the determination of international law. The ILC did not issue a report in 2020 due to the COVID-19 pandemic, but again heavily referenced ILA work in its [2021 Annual Report](#).

As demonstrated, the ILC has relied on the work of the ILA more and more frequently over the past fifty years. This reliance has spanned multiple areas of international law, including ILA work on both the theoretical basis of international law as well as the application of this law to timely issues. The ILA's work has influenced the ILC in multiple ways, as demonstrated by the ILC's reliance on a few specific ILA documents: (i) the draft Statute for the Permanent International Criminal Court, (ii) the ILA's 53rd Conference Report regarding state succession and the ILA's *Effect of Independence on Treaties* handbook, and (iii) the Helsinki Rules.



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

Write for the ABILA Blog

The American Branch has a 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)

Have Your Work Featured
by the American Branch

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 share it on social
media, include it in our next
Newsletter, or work with you
on a piece for our blog.

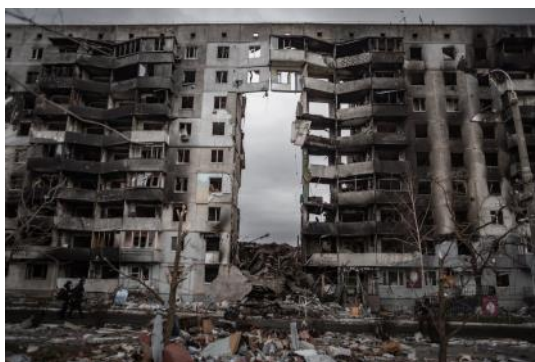
Use our [Submission Form](#) or
contact our Media Officer
Kristi Ueda at [media@ila-
americanbranch.org](mailto:media@ila-americanbranch.org) for more
information.

ABILA Members' Analysis and Commentary on Prosecuting the Crime of Aggression Against Ukraine

Last year in their April 14, 2022 *Just Security* article, [How International Justice Can Succeed in Ukraine and Beyond](#), Christopher “Kip” Hale and **Leila Nadya Sadat** had argued that for international justice to succeed, in addition to needing to avoid double standards, States should create a global standing investigative mechanism to investigate all future atrocities and support national efforts on accountability.

On March 27, 2023, Ambassador-at-Large for Global Criminal Justice **Beth Van Schaack** [announced](#) that the United States supports the development of an internationalized tribunal dedicated to prosecuting the crime of aggression against Ukraine.

In their April 6, 2023 article on *Just Security* entitled [The United States' Proposal on Prosecuting Russians for the Crime of Aggression Against Ukraine is a Step in the Right Direction](#), **Michael Scharf**, Paul R. Williams, **Yvonne Dutton**, and **Milena Sterio** addressed the two downsides to an internationalized domestic tribunal mentioned by Rebecca Hamilton in her [March 29, 2023 *Just Security* article](#). First, the authors claimed that the Ukrainian Constitution is not an insurmountable obstacle because while it prohibits temporary courts created by executive authority, it would not prohibit an internationalized domestic court if created through the normal legislative processes. They also asserted that head of state immunity would not block all prosecutions for those responsible for the crime of aggression. While Russian President Vladimir Putin and Foreign Minister Sergei Lavrov may be out of reach, an internationalized domestic court could prosecute others responsible for the crime of aggression, including Russian parliament members, the Minister of Defense, and Chiefs of the General Staff. Moreover, Putin and Lavrov could be prosecuted once out of office.



Destruction in Borodyanka. Source: [Алесь Усцінаў](#)

In response to the announcement by the United States to support an internationalized tribunal to prosecute the crime of aggression against Ukraine, **Jennifer Trahan** published [Don't be Fooled By US Smoke and Mirrors on the Crime of Aggression: Weak Proposals Carry the Risk of Weak Results](#) on *Just Security* on April 14, 2023. In it, she argued that the United States proposal failed

to address key concerns of the issues of immunities, the weak precedential weight of a domestic tribunal, and the issue of constitutionality under Ukrainian law. She concluded that an international tribunal is a better approach given the gravity of the crime of aggression and for the development of international criminal law. She stated that “it is of the cardinal importance that faced with Russia’s fundamental assault on the prohibition of the use of force, the international community as a whole puts *the greatest weight* behind the judicial precedent against aggression.” Furthermore, she urged States to come together to ensure the application of the rule of law and firmly establish the unacceptability of invading a neighboring State. Aggression must not go unchecked.

Leila Nadya Sadat, in her *Just Security* article, [Conferred Jurisdiction and the ICC's Putin and Lvova Belova Warrants](#), published on April 21, 2023, noted that the ICC’s jurisdiction rests on the theory of collective conferral, not delegation, and thus the Court’s arrest warrants were lawful and must be executed by ICC State Parties.

Honoring the Legacy of Benjamin B. Ferencz

By: **Jennifer Trahan** and Annegret Hartig

The American Branch of the International Law Association is sad to report the passing of one of the most impactful and inspirational practitioners of International Law in modern times. Benjamin B. Ferencz died on April 7, 2023, at the age of 103. He was a tireless advocate for international criminal justice and the last living prosecutor from the Nuremberg war crimes trials. Recently, he received the U.S. Congressional Gold Medal in recognition of his service to the United States and the international community.

Born on March 11, 1920, in Transylvania, now modern-day Romania, Ben soon fled from anti-Semitic persecution together with his parents and emigrated to the United States. Ben grew up in New York City, and in 1940 was awarded a scholarship to Harvard Law School where he graduated with honors.



After the onset of World War II, Ben enlisted in the United States Army in 1943, and joined an anti-aircraft artillery battalion preparing for the liberation of France. He fought in most of the major campaigns in Europe.

As Nazi atrocities were being uncovered, Ben was transferred to a newly created War Crimes Branch of the U.S. Army to gather evidence of war crimes that could be used to prosecute those responsible. Ben documented the horrors perpetrated by Nazi Germany, visiting concentration camps as they were liberated.

After the war, Ben became Chief Prosecutor for the United States in the *Einsatzgruppen Case*, which the Associated Press called “the biggest murder trial in history.” Twenty-two defendants were charged with murdering over a million people. He was only twenty-seven years old. It was his first case.

All of the defendants were convicted. Thirteen were sentenced to death. The verdict was hailed as a great success for the prosecution. Ben’s primary objective had been to establish a legal precedent that would encourage a more humane and secure world in the future.

Since the 1970s, Ben worked tirelessly to promote the development of international mechanisms to outlaw and punish crimes under international law, with a particular focus on the need to prosecute the crime of aggression (the leaders responsible for aggressive war-making). To this end, he published several books, such as [*Defining International Aggression – The Search for World Peace*](#) in 1975, the two-volume documentary history [*An International Criminal Court – A Step Toward World Peace*](#) in 1980, and the two-volume book [*Enforcing International Law – A Way to World Peace*](#) in 1983.

With the end of the Cold War, the international community started to discuss the possibility of establishing an international criminal court in the 1990s. Active from the beginning, Ben participated in the Preparatory Commission sessions for the International Criminal Court, monitoring and making available his expertise on current efforts to define aggression. His efforts contributed to the establishment of the International Criminal Court and to the recognition of aggression within the ICC’s Rome Statute as an international crime.

Ben continued to mobilize support for the International Criminal Court, working tirelessly as part of the Special Working Group on the Crime of Aggression to conclude the definition of the ICC’s crime of aggression and conditions for the ICC’s exercise of jurisdiction over the crime.

Throughout his work, Ben optimistically championed the goal of replacing the “rule of force with the rule of law.” He truly lived his main message “never give up” and gave speeches throughout the world until his death to promote international justice and the rule of law.

Ben will be sorely missed, but his inspiration will live on.

