

# NEWSLETTER

American Branch of the International Law Association

March 2016

## International Law Weekend 2016

October 27-29, 2016 in New York City

International Law Weekend 2016 (ILW 2016) – the Branch's premier event of the year – is scheduled for October 27-29, 2016 in New York City. The conference will be held in conjunction with the American Branch's 95th annual meeting. The venues for ILW 2016 will be the New York City Bar Association (42 West 44th Street) on October 27, 2016 and Fordham Law School (150 West 62nd Street). Mark your calendars now!

ILW 2016 is sponsored and organized by the American Branch of the International Law Association (ABILA) and the International Law Students Association (ILSA). In the past several years, this annual conference has attracted an audience of more than one thousand academics, practitioners, diplomats, members of governmental and nongovernmental organizations, and law students. This year's program promises to be just as successful.

The unifying theme for ILW 2016 is "International Law 5.0." The world is changing at an accelerating rate. From technological advances to environmental transformations, international lawyers are forced to confront emerging forces and new scenarios. Even settled principles of law are no longer settled.

*(Continued on page 2)*

### ILW 2016

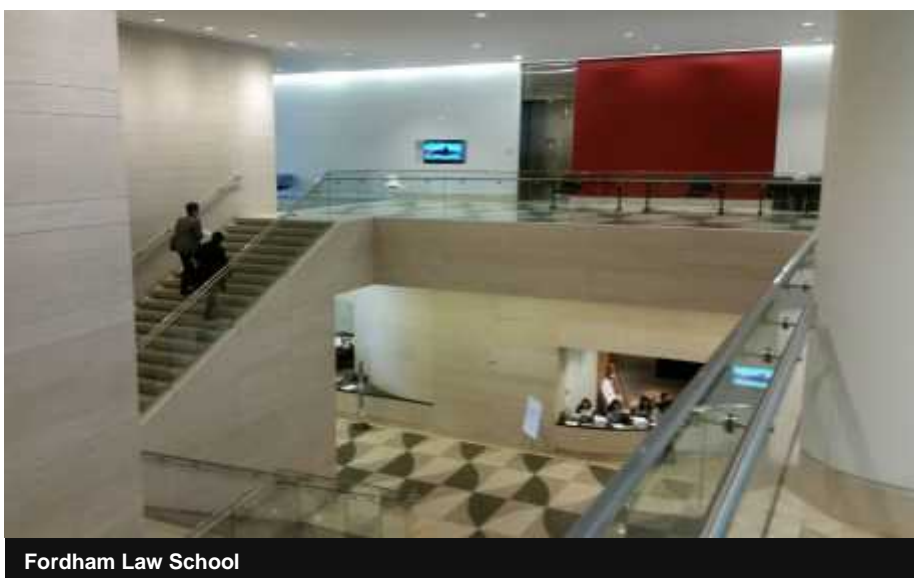
**Call for Panel Proposals:**

**DEADLINE: April 9, 2016**

The ILW Organizing Committee has invited proposals for panels to be submitted online by April 9, 2016. Panels will only be accepted through the **online ILW Panel Proposal Submission Form**, which is located at <https://www.ilsa.org/conferences/international-law-weekend-ny>.

Panel proposals may concern any aspect of contemporary international law and practice including, but not limited to, international arbitration, international environmental law, national security, cyber law, use of force, human rights, international humanitarian

*(Continued on page 2)*



### In This Issue

- J International Law Weekend 2016
- J Call for Panel Proposals
- J ILA Biennial 2016
- J Good Governance Initiative
- J ILW 2015 Cosponsors



Fordham Law School

## International Law Weekend 2016

(Continued from page 1)

These tectonic shifts have been felt throughout the geography of international law. Legal professionals at every level – local, national, regional, and international – must change their practice to meet a changing world. Innovation will become necessary for survival.

ILW 2016 will explore these issues through a diverse collection of engaging and provocative panels. Many of the more than 30 panels will qualify for CLE credit. We expect the audience to include practitioners, academics, UN diplomats, business leaders, federal and state government officials, NGO leaders, journalists, students, and interested citizens. We plan to have a broad array of both public international law and private international law topics in each program time slot.

The opening panel, scheduled for Thursday evening, will address the topic of “Leadership Transitions and International Law.” Friday’s Keynote Address will be given by Lucinda Low, the incoming President of the American Society of International Law. As in prior years, a reception is planned for Friday evening at a UN Mission.

This year’s Organizing Committee is co-chaired by Profs. William Aceves and Peter Yu, and includes Samuel Baumgartner, Carlos Fuentes, Rahim Moloo, and Jessica Simonoff, as well as ILSA’s Program Director Tessa Walker and ABILA President David Stewart.

Following ILW, the *ILSA Journal of International and Comparative Law* will publish an issue of the Journal that contains many of the papers presented at International Law Weekend. This issue is titled “The International Practitioner’s Notebook.” An electronic version of this issue will be sent to all American Branch members.

### Call for ILW Panel Proposals

(Continued from page 1)

law, international organizations, international criminal law, international intellectual property, the law of the sea and outer space, and trade law. When submitting your proposal, please identify the primary area(s) of international law that your proposed panel will address.

