



ILA—Founded 1873

Issue No. 94
Winter December 2014

Newsletter

Message from the President

The past year has been an exciting and successful time for the American Branch, especially in light of the great program at International Law Weekend in October and, last spring, the extraordinary ILA Biennial Conference at which we partnered with our colleagues at the American Society of International Law. Thanks to all of you in the Branch who contributed to those events as well as to all our other activities.

Special thanks to our immediate past president, Ruth Wedgwood, and the past chair of the Executive Committee, John Noyes, who have done so much to make these events successful. We are also grateful to have the dedicated support of Seana Flanagan, our membership coordinator, and Mark Cuevas, our webmaster, whose steady hands and attention to detail help keep us on track.

As we look ahead to a new year, it seems appropriate to share a few thoughts about the state of our organization and what new initiatives we might usefully consider.

Our Branch remains strong, with active and committed members and a very substantive program, including (but certainly not limited to) International Law Weekend. Many Branch committees are at work on important projects, and we are well-represented in most ILA committees and at ILA Headquarters in London. The Branch is financially sound (although fundraising remains a priority) and we continue to make progress on the “Good Governance” initiative. Our Executive Committee is energized and eager to work following the addition of newly-elected members (tip of the hat to Phil Moremen and his nominating committee).

We do face some challenges. As good as ILW has always been, it cannot be our only

(Continued on page 4)

INTERNATIONAL LAW WEEKEND 2014 — A GREAT SUCCESS

Over 1,100 private and government attorneys, law professors, U.N. personnel, NGO leaders, business people, writers and journalists, and students registered to attend International Law Weekend 2014 in New York City on October 23-25, 2014. The theme of ILW 2014 was “International Law in a Time of Chaos,” and the conference examined international law’s role in mitigating conflicts with respect to a wide range of private and public international law issues. The American Branch and the International Law Students Association jointly sponsored ILW 2014.

The opening session was held on Thursday evening, October 23rd, in the Great Hall of the Association of the Bar of the City of New York. The session featured a discussion of the roles of states, the United Nations, and international law in responding to current events in the Middle East, Russia’s actions in Ukraine, and China’s claims in the South China Sea.

On Friday and Saturday, October 24-25, Fordham Law School hosted thirty-five panels at its elegant new facilities on West 62nd Street. Many of the panels concerned topics of interest to private practitioners. Seven panels were approved for CLE credit.

Among the topics of discussion were international investment arbitration, international aspects of internal corporate investigations, third-party liability regimes in high-tech industries, global regulation of financial institutions by the Internal Revenue Service, transnational labor standards enforcement, the Transatlantic Trade and Investment Pact, the intersection of copyright and human rights law in the digital age, cross-border anti-bribery and corruption laws, and the past year’s developments in

private international law.

Other panels explored recent developments concerning human rights, the United Nations and other international organizations, self-determination, international environmental law and the challenges of geo-engineering, space law, the law of the sea and problems associated with baselines and sea level rise, international criminal law and the International Criminal Court’s crime of aggression, the role of treaties in U.S. law, the role of Islamic law in conflict mitigation, international adjudication, and international family law and the Hague Convention on the Protection of Children. A panel on pathways to employment in international law was popular with students.

Professor Lori Damrosch, the Hamilton Fish Professor of International Law and Diplomacy at Columbia Law School and President of the American Society of International Law, gave the engaging keynote address on “Democratization of Foreign Policy and International Law, 1914-2014.” Professor Damrosch explored the influence on foreign policy and international law of various trend lines, including the shift from monarchies to representative democracies, the women’s movement, self-determination and new states, and military enlistments and military governance. She reflected both on positive contributions of democratization to international law and the possibil-

(Continued on page 4)

VISIT THE AMERICAN
BRANCH WEBSITE:
WWW.ILA-AMERICANBRANCH.ORG

In Memoriam

Alfred Rubin 1931-2014



Alfred Peter Rubin, Honorary Vice President of the American Branch and Distinguished Professor Emeritus of International Law at Fletcher School of Law and Diplomacy, died peacefully at his home in Belmont, Massachusetts on November 30, 2014.

