

NEWSLETTER

SAVE THE DATE!

International Law Weekend 2025

October 23-25, 2025

New York City

ILW 2024: A Recap

International Law Weekend (ILW) 2024 took place from October 24-26, 2024 in New York City. The unifying theme was **Powerless Law or Law for the Powerless?**, which the American Branch explored during the 102nd Members Meeting.

The annual event asked: *is international law, in fact, powerless, or does it remain a source of power that vulnerable persons can utilize to protect and advance their rights and interests?* With 35 panels, a Presidential Opening Plenary, a Keynote Address, 13 Networking Rooms, a UNICEF Reception, over 200 speakers, and participants from 46 countries, ILW 2024 offered the opportunity to engage in critical discussions on the evolving role of international law in addressing global challenges. Attendees explored pressing issues such as human rights protections, armed conflict, climate justice, corporate accountability, and the enforcement of international legal norms. ILW 2024 underscored the ongoing relevance of international law in shaping a more just and equitable world.

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ILW 2024 President's High-Level Opening Plenary at the New York City Bar Association



Message from the American Branch President

After the first weeks of the second Trump presidency, we are all asking ourselves what his return means for international law and foreign affairs. No one doubts that President Trump is a highly disruptive force; in fact, he prides himself on it, and his statements and actions since returning to the White House have been nothing less than vertiginous.

It may feel as if we are living in a period of perpetual crises. While we have serious concerns, this is not a time to falter in despair for international law and institutions are resilient, and crisis often leads to progress, sometimes in unexpected ways. Our more than 400 members – who include brilliant scholars; dedicated governmental, international organizations; NGO officials; and creative practitioners – will no doubt play an influential role in the months to come. In this spirit, we’ve selected “Crisis as Catalyst in International Law” as the theme for the ABILA’s annual conference, International Law Weekend (ILW) 2025, which will once again be held at the House of the New York City Bar Association and Fordham Law School from October 23-25. With all the changes in American foreign policy and all that is going on in the world, it will be an extremely important gathering.

I am excited to announce the appointment of our ILW 2025 Co-Chairs, ABILA President-Elect **Amity Boye**, ABILA Vice-President **William Aceves**, and Professor **Jess Peake**, Director of the International and Comparative Law Program at UCLA Law. You will read more about the ILW 2025 theme that they have developed and the call for panel proposals in this issue of the Newsletter.

Before concluding, I wanted to use this opportunity to bid a fond farewell to our Chief Operating Officer, **Julia Liston**, who has stepped down to spend more time with her new baby and her teaching responsibilities at Case Western Reserve University School of Law. At the same time, I am thrilled to announce the appointment of our new Chief Operating Officer, **Rekha Rangachari**, who the ABILA will share with the New York International Arbitration Center, where she has served as Executive Director for the past seven years. Meanwhile, **Freya Doughty-Wagner**, who so ably ran International Law Weekend 2024 while Julia was on maternity leave, resumes her position as Chief Content Officer with a host of exciting new initiatives, from our ABILA podcast to our partnership with the *Just Security* Blog.



I hope to see you at the ABILA’s cocktail reception in memory of our past President, Cynthia Lichtenstein, who passed away in late 2024, during the American Society of International Law’s Annual Meeting in DC on April 17.

Sincerely yours,

Michael P. Scharf

Associate Dean for Global Legal Studies

Joseph C. Hostetler—BakerHostetler Professor of Law

Case Western Reserve University School of Law

ILW 2024 Recap (*cont'd*)

ILW 2024 attendees included leading academics, ambassadors, government officials, NGO leaders, students, journalists, and other interested persons.

The conference offered an array of public and private international law panels, including:

- Has the President become a National Security Threat?
- South African Branch: Recent African Contributions to the Development of International Humanitarian Law
- Ocean (In)Justice in Planetary Futures
- Diplomatic and Consular Immunities: Time for Revisions?
- The Legitimacy of Power and the Power of Legitimacy
- WIPO Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge
- Claiming Power: Centering Justice for Victims in International Law
- Arbitrating with International Organizations
- Approaches to Capacity and Consent, Their Evolution and Implementation

American Branch Committees sponsored twenty panels, and all panels were eligible for Continued Legal Education (CLE), made possible by our generous sponsors. Several panels and the Presidential High-Level Opening Plenary are available on ABILA's YouTube page. (*cont'd on p. 4*)



ILW2024 Panel: The Middle East in Crisis



ILW2024 Panel: The War in Ukraine: Lessons Learned and Challenges Ahead for International Criminal Law



Top row, from left: **Harold Hongju Koh** and **Michael P. Scharf**; Panel: *The War in Ukraine: Lessons Learned and Challenges Ahead for International Criminal Law*. Bottom row, from left: Keynote Speaker Ann Skelton; Student Ambassador Helen Bamiro; Panel: *International Investment Law - How Does International Law Control Environmental Impact on Local Communities?*



ILW 2024 Recap (cont'd)

ILW 2024 opened at the New York City Bar Association on Thursday with the Presidential High-Level Opening Plenary. Moderated by **Michael P. Scharf**, plenary speakers included **Lori F. Damrosch** (Columbia Law School), **Harold Hongju Koh** (Yale Law School), **Sean D. Murphy** (George Washington University Law School), and **Nilüfer Oral** (National University of Singapore). Chair **Leila N. Sadat** and Muhammad U. Faridi (New York City Bar Association) gave welcome remarks.

Following an animated question and answer session with the plenary speakers, the evening continued with a reception at the New York City Bar Association. Generously sponsored by Case Western Reserve University School of Law, the reception allowed ABILA members, colleagues, and attendees from around the world to come together, enjoy hors d'oeuvres and refreshments, and celebrate the kickoff of International Law Weekend.

ILW 2024 continued on Friday at Fordham University School of Law. It featured a Friday Plenary, which addressed the weekend's theme of *Powerless Law or Law for the Powerless*, and included Dapo Akande (University of Oxford; UN International Law Commission), **Diane Desierto** (Notre Dame Law School), **Marko Milanovic** (University of Reading School of Law), and J.H.H. Weiler (NYU School of Law). Dean Joseph Landau (Fordham University School of Law) gave welcome remarks. The panel reflected on the state as 'law for the powerless' today and questioned if international law can fulfill its aspirations of balancing power through principles of justice, equity, and dignity.

The Friday program concluded with two events: a Reception at UNICEF Headquarters and International Law Trivia at Fordham University School of Law. At UNICEF HQ, Ann Skelton (Chair, UN Committee on the Rights of the Child) and members of The Kempe Foundation spoke. **Madaline George** and **Michael P. Scharf** hosted International Law Trivia. Congratulations to the winning team: Matei Alexianu, Filip Andrei Lariu, Ariella Katz Miller, and Amber Lewis.



Top row, photos 1-3: the New York City Bar Association Reception. Top row, photo 4: the UNICEF Reception. Bottom row, photo 1: members of The Kempe Foundation, **Michael Garcia Bochenek**, **Warren Binford**, and **Ann Skelton**. Bottom row, photos 2-3: International Law Trivia players and the winning team.

ILW 2024 Recap (*cont'd*)

The Saturday program began with the 102nd Members Meeting, led by President **Michael P. Scharf** and Chair **Leila N. Sadat**. ILW 2024 Co-Chairs **Warren Binford**, **Madaline George**, and **Frédéric Sourgens** praised the 2024 Emerging Voices (see p. 6), 2024 Student Ambassadors (see p. 8), and invited representatives from the South African and Mexican International Law Association branches. The Honorable **Charles N. Brower**, recipient of the Outstanding Achievement Award, gave a Keynote Address. **Larry Johnson**, **Mortimer Sellers**, and **Jennifer Trahan** presented the various American Branch awards (see p. 14).



American Branch members, award winners, and noted guests at the 102nd Members Meeting.

Saturday continued with varied panels and a Lunch Keynote Address from Ann Skelton, Chair of the UN Committee on the Rights of the Child and Professor at the University of Pretoria, South Africa. She spoke about the 1924 Geneva Declaration on the Rights of the Child and the status of international children's rights and protection 100 years later. She was introduced by **Warren Binford**. ILW 2024 concluded with a packed *Pathways to Employment in International Law* session, moderated by **Angela Benson** (American Bar Association, International Law Section) and **Michael Peil** (International Law Students Association.) Thank you to **Kelly Adams** (Global Justice Center), **Tiffani Brownley-Meijer** (American Red Cross), Konstantine Kopaliani (White & Case LLP), and **Brady Mabe** (International Committee for the Red Cross) for taking the time to speak to the student attendees.



Left: Ann Skelton giving her Keynote Address. Right: the *Pathways to Employment in International Law* session, with **Angela Benson**, **Michael Peil**, **Kelly Adams**, **Tiffani Brownley-Meijer**, Konstantine Kopaliani, and **Brady Mabe**.



Highlighting New Voices at ILW 2024

For the first time, International Law Weekend began with its Emerging Voices session. **Irene Calboli**, 2023 Emerging Voice **Christine Carpenter**, and **Asaf Lubin** worked with six emerging scholars and practitioners to strengthen their research papers, offering insightful feedback. Funded by The Silicon Valley Community Foundation, these six scholars presented their research at the New York City Bar Association to an engaged audience.



Matei Alexianu



Anja Bossow



Eoin Jackson



Susan Ann Samuel



Liline Steyn



Anastasiia Zhuravel

Matei Alexianu, an Associate at Foley Hoag LLP, presented his paper ‘Non-State Sanctions.’

Anja Bossow, an SJD Candidate at NYU Law School, presented her paper ‘Deportation as Torture.’