ILA Sister Branches

The American Branch of the International Law Association is happy to collaborate with other Branches of the International Law Association and publicize their upcoming events and incredible accomplishments.

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



Reflection on International Law Weekend 2022

By Clea Strydom, Member of the ILA South African Branch



Beth Van Schaack at ILW 2022

"Ask not what international law can do for you, but rather what you can do for international law," this [paraphrased famous trope](#), first said by UN Under-Secretary-General for Legal Affairs and UN Legal Counsel Miguel de Serpa Soares at the ILW Opening Plenary, and used by Ambassador Beth Van Schaack, the U.S. Ambassador-at-Large for Global Criminal Justice, during her Friday keynote speech captured the essence of the conference as a whole. Held during the American Branch's centennial year, the conference's unifying theme of *The Next 100 Years of International Law* invited reflection on the past and future of international law, presenting an opportunity to reevaluate its core features.

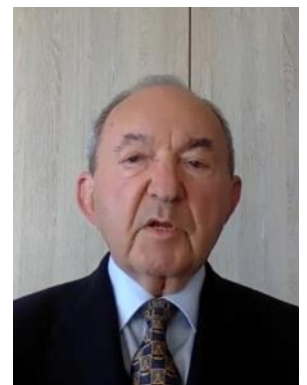
I was fortunate enough to be invited to ILW 2022 as a representative of the [South African Branch of the International Law Association](#) for the second year. However, unlike the virtual meeting in 2021, I had the opportunity to attend the enriching in-person weekend spread across numerous locations in New York, also giving me a look behind the scenes of what it takes to make such an event possible.

The idea that we should be asking what we can do for international law is clearly not lost on the American Branch. International Law Weekend presents an opportunity for academics, practitioners, and experts to consider how they can develop and reinvent international law. And this was especially echoed in Van Schaack's speech, which focused on her department's efforts to strengthen international law, from Darfur to Myanmar, as well as within the United States.

Beyond the substantive elements of the conference, the organization of the event itself also brought the idea of service to international law to life. The American Branch is one of the most active International Law Association branches, and from what I witnessed at ILW 2022, it is in part due to strong partnerships with sponsors ranging from law schools, law firms, and other international law organizations. ILW 2022 was hosted at the New York City Bar Association and Fordham University School of Law, with a Centennial Gala at White & Case LLP and reception at the Permanent Mission of the State of Qatar to the United Nations. This widespread show of commitment to international law is inspiring and could be used as a blueprint for other International Law Association branches.

As a proud South African, I was especially drawn to the [Outstanding Achievement Award](#) presented to Judge Richard Goldstone, former Justice of the Constitutional Court of South Africa and former Chief Prosecutor of the United Nations International Criminal Tribunals for the former Yugoslavia and Rwanda.

In his acceptance speech, he reflected on the many ways his career has been shaped by contact with U.S. lawyers, jurists, academics, and many others, especially in terms of the protection and enforcement of human rights and international humanitarian law. In 1959, Goldstone, as a student activist in Apartheid South Africa, was contacted by and met Allard Lowenstein, then president of the United States Student Association, while he was seemingly travelling as a tourist in South Africa.



Richard Goldstone at ILW 2022

Reflection on International Law Weekend 2022 *(cont'd)*

A number of days after this meeting, Lowenstein made headlines when it transpired that the true reason for his visit to South Africa was to smuggle a student, Hans Beukes, who had been awarded a scholarship to study in Europe from a Norwegian organization, from what was then South West Africa (now Namibia) under South Africa's administration in a Volkswagen Beetle across the border after Beukes's passport was confiscated by the South African government. This was Goldstone's first interaction with U.S. political activism and just the beginning of his relationship with the country that would assist him throughout his career.

While Goldstone was very complimentary of civil society in the United States, he did point to the somewhat inconsistent attitude of the U.S. government in the enforcement of international laws prohibiting the commission of serious war crimes.

Towards the end of December 2000, in the dying days of the Clinton administration, Goldstone received a call from David Scheffer – the first U.S. Ambassador-at-Large for War Crimes – who informed him that President Clinton was considering signing the Rome Statute. Relying on the respect Clinton had for Nelson Mandela, Scheffer asked Goldstone whether he would ask Mandela to call Clinton to encourage him to submit to the jurisdiction of the International Criminal Court (ICC). Goldstone happily complied with the request, and Mandela undertook to make contact. Whether or not a conversation on this matter took place between Mandela and Clinton is not known to Goldstone, but not long afterwards, Clinton told Scheffer to report to the office of the Secretary-General of the United Nations to sign the Rome Statute on behalf of the United States. While it would have been a win for international law if the story had ended here, President Bush won the next presidential election and subsequently told his Under Secretary of State for Arms Control and International Security [to “un-sign” the vital international criminal accountability statute](#). To this day, the United States is not a party to the Rome Statute.

This Jekyll and Hyde approach of the United States to the ICC, depending on the administration in power, also came up in Ambassador van Schaack's speech. It is only recently, in June 2020, that the Trump administration imposed, through executive order, [sweeping sanctions](#) against ICC officials, specifically ICC Prosecutor Fatou Bensouda and another senior prosecution official, Phakiso Mochochoko, in retaliation for the ICC's efforts to investigate U.S. personnel in the context of Afghanistan and Palestine. Since the Biden administration came into office, those sanctions have been lifted, and attempts to reset the U.S. relationship with the ICC have been made, including efforts in Washington, D.C. to ensure that sanctions against the ICC will not be possible in the future. Van Schaack amplified that the United States recognizes the importance of the ICC in international criminal justice. Despite this assertion, however, there seems to be no foreseeable chance that the U.S. will ratify the Rome Statute.

This discussion of the U.S. relationship with the ICC reminds me of my own country's and continent's tumultuous relations with the Court. While many African countries are party to the Rome Statute and were instrumental in the ICC's establishment, recent events have led to [a call for African States to withdraw](#) from the Court's jurisdiction, based on a perception of bias against the continent. In response to a question from the audience on the possibility of the United States ratifying the Rome Statute, Van Schaack responded that the United States' relationship with the Court can be seen along two axes – cooperation and ratification – and that she would rather see cooperation and non-ratification, as opposed ratification and non-cooperation. Putting the false dichotomy aside, I am sure most would agree with her, not just in the case of the United States but all States; however, it is a pity that a third option cannot be envisioned: ratification *and* cooperation.

In his ILW speech, Justice Goldstone stated that democracy is under siege globally. Covid-19 and Russia's invasion of Ukraine—and these two events' impact on access to healthcare, human rights, international humanitarian law, the global fuel and food supply, etc.—has laid bare the international system's vulnerabilities, especially shining a spotlight on the gaps and flaws in international law, but also its importance.

The events of the last three years in particular have also shown us how interconnected we are as a global community; that we are in fact a global village. Therefore, now more than ever we need to ask what we can do for international law instead of asking what it can do for us, to ensure its continued survival over the next 100 years. If I may be as bold to follow Beth Van Schaack's example of modifying a well-known phrase, I conclude with: [“It takes a village to raise international law.”](#)



ILA-South African Branch representative Clea Strydom

New Branch Members

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

Eric Adler
Azab Alaziz Alhashemi
Remy Rose Alegre
Gavin Anderson
Alexandrew Aubard
Zakaria Azmy
Helena Bamiro
Lily Barchers
Maria Blain
Yariv Brauner
Jillian Brauningner
William Byrnes
Grant Carter
Zachary Charlton
Nicolle Conlogue
Jovana Crnčević
Amber Darwish
Senuri de Silva
Moulika Diwakar
Andrija Durovic
Seyed Reza Eftekhari
Joseph Finnerty
Isabella Fisher
Angelina Fisher
Luis Fortuño
Jonathan Hafetz
Yanfei Han
Sheraz Ibrahim
Jonathan Kronert
Alyssa Kucera
Gary Levvis
Rachel López
Laura Luca
Julius Metcalf
Frauke Nitschke
Alice Pai

Cont'd on Page 18

Recognizing ABILA's New Alona E. Evans Patron: Matthew C. Kane



The American Branch is pleased to recognize **Matthew C. Kane** as an Alona E. Evans Patron. This patron level is named in honor of the late Alona E. Evans, a prominent international lawyer who was active in the Branch. Evans served as an International Law Association Executive Committee member and was the first female President of the American Society of International Law.