Prof. Rubin was a long-time and greatly respected member of our Branch. He served for several years as a Co-Director of Studies, was the President of the Branch from 1994 to 2000, and served as Chair of the Branch's Executive Committee from 2000 to 2004. Prof. Rubin taught public international law at Fletcher from 1973 until 2002. A graduate of Columbia (B.A. 1952 and J.D. 1957), where he was a nationally ranked foil fencer, he served in the Navy from 1952 to 1955, and then attended Jesus College, Cambridge University in the United Kingdom.

Prof. Rubin joined the Department of Defense's Office of General Counsel in 1961 and eventually became Director of Trade Control in the Office of the Assistant Secretary of Defense. In 1967, Rubin moved to the faculty at the University of Oregon School of Law, where he taught until moving to Fletcher in 1973.

At Fletcher, his course on the Introduction to Public International Law was one of the most popular, and in 1993 he was selected as the first recipient of the Paddock Cup for teaching excellence.

Besides public international law, Prof. Rubin wrote and taught about historical jurisprudence, the legal aspects of crisis management, and the law of the sea. Among his many publications were *The Law of Piracy* (revised 2d ed. 1998), *Ethics and Authority in International Law* (1997), *Piracy, Paramountcy and Protectorates* (1974), and *The International Personality of the Malay Peninsula* (1974), in addition to numerous articles, notes and reviews.

The Branch extends its sympathy to Prof. Rubin's family. He is greatly missed.

CALENDAR

ABILA, ILA, and Other Events

Conference on the CISG

On Friday, January 30, 2015, the Branch will cosponsor a one-day event entitled "Global Sales Law Conference: the Convention on the International Sale of Goods at 35," at Georgetown University Law Center in Washington, D.C. Organized by UNCITRAL's Secretariat and Georgetown's Center on Transnational Business and the Law, the conference will discuss trends in the use of the CISG in North American legal practice, the future of uniform contract law, and the promotion and role of the CISG in international economic development. Attendance is free of charge. Information and registration are available at <http://www.law.georgetown.edu/continuing-legal-education/programs/academic-conferences/patent-law.cfm>.

ASIL Annual Meeting

The annual meeting of the American Society of International Law is scheduled for April 8-11, 2015, at the Hyatt Regency Washington, 400 New Jersey Avenue NW. The theme is "Adapting to a Rapidly Changing World." Early bird registration ends January 31. Information and online registration is now available at <http://www.asil.org/event/2015-annual-meeting>.

ABA Section of International Law Spring Meeting

The International Law Section of the American Bar Association will hold its spring meeting at the Hyatt Regency Washington, 400 New Jersey Ave NW, on April 28 – May 2, 2015. Because the American Branch is a "Cooperating Entity" for this event, members of the Branch can register at the discounted ABA Section of International Law Member Rates by using the discount code "ICSM0428" on the checkout page of the online registration portal. For information about programming, social events, and hotel arrangements, consult the conference website, <http://ambar.org/ILSpring2015>. Early bird registration ends March 16.

(Continued on page 4)

News of Branch Members

Prof. Valerie Epps, Honorary Vice President of the Branch, has announced her retirement from the Suffolk University Law School, where she has taught since 1973. Prof. Epps is an active and much admired member of our Branch: most recently, she chaired and spoke at a panel during International Law Weekend 2014 titled "Secession, Self-Determination and Non-Intervention in the Age of Crimea and Kosovo." Papers from that panel have been submitted to the *ILSA Journal of International and Comparative Law*.

Prof. Epps served on the Branch's Executive Committee from 1989, as Branch Vice President from 2000-2012, and as Co-Director of Studies from 2006-2011. The fifth edition of her textbook *International Law* was published by Carolina Academic Press in 2014. Her latest book is *International Law: Examples and Explanations* (2d ed. Wolters/Kluwer 2015) (co-authored with **Lorie Graham**). Her latest article is: "Civilian Deaths in Modern Warfare: The Death of the Collateral Damage Rule," 41 *Georgia J. Int'l & Comp. L.* 307 (2013).