Eoin Jackson, a PhD Candidate at the London School of Economics and Political Science, presented his paper ‘Can International Human Rights Law Close the Gap on Corporate Climate Accountability?’

Susan Ann Samuel, a PhD Researcher at the University of Leeds, presented her paper ‘Diagnosing International Law: Youth, Climate Litigation, and the Pursuit for Highest Possible Ambition. Samuel said: “*What a joy to present before such an attentive audience in a fully packed room, amazing co-panelists, discussants, and moderator.*”

Liline Steyn, a PhD Candidate at the Geneva Graduate Institute, presented her paper ‘Enhancing Refugee Protection for Child Soldiers: The Role of Article 3 of the CRC as a Complementary Form of Protection.’ Steyn said: “*The experience was truly enriching, and I am grateful for the fantastic audience, insightful feedback, and amazing co-panelists. The entire ILW2024 conference was filled with inspiring discussions, and I’m excited to continue developing my paper with the feedback I received..*”

Anastasiia Zhuravel, a PhD Candidate at Hertie School, Berlin, presented her paper ‘A Missing Piece of the Puzzle: the Council of Europe Member States’ Positions on the Interaction Between Human Rights and Humanitarian Law.’ Zhuravel said: “*It has been an exceptionally enriching experience presenting my research at the Emerging Voices Panel and receiving invaluable feedback from Asaf Lubin as a discussant and other international law academics and practitioners.*”



Left: the Emerging Voices, **Irene Calboli**, **Christine Carpenter**, and **Asaf Lubin**. Right: **Anastasiia Zhuravel**.

Thank You to the Sponsors of ILW 2024

Diamond: Case Western Reserve University School of Law, Fordham University School of Law, and the Silicon Valley Community Foundation.

Platinum: The Leitner Center for International Law and Justice, The Kempe Foundation, and UCLA's International & Comparative Law Program.

Gold: University of Baltimore School of Law, Benjamin N. Cardozo School of Law, Columbia Law School, The Fletcher School at Tufts University, Georgetown University Law Center, George Washington Law International and Comparative Law Program, University of Georgia Law, USC Gould School of Law, and William S. Richardson School of Law at the University of Hawai'i.

Silver: American Bar Association International Law Section, American Society of International Law, ArbitralWomen, E. J. Brill Koninklijke Publishing, California Western School of Law, Harvard Law School, Hofstra University Maurice A. Deane School of Law, International Law Students Association, NYU Law School, Oxford University Press, University of Pennsylvania Carey Law School, University of Pittsburgh Law Center for International Legal Education, Seton Hall Law School, and UC Davis School of Law International Programs.

ILW 2024 Organizing Committee

ILW 2024 was made possible by the Organizing Committee and Student Ambassadors, as well as the efforts of **Julia Liston**, former ABILA Chief Operating Officer, and **Freya Doughty-Wagner**, ABILA Chief Content Officer. The ILW 2024 Co-Chairs were **Warren Binford**, W.H. Lea for Justice Endowed Chair in Pediatric Law, Ethics & Policy, University of Colorado; **Madaline George**, Manager, Responsible Business, White & Case LLP; and **Frédéric Sourgens**, James McCulloch Chair in Energy Law, Tulane University Law School. **Freya Doughty-Wagner**, **Julia Liston**, **Leila N. Sadat**, and **Michael P. Scharf** served *ex officio*.

Other members of the ILW 2024 Organizing Committee were **Diane Marie Amann**, Professor and Co-Director of the Dean Rusk International Law Center, University of Georgia; **Chloe Baldwin**, Associate, Steptoe LLP; **Michael Garcia Bochenek**, Senior Counsel, Children's Rights Division, Human Rights Watch; **Christine Carpenter**, PhD Student, University of Cambridge; **Rez Gardi**, Co-Managing Director, Refugees Seeking Access at the Table; **Preston Jordan Lim**, Associate Professor, Villanova University Charles Widger School of Law; **Asaf Lubin**, Associate Professor of Law, Indiana University Maurer School of Law; **Viren Mascarenhas**, Partner, Milbank LLP; **Jessica Peake**, Director, International and Comparative Law Program, UCLA Law; **Douglas Pivnichny**, Legal Officer, UN Office of Legal Affairs; **Hadley Rose Staley**, Executive Director, Friends of the Public-Private Partnership for Justice Reform in Afghanistan; **Naomi Rothenberg**, Public Defense Attorney, King County; **Achinithi Vithanage**, Professor and Associate Director of Environmental Law Programs, Pace University Elisabeth Haub School of Law; and **Elisabeth Wickeri**, Executive Director, Leitner Center for International Law and Justice at Fordham University School of Law.



The ILW 2024 Co-Chairs



Our ILW 2024 Student Ambassadors

Each year, Branch members are invited to nominate students to be Student Ambassadors. Student Ambassadors help with the organization's work, especially ILW. Through their work at the conference with Branch Leaders, including the ILW Organizing Committee Chairs, COO, President, and CCO, they gain valuable networking experience and guidance on their writing and research skills.



From L-R: Helen Bamiro, Mina Nur Basmaci, Madison Graham, Anne Harper, Cris Kelman, and Paulina Macías Ortega.

Helen Bamiro is a third-year law student at Fordham University School of Law with an International and Comparative Law focus. Bamiro received a Bachelor of Arts in International Studies with a concentration in Africa and the Middle East from the University at Buffalo in 2020. She is keenly interested in providing civil remedies to disenfranchised African communities in a proposed International Anti-Corruption Court. In doing so, she hopes to provide relief for victims whose labor and infrastructural resources were exploited by different actors.

Mina Nur Basmaci is a 2025 J.D. Candidate at Washington University School of Law. She is originally from Istanbul, Turkey, and holds a B.A. in English and Religious Studies from the University of California, Santa Barbara. Mina is a Dagen-Legomsky Hague Fellow at the Whitney R. Harris World Law Institute. She has deepened her knowledge of international law as a Research Assistant to Professor **Leila N. Sadat** and as a member of her Crimes Against Humanity Initiative.

Madison Graham is a third-year law student at the University of Georgia Law School, where she has been focusing mainly on public international law and national security law. She says: *"While I came to law school knowing I would be interested in studying international law, it has been amazing over the past two years to have my perspective broadened on how widely the subject of 'international law' spans. Groups like ABILA have been an integral part of my academic growth, and I am thrilled to have had the opportunity to contribute as a student ambassador."*

Anne Harper is a third-year law student at Benjamin N. Cardozo School of Law in New York City. Through ABILA, she has built connections with those who share her passion for public international law and learned more about her fields of interest, specifically humanitarian and human rights law.

Cris Kelman is a third-year law student at the University of Denver Sturm College of Law, where he focuses on international business law. He is inspired by his parents' South American roots and his first language, Spanish. He has been actively involved in the Denver Journal of International Law & Policy, serving on the board for two years, first as Candidacy and Events Editor and now as Business and Events Editor.

Paulina Macías Ortega is a Mexican lawyer, internationalist, and LL.M Candidate in Global and National Health Law with an emphasis on human rights at Georgetown. After completing her master's degree, she aspires to pursue a JSD or PhD in international human rights law, focusing on reproductive rights.

A Student Ambassador's Reflection on ILW 2024

by **Anne Harper** (2024 Student Ambassador; J.D. Candidate, Cardozo Law)

At International Law Week 2024, conversations about the invasion of Ukraine continued. **Gabor Rona** moderated a panel entitled “*The War in Ukraine: Lessons Learned and Challenges Ahead for International Criminal Law*.” The panel was composed of **David Donat Cattin**, **Oona Hathaway**, **Jonathan Hafetz**, **Ambassador Beth Van Schaack**, the former U.S. Ambassador-at-Large for Global Criminal Justice, and **Ambassador Christian Wenaweser**, the Permanent Representative of Liechtenstein to the UN. Predominant themes emerged from the discussion, including the International Criminal Court’s role and parties to the Rome Statute, evidence collection, and the responsibility of, and actions taken by, individual States, including Ukraine.

As expected, the crime of aggression and the gap in legal accountability mechanisms for those crimes were at the forefront of the panelists’ discussion. As to the crime itself, Cattin opened the conversation by identifying the crime as a *jus cogens* prohibition. Hathaway followed up by pointing out that the Nuremberg Court established crimes of aggression or “crimes against the peace” as “the most supreme international crime,” as it is “an accumulated evil of the whole.”

The International Criminal Court plays a prominent role in prosecuting international crimes. Since the Russian war on Ukraine began, there have been significant developments in prosecutions related to the conflict. However, many questions remain unanswered as to how to hold Russia accountable for the crime of aggression.



The ICC issued warrants for the arrest of Russian President Vladimir Putin and other Russian officials, but State Parties to the Rome Statute must be willing to comply with their obligations to effectuate those warrants. Ambassador Van Schaack mentioned Putin’s recent travel to Mongolia, a state party to the Rome Statute, and Mongolia’s failure to arrest Putin when he was within their territory. Mongolia argued that head-of-state immunity in bilateral relations protected Putin, but the ICC held that such immunity was secondary to Mongolia’s obligation to arrest. As such, Mongolia was not in compliance with the Rome Statute. Cattin added that there is a route to compliance, and Mongolia should respond to the Court and learn its lesson for the future. Ambassador Van Schaack remarked Putin should at least be fearful of the risk of arrest if he travels. When asked about the U.S. position on head-of-state immunity, Ambassador Van Schaack explained that the U.S. position is that head-of-state immunity is the international law norm but that immunity only exists while the individual occupies their position and functions as the head-of-state. She provided the example of Charles Taylor and Liberia’s eventual consent to prosecution. In response, Ambassador Wenaweser stated that it is necessary to overcome immunity because when a head of state commits a leadership crime, the leader must be prosecuted.