Michael C. Kane is a Director at Ryan Whaley and Adjunct Professor at the University of Oklahoma College of Law. At Ryan Whaley, his practice areas

include complex civil litigation, insurance defense, white collar/criminal defense, and international/environmental litigation. He has been involved in a variety of noteworthy cases, including the acquittal of the chief executive officer in a billion dollar criminal securities case, proceedings to remove a judge before the Oklahoma Court of the Judiciary, and the return of a child to his parent under the Hague Convention on the Civil Aspects of International Child Abduction.

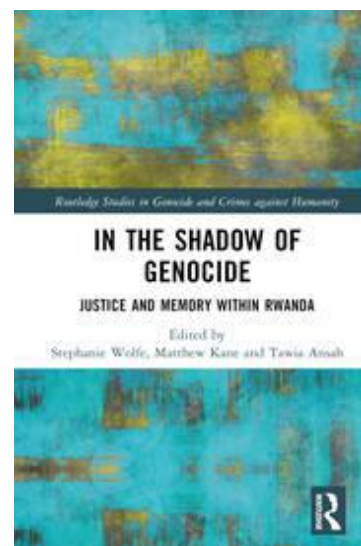
At the University of Oklahoma College of Law, Kane teaches courses on Torts, Criminal Law, International Criminal Law, Comparative Law, and Comparative Approaches to Counterterrorism. The student body selected him as "outstanding adjunct professor of the year."

As a first for an Oklahoma attorney and as one of approximately fifty attorneys in the United States, Kane was appointed to the List of Counsel for the International Criminal Court, which allows him to represent victims and defendants at the ICC. As another first for Oklahoma attorneys, he has also been accepted to the International Criminal Bar.

Kane has been recognized with a wide range of honors and awards, including the National Center for Missing and Exploited Children's Award of Merit for his pro bono representation relating to international child abduction litigation, the Oklahoma Bar Association Maurice Merrill Golden Quill Award for the most outstanding article published in the *Oklahoma Bar Journal*, and the Journal Record Leadership in Law Award for his community leadership, significant volunteerism, and accomplishments in the legal field. He has also been named to the National Trial Lawyers: Top 100 Trial Lawyers (Oklahoma), National Academy of Criminal Defense Attorneys: Top 10 Criminal Attorneys (Oklahoma), and Super Lawyers and is rated as a Martindale-Hubbell AV-Preeminent attorney.

Kane is also widely published, and his scholarship centers on the nexus of criminal and international law. Recently, he co-edited *In the Shadow of Genocide: Justice and Memory Within Rwanda* (2023).

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



Honoring the Life of ABILA Committee Chair Megan Fairlie

By: **Jennifer Trahan**, Chair of the ABILA ICC Committee; Vice President and Co-Director of Studies of the ABILA

The International scholarly community lost a shining star with the recent, untimely passing of Professor **Megan Fairlie**, who, among many other accomplishments, served as co-chair of the [International Criminal Court Committee](#) of the American Branch of the International Law Association.

Megan was a Professor of Law at Florida International University College of Law where she specialized in Criminal Law, Criminal Procedure & Litigation, International Human Rights, International Law, and Professional Responsibility.

She was a prolific scholar, having authored scores of law review articles and book chapters. Her main research was in the area of international criminal procedure, particularly questions arising in proceedings before the International Criminal Tribunal for the former Yugoslavia and the International Criminal Court (ICC). See her full [CV online](#).

Megan received her Ph.D. in International Human Rights Law from the National University of Ireland (Galway), where she studied with Professor William A. Schabas, who later became a treasured friend. In recent years, Megan returned to teach at the Irish Center for Human Rights in their renowned summer program. Megan's LL.M. was from the same University, with her J.D. from Washington and Lee University. She received her B.A. (summa cum laude) from the State University of New York at Albany where she was inducted into Phi Beta Kappa.

Having commenced her law career as an Assistant District Attorney in North Carolina, she later served as Counsel in both houses of the New York State Legislature in Albany, New York. She also served as a Visiting Professor at Albany Law School, and a Lecturer in Law at the University of Ulster, Belfast, where she was part of the Transitional Justice Institute.

Megan cared deeply about the ICC and the U.S. relationship with the Court. She authored or co-authored numerous posts on the ICC, including on [Opinio Juris](#). For another post, see also [here](#). Megan wrote with precision and eloquence and a deep-seated commitment to the rule of law and accountability, as well as a steadfast opposition to exceptionalism.

Beyond her scholarship and technical expertise, Megan will be remembered for her zest for life, her dry and clever wit, and being a devoted mother to her two young daughters. She was extraordinarily principled in her views, and a joyful person who enriched the lives of those who were fortunate enough to spend time with her. Even in illness, she retained a remarkable sense of humor and optimism.

Megan succumbed, after a long battle with cancer, on December 27, 2022.

This post is written to celebrate the accomplishments of a remarkable person and trusted colleague who will be dearly missed.



Left: A Porch Session at the 2017 International Humanitarian Law Dialogs discussing Victim-Driven Approaches to International Criminal Justice featuring (from left) **Valerie Oesterveld**, Andrea Gittelman, **Milena Sterio**, **Megan Fairlie**, and **Jennifer Trahan**.



Right: **Megan Fairlie** presenting Judge Patricia Wald with an award.

New Branch Members

Cont'd from page 16

Mary Kelly Persyn
Sammy Rabieh
Makhsharbek Rakhimov
Weijia Rao
Shaun Rogers
Teghpreet Sahni
Aaron Schwabach
Kaitlin Scott
Eytan Tepper
Nicholas Vadivoulis
Emma Wexler
William Worster
Federico Wynter
Alyssa Yamamoto

New Membership Brochure

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

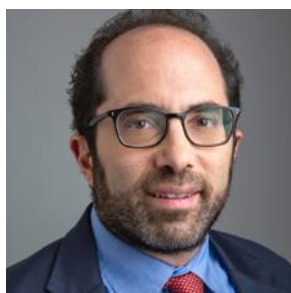
ABILA New Member Spotlights:

Azab Alaziz Alhashemi is an arbitrator and expert in International Investment Law in the MENA (Middle East and North Africa) region and an expert and researcher in Arab arbitration laws. He has published on comparative arbitration law and specializes in the drafting and review of major construction contracts. He practices in the fields of International Investment Law and International Trade and Dispute Resolution, regularly involved in cases arising from international construction law, state and private commercial investment agreements, bilateral and multilateral international treaty negotiations and agreements, and public private partnership contracts.



Yariv Brauner is the High Culverhouse Eminent Scholar Chair in Taxation Professor of Law at the University of Florida Levin College of Law. He has been a visiting professor and guest speaker at universities in the United States and abroad. He has published in professional journals and law reviews and is a co-author of [U.S. International Taxation – Cases and Materials](#), now in its 4th edition. His areas of expertise include Corporate Tax, International Commercial Arbitration, International Economic Law, International Investment Arbitration, International Tax, Mergers and Acquisitions, and Public International Law.