Prof. Leila Sadat (ABILA Vice President) and **Jennifer Trahan** (Executive Council member) both moderated panels at the 8th Annual International Humanitarian Law Dialogs, which focused on the theme, "The New World (Dis)Order: International Humanitarian Law in an Uncertain World." The Dialogs were organized by David Crane and the Robert H. Jackson Center, and were held August 25-28, at Lake Chautauqua, NY. Leila Sadat moderated a panel entitled the "Relevance of International Humanitarian Law" in 2014, featuring William Schabas, Hans Corell and David Sheffer. Jennifer Trahan moderated a panel entitled "Reflections By the Current Prosecutors," featuring the Prosecutors of the International Criminal Court, the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, the Special Court for Sierra Leone, and the Extraordinary Chambers in the Courts of Cambodia. More information about the dialogs can be found

(Continued on page 6)

NEWS OF ABILA COMMITTEES

The American Branch boasts twenty-four committees on substantive topics. If you are interested in working on a particular committee, please advise the Co-Directors of Studies, Prof. Andrea Bjorklund and Prof. Aaron Fellmeth (available at andrea.bjorklund@mcgill.ca and aaron.fellmeth@asu.edu respectively) as well as the relevant Committee chair. If, for any reason, you are no longer able to participate actively in the work of your Branch committee, please let them know as well, so they can consider nominating other candidates.

It is important to keep the Branch membership informed about developments and progress in every committee's work. We welcome short reports in the Branch Newsletter and are happy to post longer reports online. We welcome proposals for panels based on a committee's work at the fall ILW or other meetings.

International Human Rights Committee

At ILW 2014, the International Human Rights Committee organized a panel, chaired by Co-Director of Studies Aaron Fellmeth, on "Hate Speech and the Human Right to Freedom of Expression." Participating on the panel were Ruti Teitel, Molly Land, and Stanley Halpin. The IHR Committee also recently sent a stakeholder submission to the UN Human Rights Council for the 2015 Universal Periodic Review of U.S. compliance with IHRL.

International Trade Law Committee

We are pleased to welcome Amy Porges as the new chair of the International Trade Law Committee. Amy has a solo practice in Washington, DC, which focuses on international trade practice and policy, litigation before the World Trade Organization (WTO) and free trade agreements, trade negotiations, legislative advocacy, customs issues, market access and trade in digital products. Those interested in contributing to the work of the Trade Law Committee should contact Ms. Porges at ap@porgeslaw.com.

Committee on Disputes Involving States

In the coming year, the Committee plans to undertake work on issues related to evidence in international litigation, especially the unique challenges found in international litigation involving a State. Among the key issues are the kinds of evidence used in international litigation, the applicable standards and burden of proof, the use of legal and technical experts, illegally obtained evidence, issues of corruption, confidentiality, and use of evidence in parallel proceedings. These are important issues in international litigation, and most have not received the attention they deserve. A first substantive meeting is planned for ILW 2015 (early discussion drafts to be exchanged before then) with the goal of having a final product in early 2016.

Islamic Law Committee

Robert E. Michel, Chair of ABILA's Islamic Law Committee, was appointed inaugural Chair of the newly-formed Committee on Middle Eastern and North African Affairs of the New York City Bar Association. That committee is focused on issues relating to countries from Morocco through Turkey, Iran and Pakistan, including of course Israel and the Arabian Peninsula. Mr. Michel moderated a panel at ILW2015 on the Role of Islamic Law in Conflict Mitigation, including Nora Altaweel Alotaibi (Secretary of ABILA's Islamic Law Committee), Bernard K. Freamon (Co-Rapporteur of ABILA's Islamic Law Committee and Professor and Director of the Program for the Study of Law in the Middle East at Seton Hall Law School) and Haider Ala Hamoudi (also Co-Rapporteur of ABILA's Islamic Law Committee and Associate Professor of Law and Associate Dean of Research & Faculty Development, University of Pittsburgh School of Law).

Stay in touch! Join the
American Branch
group on LinkedIn.

Branch Members of ILA Committees

Being part of an ILA Committee is one of the most important and rewarding benefits of Branch membership and the most significant way in which we can contribute to the overall work of the ILA. Branch nominees are expected to participate actively in the work of their Committee (keeping in mind that they represent the Branch) and to provide short reports about Committee activities for the Branch Newsletter. ILW Panels and stand-alone events are other good ways to support a Committee's work.

The ILA Council has approved the appointment of the following ABILA members nominated by the Branch to the ILA committees indicated:

- Complementarity in International Criminal Law: Charles Jalloh and Leila Sadat
- Cybersecurity, Terrorism and International Law: Kristen Eichensehr and Mary Ellen O'Connell
- Feminism and International Law: Isabel Fernandez de la Cuesta and Lucy Greenwood
- Implementation of the Rights of Indigenous Peoples: Dalee Dorrough, Lorie Graham (chair nomination) and Siegfried Wiessner
- Intellectual Property and Private International Law: Peter Yu
- International Law and Sea Level Rise: J. Ashley Roach and Anita Halvorsen (alternate)
- Role of International Law in Sustainable Natural Resource Management: Cymie Payne
- Use of Force: Jennifer Trahan (alternate)

Can You Help with the Branch Newsletter?