Submissions must include the names, titles, and affiliations of the chair and likely speakers. One of the objectives of ILW 2016 is to promote dialogue among scholars and practitioners. Panels should include presenters with diverse experiences and perspectives. Please indicate whether you are an *ABILA member* and whether or not your panel is *sponsored by an ABILA committee*.

Please identify what format you propose for your panel. We welcome various formats such as debates, roundtables, lectures, and break-out groups, as well as the usual practice of panel presentations.

We encourage you to consider taking the necessary steps to qualify your panel for CLE credit. We hope to offer several CLE panels. For questions regarding ILW 2016, please contact [conferences@ilsa.org](mailto:conferences@ilsa.org).

VISIT THE AMERICAN  
BRANCH WEBSITE:  
[WWW.ILA-AMERICANBRANCH.ORG](http://WWW.ILA-AMERICANBRANCH.ORG)

## Branch Board of Directors Meeting April 1, 2016

The next meeting of the Branch Board of Directors will take place on Friday, April 1, from 3:00-4:30 pm in the Glacier Room of the Hyatt Regency Hotel in Washington in conjunction with the Annual Meeting of the American Society of International Law. All members of the Board are expected to attend in person or by teleconference. Those who are unable to attend should communicate promptly with the Branch's Honorary Secretary. The agenda and associated reports have been circulated to Board members.



Sandton Convention Center, Johannesburg, South Africa

## Please Pay Your ABILA Dues Now

ABILA charges dues on a calendar year basis (from January to December each year). As we finish the 1st quarter of the dues year, please remember to renew your dues).

You can renew your dues online at: <http://www.ila-americanbranch.org/Membership.aspx>. If you would like to pay by credit card, but not through PayPal, please contact Seana at (213) 593-5305.

If you prefer to mail a check, send it (payable to the American Branch, International Law Association) to:

Seana Flanagin,  
c/o Munger, Tolles & Olson LLP,  
355 South Grand Ave., 35th Fl.,  
Los Angeles, CA 90071-1560

We look forward to your continued membership.

## ILA BIENNIAL 2016

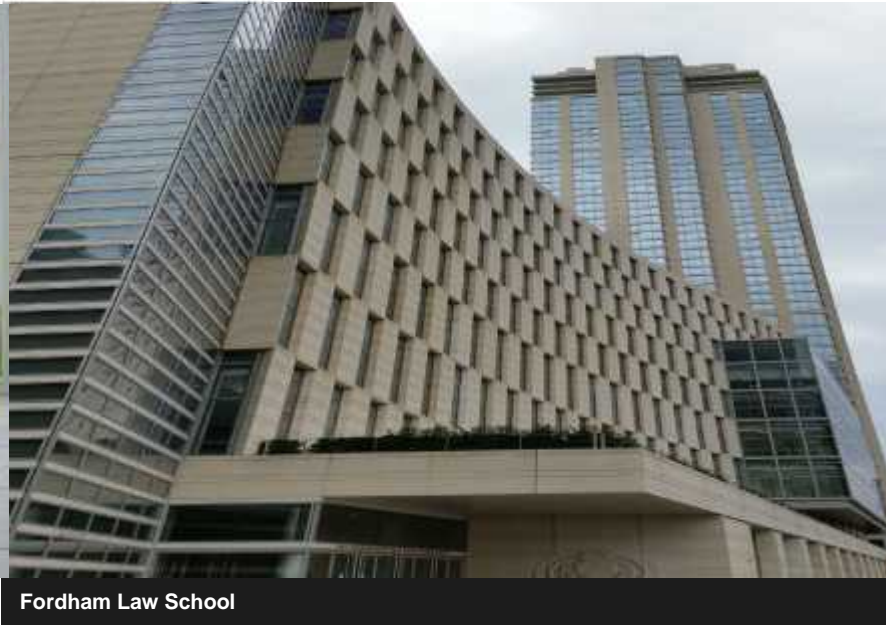
Johannesburg, South Africa  
August 7-11, 2016

The 77th ILA Biennial Conference will take place August 7-11, 2016 in Johannesburg, South Africa. The theme is ***International Law and State Practice: Is There a North/South Divide?*** As usual at ILA Biennials, the conference will include plenary sessions and addresses as well as both open and closed (working) meetings of ILA committees and study groups.

Among the topics to be addressed are such diverse subjects as Sovereign Bankruptcy, Use of Force, Africa's Illegal Capital Flight, Marine Bio-diversity, Business and Human Rights, UN Sanctions, Global Health Law, Sustainable Natural Resources, International Securities Regulation, Cultural Heritage Law, Teaching International Law, Principles of Engagement if Domestic Courts with International Law, Due Diligence in International Law, International Law and Sea-Level Rise, the International Criminal Court, Space Law, Baselines and the International Law of the Sea, Preferential Trade Agreements, and Rule of Law and Investment Law. For additional information, and to register, go to the official conference website: [www.ila2016.com](http://www.ila2016.com).