Jovana Crnčević is a Senior Associate in the Litigation and Arbitration Team at Withersworldwide. She focuses on International Arbitration and Public International Law matters, representing clients in international arbitration and litigation ancillary to arbitration and advising on international law matters such as the application of treaties, sovereign immunity, the act of state doctrine, jurisdictional issues, and recognition of foreign judgments. Her experience spans industries including energy, technology, financial services, hospitality, transportation, manufacturing, real estate, and consumer products. She maintains an active pro bono practice, including representation and advice on International Human Rights Law and International Criminal Law.



Jonathan Hafetz is a Senior Staff Attorney with the ACLU Center for Democracy and Professor of Law at Seton University School of Law, where he teaches courses on Constitutional Law, Civil Procedure, National Security Law, International Criminal Law, and Introduction to Lawyering. At the ACLU, he works on issues involving detention, torture, surveillance, racial and religious discrimination, and the intersection of immigration and national security law. He has written books on habeas corpus and on International Criminal Law and authored numerous articles for academic journals and popular publications.

Rachel López is Director of the Andy and Gwen Stern Community Lawyering Clinic and Associate Professor of Law at Drexel University Thomas R. Kline School of Law. Her scholarship focuses on state responsibility for mass abuse, transitional justice, and the carceral state. She has been published in *Northwestern Law Review*, *Columbia Journal of Transnational Law*, *NYU Journal of International Law and Politics*, and *University of Pennsylvania Journal of International* (cont'd on p. 19)



ABILA Member Spotlights (cont'd)

Law. Her recent article, [*Redeeming Justice* \(co-authored with Terrell Carter and Kempis Songster\)](#), won the 2022 Law and Society Association Article Prize. Her work has been featured in *The Hill*, *Americas Quarterly*, *Opinio Juris*, *Just Security*, *The Philadelphia Inquirer*, *Open Global Rights*, and local affiliates of National Public Radio and National Broadcasting Company.

Frauke Nitschke is Team Leader / Legal Counsel on one of the International Centre for Settlement of Investment Disputes (ICSID)'s Case Management Teams. She serves as Secretary of tribunals, conciliation commissions, and ad hoc committees in investor-State proceedings conducted pursuant to the ICSID Convention and the ICSID Additional Facility Rules involving a variety of economic activities and legal instruments. Moreover, she leads the Centre's work in data analysis and statistics. She is also a Centre for Effective Dispute Resolution (CEDR) Accredited Mediator. She has been published in the *ICSID Review*, *BCDR International Arbitration Review*, *University of St. Thomas Law Journal*, *Kluwer Mediation Blog*, and more.



Mary Kelly Persyn is Founding Attorney and Principal of Persyn Law & Policy and Vice President of Legal Affairs for Boys & Girls Clubs of San Francisco. At Persyn Law & Policy, she works to advance the profession's understanding of how toxic stress and childhood trauma, including trauma inflicted by race and gender-based discrimination, impact the health, well-being, and life outcomes of affected youth. She has published articles, op-eds, and literary criticism in addition to authoring appellate amicus briefs that offer expertise to state and federal courts on a range of matters, including DACA and gender-affirming care for minors.

Weijia Rao is an Assistant Professor of Law at George Mason University Antonin Scalia Law School, where she teaches Contracts and International Trade Regulations. Her research applies empirical methods to the study of international and comparative law, with a focus on legal institutions governing global trade and investment. Her ongoing projects include examining domestic political influence on state behavior in international dispute settlement, studying the development of international investment treaties, and exploring selective enforcement of trade laws. She has been published in the *Journal of Legal Studies*, *International Review of Law and Economics*, *Harvard International Law Journal*, *Chicago Journal of International Law*, and *Yale Journal of International Law*.



Aaron Schwabach is Associate Professor of Law at University of Arkansas Little Rock William H. Bowen School of Law, where he teaches Property and Decedents' Estates. His scholarship addresses a range of property-related topics including intellectual property, international and domestic environmental law, and the inheritance laws of the European Union as well as other topics ranging from the law of war to the life and complex legal and cultural legacy of Thomas Jefferson. He is also an expert on the law of the wizarding world of Harry Potter, which has earned him invitations to speak across the United States and in China, Poland, and the U.K.

Federico Wynter is an associate in the Litigation Department at Debevoise & Plimpton LLP, focusing on International Disputes. He co-authored "The Continued Push Against Investor-State Dispute Settlement in Europe and the Way Ahead." He received his J.D. *magna cum laude* from Cornell Law School, where he was a Charles Evan Hughes Scholar, a member of the Order of the Coif, and the senior articles editor of the *Cornell Law Review*.



Alyssa Yamamoto is the Robina Research and Advocacy Fellow to the UN Special Rapporteur on the promotion and protection of human rights while countering terrorism. She drafts mandate reports, briefings, and communications and leads civil society and other key stakeholder consultations on International Human Rights Law and Humanitarian Law implications of measures to combat terrorism and violent extremism. She also provides technical expertise to Member States and international organizations on human rights mainstreaming and independent accountability measures, including in UN General Assembly and Security Council resolutions, outputs of the UN Global Counter-Terrorism Coordination Compact, and national laws and policies.

ABILA Committees

The American Branch is pleased to have a number of active committees and study groups, including:

Arms Control and Disarmament

International Commercial Law

Formation of Rules of Customary International Law

International Arbitration

International Criminal Court

International Environmental and Energy Law

International Human Rights

International Humanitarian Law

International Intellectual Property Law

International Investment Law

International Law in Domestic Courts

International Trade Law

Islamic Law and Society

Law of the Sea

Legitimacy and Fundamental Principles of International Law

Space Law

Teaching International Law

United Nations Law

Use of Force

New Committee Chair: Luis Fortuño—Arms Control & Disarmament Committee



The American Branch is excited to introduce **Luis Fortuño** as the new Chair of the ABILA [Arms Control and Disarmament Committee](#) and sends our sincere thanks to **Chris Borgen** for his years of service as the former Chair.

Luis Fortuño is a Partner at Steptoe & Johnson LLP. His areas of work include corporate, government affairs and public policy, infrastructure and project finance, and qualified opportunity zones. He represents investment funds and

Fortune 500 companies in regulatory, public policy, public-private partnership (P3) and project finance, finance, and other corporate matters in the United States and throughout Latin America.

Previously, Fortuño served as the Former Governor of Puerto Rico from 2009 to 2013 and in the U.S. House of Representatives from 2005 to 2008. During the 109th Congress, he was the vice-president of the House Republican freshman class and vice-chair of the Congressional Hispanic Conference. He then served as chair of the Congressional Hispanic Conference and co-chair of the Congressional Friends of Spain during the 110th Congress. In 2007 Fortuño was appointed as the Republican minority's ranking member on the Natural Resource Committee's Subcommittee on Indian, Insular and Alaska Native Affairs. He also served on a number of committees, including those on House Transportation and Infrastructure, International Relations, and Education and the Workforce.

In 2009, King Juan Carlos I of Spain awarded him with the Order of Isabel la Católica, which recognizes Spanish citizens and others who have improved relations between Spain and the international community through friendship and cooperation.

Fortuño has a B.S. in Foreign Service from Georgetown University and a J.D. from the University of Virginia. He is admitted to practice law in the District of Columbia, Puerto Rico, and U.S. Court of Appeals, First Circuit.

The American Branch's [Arms Control and Disarmament Committee](#) examines the nuclear weapon policies and practices of nuclear weapon states and their impact on the development of international law regarding arms control and disarmament of nuclear weapons. The Committee aims to address whether and how an international law norm is emerging on a general prohibition of the use of nuclear weapons as well as on disarmament of nuclear weapons.

We look forward to seeing the Arms Control and Disarmament Committee continue to flourish with Fortuño as Chair!