Keep reading this reflection on our website [here](#).



A South African Perspective on ILW 2024

by **Thirusha Naidoo**, State Law Adviser (International Law) at the Office of the Chief State Law Adviser, Department of International Relations and Cooperation (South Africa)

The South African Branch of the International Law Association (SABILA) seized the opportunity to share South Africa's contributions to International Humanitarian Law (IHL). Our team comprised three panelists from diverse backgrounds to provide a holistic coverage of South Africa's contribution. Our panelists ranged from academia, an independent humanitarian organization, and government, namely, Professor Martha Bradley, Professor of Public Law, University of Johannesburg (UJ), Sarah Mabeza, Regional Legal Advisor, International Committee of the Red Cross (ICRC – Southern Africa Branch) and Thirusha Naidoo, State Law Adviser (International Law), South Africa's Department of International Relations and Cooperation (DIRCO). The diverse views of each panelist were resourcefully brought together and moderated by SABILA Secretary Clea Strydom.

At present, many question the impact of international law, so I found the theme of this year's ILW to be most appropriate. I thought, let us ask and let us decide. It is sometimes argued that international law is a 'toothless bite.' International law is questioned even further when considering compliance with IHL about recent global developments and conflicts. For this reason, the theme of our panel was so important to us as South Africans, coming from various backgrounds in South Africa on a personal and professional level yet sharing the same historical background of our country. This year, South Africa celebrated 30 years of democratic freedom; we could only hope to successfully impart our knowledge and South Africa's 'stronger together' spirit to others at the ILW 2024 through our panel, whose theme hit close to the heart.

Mabeza enlightened the room with the ICRC's research and its efforts to educate on the forgotten or unknown history of numerous African cultures who practiced IHL in their traditional customs by preserving humanity during the war. The established history of such African traditional customs demonstrated the deep-rooted authority of IHL in Africa. She explained that the ICRC has examined the historical relationship between Africa and IHL, as reflected in traditional customs, and that the main objective of the ICRC's research is to contribute to an increased understanding, ownership and acceptance of IHL rules on the African continent. Participants were also informed that another primary purpose of the research into African tools was to encourage greater respect for IHL that would, in turn, fulfill one of the ICRC's primary purposes of reducing suffering during armed conflict. Mabeza eloquently displayed the correlation between African traditional customs and modern-day principles, and she also informed participants about modern international legal obligations under IHL and that the values and principles of treaty and customary IHL are well reflected in African traditional customs and are not foreign concepts to Africa.

Keep reading Thirusha's perspective on our website [here](#).



L-R: Thirusha Naidoo, Clea Strydom, Sarah Mabeza, Martha Bradley

The American Branch's relationship with the South African Branch

The American Branch is proud to continue our collaboration with the South African Branch of the International Law Association (SABILA). We invited SABILA representatives to attend ILW 2021 virtually and sponsored SABILA representatives to attend ILW 2022, 2023, and 2024 in person in New York City. We look forward to deepening our partnership with SABILA and other ILA branches.



2024 Charles Siegal Distinguished Service Award

The Charles Siegal Distinguished Service Award was established by the ABILA Board of Directors in 2020 to recognize outstanding contributions to the Branch by current members in good standing at the time of nomination. Such contributions include those made to the ABILA Board, committees, and/or International Law Weekend. Nominations are collected annually by ABILA by the summer deadline. In choosing the recipients, the Selection Committee considers an individual's extraordinary service initiatives and/or sustained superior contributions to the ABILA over several years. The Committee was chaired by **Larry D. Johnson** and included **Andrea Bjorklund**, **Ron Brand**, **Charlotte Ku**, and **David P. Stewart**. The Committee selected **Philip Moremen** as the 2024 Recipient.

Professor Philip Moremen is an Associate Professor and Department Chair at Seton Hall University's School of Diplomacy and International Relations. He is a long-time devoted member of the ABILA, currently serving as Honorary Vice-President. For the past 24 years, Professor Moremen has been an active member of ABILA's Executive Committee, now its Board of Directors. He has also overseen the *Proceedings* of the Branch for several years. Professor Moremen chaired the Formation of Customary International Law Committee. As a member of the Branch's Centennial Committee, Professor Moremen played a leading role in helping ABILA create a series of meaningful events and programs related to the Centennial year.



Larry D. Johnson and Philip Moremen

2024 Outstanding Achievement Award

The ABILA Outstanding Achievement Award was established in 2021 to recognize outstanding contributions in international law. Such contributions might include, but are not limited to, service to an international organization, a State, or an international court or tribunal; or to teaching, research, and scholarship in the field of international law. While candidates are reviewed comprehensively, factors considered may include an individual's specific extraordinary service initiatives and/or sustained superior contributions to the field of international law over several years, as well as visionary and innovative leadership. Nominations are accepted every summer. The 2024 recipient is the **Honorable Charles N. Brower**.



Charles N. Brower and Jennifer Trahan

The Honorable Charles N. Brower's 55-year career in the law has combined extensive practice at the bar with distinguished public service, both national and international. For nearly 40 years, he has focused on public international law and international dispute resolution. As counsel or arbitrator, he has handled cases on all six continents. These cases have involved a wide variety of commercial disputes as well as issues of public international law, particularly involving the oil and gas sector, major infrastructural projects, expropriations, and other investment disputes. He has served continuously since 1983 as a judge of the Iran-United States Claims Tribunal in The Hague, The Netherlands.

That service was interrupted for some months in 1987 by White House service as Deputy Special Counsellor to President Reagan. Brower resumed his partnership with White & Case LLP from 1988 until joining 20 Essex Street in 2001. Since 2014, he has served as a Judge ad hoc at the ICJ.



2024 ABILA Book Awards

The American Branch accepts nominations for its annual Book Awards every spring. Members are encouraged to submit nominations by the summer deadline. The Committee was chaired by **Mortimer Sellers** and included **Fernanda Nicola** and **Alison Dundes Renteln**.

ABILA Book of the Year Award: Laurence Burgorgue-Larsen

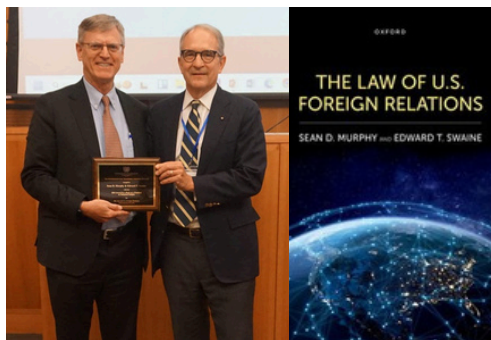
Laurence Burgorgue-Larsen for *The 3 Regional Human Rights Courts in Context – Justice That Cannot Be Taken for Granted* (Oxford University Press, 2024). Professor Burgorgue-Larsen is a Professor at the Sorbonne Law School, Paris.

The 3 Regional Human Rights Courts in Context: Justice That Cannot Be Taken for Granted is the first book to offer a comprehensive comparison of the three systems. Rather than merely juxtaposing analogous features, the book considers how the three courts operate as parts of a greater, integrated whole.



Laurence Burgorgue-Larsen and Mortimer Sellers

ABILA Practitioners Book Award: Sean D. Murphy and Edward T. Swaine

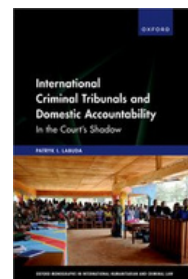


Sean D. Murphy and Mortimer Sellers

Sean D. Murphy and Edward T. Swaine for *The Law of U.S. Foreign Relations* (Oxford University Press, 2023). Sean D. Murphy is the Manatt/Ahn Professor of International Law at George Washington University, where he teaches U.S. foreign relations law and international law. Edward T. Swaine is the Charles Kennedy Poe Research Professor at the George Washington University Law School. *The Law of U.S. Foreign Relations* is a comprehensive and incisive discussion of the rules that govern the conduct of U.S. relations with foreign countries and international organizations, and the rules governing how international law applies within the U.S. legal system.

ABILA New Authors Book Award: Patryk I. Labuda

Patryk I. Labuda for *International Criminal Tribunals and Domestic Accountability – In the Court's Shadow* (Oxford University Press, 2023). Patryk I. Labuda is an Assistant Professor of international law and international relations at Central European University in Vienna. By interrogating how international accountability stakeholders relate to their domestic counterparts, *International Criminal Tribunals and Domestic Accountability* advocates improvements to ICTs' institutional design and more dynamic interactions with states to strengthen the enforcement of international criminal law.



ABILA Edited Volume Award: MJ Durkee



MJ Durkee for *States, Firms, and Their Legal Fictions – Attributing Identity and Responsibility to Artificial Entities* (Cambridge University Press, 2024). Professor Durkee is the William Gardiner Hammond Professor of Law at Washington University in St. Louis School of Law. Durkee chairs the International Legal Theory Interest Group of the American Society of International Law. This volume offers a new point of entry into questions about how the law conceives of states and firms.

Leadership Change: Rekha Rangachari joins ABILA as the Chief Operating Officer

The American Branch is pleased to introduce its new Chief Operating Officer, **Rekha Rangachari**. Rekha is an accomplished legal professional, actively engaged with the international law community. She serves as Executive Director of the New York International Arbitration Center (NYIAC), where she collaborates with stakeholders and thought leaders in the space to advance global scholarship and best practices in addition to operating world-class hearing facilities in Manhattan. She is also a Board Member of ArbitralWomen (AW), Member of the Equal Representation in Arbitration (ERA) Pledge Arbitrator Search Committee, and Co-Chair of Racial Equality for Arbitration Lawyers (REAL).