The Newsletter is one of the best ways to communicate with Branch members about events and developments of shared interest. To contribute materials, to assist or to volunteer to be the editor, please email abilanews@gmail.com.

Calendar (cont'd)

(Continued from page 2)

Summer Institute for Israel Studies

Brandeis University is offering a three-week fellowship preparing faculty in any discipline to teach about Israel. The 2015 program opens with an intensive seminar at Brandeis June 15-29, followed by a study tour of Israel from Tuesday, June 30 -July 9, 2015. A stipend of up to \$2500, travel, accommodations and meals are included. Contact Anina Selve, Senior Program Coordinator, Schusterman Center for Israel Studies, at aselve@brandeis.edu or 781 736-2154 or visit <http://www.brandeis.edu/israelcenter/SIIS/>.

First Annual International and Comparative Disaster Law Essay Contest

The International Federation of the Red Cross (IFRC) has announced the "First Annual International and Comparative Disaster Law Essay Contest," co-sponsored by the American Society of International Law and the International Disaster Law Project of the Universities of Bologna, Scuola Superiore Sant'Anna, Roma Tre and Uninettuno, with support from the International Institute of Humanitarian Law. Entries are sought from graduate or undergraduate students (regardless of major/concentration) before January 30, 2015. Among the top prizes are sponsored participation in next year's week-long "International Disaster Law Course" in Sanremo (April 27 – May 2, 2015). For information, contact the IFRC at disaster.law@ifrc.org.

4th Conference of the Postgraduate and Early Professionals/Academics Network

This conference of the Society of International Economic Law (PEPA/SIEL) will take place in Milan from 16-17 April 2015. The Postgraduate and Early Professionals/Academics Network (PEPA/SIEL) fosters collaboration and mentoring opportunities for emerging academics and professionals. Contact pepa2015conference@gmail.com.

Calendar (cont'd)

77th ILA Biennial Conference

The 2016 ILA Biennial Conference will take place August 7-11 in Johannesburg, South Africa. The theme will be "International Law and State Practice: Is there a North/South Divide?" The official conference website address is www.ila2016.com.

ILA2018 Biennial will take place in Sydney, and the 2020 conference will be held in Kyoto.

ILW 2014 (cont'd)

(Continued from page 1)

ity that democratization might not lead to an optimal level of international peace and security.

A highlight of ILW 2014 was the Friday evening reception at the Permanent Mission of South Africa to the United Nations. The South African Branch of the International Law Association will host the next ILA biennial conference in August 2014.

Save The Date ILW 2015

Planning is already under way for ILW 2015, scheduled for **November 5-7** at Fordham University Law School. (The usual late October date was not available. However, "International Law Week" at the United Nations will begin on Nov. 2, so the timing will be good.)

The Program Committee includes Prof. Chiara Giorgetti, Jeremy Sharpe, Santiago Villalpando, and Tessa Walker. Norman Greene will also be assisting.

The tentative title for ILW 2015 is "Global Problems, Legal Solutions: Challenges for Contemporary International Lawyers." Look for the call for proposals in January.

Message from the President (cont'd)

substantive event. Our regional outreach can be improved to include more areas. We should be sponsoring or cosponsoring more local events. We are still hoping to find a law school willing to host ILW-West this spring (please let us know if you can help with this). We need to do a better job expanding our membership and involving international law practitioners, especially by actively recruiting younger lawyers in practice and encouraging students to continue their Branch memberships following graduation.

Our committees need to communicate more actively about their work to the Branch membership. We are already working on a redesigned and upgraded Branch website more responsive to our changing needs. We need volunteers to work on the Newsletter and to consider better ways to utilize various forms of social media.

Perhaps most importantly, I believe we need to take a broader look at ways in which the Branch can become even more productive and relevant in the rapidly evolving world of international law. In the next month or so I will be convening a small group of members to consider how we can contribute more effectively to the progressive development of international law and how we can offer our members an opportunity to participate in that process in ways that provide advantages over the activities of other professional associations in our field. The questions, simply put, are what are (or should be) the Branch's "comparative advantages," and what might we do differently or better?