New Committee Chair: Patrick J. Keenan—ICC Committee



The American Branch is thrilled to welcome **Patrick J. Keenan** as the new Co-Chair of the [International Criminal Court \(ICC\) Committee](#). He joins **Jennifer Trahan** as Co-Chair to lead this very impactful ABILA Committee. (*Read our tribute to **Megan Fairlie**, the Committee's former Co-Chair, on p. 17.*)

Patrick J. Keenan is a Professor of Law and Heidi Hurd Faculty Scholar at the University of Illinois College of Law. His areas of expertise include Human Rights, International and Comparative Law, International Criminal Law, and Professional Ethics.

At the University of Illinois College of Law, Keenan teaches courses on Business and Human Rights, Counterterrorism Law and Policy, Globalization, International Criminal Law, Public International Law, Human Rights, and Professional Responsibility in the Criminal Law Context. He created, and for 10 years directed, the law school's Human Rights Law Clinic, which allows students to work directly with lawyers and advocates in Africa and the Caribbean on human rights issues.

His research is focused on International Criminal Law, Counterterrorism Law, and Human Rights and he has published articles on a variety of topics, including the U.S. drone program, international criminal law and conflict minerals, human trafficking and tourism, China's role in Africa, the human rights potential of sovereign wealth funds, and the International Finance Corporation's investments in Africa and the Caribbean. Keenan recently published [The Fight for Humane War](#) in the *Leiden Journal of International Law*. Other recent publications can be found in the *Santa Clara Journal of International Law*, *Georgia Journal of International Law*, *University of Pennsylvania Journal of International Law*, *Indiana Law Journal*, and *Boston University International Law Journal*. He has also been featured on Bloomberg Law podcast, TIME, NBC News, Law360, and on other popular media.

Previously, Keenan was a visiting professor at the University of Chicago Law School and Chuo University School of Law in Tokyo. He clerked for Judge Myron H. Thompson of the United States District Court for the Middle District of Alabama and litigated death penalty cases in Georgia and Alabama as an attorney with the Southern Center for Human Rights and served in the Peace Corps in the Democratic Republic of Congo.

Keenan has a B.A. in Political Science from Tufts University and a J.D. from Yale Law School. He is admitted to practice law in New York and Georgia.

The American Branch's [International Criminal Court Committee](#) engages in projects related to current issues facing the Court, as well as advocacy-related projects to strengthen engagement with the Court. The Committee has issued a number of documents on issues related to the Court, as well as advocacy letters. The Committee also annually sponsors a panel at International Law Weekend on a topic related to the ICC.

We congratulate Keenan on his new leadership role and wish the International Criminal Court Committee continued success!

To learn more about the American Branch's committees and discover how you can become involved, please visit our [website](#).

Thanks to our 2022 Student Ambassadors

The American Branch is grateful to our 2022 Student Ambassadors:

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

Natalie Swatowski, Washington University in St. Louis School of Law

Talia Wolkowitz, Washington University in St. Louis School of Law

Call for ABILA Student Ambassadors

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 2023. Student Ambassadors will work with the ILW Organizing Committee

Chairs, Branch President, ILW Administrative Coordinator, Co-Directors of Studies, and Media Officer to provide various forms of assistance with ILW, including blogging and providing logistical support as needed. After ILW, the Student Ambassadors may be asked to assist with the *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.

Financial assistance is available to assist Student Ambassadors attend ILW in person in New York City.

Members are invited to send their nominee's cover letter and resume to ABILA's Membership Officer Madaline George (membership@ila-americanbranch.org) with the subject line "Student Ambassador Application" by June 15, 2023.

As a reminder, student membership in the American Branch is free for students. They may sign up from the [membership page](#) of our website.



Organizing Committee Member Frédéric Sourgens and Student Ambassadors Naomi Rothenberg, Freya Doughty, and Talia Wolkowitz at ILW 2022 in NYC

Call for Nominations: 2023 Charles Siegal Distinguished Service Award

The American Branch is now accepting nominations for the 2023 Charles Siegal Distinguished Service Award. Past winners have been **Cynthia Lichtenstein**, **Jim Nafziger**, and **David Stewart**.

Recipients must be current members of ABILA in good standing at the time of nomination. The Charles Siegal Distinguished Service 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 Larry Johnson (ldjohnson7@earthlink.net) by July 1, 2023. For more information on the nomination process, [please visit our website](#).

Committee Members include **Andrea Bjorklund**, **Ron Brand**, **Larry Johnson**, **Charlotte Ku**, and **David Stewart**.

Call for Nominations: 2023 Outstanding Achievement Award



The Branch is now accepting nominations for the 2023 Outstanding Achievement Award. The inaugural winner of this award, established in 2021, was former International Criminal Court Prosecutor Fatou Bensouda. The 2022 winner was Justice Richard Goldstone.

Recipients of this annual award need not be current members of ABILA. The Outstanding Achievement Award recognizes outstanding contributions in the field of international law. Such contributions might include, but are not limited to, service to an international organization, a State, or an international court or tribunal; or to teaching, research, and scholarship in the field of international law. While candidates are reviewed comprehensively, factors considered may include consideration of an individual's specific extraordinary service initiatives and/or sustained superior contributions to the field of international law over a number of years, as well as visionary and innovative leadership.

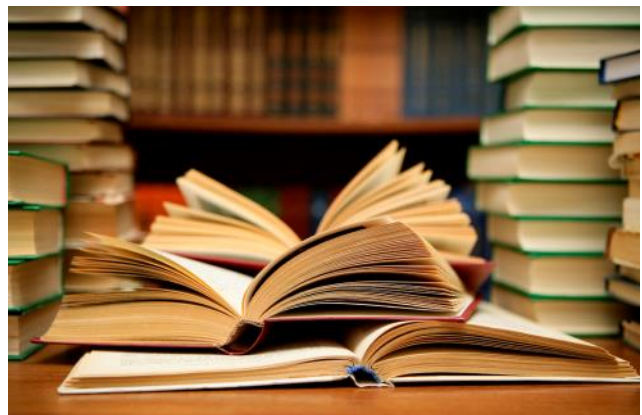
Nominations should be sent to the Chair of the Outstanding Achievement Nomination Committee Jennifer Trahan (jt487@nyu.edu) by **July 1, 2023**. For more information on the nomination procedure, [please visit our website](#).

The Committee is composed of **Jennifer Trahan, James Boykin, Matthew Kane, Ashika Singh, and Frédéric G. Sourgens.**

Call for Nominations: 2023 ABILA Book Awards

The Branch is now accepting nominations for the 2023 ABILA Book Awards. The Book Awards Committee 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 Authors 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.



Recipients must be current members of ABILA in good standing at the time of receiving the award. Eligible books must have been published within the calendar year of nomination or the preceding calendar year. The book must address some aspect of international law.

Nominations and books must be received by the Chair of the Book Awards Nomination Committee Mortimer Sellers (msellers@ubalt.edu) by July 1, 2023. A book may be nominated by any person. To be considered for the award, the nominator, author(s), or publisher must send either an electronic or hard copy of the book directly to the Chair. For more information on the nomination process, [please visit our website](#).

ILA Committees

Currently, there are fourteen ILA committees and study groups at the international level:

Alternative Dispute Resolution in International Law

Enforcing the Rights of Children in Migration

Global Health Law

Human Rights in Times of Emergency

International Law and Sea Level Rise

International Migration and International Law

International Monetary Law

International Protection of Consumers

International Securities Regulation

International Tax Law

Rule of Law and International Investment Law

Space Law

Submarine Cables and Pipelines under International Law

Use of Force: Military Assistance on Request

News from ILA Committees

The [Alternative Dispute Resolution in Public International Law Committee of the ILA](#) (ILA ADR Committee), which began on May 7, 2022, now has 29 National Branch Members, not including the officers of the Committee. It is chaired by Gabrielle Marceau (Canadian Branch) and Davinia Aziz (Singaporean Branch). The substantive work of the Committee has already commenced. It has identified four steps to complete its mandate; it will (1) create a general taxonomy of ADR mechanisms in international law, (2) explore “Appropriate Dispute Resolution” — identify those ADR mechanisms that are most suited for certain types of disputes, (3) formulate best practices for each ADR procedure, and (4) determine specific principles to be considered for fields in international law.