In parallel, Rekha maintains an active connection to academics as an Adjunct Professor at Fordham School of Law and Cardozo School of Law. A native Chicagoan and New York transplant, she enjoys spending her free time exploring the arts, culture & culinary scenes at home and around the globe. Rekha is excited to contribute to ABILA's growth.

Board Changes: President-Elect and Directors of Studies



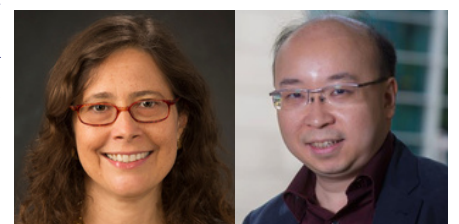
Amity Boye

The American Branch is thrilled to announce that **Amity Boye** has been elected to serve as the organization's next President. As President-Elect, Amity will work closely with current president **Michael P. Scharf** during his second term before officially assuming office in the Fall of 2026. A dedicated board member since 2014, Amity has also served as Secretary and Vice-President, playing a key role in advancing student-focused programs and strengthening partnerships with law firms and practitioners. Reflecting on her new role, Amity shared, *"It is an absolute honor to be chosen as the next President of this incredible organization. As I spend the next two years learning under Michael's leadership in preparation for the role, I invite all ABILA members to share their ideas and vision for ABILA's future."*

Mortimer Sellers and **Milena Sterio** are honored and excited to assume their roles as Directors of Studies, following the excellent and inspiring example of **Jennifer Trahan** and **Peter Yu**. We hope that the ABILA will continue its strong tradition of scholarship, both through its own committees and through ABILA member participation in the global ILA Committees and projects. In this spirit we have two main areas of focus that we see as vitally important at the outset of our new responsibilities. First, renewed emphasis on the international rule of law and all that requires, both in theory and in practice, with particular regard to the United States of America. Second, on the publication and dissemination of ABILA scholarship. It is not enough to consider and discuss the fundamental principles and requirements of international law, we must also share this knowledge with our fellow citizens and with the wider world. We are extremely grateful for the opportunity we shall have as Directors of Studies to work with you, our fellow members of the ABILA to advance international law and justice in these difficult times.



Mortimer Sellers and Milena Sterio



Jennifer Trahan and Peter Yu



International Law Weekend 2025 Organizing Committee

CO-CHAIR



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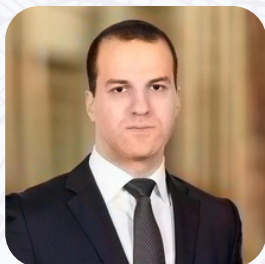
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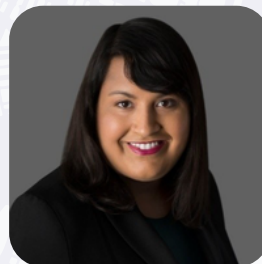
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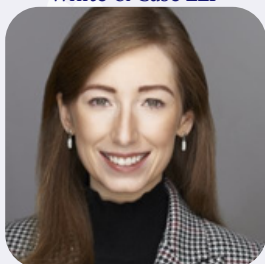
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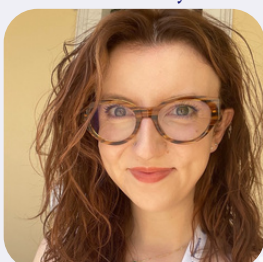
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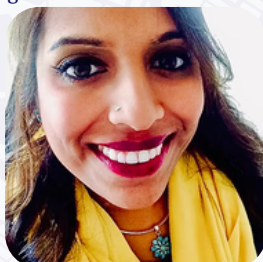
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Freya Doughty-Wagner
ABILA CCO, *ex officio*



Rekha Rangachari
ABILA COO, *ex officio*



Leila N. Sadat
ABILA Chair, *ex officio*



Michael P. Scharf
ABILA President, *ex officio*

Crisis as Catalyst in International Law

ILW 2025 will explore how crises can serve as transformative moments that challenge and reshape the framework of international law. Whether political, environmental, economic, or humanitarian, crises compel local, regional, and global actors to confront the limitations of extant legal systems. By serving as catalysts for innovation, crises also provide opportunities to reevaluate and reconstruct international legal norms. This process highlights the dynamic nature of international law, which must balance its foundational principles with the need for flexibility in response to unprecedented events. ILW 2025 encourages participants to reimagine international law. The call for panel proposals may be found on our website [here](#).

ILW 2025 Co-Chairs



William Aceves has served on the ABILA Board for many years and was recently elected a Vice-President of the organization. He teaches at California Western School of Law in San Diego, where he also serves as the Chief Justice Roger Traynor Professor of Law. Aceves works at the intersection of civil rights and human rights and has published extensively in these fields. He has also represented several human rights and civil liberties organizations as amicus curiae counsel in cases before the federal courts, including the U.S. Supreme Court. This will be his fourth time serving as an ILW Co-Chair. Aceves says: *“I’m delighted to be involved in International Law Weekend. With its high-quality programming and accessibility, it is truly a unique conference. I also value ILW because it provides an opportunity for scholars and practitioners to discuss the future of international law in a collegial environment.”*



Amity Boye is a longstanding board member of ABILA. She is President-Elect and has also served as Secretary and Vice-President. Amity operates at the crossroads of the non-profit and private sectors, advising global institutions on their strategic and mission-driven endeavors. For thirteen years, she served as Chief of Staff to the Chair of global law firm White & Case. She also has an active pro bono practice in the areas of criminal justice and international law. Amity says, *“ILW is known for being the most welcoming gathering of the international legal community. It’s one of the few conferences where you see just as many young faces in the audience as seasoned experts. It’s an inspirational platform where people can come together to learn from one another and discuss how international law can help tackle the world’s most pressing challenges.”*



Jess Peake is the Director of the International and Comparative Law Program at UCLA School of Law. Jess teaches courses on Human Rights and War Crimes, Digital Investigations and the Law of War, and the War on Terror. She launched UCLA Law’s Digital Investigations Lab and co-founded the University of California Digital Investigations Network. Jess serves on the Board of Directors of the International Law Students Association and has served on several committees of the American Society of International Law. She has judged at regional and international rounds of the Philip C. Jessup International Law Moot Court Competition since 2010. Jess was nominated for a Pulitzer Prize in 2023 in the international reporting and explanatory reporting categories.



ILW-Midwest Results in White Paper on the Need to Update the Geneva Conventions



ILW-Midwest 2024 was held at Case Western Reserve University School of Law on September 26, 2024. It commemorated the 75th Anniversary of the 1949 Geneva Conventions. Two dozen of the world's leading experts in international humanitarian law participated as speakers and panelists, including **Jennifer Trahan** (NYU Law), **Ezequiel Heffes** (Watchlist on Children and Armed Conflict), **Gabor Rona** (Cardozo Law), and **Craig Martin** (Washburn University School of Law). The event focused on whether there is a need for a new Geneva Convention for the challenges of the 21st century.

ILW-Midwest 2024 Reflection and Update from Michael P. Scharf

With a total of 196 state parties, no other international treaties are as widely ratified as the four 1949 Geneva Conventions on the Laws of War and their Additional Protocols. But these critical treaties are showing their age. The rules and principles they established for the conduct of war were created before the advent of the computer, space flight, the internet, artificial intelligence, autonomous weapons, and other modern technologies that have transformed how contemporary wars are fought.

On the 75th anniversary of the Geneva Conventions, the ABILA co-sponsored a ground-breaking meeting of thirty leading experts on the Laws of War to consider whether there is a need to update these laws to address the challenges of 21st-century warfare and how that could best be accomplished. The experts participated in a day-long meeting at Case Western Reserve University School of Law on Sept. 26, 2024, and three follow-up meetings over Zoom on Oct. 31, Nov. 7, and Nov. 14. The meetings were chaired by ABILA President **Michael P. Scharf** and included several members of the ABILA Board.

After substantial debate, the experts reached a consensus on a White Paper, which is now available on SSRN and will be published in Volume 57 of the *Case Western Reserve Journal of International Law* in May. The first part of the report identifies selected areas that the participating experts concluded could benefit from updated interpretation, clarification, or new rules. The second part examines the pros and cons of the different approaches to pursuing these updates.

"This White Paper is intended as a call to action and roadmap for evolving the Laws of War to respond to the challenges of 21st-century warfare," says Scharf. *"In light of the caliber of the participating experts, we believe this initiative will help catalyze a movement to update this vital area of law."*



John Bellinger



Michael Kelly, Els de Busser, Laura Dickinson, **Jennifer Trahan**, Jonathan Horowitz



Peter Evans

ABILA Blogging Symposium - International Investment Law Committee

In the American Branch's second blogging symposium, various authors addressed International Law Weekend 2024's theme of 'Powerless law or law for the powerless?' from an International Investment Law perspective. In late 2024, the American Branch put out a call for abstracts addressing this theme. The International Investment Law Co-Chairs **David Attanasio**, **Diora Ziyaeva**, and 2024 ILW Organizing Committee Member **Christine Carpenter** selected the best abstracts. These complete pieces were published throughout Spring 2025 on [our website](#).

La Oroya – Assessing Human Rights Obligations in an International Investment Law Context

*by Dean Kristen Boon and Nickolas Eburne**

Do international courts and tribunals speak with one voice? The parallel proceedings of the Inter-American Court of Human Rights (IACtHR) in *Case of La Oroya Population v. Peru* (La Oroya v. Peru) and the ongoing investor-state dispute settlement (ISDS) tribunal hearing *The Renco Group v. Inc. v. Republic of Peru*, PCA Case No. 2019-46 (*Renco v. Peru II*) show they do not. These cases are a new chapter in the story of fragmentation and shared responsibility.