I welcome your comments and suggestions on where we are and where we need to go as a Branch. We are a membership organization, so that everyone has a voice and a role to play. If you would like to participate actively in one way or another in the effort to make the Branch even stronger, or simply offer advice and counsel on new initiatives, please let me know at steward@law.georgetown.edu.

Wishing you all very Happy Holidays and a Joyous New Year.

David P. Stewart

RECENT DEVELOPMENTS

ABILA Executive Committee and Members Meetings

On Saturday, October 25, the Branch's Executive Committee convened at Fordham Law for its fall meeting.

In addition to a report by President Wedgwood on the Joint Biennial held in April 2014 with the ASIL, the Committee received a report on the ILA's Executive Council Meeting held in London on October 18 and a Treasurer's Report for the year 2014. The Committee also considered reports from the Nominating Committee (see following story) and received an update on the "Good Governance" process including the transition to an incorporated association.

The Committee adjourned briefly in order to convene a meeting of the Board of Directors of the Corporation, at which the draft Code of Conduct for the officers and directors of the Corporation was approved.

Immediately after, the Branch held a general meeting of the Branch membership at which new officers and members of the Executive Committee were announced. The next Executive Committee meeting will be on **Friday, April 10**, during the ASIL Spring Meeting in Washington.

American Branch Welcomes New Officers

As a result of votes at the American Branch's annual members' meeting in Washington, D.C. in April and at the Executive Committee meeting in New York in October, the following individuals have been newly elected to positions as American Branch officers and members of the Executive Committee:

President: Prof. David P. Stewart of Georgetown University Law Center. By virtue of American Branch bylaws, outgoing Branch President Ruth G. Wedgwood has taken office as Chair of the Executive Committee.

Honorary Secretary: Amity Boye, Director of Executive Projects at White & Case,

New York

Vice President: Anibal Sabater, Fulbright & Jaworski, New York

At-large members of the Executive Committee: Prof. Aaron Fellmeth, Sandra Day O'Connor College of Law, Arizona State University; Sherry K. Holbrook, Political Affairs Officer at the United Nations Department of Political Affairs; Gabor Rona, International Legal Director, Human Rights First; and Steven M. Schneebaum, Fox Rothschild, LLP in Washington, D.C.

Honorary Vice Presidents: Gary Horlick, Law Offices of Gary Horlick and past Vice President of the American Branch; Prof. John E. Noyes, Roger J. Traynor Professor at California Western School of Law and past President and Chair of the Branch Executive Committee; and Prof. Susan Tiefenbrun of Thomas Jefferson School of Law.

For a complete list of current American Branch officers and Executive Committee members, visit <http://www.ila-americanbranch.org/Officers.aspx> and http://www.ila-americanbranch.org/Exec_Comm.aspx

New ILSA Programs Director

Shortly after the successful conclusion of ILW2014, Tessa Walker succeeded Vivian Shen as ILSA's programs director. The programs director works closely with the American Branch on ILW. We welcome Tessa with enthusiasm. Prior to joining ILSA, she worked as a legal fellow at the International Justice Resource Center in San Francisco. Tessa received her J.D. from the University of Chicago Law School and her B.A. in Political Science and International Studies from Texas A&M University.

We are especially grateful to Vivian for her superb work over the past few years and wish her the best in her new ventures.

Good Governance

On October 25, 2014, the Board of Direc-

tors of the new Corporation formally adopted a conflict of interest policy for all officers and directors. A copy of the policy will be posted on the Branch website. The process of applying for 501(c)(3) status is moving forward; the final application should be filed shortly. The process of IRS approval can be slow, however, and a cautiously optimistic estimate for approval would be six months.

ILA Liaison to the United Nations

The Branch has nominated Arnold Pronto, Senior Legal Officer in the Codification Division of the Office of Legal Affairs, to be the ILA's liaison to the United Nations, replacing Larry Johnson, who retired as UN Assistant Secretary General for Legal Affairs in 2008. The appointment requires the approval of the ILA Executive Council.

Our thanks and appreciation to Larry Johnson for his several excellent reports to the ILA on UN activities: <http://www.ila-hq.org/en/news/index.cfm/nid/B6235C9D-7239-4F7C-BE20ED4BAB959310>; <http://www.ila-hq.org/en/news/index.cfm/nid/3DFEF68D-0368-40B8-82128F4B0416B982>; and <http://www.ila-hq.org/en/news/index.cfm/nid/50079593-8DF2-41A6-83933E06576F1960>.