Since the founding of the Committee, significant headway has been made on Step One, as follows:

- ◆ Based on inputs from members, the Committee has identified a list of case studies for developing the Taxonomy.
- ◆ These case studies have been allocated to different working groups, and members have been assigned working groups on the basis of their preferences.
- ◆ By May 31, members are expected to complete a first draft of a Taxonomy table based on their case studies.

On June 7, 2023, the Committee will have its first informal all-members’ meeting, and interested members will be invited to make a brief presentation of their case studies.



Davinia Aziz



Gabrielle Marceau



Warren Binford

The [ILA Committee on Enforcing the Rights of Children in Migration](#) is also one of the newest ILA committees, with a start date of May 7, 2022. It is chaired by the **Warren Binford**, co-chair of the American Branch’s International Human Rights Law Committee. The ILA Committee is committed to expanding the work of the former ILA Study Group on Cross-Border Violations of Children’s Rights. The new Committee will publish a book focused specifically on the enforcement of the rights of children in migration and will develop a set of recommendations (“best practices”) for countries interacting with children in migration. These recommendations would be included in a resolution finalizing the mandate of the Committee at the conclusion of its work. The Committee is hopeful that the ILA Executive Committee will consider adoption of the recommendations in 2026.

News from ILA Committees *(cont'd)*

The [ILA Committee on Human Rights in Times of Emergency](#), chaired by ABILA Board member Christina Cerna, held an inter-sessional meeting at the Goethe University in Frankfurt, Germany on March 24-25, 2023. This meeting was held in the historic Eisenhower Room.



The Human Rights in Times of Emergency Committee of the ILA in the historic Eisenhower Room

The Eisenhower Room was used by United States President Dwight D. Eisenhower as his office and for public receptions when he was the Commander in Chief of the Supreme Headquarters of the Allied Expeditionary Forces until July 1945. From this room, he also directed the operations of United States forces in Germany, which gave the building the by-name of “Pentagon of Europe.” Key negotiations over the Deutschmark and the future of Germany were also conducted in this room. For instance, on July 1, 1948, the “Frankfurt Documents” were presented in this room to shape the future of Germany.



Juliane Kokott



Pasquale Pistone

The [ILA International Tax Law Committee](#) hosted an invitation-only research seminar entitled “The Emergence of International Tax Law” in collaboration with the New York University School of Law International Tax Program on April 3-4, 2023 at NYU School of Law. The seminar included members of the United Nations International Tax Committee, select individuals from NYU School of Law, some NYU LL.M. students focused on international taxation, and other interested scholars. Sessions included topics such as Sovereignty or International Governance in Tax Matters and The Role of International Organizations in Drawing the Contour of Global Tax Governance and Policy. The aim was to bundle the expertise and contributions of international tax law scholars with those of the United States international law community.

The ILA Tax Law Committee was created in November 2020, having grown out of the initial work of the ILA Study Group on International Tax Law. It is co-chaired by Juliane Kokott (Advocate General at the Court of Justice of the European Union) and Pasquale Pistone (Academic Chairman of IBFD (the Netherlands)).

ILA Committees *(cont'd)*

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).

Pay Your Dues

The Branch's membership year begins in January. If you have not yet paid your 2023 membership dues, please do so now. 2023 membership fees were 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.

News from Branch Members

Sahar Aziz hosted an "Author Meets Readers" event on January 7, 2023 for her book [*The Racial Muslim*](#). She then hosted a book talk and Iftar at Hofstra Law in March and a book talk at the Institute for the Study of Global Racial Justice at Rutgers University Newark in April.

On January 10, 2023, **Chimène Keitner** and **David P. Stewart** spoke on the panel [*Does the Foreign Sovereign Immunities Act \(FSIA\) Bar Prosecution in Courts of Commercial Enterprises Owned by Foreign States?*](#), hosted by the Washington Foreign Law Society.

Alison Dundes Renteln moderated Human Rights Advocates' Winter Educational Event: The Right to Science on January 19, 2023. In late 2022, she was honored with the Raubenheimer Award from the USC Dornsife College of Letters, Arts, & Sciences, for outstanding scholarship, teaching and service within the university.



Ezequiel Heffes

Ezequiel Heffes joined Watchlist as its new Director, effective February 13, 2023. He presented before the UN Security Council at the [*Arria-Formula Meeting on Abduction and Deportation of Children During Armed Conflict*](#) on April 28, 2023.

Freya Doughty-Wagner joined the Advisory Board of Washington University in St. Louis School of Law's *Global Studies Law Review*.

Christiane Ahlborn joined Trinity College Dublin School of Law as an [*Assistant Professor of Public International Law*](#) to teach modules and supervise students in Public International Law and Refugee and Immigration Law.

Leila Nadya Sadat was featured on [*PBS NewsHour*](#) speaking on the Second Amendment Preservation Act in Missouri on January 27, 2023. On March 13-14, 2023, along with the German and French Permanent Missions to the United Nations, which acted as hosts



and conveners, Sadat chaired a meeting of

all UN Member States and Civil Society Organizations on the Draft Crimes Against Humanity Treaty prior to the Sixth Committee's Resumed Session on April 10-14, 2023. On March 20, 2023, she was interviewed on [*CNN*](#) about the arrest charges against Russian President Vladimir Putin by the International Criminal Court. She is the Coordinator of the [*International Law and The Conflict in Ukraine*](#) e-learning program to be held October 6-8, 2023.



Leila Nadya Sadat

Richard Dicker spoke on [*Vanuatu's fight for a climate change advisory opinion from the International Court of Justice*](#) on February 2, 2023 at the Promise Institute for Human Rights at UCLA Law.

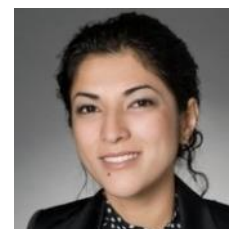


Richard Dicker and **Leila Sadat** spoke alongside other experts on a debrief of the Sixth Committee's recent debate on the draft articles on Crimes Against Humanity in April

Jennifer Trahan was featured in a [*New York Times*](#) article on the options to hold a head of state accountable for the crime of aggression on March 28, 2023.

News from Branch Members *(cont'd)*

Diora Ziyaeva was [promoted](#) to partner in the International Dispute Resolution Group at Dentons, effective March 2023. The same month, she participated in the panel discussion [Striking a Sustainable Deal: Balancing State Responsibility and Investor Rights in Mining](#) at Paris Arbitration Week. In April, she spoke on [Navigating Complexities of ESG Arbitration: Challenges and Best Practices](#) at the inaugural Cornell International Arbitration Symposium “International Arbitration at a Crossroads: Exploring New Frontiers.” (Recordings of both panels are available online).



Diora Ziyaeva

David Attanasio and **Diora Ziyaeva** were speakers on the panel [Emerging Issues in Investment Disputes in Central Asia](#) hosted by Dentons on April 20, 2023. **David Attanasio** was also a panelist on Moral Damages in Arbitration at the [IPA – Instituto Peruano de Arbitraje annual conference](#) later that month.



Lucia Solano facilitated a panel discussion entitled ICJ [Advisory Opinions, Post GA Adoption Procedure and Submissions](#) featuring Professor **Sarah Cleveland** and Ambassador Jagdish Koonjul on April 13, 2023 at the Permanent Mission of the Republic of Vanuatu to the UN. She also spoke at the Sabin Center for Climate Change Law’s webinar on [Advisory Opinions on Climate Change: An Overview of a Quartet of Simultaneous Requests](#) on April 27, 2023 (available online).