On March 22, 2024, the IACtHR declared that Peru was internationally responsible for breaching provisions of the Inter-American Convention on Human Rights, namely the right to a healthy environment (Article 26), the right to life (Article 4.1), the right to personal integrity (Article 5), the rights of children (Article 19), and other rights.

The facts of the case are related to the La Oroya Metallurgical Complex, which is responsible for the smelting and refining of metals with high levels of lead, copper, zinc, and arsenic, among others, in the small community of La Oroya in Peru. Eighty community members instituted proceedings against their national government for what they claimed were serious environmental failings in allowing the metallurgical complex to operate, considering its impact on the environment, as it contaminated the air, water, and soil of La Oroya.

Importantly, the Court found that the right to a healthy environment comprised a bundle of procedural and substantive elements (para 118). The procedural elements included access to information, public participation in decision-making, and access to justice with effective remedies. The substantive elements included clean air, safe and sufficient water, healthy and sustainably produced food, non-toxic environments where people can safely live, work, learn and play, healthy ecosystems and biodiversity, and a safe, livable climate.

An essential aspect of the Court's decision was its emphasis on the principles of prevention and precaution. Pursuant to the principle of prevention, the Court said, "*States are obliged to use all means at their disposal in order to prevent activities carried out under their jurisdiction from causing significant damage to the environment [...] [t]his obligation must be fulfilled under a standard of due diligence, which must be appropriate and proportional to the degree of risk of environmental damage*" (para 126).





ABILA Blogging Symposium (cont'd)

Indeed, most human rights obligations do not apply directly to corporations but rather are mediated through state obligations. The court discussed the corporate responsibility of the mining companies briefly, noting in this case, both the State and the mining company had responsibilities in terms of regulation and supervision of risky activities. Nonetheless, it stressed their obligations to protect environment and human rights, which the States must supervise, investigate and regulate.

In parallel, in the ongoing *Renco v. Peru II* investment dispute, Peru is defending itself from claims that it imposed additional environmental obligations on the Renco Group – the Applicant – concerning the management of the metallurgical complex and that it refused to grant reasonable extensions to complete environmental projects at the site. This, according to the Applicant, led to the investor being forced to cease operations at the metallurgical complex, causing it to become bankrupt. More specifically, the Applicant is claiming a violation of the 2006 BIT between Peru and the United States as it relates to alleged unfair and inequitable treatment (article 10.5 of the BIT) and the indirect expropriation of the La Oroya complex.

The IACtHR decision and the ISDS dispute create a complex landscape for state responsibility concerning environmental obligations. Depending on the outcome of the *Renco v. Peru II* case, Peru may be put in the precarious position under international law of having both infringed the right to a healthy environment of the people of La Oroya and of having imposed overly stringent environmental requirements on the exploitation of the La Oroya mining complex.

International human rights law has traditionally had no direct horizontal effect; that is to say, it places no direct obligations on investors as private entities or on multinational corporations, despite the fact that corporations are powerful actors, sometimes more so than states. There are only a few direct obligations applicable to corporations generally, despite the deep development of state responsibility and neighboring fields of International Organizations and criminal responsibility, CSR, and business and human rights.

In this context, the key issue lies in the general perception that the objectives of human rights and investment regimes are sometimes seen as incompatible with the objectives of human rights law.

Keep reading at: <https://www.ila-americanbranch.org/category/symposia/>



***Kristen Boon** is the inaugural Susan & Perry Dellelce Dean of Common Law at the University of Ottawa. Dean Boon is a specialist in international law and contracts. She has a particular interest in treaty interpretation, international responsibility, sanctions, and immunities. Dean Boon is an expert on investor/state dispute resolution. Dean Boon is the proud Editor in Chief of the Canadian Yearbook of International Law. She is also a former member of the Executive Council of the American Society of International Law and a current member of the Institute for Transnational Arbitration's Academic Council.



Nickolas Eburne is a Staff Officer/Legal Advisor to the NATO Allied Command Transformation. His previous roles include Legal Counsel with the Canadian House of Commons and Junior Trade Policy Officer with Global Affairs Canada. Eburne is the Co-Chair of the American Society of International Law's Anti-Corruption Law Interest Group and is a 2024 recipient of ASIL's Arthur C. Helton Fellowship. He holds his JD and LLM in International Trade and Foreign Investment from the University of Ottawa.

The opinions shared in this publication are the authors' own, and do not reflect those of their employers. The images in this piece are attributed to Special Rapporteur Astrid Puentes.

Former ABILA President David Stewart Honored with a Festschrift to mark his Retirement

by Amity Boye

The American Branch congratulates **David Stewart** on his recent retirement from Georgetown University Law Center, where he served as Professor from Practice, Co-Director of the Global Law Scholars Program, and Director of the Center on Transnational Business and the Law. A longstanding board member of ABILA, David led the organization as President (2014-2018) and Chair (2018-2022), demonstrating unwavering commitment and leadership.

David's contributions to the legal field are so significant that they span three distinct and successful careers. He began as a private practitioner, working the demanding hours of a young associate in New York City. He then spent decades as a public servant in the Office of the Legal Adviser for the U.S. Department of State, emerging as a leading figure in Private International Law. Finally, he embraced the role of an esteemed professor at Georgetown Law, where he had already spent many years as an adjunct before transitioning into a full-time faculty position.

To honor David's distinguished career, Georgetown Law hosted a Festschrift program—a rare and prestigious recognition reserved only for the most eminent figures in their fields. Held on November 22, 2024, the daylong conference brought together friends, colleagues, and legal scholars to discuss key topics in international law. The program featured a lively discussion on David's favorite subject—sovereign immunities—and a host of other dynamic panels.

Members of the American Branch attended to show their support and respect for David, including **Amity Boye**, **Paul Dubinsky**, **Houston Putnam Lowry**, and **Louise Ellen Teitz**, several of whom also presented on panels.

One of the most touching moments of the event came when current and former students were invited to share their thoughts about David. Their heartfelt words of praise and gratitude underscored the profound impact he has had as a mentor, educator, and advisor. It was a fitting tribute to a career marked by excellence, dedication, and service to the legal community.

We extend our deepest appreciation to David for his invaluable contributions to the field and to our organization. We look forward to his continued service on our Board and wish him the very best in his well-earned retirement.



L-R: **Louise Ellen Teitz**, **Edward Chuwuemeke Okeke**, **Amity Boye**, and **David Stewart**.



Cynthia Lichtenstein In Memoriam

by Jim Nafziger

Cynthia Lichtenstein, Honorary Vice President and former President of ABILA, left us physically on November 28, 2024 at the age of 90. But she will never leave us intellectually or emotionally. A good life lives on, and hers was chock full, raising a family and rising to the top of overlapping careers in law practice, academia and professional leadership.

She was exceptionally well grounded. One of her endearing practices was to extend a warm and enduring welcome to newcomers in each of her professional environments including ABILA. After her passing, one of her protégés on the Boston College Law faculty, her principal academic affiliation, recalled her advice about getting to work there in Boston traffic: "Unless you keep moving, you're toast." What an apt metaphor to describe Cynthia herself - witness the ever-changing advice about her specific whereabouts on her voicemail! Still, she liked stable surroundings. When a B.C. colleague gently reminded her that the movers would be coming to her office the very next day to prepare for repainting and recarpeting, she replied, *"I don't think so."*

Years later, on her retirement, her office alone at the law school still had the original paint and carpet. After retiring from B.C., she was largely anchored in just two locations: Stonington, CT and Sarasota, FL, both near water and boats, which she loved. During her so-called post-retirement, while teaching for a few years at George Washington Law School, she also kept a boat in a Potomac marina, in which I was privileged to stay a few times during meetings in Washington when she and her husband Charles were away.

Cynthia's leadership in the ILA over many years was immense, ranging from the humdrum of routine management matters to pathfinding developments of the law in MOCOMILA, her niche committee on monetary law and practice. The biennial ILA Proceedings repeatedly reflect her advocacy of harmonized national laws and concern about the increasing complexity of financial markets. As a Vice Chair of the ILA she was characteristically insightful, measured and practical on the podium during Executive Council meetings. Her mind was brilliant, but her voice low-keyed. Within ABILA her workaday attention to detail was peerless. No wonder she was enthusiastically elected as ABILA's first female President (1986-92) and, more recently (2020), as the first recipient of our service award. She was a fixture at biennial ILA conferences and semiannual ABILA meetings twice a year.

It is remarkable that after Cynthia suffered a serious stroke late in life, she kept her eye on the ball, never giving up hope to resume attendance at ILA conferences and ABILA meetings but meanwhile content to settle for occasional visits and phone conversations such as with ABILA President-Elect Amity Boye and me. She wasn't always easy to reach at her retirement center in Sarasota, but when that was possible, she always, first and foremost, began our conversations by lamenting the loss of her beloved husband Charles, immediately followed by questions about the latest ILA and ABILA developments as well as thoughtful advice: "Here's what we need to do, Jim...." Her memory of ILA and ABILA history, not to mention often humorous personal vignettes, was remarkable. *Quelle femme!*

Cynthia graduated with an A.B, magna cum laude from Radcliffe College and a J.D., also magna cum laude, from the Yale Law School. Just a few more highlights of her career: author of well-received publications and global lecturer, long service as a board member and treasurer of the International Law Students Association, officer of the American Society of International Law, member of the American Journal of International Law's board of editors, and member of the U.S. Secretary of State's Advisory Committee on Private International Law. We mourn her loss now but will treasure our memories of her forever.