DUES ARE DUE

Seana Flanagan, the Branch Membership Coordinator, has a new email: seana.ila.americanbranch@gmail.com.

If you have not yet paid your 2014 dues, please do so immediately – and why not pay 2015 at the same time! All levels of membership may now be paid by credit card through PayPal.

Please visit the Membership page of our website to get started: <http://www.ila-americanbranch.org/Membership.aspx>.

News of Branch Members (cont'd)

(Continued from page 2)

at http://www.roberthjackson.org/the-center/events/articles/article?article_id=105.



Prof. Sadat with ICC Prosecutor

From December 8-12, Prof. Sadat attended the ICC ASP in her role as Special Adviser to the ICC Prosecutor on Crimes Against Humanity. Sadat participated in the launch of the Prosecutor's new Policy on Sexual and Gender Based Crimes. She also participated, in her personal capacity, in a side event organized by the Norwegian, Danish, and Georgian governments, and the European Commission, to launch a new book on the proposed *International Convention for the Prevention and Punishment of Crimes Against Humanity*. The book was edited and compiled by Professor Morten Bergsmo, and several authors participated as well.

Dr. Wil Burns and Iyanna Dellinger, co-chairs of the ABILA Committee on International Environmental Law, have announced a new podcast series, entitled the Global Energy and Environmental Law Podcast. In their inaugural podcast (available at <http://theglobalenergyandenvironmentallaw.podbean.com>), Dr. Burns provides his views on climate geoengineering. The plan is to provide interviews every few weeks with other prominent speakers with groundbreaking and thought-provoking views on our global environment. The intent is for the series to be of an interdisciplinary nature.

NEWS OF MEMBERS

Please let us know your news, including announcements of publications, appointments, achievements, success and other noteworthy accomplishments. Simply email abilanews@gmail.com.

ABOUT THE ILA

The International Law Association (of which we are a part) was founded in Brussels in 1873. Its principal objectives are "the study, clarification and development of international law, both public and private, and the furtherance of international understanding and respect for international law. The activities of the ILA are organized by its Executive Council, assisted by Headquarters Secretariat in London.

The overall membership of the Association is currently about 3500, spread among some 52 branches worldwide. Members include lawyers in private practice, academia, government and judiciary, as well as non-lawyer experts from commercial, industrial and financial spheres, as well as representatives of international organizations, shipping and arbitration organizations, chambers of commerce, etc.

The Association's objectives are pursued primarily through the work of its International Committees. The focal point of its activities is the series of Biennial Conferences, of which 75 have so far been held in different locations throughout the

world. These conferences provide a forum for the comprehensive discussion and endorsement of the work of the Committees.

For inquiries about membership in ABILA, please contact:

American Branch of the
International Law Association
c/o Seana Flanagin
Munger, Tolles & Olson LLP
355 S. Grand Ave., 35th Fl.
Los Angeles, CA 90071-1560
Seana.ila.americanbranch@gmail.com

NEW ABILA MEMBERS

We offer a hearty welcome to the following new members since October:

Jenia Turner
Steven Schindler
Juan Laureda
Ivana Stolnik
Briceyda Landaverde
Ketevan Khusishvili
Peter Margulies
Milena Sterio
Stanley Halpin
Mary Humphreys
Evan Baran
Ayumi Kusafuka
Daniel Haboucha
George A. Long
Tais Laureano
Nancy Combs
Bruce Rashkow
Daniel Costelloe
Julie Brooks
Stacy-Ann Elvy
Monica Feltzer
Carter Eltzroth
Gabor Rona
Esme Grant
Lisa G. Coyle
Kristen Boon
Annelle Urriola
Brian Abrams
Steven Snell

RECRUIT A NEW MEMBER

Every Branch member is encouraged to recruit at least one new member in the next two months. Joining is easy: For the membership brochure, go to <http://www.ila-americanbranch.org>.

BOOK REVIEWS

The Branch has an arrangement with Oxford University Press. If you would like to contribute a book review, please contact **Tiffany Basciano** at tbascia1@jhu.edu. Please specify the book you have in mind.

(Continued on page 7)

ILA EXECUTIVE COUNCIL MEETING

Some 24 national branches were represented at the ILA fall Executive Council meeting in London on October 18, 2014.