Asaf Lubin will be a Visiting Professor of Law at Columbia Law School in fall 2023, where he will work with the National Security Law Program and co-teach a seminar on intelligence and international law. In March, he was a panelist on the *Georgia Law Review* [Symposium on “The Intersection of Law and Technology”](#) speaking on Cyber

Regulation. At the same Symposium, **MJ Durkee** moderated a panel on Innovations at Sea, Space, and War.

MJ Durkee also presented [“Pledging World Order”](#) at the Brooklyn Colloquium on International Economic Law in January and presented her scholarship on space law at the University of Pennsylvania Center for Technology, Innovation & Competition and its *Journal of Law & Innovation* Symposium “The Emerging Commercial Space Age: Legal and Policy Implications” in February.

Elena Chachko is joining the UC Berkeley School of Law as an assistant professor of law.

Catherine Amirfar achieved a significant [victory](#) for her clients, Mr. Francesco Becchetti and five other Italian investors, in their longstanding international treaty arbitration against the Republic of Albania. She also gave the Lalive Lecture 2023 on [International Adjudication and Global Crises: the Devil in the Details](#) on May 4, 2023 (available online). She was shortlisted by the *Global Arbitration Review* for “Best lecture or speech” at the GAR Awards 2023 for her keynote address at 2022 GAR Live Vienna regarding international law’s role in “ordering a disordered world.”



Elena Chachko



Helen Tung

Helen Tung spoke on law and artificial intelligence in the context of submarines and naval warfare on May 11, 2023 at [Undersea Defence Technology 2023](#) in Rostock, Germany.

Ambassador Beth Van Schaack, Floriane Lavaud, Ashika Singh, Yvonne Dutton, and Milena Sterio were on a [PILPG Expert Roundtable on The US Government and The ICC Trust Fund for Victims](#) on March 21, 2023 (available online).

Hannah Garry celebrated 10 years of the International Human Rights Clinic at USC Gould School of Law in April 2023. She is the Clinic’s founding director.

In March, **Warren Binford’s** interview, [Children’s interests are a moral compass for decision-making](#), with the Organization for Defending Victims of Violence was published and she spoke at the session [Is Personalized Medicine Part of the Problem or the Solution to Healthcare Access and Equity? Charting a Course for Genomics to Lead The Way](#) at the American College of Medical Genetics and Genomics Annual Clinical Genetics Meeting. She delivered the keynote address at the [Colorado Children’s Hospital’s 24th Annual Ethics Conference](#) in April.

Carolina Arlota moderated a panel on Law and Capitalism at the [Sixth Gujarat National Law University’s International Conference on Economic Analysis of Law, Governance & Public Policy](#) on March 18, 2023.



Hannah Garry

News from Branch Members *(cont'd)*

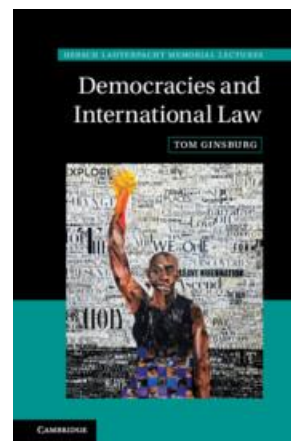
The American Society of International Law awarded **Tom Ginsburg** the Robert E. Dalton Award for Outstanding Contribution in the field of Foreign Relations Law for his book [*Democracies and International Law*](#) (Cambridge University Press, 2021). The book previously won the ABILA Book of the Year Award at ILW 2022.



Peter Yu

Peter Yu was featured in [Business Insider](#) on Google's new AI-powered chatbot technology and what it could mean to consumers on February 9, 2023.

Ambassador Beth Van Schaack provided [testimony](#) for the Record Senate Judiciary Committee Hearing "Holding Russian Kleptocrats and Human Rights Violators Accountable for their Crimes Against Ukraine" on April 19, 2023.



James Nafziger spoke on the international legal framework during the American Bar Association's [The Cultural Genocide Behind Russia's Invasion of Ukraine](#) in April.

In January 2023, **Michael Scharf's** [Online Course in International Criminal Law](#) on Coursera surpassed 160,000 enrollees from 137 countries. His "Talking Foreign Policy" radio show on the Afghanistan Debacle, featuring the U.S. Inspector General for Afghanistan, John Sopko, was broadcast on several NPR affiliates in February, and is now available as a [online as a podcast](#). In March, **Scharf** took part in a PILPG Expert Roundtable on Prosecuting Putin: Next Steps, with **Milena Sterio**.



Jelena Pejic

In March 2023, **Jelena Pejic** joined *Just Security's* [Board of Editors](#).

In January, **Milena Sterio** moderated the [Expert Roundtable: The International Criminal Court 21st Session of the Assembly of States Parties: Key Takeaways](#), featuring Kate Gibson, **Meg deGuzman**, and **Yvonne Dutton** (available online). The next month, she moderated the PILPG discussion on the destruction of cultural heritage in Ukraine and presented at the UN at a high-level conference on Ukraine aggression and accountability.

Adrien Wing moderated a lecture entitled [The Future of Blacks in Iowa](#) in February in celebration of Black History Month.

After ten and a half years at the American Society of International Law, **Wes Rist** began a new position as an Atrocity Prevention Policy Adviser at the U.S. Department of State in March.

Chiara Giorgetti lectured at the Geneva Academy on International Law Responses to Russia's Aggression – Building an International Reparation Mechanism for Ukraine on April 18, 2023.



Wes Rist

Branch Member Publications

Carolina Arlota published [Beyond troubled waters? Unprecedented cross-border transportation and injection of carbon dioxide \(CO2\) for offshore storage shows promise](#) on *Climate Law: A Sabin Center blog* in March 2023.

Chimène Keitner published [Expert Recap and Analysis of Halkbank Oral Argument at the Supreme Court](#) on *Just Security* and *Transnational Litigation Blog* in January. She also published [What You Need to Know: Asset Seizure in Russia's War in Ukraine](#) on *Just Security* and *Law and Security* on in April.



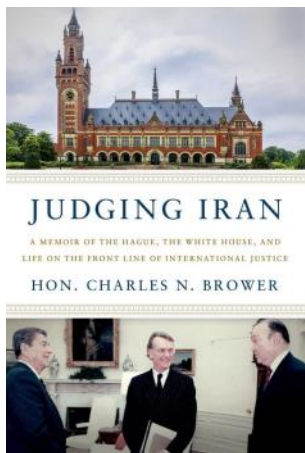
Chimène Keitner

Elena Chachko co-published an article, [Europe Can Show the United States and Canada How to Share Responsibility for Asylum Seekers](#), on *Just Security* on April 24, 2023.

In April 2023, **Jelena Pejic** published two pieces with *Just Security*: [Expert Q&A on IHL Compliance in Russia's War in Ukraine](#) and [The Fighting in Sudan is an Armed Conflict: Here's What Law Applies](#).

Aaron Fellmeth published [Human Rights Derogations in National Emergencies](#) in the *Southwestern Journal of International Law* in March 2023.

Branch Member Publications (cont'd)



On April 11, 2023, **Charles N. Brower**—a long time ABILA patron—published his autobiography, [*Judging Iran: A Memoir of the Hague, the White House, and Life on the Front Line of International Justice*](#), via Disruption Books. He has held four book launches: at the 2023 ASIL Annual Meeting, at the White & Case LLP offices in New York and Washington, D.C., and at George Washington Law School. He has an upcoming book launch at the [Annual Institute for Transnational Arbitration Workshop and Annual Meeting](#) in Dallas, TX on June 15, 2023.