Jim Nafziger

Vice Chair, ILA

Honorary Vice President and former President, ABILA



American Society of International Law Annual Meeting



From April 16-18, 2025, the American Society of International Law will convene its 119th Annual Meeting with the theme, "Traditions and Transitions in International Law."

The international legal order is faced with both longstanding and novel challenges presented by changing cultural norms, climate and biodiversity crises, the resurgence of international armed conflict, democratic backsliding, revitalized nationalism, the ubiquity of big data, and groundbreaking technological innovations. While traditional international law and institutions have proven resilient in addressing some of these challenges, transitions are emerging in areas where existing frameworks may not be achieving the shared goals of the international community.

The 2025 ASIL Annual Meeting will question the efficacy of our international law traditions and the impact of ongoing transitions in the existing world order. Which traditional elements of international law and institutions remain effective, and which may not be fit for purpose? What can we learn from ongoing transitions for addressing contemporary challenges? Of which transitions should we be skeptical and why? What insights can non-lawyers such as diplomats, journalists, natural and social scientists, technology experts, commercial actors and artists offer as we probe the efficacy of traditions and transitions in international law?

See more here: <https://asil.org/annualmeeting>

ABILA Reception, Honoring Cynthia Lichtenstein

The American Branch will host a Reception at the Annual Meeting on **Thursday, April 17, at 6:30PM** for all ABILA Members and friends in the Kalorama room on the lobby level. Please email Freya Doughty-Wagner at media@ila-americanbranch.org with any questions. We will be honoring the life of the American Branch's first female President, Cynthia Lichtenstein, over drinks and canapés.

Butcher Medal Conversation

The Goler T. Butcher Medal has been awarded by ASIL since 1997 to a distinguished person of American or other nationality, for outstanding contributions to the development or effective realization of international human rights. It is named for Goler Teal Butcher, a prominent African American scholar and professor of international law at Howard University School of Law, who served as assistant administrator for Africa at the U.S. Agency for International Development in the Carter Administration and was a leading advocate for ending global hunger. This year's recipient is ABILA Chair, **Leila N. Sadat**. Hear her speak on **Thursday, April 17, at 12:00PM**.



A New ABILA Study Group on the Developing Treaty on Crimes Against Humanity

by Leila N. Sadat



Eleven years after the International Law Commission (ILC) began its consideration of the topic of crimes against humanity, and nearly eighty years after the Nuremberg and Tokyo trials were held in the wake of the Second World War, states will finally begin negotiating a global treaty on the prevention and punishment of against humanity treaty pursuant to General Assembly Resolution 79/122 which was adopted on December 4, 2024.

Crimes against humanity were one of the three crimes prosecuted before the Nuremberg and Tokyo tribunals, but unlike genocide and war crimes, were never made the subject of an independent, interstate convention, meaning that their prevention and punishment have been difficult to achieve, although they were included in the Rome Statute of the International Criminal Court. In 2010, the Crimes Against Humanity Initiative, launched by ABILA Chair **Leila N. Sadat** at Washington University School of Law, published a Proposed Convention on the Prevention and Punishment of Crimes Against Humanity. In 2013, the International Law Commission (ILC) added “crimes against humanity” to its long-term programme of work, and support for the idea grew among states over time, as well as with NGOs.

The ILC finished its project in 2019 under the able leadership of ABILA member and Special Rapporteur Prof. **Sean Murphy** and transmitted a complete set of Draft Articles to the UN General Assembly’s Sixth (Legal) Committee. Progress stagnated for three years because of the Sixth Committee’s insistence on consensus, until in 2022, frustrated with the ongoing stalemate, a cross-regional group of eight States—Colombia, Costa Rica, The Gambia, Mexico, the Republic of Korea, the United Kingdom, and the United States—took proactive steps to change the dynamic, tabling a “zero-draft” resolution shortly after the Sixth Committee session began. Led by Mexico and The Gambia, who acted as co-facilitators, these states encouraged others to join them in finding a way forward within the Sixth Committee.

After protracted negotiations, Resolution 77/249, supported by eighty-six co-sponsors, and ultimately by 100 states, charged the Sixth Committee with meeting for two years in a resumed session to exchange views in an “interactive format” on the Draft Articles, and to discuss the Commission’s recommendation for the elaboration of a convention. After two years, the issue returned to the Sixth Committee. Once again, Mexico and The Gambia, on behalf of a large cross-regional group of states tabled a “zero-draft” resolution prior to the scheduled meeting of the Sixth Committee on Crimes against Humanity.

After weeks of difficult negotiations, on November 22, 2024, a draft resolution co-sponsored by 99 states was adopted by consensus by the Sixth Committee and subsequently by the General Assembly as Resolution 79/122. It sets out a framework to move forward over the next four years, with a Working Group of the Conference and Preparatory Committee meetings occurring in 2026 and 2027, and a Diplomatic Conference to take place, in two three-week sessions, in early 2028 and 2029. Even if the final text is not as strong as desired, its passage by consensus (with only the Russian Federation disassociating) sets the stage for inclusive negotiations on a treaty with universal acceptability. The ABILA Study Group will be Chaired by Prof. Sadat and begin its work in 2025 by examining various legal elements of the ILC’s Draft Text and, as appropriate, commenting and analyzing them. **ABILA members interested in joining the Study Group should contact Professor Sadat directly at sadat@wustl.edu.**

New Relationships: The Denver Journal of International Law and Policy

To celebrate the life and work of longtime ABILA leader **Ved Nanda**, the American Branch teamed up with the *Denver Journal of International Law and Policy* to offer an exclusive publishing option for International Law Weekend 2024 speakers. Professor Ved Nanda founded the *Denver Journal of International Law and Policy* in 1971 to provide a forum for scholars to explore international law developments and facilitate the progressive development of international law. Professor Nanda was a widely acclaimed international law scholar, fierce human rights protector, and vital American Branch member. Professor Nanda passed away on January 1, 2024.



Six articles were submitted to the Denver Journal from International Law Weekend participants. We are proud to share that all six were approved and will be published in the forthcoming 53.2 Issue. These articles are:

- *Parallel Proceedings in International and Domestic Courts on Protecting the Environment: Challenges and Opportunities* by **Milena Sterio**, James A. Thomas Distinguished Professor of Law at Cleveland-Marshall College of Law and ABILA Co-Director of Studies
- *Promoting International Criminal Justice in Korea: A Korean War Crimes Tribunal?* by **John Balouziyeh**, a Partner with Curtis, Mallet-Prevost, Colt & Mosle LLP
- *Litigating for the Planet: How International Courts and Tribunals Converge and Diverge on Climate Change* by Greta Ramelli, a Legal Officer with the Public International Law & Policy Group (PILPG), Ryan Westlake, Special Assistant to PILPG's President, and **Paul Williams**, PILPG Founder and Rebecca I. Grazier Professor of Law and International Relations at American University
- *Digital Information, Narrative, and the (Re)shaping of International Humanitarian Law*, by **Jonathan Hafetz**, Professor of Law at Seton Hall Law School
- *Think Globally and Act Locally: Collaboration Across Borders to Address Climate Change* by **Allan T. Marks**, Consulting Partner at Milbank LLP
- *Education is Not a Commodity - It Is a Human Right* by **Barbara Stark**, Joseph Kushner Distinguished Professor in Civil Liberties Law at Hofstra Law

The Denver Journal will once again offer this publication opportunity for International Law Weekend 2025 speakers.

New Relationships: Just Security

The American Branch is thrilled to announce a new relationship between ABILA and **Just Security**. American Branch members and leaders have contributed to Just Security for years and now this relationship has been formalized after several meetings between the two organizations.



JUST SECURITY

As part of this relationship, Just Security will feature an International Law Weekend preview written by ABILA's President and ILW Co-Chairs. Additionally, Just Security will publish several blog pieces as part of an International Law Weekend themed symposium. Writers will include High Level Presidential Plenary speakers, Keynote speakers, and members of the ILW Organizing Committee. Thank you to Maya Nir, Editorial Assistant at Just Security, for kickstarting this great connection. We look forward to working together.



ABILA Member News

Catherine Amirfar was named one of Benchmark Litigation's "[Top 250 Women in Litigation](#)." The annual list recognizes "the most distinguished women in the world of litigation." Amirfar was also [recognized](#) as a Global Elite Thought Leader by the 2025 Edition of Who's Who Legal: Arbitration.

Diane Marie Amann and **Gregory Fox** [taught seminars](#) as part of the University of Reading's Ghandi Research Seminar Series.

David Attanasio, Co-Chair of the International Investment Law Committee, [joined Womble Bond Dickinson](#) as a Partner in their DC Office.



David Attanasio

Sahar Aziz, Chair of the Islamic Law Committee, spoke as part the Council on American-Islamic Relations' series "[Defining Anti-Muslim Hate: A Virtual Series on Combatting Islamophobia](#)."

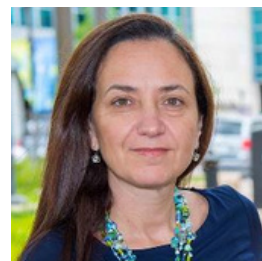
Warren Binford, Co-Chair of the International Human Rights Law Committee, presented at [South Dakota's 24th Annual Community Response to Child Abuse Conference](#).

Andrea Bjorklund, an ABILA Board Member, [spoke at](#) the University of Vienna, ICSID, and Herbert Smith Freehills symposium "The Winds of Change: ICSID in the Geopolitical Arena."