ILA Vice-Chair Bruce Mauleverer was elected Patron of the Association; Honorary Secretary General David Wyld was elected Vice-Chair; and Dr. Antonios Tzanakopoulos (British Branch) was elected Honorary Secretary General. Among other significant developments, a committee (including inter alia ILA President Ruth Wedgwood) was appointed to review and redraft the Association's mission statement. Prof. Catherine Kessedjian reported on the activities of (and contributions to) the Scholarship Fund recently established to assist younger scholars from less developed countries to attend ILA meetings. At the 2014 Regional Conference in Sounion, eight scholars received such assistance.

Two new ILA Committees were approved: one on Sustainable Development and the Green Economy in International Trade Law (co-chaired by Prof. Mary Footer and Prof. Meredith Kolsky Lewis) and the other on Global Health Law (chaired by Prof. Frederick Abbott of the American Branch and Brigit Toebes). Two new Study Groups were also approved: UN Sanctions and International Law (chaired by Larissa van den Herik and the American Branch's Prof. Kristen Boon) and Individual Responsibility in International Law (co-chairs are ABILA's Prof. Chimène Keitner and Prof. Lorna McGregor).

Three existing committees, having completed their mandates, were "wound up": International Trade Law, Reparation for the Victims of Armed Conflict, and The Legal Principles Relating to Climate Change. The International Family Law Committee was also wound up to allow the possibility that a mandate for a new committee in this rapidly evolving field might be re-formulated.

Finally, national branch representatives participated in a very productive round table discussion convened by the Presidents of the Canadian and French Branches to share "best practices" and related experience of ILA Branches. Members shared the experiences

of different branches regarding a number of issues that might be useful to attract more members, deal with competition with other organizations, and in general raise the standard generally of national branches.

Among the topics considered were categories of membership (student, regular, corporate, patrons, etc.) and the overall composition of membership (e.g., practitioners vs. academics); the benefits of having active Directors of Studies; encouraging membership from the judiciary and in-house counsel; holding events in all major cities around the country; organizing different types of events such as short seminars, lunchtime presentations, one-day meetings, longer events (such as ILW) and yearly conferences, moot court competitions, and seminars and discussions groups in universities; organizing inter-branch activities; establishing branch committees to parallel or mirror ILA committees; getting sponsorships from law firms, publishers, and government agencies; and actively communicating with members via newsletters, Facebook and Twitter, websites, etc.

The next ILA Executive Council meetings in London are scheduled for April 25 and November 14.

NEW ABILA MEMBERS (CONT'D)

(Continued from page 6)

As of the end of 2014, the Branch membership stood at 390, of which 294 were individuals; 14 were organizations or institutions, and 83 were student associates. By contrast, some 1100 people registered for ILW 2014.

Every ABILA member is urged to recruit at least one new member over the next two months. Our goal continues to be to double the number of individual members this coming year, especially by reaching out to students, recent graduates and younger practitioners.

ILW 2014 Sponsors

The American Branch is grateful to the following sponsors of ILW 2014:

American Bar Association Section of International Law
American Society of International Law
American University Washington College of Law
Arizona State University College of Law
Association of the Bar of the City of New York
Association of the Bar of the City of New York, European Affairs Committee
BitFury
Boston University School of Law
Brill/Martinus Nijhoff
Cardozo Law School
Case Western Reserve University School of Law
Columbia Law School
Cornell Law School
Debevoise & Plimpton LLP
Federalist Society
Fletcher School of Law & Diplomacy, Tufts University
Foley Hoag LLP
Georgetown University Law Center
George Washington Law School
Human Rights First
International & Non-J.D. Programs, Fordham University School of Law
Johns Hopkins University, School of Advanced International Studies
Leitner Center for International Law and Justice, Fordham University School of Law
Lucinda Low & Daniel Magraw

Updating the Branch Website

Our webmaster, Mark Cuevas, is working on updating our website to improve its utility and flexibility, including for Committee purposes. He would welcome the advice and assistance of a few Branch members with an interest (and perhaps some experience) in this area.

If you can help, contact Branch President David Stewart.