Sean Flynn co-published the [Second Revised Draft Text for the WIPO Broadcasting Organizations Treaty, Annotated](#) in *Joint PIJIP/TLS Research Paper Series* in March 2023. He also published [Limitations and Exceptions in Second Revised Draft Text of the Broadcast Treaty](#) and [PIJIP's Right to Research Project on World IP Day](#) on *InfoJustice* in March and April respectively.

Leila Nadya Sadat co-published [Coming Debates to Advance New Treaty on Crimes Against Humanity Will Require Skillful Leadership](#) on *Just Security* in December 2022. Her article, [The Conferred Jurisdiction of the International Criminal Court](#), was published in March 2023 and will be included in the *Notre Dame Law Review*. She also published [Conferred Jurisdiction and the ICC's Putin and Lvova-Belova Warrants](#) on *Just Security* in April.

In April 2023, **Ambassador Michael Imran Kanu** published [How Africa benefits from the new historic "high seas" treaty on maritime biodiversity](#) in the UN Africa-focused digital magazine, *Africa Renewal*.

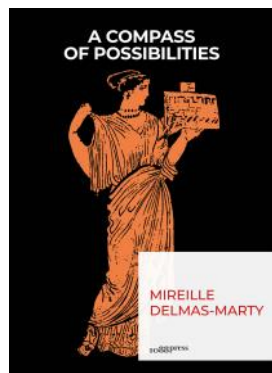
Jennifer Trahan recently published two articles on *Just Security*: [Why a "Hybrid" Ukrainian Tribunal on the Crime of Aggression Is Not the Answer](#) in February and [Don't be Fooled By US Smoke and Mirrors on the Crime of Aggression: Weak Proposals Carry the Risk of Weak Results](#) in April.

Floriane Lavaud and **Rhianna Hoover** published an article on [Global Arbitration Review](#) reflecting on ILW 2022 and the key themes on what to expect in the next 100 years of international law.



Amb. Michael Imran Kanu

Chiara Giorgetti co-edited the English version of [A Compass of Possibilities: Global Governance and Legal Humanism](#), an important work by the late Mireille Delmas-Marty (1941-2022). **Diane Marie Amann** contributed the book's afterword.



Floriane Lavaud and **Ashika Singh** published two articles on *Just Security* in February 2023: [The American Servicemembers' Protect Act and the Dodd Amendment Shaping United States Engagement with the ICC \(Part II\)](#) and [The Binding Interpretation by the Office of Legal Counsel of the Laws Constraining US Engagement with the ICC \(Part III\)](#). The same month, along with **Milena Sterio** and **Yvonne Dutton**, **Lavaud** and **Singh** also published [Introducing the Symposium on U.S. Support for the ICC's Trust Fund for Victims](#) on *Just Security*.

Yvonne Dutton and **Milena Sterio** published [The United States Can and Should Broadly Contribute to the Trust Fund for Victims \(Part IV\)](#) on *Just Security* on February 16, 2023. And, with **Michael Scharf**, they published an article on *Just Security* entitled [The United States' Proposal on Prosecuting Russians for the Crime of Aggression Against Ukraine is a Step in the Right Direction](#) on April 6, 2023.

James Nafziger published two books: [Private International Law: Avoiding and Resolving Conflict of Laws](#) via Carolina Academic Press and the second edition of [Handbook on International Sports Law](#) via Edward Elgar.

Mark Nevitt published [Assessing Military Operations in the Black Sea a Year Into Russia's Full-Scale Invasion of Ukraine](#) on *Just Security* on February 21, 2023.

Michael Scharf published [Power Shift: The Return of the Uniting for Peace Resolution](#) in the *Case Western Journal of International Law* in 2023.



Mark Nevitt

On May 2, 2023, **Catherine Amirfar** published an [Expert Q&A on What International Law Has to Say About Assistance to Russia's War Against Ukraine](#) on *Just Security* in conjunction with The Reiss Center on Law and Security in a series entitled [What You Need to Know: Unpacking the Law in Russia's War Against Ukraine](#). She also co-published two additional articles on *Just Security* in May: [Freedom of Expression and Media Freedom as a Driver for All Human Rights](#) and, with **Christel Tham** among others, [Remote Sensing from Space: What Norms Govern?](#)

Fordham International Law Journal Publishes Volume on ILW 6466

The American Branch is pleased to partner with the *Fordham International Law Journal* to publish a special issue dedicated to ILW 2022 and the American Branch's centennial. The *Journal* is a student-run law journal associated with the Fordham University School of Law and is in its 47th year of publication. As one of the most competitive international law periodicals in the world and ranked 9th nationally, the *Journal* attracts contributions from prominent statespersons and members of the academic, legal, and political communities. The *Journal's* pieces have been cited in numerous U.S. federal court decisions, U.S. Supreme Court briefs and decisions, international court decisions, law review articles, and Code of Federal Regulations and American Law Reports annotations.



The *Journal* invited all ILW speakers to submit articles in connection with International Law Weekend 2022: *The Next 100 Years of International Law*. The following articles were selected for publication. They were published in Volume 46 of the *Journal* and are [available online](#):

- ◆ **Kelly Adams**, *Criminal Courts, State Succession, and Watercourses: Three Points of Influence on the International Law Commission*
- ◆ **Carolina Arlota**, *The Role of Science in Bridging the Climate Divide in the Wake of the 2021 IPCC Sixth Assessment Report and the Glasgow Climate Pact*
- ◆ **Myanna Dellinger**, *A Future for Carbon Taxation?*
- ◆ **Yvonne Dutton & Milena Sterio**, *Prosecuting Gender Persecution at the ICC: Definitions, Policies, and Practice*
- ◆ **Jennifer Trahan**, *The Need for a Special Tribunal on the Crime of Aggression for the Situation in Ukraine*
- ◆ **Alyssa Yamamoto & Fionnuala Ní Aoláin**, *State Responsibility for Human Rights Violations Perpetrated in the Name of International Counter-Terrorism Financing Obligations*
- ◆ Judge Abdulqawi Ahmed Yusuf, Keynote Address: *The Development of International Law—Looking Backward to Move Forward*

The American Branch is grateful for the opportunity to work with the *International Law Journal*. We would like to extend a very special thanks to the *Journal's* Editor-in Chief **Sean Duffy** and Symposium Editor **Abraham Assaily** and all the staff who worked on this volume.

The American Branch previously partnered with the *International Law Students Association Journal of International and Comparative Law* to publish an annual issue related to ILW entitled the *International Practitioner's Handbook* and is grateful for their past support. We look forward to our new relationship with the *Fordham International Law Journal*.



Credit: Ajay Suresh

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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 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.



Calendar of Upcoming Events

May 23, 2023: ILA 150 Webinar: Digital Challenges for International Law

May 31, 2023: ILA 150 Webinar: Dispute Resolution

June 18, 2023: American Branch Opening Reception at ILA 150 (Paris, France)

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

July 5, 2023: ILA 150 Webinar: Civil Status

July 12, 2023: ILA 150 Webinar: The Future of Labour Law

August 7-10, 2023: 9th Biennial Conference of the Asian Society of International Law (Bandung, Indonesia)

August 24, 2023: ILA 150 Webinar: Intellectual Property

September 4, 2023: ILA 150 Webinar: Outer Space

September 12, 2023: ILA 150 Webinar: Mass Crimes and Impunity

September 14, 2023: ILA 150 Webinar: Human Rights

September 25, 2023: ILA 150 Webinar: Law in Support of Democracy and the Rule of Law

October 19, 2023: ILA 150 Webinar: Migration

October 29 - November 3, 2023: International Bar Association Annual Conference

October 19-21, 2023: International Law Weekend (New York, NY)

American Branch of the International
Law Association

Madaline George, Membership Officer
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