Gabriella Blum [moderated](#) Harvard Law's "Bridging Cultures" plenary, a session hosting Harvard Law LL.M program alumni.

Irene Calboli, Chair of the International Commercial Law Committee, was [elected](#) to the International Academy of Comparative Law.

M. Imad Khan, ABILA's Secretary, was [named](#) as one of Houston Business Journal's 2025 Diversity in Business Award honorees.



Irene Calboli

Amy Porges was elected Co-Chair of the ILA Committee on Alternative Dispute Resolution in International Law.

Daniel Reich, Co-Chair of the International Arbitration Committee, [joined Paul Weiss LLP](#) as a Partner in the Litigation Department.

Leila N. Sadat, ABILA Chair, is this year's recipient of [The Goler T. Butcher Medal](#) by the American Society of International Law. This medal is awarded to a distinguished person of American or other nationality for outstanding contributions to the development or effective realization of international human rights.

ABILA President **Michael P. Scharf** hosted two episodes of his radio program/podcast "[Talking Foreign Policy](#)." In August, Scharf focused on 'Foreign Policy and the 2024 Presidential Election' with guests John Bellingier, **Harold Hongju Koh**, Mike Newton, **Milena Sterio**, and **Paul Williams**. The December edition asked "Is Taiwan at Risk?" with guests Avidan Cover, Kevin Nealer, Greg Noone, **Milena Sterio**, and **Paul Williams**.

Frédéric Sourgens, an ABILA Board Member, was [interviewed](#) for BizTalk New Orleans' podcast about Tulane University's first-ever Energy Forum.

Nawi Ukabiala, an ABILA Board Member, was [recognized as a Future Leader](#) by the 2025 Edition of Who's Who Legal: Arbitration.

Achinthi Vithanage was [named](#) as one of the 2025 Lawdragon 500 Leading Environmental Lawyers: The Green 500 for the fifth consecutive year.

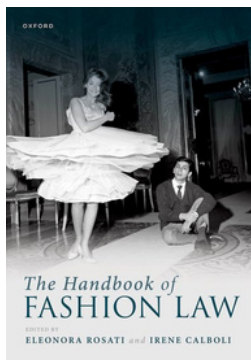
Diora Ziyaeva was [appointed](#) Co-Chair of Mute Off Thursdays, the virtual networking and knowledge-sharing platform for women in arbitration



Nawi Ukabiala

ABILA Member Publications

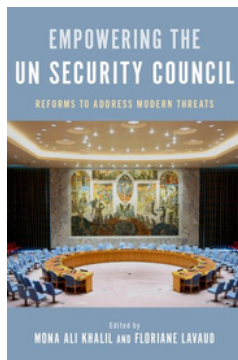
New Blogs, Books, Book Chapters, and More



by Irene Calboli
and Eleonora Rosati



by Aaron X. Fellmeth



by Mona Ali Khalil
and Floriane Lavaud



For Just Security, **Catherine Amirfar** and **Ashika Singh** published “Withdrawal from International Agreements: Toward a “Tailored Out”.”

For the Environmental Law Reporter, **Carolina Arlota** and Michael B. Gerrard published “Regulating Shipping of Carbon Dioxide for Sequestration.”

For JD Supra, **David Attanasio**, Francisco Balduzzi, Alexandre De Gramont, Katie Hyman, and José Luis Vittor published “Mexico Adopts Controversial Judicial Reform – What You Need to Know to Protect Your Business.” **Attanasio** and De Gramont also published “International Arbitration: What You Need to Know for 2025” for JD Supra.

The Middle East Council on Global Affairs hosted the webinar “Digital Deception: Disinformation, Elections, and Islamophobia.” Islamic Law Committee Chair **Sahar Aziz** discussed her research and work with the Center for Security, Race, and Rights.



Christine Carpenter

For the Journal of International Criminal Justice, **Christine Carpenter** published “Whose [Crime] is it Anyway? Adapting the Crime of Aggression to Grapple with AI and the Future of International Crimes.” **Carpenter** presented an earlier version of this article at ILW 2023 as an Emerging Voice.

For Newsweek, **Warren Binford**, Mary Graw Leary, and John Yoo published the op-ed “Republicans and Democrats Just Came Together to Protect America’s Kids.”

Irene Calboli and Eleonora Rosati published “The Handbook of Fashion Law” with Oxford University Press.

For the Lieber Institute’s Articles of War Blog, **Ioana Cismas**, Katharine Fortin, **Ezequiel Heffes**, and Jennifer Maddocks held the symposium “Beyond Compliance – Why and How to Go ‘Beyond the Law’ to Address Negatively Lived Experiences of Armed Conflict.”

Aaron X. Fellmeth and Dennis S. Karjala published the second edition of “Introduction to International Business Transactions” with Edward Elgar Publishing.

Sean Flynn hosted a seminar at the American University Washington College of Law titled “The Design Law Treaty – Issues and Concerns.”

For EJIL:Talk!, **Gregory Fox** published “A Legal Framework for a Russia-Ukraine Peace Agreement.”

For The New Humanitarian, **Rez Gardi** and Mustafa Alio published “Syria is still not safe: Refugees need protection.”

Adil Haque was quoted in the Washington Post’s “Israel forces shove at least four men off West Bank roof, videos show.” For *Opinio Juris*, he contributed to the Symposium on Erin Pobjie’s Prohibited Force with a piece titled “Prohibited Force and Self-Determination.”



Adil Haque



ABILA Member Publications (cont'd)

For KPFA 94.1's Background Briefing, **Scott Horton** discussed the Putin-Orban Heritage Foundation Project 2025 Connections.

For The Chicago Tribune, **Patrick Keenan** and **Leila N. Sadat** wrote the op-ed "President Joe Biden's response to arrest warrants against Hamas and Israel is misguided."



Floriane Lavaud

For the International Bar Association's Arbitration Committee, **Floriane Lavaud** co-authored the chapter on the United States. Together with Mona Ali Khalil, **Lavaud** also published "Empowering the UN Security Council" with Oxford University Press. For Mondaq, **Lavaud** published the article "The Role of Mediation in Resolving Disputes in the MENA Region."

For Clark Hill's blog, **Aristeo Lopez**, Sally Alghazali, Kelsey J. Christensen, Mark R. Ludwikowski, and R. Kevin Williams published "U.S. Steel Industry Files New Trade Case Against Imports of Corrosion Resistant Steel from 10 Countries."

For Lawfare, **Asaf Lubin** published "Unpacking WhatsApp's Legal Triumph Over NSO Group."

Duncan Pickard, together with other Debevoise colleagues, published an Africa update to their Landmark Report on the UN Guiding Principles on Business and Human Rights.

Vikram Raghavan was interviewed by the SCC Times Online where he reflected on his career in international law and development.

For Lawfare, **Gabor Rona** contributed the blog "The Illegality of Israeli Settlement Real Estate Sales." For Medya News, **Rona** also contributed the blog "Turkey's strikes in Iraqi Kurdistan violate international law."

For Just Security, **Leila Nadya Sadat** and **Akila Radhakrishnan** published "Key UN Committee Clears Path for Crimes Against Humanity Treaty Negotiations." Sadat also spoke to NPR's podcast 'Here & Now Anytime' to speak about Netanyahu and the International Criminal Court.

For Just Security, **Michael P. Scharf** published "Confirmation of Charges in Absentia for Joseph Kony: Paving the Way for Putin?"

Jennifer Trahan, ABILA Vice-President, discussed recent International Criminal Court arrest warrants with the American Society of International Law.

Shadya Vance spoke to the All Things Investigation podcast to discuss a shipbuilding company facing charges of securities fraud and obstruction of a federal audit.

For the Environmental Policy and Law Journal, **Edith Brown Weiss** published "Marshalling the Planetary Trust."



Asaf Lubin



Akila Radhakrishnan

Want your publication or news included in the next newsletter?

Please send your name, email, affiliation, publication/news, and headshot to Freya Doughty-Wagner at media@ila-americanbranch.org.

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Statement of the President of the American Branch of the International Law Association

Regarding the United States and the International Rule of Law

February 25, 2025

Founded more than one hundred years ago, the American Branch of the International Law Association (ABILA) is dedicated to the study, clarification and development of International Law and the advancement of peace, human rights, and justice worldwide. From time to time, ABILA Presidents have issued Statements on important matters of international concern that are related to our mandate.

Having consulted with the ABILA Board, I issue this Statement to express grave concern that over the past month, the Trump Administration has taken and threatened actions that will fundamentally alter the United States role in the international legal order and impair the international legal order itself. In doing so, I join the leaders of counterpart organizations such as the [American Society of International Law](#) and the [American Bar Association](#), who have issued similar Statements in recent days.

Among the Administration's actions of greatest concern are:

- issuing direct threats to the sovereignty and integrity of several countries in violation of the U.N. Charter;
- advocating the forcible transfer and deportation of millions of people from their homeland in violation of the Geneva Conventions;
- threatening withdrawal of support from the NATO alliance in violation of the treaty of Washington;
- breaching rules protecting asylum seekers and refugees in violation of the Refugee Convention;
- suspending enforcement of the Foreign Corrupt Practices Act in contravention of the U.N. Convention Against Corruption;
- dismantling government institutions and dismissing government officials who are responsible for promoting the international rule of law and upholding the United States' international legal obligations;
- imposing sanctions on officials of an international criminal court created to impartially prosecute genocide, crimes against humanity, and war crimes; and
- withdrawing the United States from the World Health Organization, the U.N. Human Rights Council, and the Paris Climate Accord, and signaling the imminent withdrawal from more by launching a 180-day review of all international organizations and international conventions to which the United States is a party.