ILW 2014 Sponsors (cont'd)

(Continued from page 7)

New York University School of Law
New York University School of Professional
Studies Center for Global Affairs
Oxford University Press
Princeton University, James Madison Pro-
gram
Princeton University, Law and Public Affairs
Program
Rutgers School of Law - Camden
School of Advanced International Studies,
Johns Hopkins University
St. John's University Law School
University of Maine School of Law
University of Nebraska Law School
University of Pennsylvania Law School
University of Virginia School of Law
Wachtell, Lipton, Rosen & Katz
Washington and Lee School of Law
Yale Law School

For information about ILA, ABILA and
co-sponsored events, please see:

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OUR BETTER PREDECESSORS: HELMUTH JAMES GRAF VON MOLTKE (1907-1945)

By Anfbal Sabater, ABILA Vice-President

Lawyerly vocations are capricious creatures that can make late appearances. Acquiescing to paternal preference, Thomas More became a lawyer after having seriously considered the life of the friar and the philosopher; and Abraham Lincoln began his “experiment as a lawyer,” after stints in the Illinois militia, a flatboat, a general store, New Salem’s postmaster office, and the county surveyor’s business. A notable contrast, Helmuth James Graf von Moltke seems to have been determined to become a lawyer since his early youth.

OUR BETTER PREDECESSORS: HELMUTH JAMES GRAF VON MOLTKE (1907-1945) (cont'd)

From his father’s side, he was the great-grand-nephew of Helmuth von Moltke the Elder, hero of the Austro-Prussian and Franco-Prussian wars; from his mother’s, the grandson of James Rose Innes, Chief Justice of the Union of South Africa. Born in Silesia to the German landowning nobility, the younger von Moltke studied law in Berlin and Oxford, worked strenuously to avoid the bankruptcy of his family estate, declined a German judgeship that would have required him to become a Nazi party member, opened his own practice in Berlin (specializing in private international law), trained for three years to become a barrister, applied to the Inner Temple, and started to search for office space in London.

World War Two interrupted his plans. In September 1939 he decided to stay in Germany, wedding his fate to his country’s. Within weeks, he was drafted to work as a military lawyer in the Office for Foreign Affairs and Counterintelligence of the Abwehr’s High Command in Berlin.

Largely indifferent to the expectations, pressures, and empty promises of the powers that be, Helmuth James von Moltke wrote and sent to his army superiors scores of memoranda insisting that Germany must abide by international law, codified or customary, in all things warlike—treatment of occupied populations, civilians, prisoners of war, irregular combatants, neutral countries, etc. With the support of the anti-Hitlerite Admiral Canaris, von Moltke saw some of the advice in his memoranda followed, which for instance helped save the lives of many prisoners of war.

But that was the exception—most of his work was disregarded. After a long session explaining a legal issue at the High Command, von Moltke remarked, “there was not much tangible result, but that was not intended.” The utilitarian observer may wonder what is the point of giving legal advice that one knows will not be heeded. For von Moltke this was not a question even worth asking. “I’m not at all impatient and don’t expect anything around the next corner”—what matters “is only the certainty of being

on the right path and on a path that leads somewhere,” he wrote to his wife during a particularly busy time at the High Command.

A friend who saw him during the war remembered later that “The young man who enjoyed life had become a serious man. The driving force in his character was a deeply religious feeling for his fellow men. And yet he was the sharpest legal intellect I had ever encountered.”

By 1940 von Moltke had become the reluctant leader of a small group of individuals who were making plans for a post-war, non-authoritarian federal Germany. History knows the group as the Kreisau Circle and acknowledges it as one of the few organized dissident efforts made within the Third Reich.

No longer tolerating his activities, the regime eventually arrested von Moltke in January 1944. For months, he was tortured and kept in prison without charges.

Eventually, in October 1944 he was arraigned for defeatism and failure to report treasonous activities. On January 11, 1945, the People’s Court presided by the ignominious Roland Freisler sentenced him to death, and on January 23, 1945 (seventy years ago now) had him executed at the Berlin-Plötzensee Prison. He was 37. A faithful Protestant and committed family man, the farewell letter he wrote to his wife and two children says: “The task for which God made me is done.”

Speaking on the 100th anniversary of his birth, Chancellor Angela Merkel noted: “Yes, ladies and gentlemen, [von Moltke’s] task was done. But this task endured and continues to endure until today and—I say this quite consciously—will endure into the future.” Urging the audience to garner strength for the difficulties ahead, she then added, von Moltke’s “is a legacy of peace, freedom, tolerance, respect for human rights, and personal courage.”