Out of the ashes of World War II, the United States took the lead in creating a world order that has successfully prevented another world war, promoted international peace and security, and achieved unprecedented advances in international development, health, public welfare, and human rights. Central to this success has been the development of international law and the international institutions that implement it. A retreat from this rules-based international legal order as represented by the actions listed above is inconsistent with the long-held principles of the United States, and threatens chaos, including to those economically advantaged countries like the United States that have most benefited from the system it so wisely promoted and helped to create.

While our organization is non-partisan in nature, we are committed to peace, justice and the rule of law -- values that are threatened by the actions of the current administration. The Branch's motto, emblazoned on our website, is: "We need international law and cooperation now more than ever." That has never been truer than today.

Michael P. Scharf

President of the American Branch of the International Law Association

International Humanitarian Law Committee

Statement

On ICC Sanctions

December 16, 2024

The American Branch of the International Law Association's Committee on International Humanitarian Law (ABILA – IHL Committee) opposes any effort by the United States government to impose sanctions and other retaliatory measures on the International Criminal Court ("ICC" or "Court"), any of its staff and personnel, and persons or organizations that cooperate with the Court's mission. The ABILA – IHL Committee is alarmed that the House of Representatives has passed proposed legislation (H.R. 8282) to impose such sanctions and visa restrictions on Court staff, judges, witnesses and others who provide support to the ICC.

The proposed U.S. sanctions regime against the ICC threatens to undermine America's security interests and credibility as a champion of international justice, particularly in the eyes of many U.S. allies that support the Court. These, or similar measures would put the United States at odds with most of its major allies. The sanctions also risk disrupting ongoing investigations and weakening international efforts to achieve accountability for grave human rights abuses.

This statement examines the legal obligations at stake, analyzes the practical consequences for U.S.-supported investigations, notes the threat that sanctions pose to the independence of judicial functions and the rule of law, considers these challenges within the context of the historic U.S. role and essential interest in the establishment of international justice mechanisms, and ends with recommendations.

Sanctions are Contrary to U.S. Interests and Commitments to the Rule of Law

While the United States is not a party to the Rome Statute, it has long been a proponent of accountability for international crimes, particularly where national systems are unwilling or unable to act. Sanctions are incompatible with these principles and the greater project of the international community that has, with U.S. support, established an independent judicial institution for pursuing legitimate investigations. Sanctions against the ICC would amount to a politicization of justice that challenges the integrity of the international legal order, without which there can be no international peace, security, or justice.

By penalizing ICC officials for carrying out their legal mandate, sanctions would signal to other nations that political considerations can override the rule of law. Moreover, sanctions risk creating a chilling effect on international cooperation, as states and organizations may be deterred from engaging with the ICC for fear of similar reprisals. This is particularly disturbing in view of the recent US backing for ICC investigations into Russian war crimes in Ukraine. Such selectivity is particularly debilitating to the principle of universality in international justice and furthers the perception that international law is applied because of political convenience, rather than pursuant to consistent legal standards. Inconsistency of this type reduces the strength of the international system of the rule of law and serves perpetrators of international crimes who seek impunity from that system.

Practical Consequences

The proposed sanctions would immediately and significantly impact investigations that the United States actively supports, such as that concerning Russia/Ukraine, among others. In targeting ICC officials, judges, and personnel, the sanctions would create a climate of fear that deters cooperation and collaboration so essential to the work of the Court.

IHL Committee Statement (*cont'd*)

Witnesses, legal experts, and investigators with critical information may be discouraged from participating for fear of retaliation. In practice, that would have a chilling effect on the ICC's ability to investigate, prosecute crimes, and render justice for victims. Resources would be diverted from investigations and prosecutions, undermining the Court's ability to address atrocities in Ukraine, Sudan, Venezuela – situations in which the U.S. rightly has an interest. This would not only harm victims through delayed or denied justice but also disrupt ongoing investigations into crimes of urgent international concern, including investigations supported by the United States. Additionally, sanctions would alienate valuable international partners and institutions.

The ICC relies on states and international organizations to effectively function through cooperation. Sanctions may inhibit other nations from actively engaging with the ICC and embolden states to shield their citizens from accountability, further undermining global efforts to combat impunity for war crimes, crimes against humanity, genocide, and the crime of waging aggressive war.

Threat to Judicial Independence and the Rule of Law

The proposed sanctions strike at the heart of judicial independence, a cornerstone of the rule of law. The ICC's mandate requires it to operate free from external interference, rendering decisions based solely on legal principles and evidence. By punishing ICC officials for fulfilling their duties, the sanctions undermine this independence, sending a dangerous message that judicial decisions can be retaliated against if they conflict with political interests.

This erosion of judicial independence would have far-reaching implications. It could weaken public trust in international legal institutions, undermine the integrity of judicial processes, and destabilize efforts to establish a consistent, impartial framework for addressing international crimes. History has shown that political interference in judicial processes breeds instability and weakens the rule of law, fueling cycles of conflict and impunity.

For victims of international crimes, the impact would be particularly devastating. The ICC was established to provide justice for those who have suffered the most egregious violations of human rights. Sanctions that target the Court's personnel and operations threaten to deny victims access to justice by undermining the institution tasked with holding perpetrators accountable. This not only harms individual victims but also undermines broader efforts to achieve reconciliation and peace in affected regions.

Historical Perspective and the U.S. Role in International Justice

The United States has historically been a key proponent of international justice, recognizing its role in promoting peace, security, and accountability. From the Nuremberg Trials to its support for ad hoc tribunals addressing mass atrocity crimes in Rwanda and the former Yugoslavia, the U.S. has played a pivotal role in advancing the principles of international law. More recently, the United States has amended its War Crimes Act to permit prosecution of those who commit "grave breaches" of the Geneva Conventions, regardless of where the violations occur. This has enabled the United States to prosecute Russian and Syrian war criminals, consistent with our international legal obligations. These cumulative developments in the field of international criminal justice, led by and adopted by the United States, have become critical elements in the efforts of the international community to end impunity for the worst international crimes. Sanctions against the ICC, especially if imposed by the United States, would be contrary to U.S. interests, exacerbating the problem of impunity, inconsistency, and double standards.

IHL Committee Statement (*cont'd*)

The U.S. commitment to international justice has been driven not only by moral imperatives but also by pragmatic considerations. A robust system of international justice helps deter atrocities, fosters stability, and upholds the rule of law, which aligns with U.S. interests in global peace and security. The proposed sanctions, however, represent a departure from this tradition, undermining the very principles that have guided U.S. engagement with international justice.

To maintain its leadership in advancing global justice, the United States must reject actions that weaken the international legal system and the rule of law. Instead, it should reaffirm its commitment to supporting impartial judicial mechanisms like the ICC, recognizing their essential role in addressing the world's most serious crimes. By doing so, the United States can ensure that its actions align with both its values and its long-term strategic interests, contributing to a world order based on justice and the rule of law.

Recommendations

To retain its leadership role in advancing justice internationally, the United States should:

1. Reject the proposed sanctions against the ICC,
2. Reiterate its commitment to support independent judicial mechanisms,
3. Engage constructively with the ICC on matters of mutual concern, and
4. Flesh out alternative approaches that would enhance, not undermine, international justice.

In implementing these recommendations, the United States can fulfill its values and long-term strategic interests, and it can help reinforce an international order in which the rule of law fosters stability, consistent with its historic leading role in pursuit of accountability for grave international crimes.

The International Humanitarian Law Committee is Co-Chaired by **Gabor Rona**, Professor of Practice at Cardozo Law, and **Ashika Singh**, Counsel and Member of Debevoise and Plimpton LLP's International Dispute Resolution Group.

*All names in this Newsletter printed in **bold** are American Branch members. To be included highlighted in the next edition, please register as an American Branch member today.*

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Pay Your Dues

The Branch's membership year begins in January. If you have not yet paid your 2025 membership dues, please do so now. 2025 membership fees were due on January 1, 2025.

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 COO Rekha Rangachari at membership@ila-americanbranch.org.

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, and encourage them to join and attend ILW 2025. To help you in this effort, the ABILA membership brochure can be downloaded from the Branch website under the Membership tab.



Calendar of Upcoming Events

March 19-20, 2025: [Biennial IBA Latin American Regional Forum Conference: The Road to 2030 in Latin America](#), Lima, Peru

March 20-21, 2025: [ESIL Research Forum on “International Law in the Age of Permacrisis,”](#) Catania, Italy

April 7, 2025: [Shaping Appropriate ADR in International Law](#); ILA Committee on ADR in International Law, Florence, Italy

April 16, 2025: [22nd Institute for Transnational Arbitration-American Society of International Law Conference](#), Washington DC, USA

April 16-18, 2025: [ASIL Annual Meeting](#), Washington DC, USA

May 16-17, 2025: [Biennial Conference on International Economic Law](#), Ann Arbor, MI, USA

July 2-4, 2025: [32nd ANZSIL Annual Conference](#) | International Law: Silence, Forgetting and Remembrance, Canberra, Australia

July 7-8, 2025: [ILA-ASIL Asia-Pacific Research Forum](#) - Sustainable International Law, Taipei City, Taiwan

September 10-13, 2025: [ESIL Annual Conference](#) on “Reconstructing International Law,” Berlin, Germany

September 25-27, 2025: [ASIL Mid-Year Meeting](#), Cleveland, OH, USA

October 23-25, 2025: [International Law Weekend](#), New York City, USA

November 2-7, 2025: [International Bar Association Annual Conference](#), Toronto, Canada

American Branch of the International Law Association

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