The American Branch has made a contribution of \$5000.00 (£3492.35) to the ILA Scholarship Fund to support the participation of younger scholars and practitioners in the Biennial (especially those from the region who would otherwise be unable to attend).





## INTERNATIONAL LAW WEEKEND 2015

Last year's ILW, which took place November 5-7 in New York City, was a large and successful event, with more than 1000 people in attendance. The overall theme was "Global Problems, Legal Solutions: Challenges for Contemporary International Lawyers."

The event opened with a stimulating panel discussion on Thursday evening on the "The Rule of Law and the Post 2015 Development Agenda," which was warmly welcomed by a standing room only audience. This event, organized by ABILA in consultation with the ABA's Section on International Law and the New York City Bar Association, featured a dialogue with senior UN officials and representatives of member states on efforts to advance the UN Rule of Law Initiative and to achieve the Sustainable Development Goals (SDGs) over the next fifteen years.

Members of the panel included Amb. David Donoghue, Ireland's Permanent Representative to the United Nations; Amb. Juan Manuel Gómez Robledo, Member of the International Law Commission; Lise Kingo, Executive Director of UN Global Compact; and Irene Z. Khan, Director General of the International Development Law Organization. ABILA President David Stewart moderated.

Two days of substantive panel discussions followed on a wide range of current topics, and many of the presentations were also SRO.

The Friday Keynote Address was given by Amb. Miguel de Serpa Soares, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel. Amb. Serpa Soares oversees the UN Office of Legal Affairs, which employs approximately 200 staff of more than 60 nationalities. Previously he had been Director General of the Department of Legal Affairs of the Ministry of Foreign Affairs of

*(Continued on page 8)*

## GOOD GOVERNANCE INITIATIVE

The American Branch has recently completed its transition from an unincorporated association to a not-for-profit non-stock Delaware corporation.

From its founding in 1922, the American Branch existed as an unincorporated association, operating under a Constitution and Bylaws that were amended from time to time.

In 2009 the American Branch instituted a "good governance" review process. Cynthia Lichtenstein, Houston Putnam Lowry, and Susan Tiefenbrun were the members of the Good Governance Committee, and Catherine Amirfar (and a series of other attorneys at Debevoise & Plimpton) provided essential legal counsel.

After an extensive investigation and discussion of options, the Good Governance Committee recommended, and the Executive Committee approved, the transition to a not-for-profit, non-stock corporation in Delaware. The Executive Committee approved final amended corporate documents in March 2011, in preparation for a vote of Branch members. American Branch members approved the switch to the new form of governance at its annual meeting in October 2011, subject to several further steps.

First, the ILA (London) Executive Council had to amend its Constitution to allow participation by incorporated branches and had to approve the American Branch's new constitution. Those steps were taken in August 2012 at the ILA biennial conference in Sofia, Bulgaria.

*(Continued on page 5)*

Second, the Branch's new Certificate of Incorporation was filed in Delaware on October 23, 2012. Third,

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## GOOD GOVERNANCE INITIATIVE (CON'T)

*(Continued from page 4)*

the Board of the new corporation – whose membership duplicated that of the then-current officers and Executive Committee members of the unincorporated American Branch – approved various corporate resolutions on October 27, 2012. Fourth, the new corporation applied for IRS recognition of its tax-exempt 501(c)(3) status, which was issued on May 21, 2015.

From October 2012 to January 1, 2016, the new corporation existed only as a shell. The Branch's membership gave approval to a final series of steps (including a transfer of assets to the new corporation, a dissolution of the unincorporated Branch entity, and the beginning of operations under the new corporate governance structure) in November 2015. The Branch began operating as a new corporation on January 1, 2016.

In recognition of the importance of a continuing good governance oversight process, the Branch Executive Committee has approved Nancy Thevenin, Anibal Sabater, and Amity Boye as members of a Good Governance and Best Practices Committee.

*(Continued on page 7)*

The American Branch has taken other steps as part of its good governance initiative. The corporation's membership



## ILW-WEST 2016 - Brigham Young University Law School January 29, 2016

In addition to the fall ILW weekend in New York City, the Branch also sponsors "regional" international law weekends at cooperating law schools around the country, in order to support their international law programs and to help bring preeminent experts to talk about current issues of international importance. Over the past several years, we have sponsored ILW/West and ILW/Midwest in alternating years. We are hoping to arrange additional regional events every year and to vary their locations.

This year, ILW West was held at Brigham Young University Law School in Provo, Utah on January 29. The theme was "International Law in a Divided World." An exceptionally strong program of panels, roundtable discussions, and keynotes addressed issues such as income inequality, international arbitration, corruption, the Middle East and the Islamic State, the European migration crisis, disasters and international law, the Presidential power to implement treaties, and career opportunities for students considering a future in public or private international law.

The conference was organized by BYU Law Professor David H. Moore and drew expert participants from across the country, representing such diverse institutions as Texas A&M University School of Law, the Wharton School, Georgetown University Law Center, the U.S. Air Force, the FBI, private law firms, and business corporations.

Additional regional events are planned for 2016 and 2017.



# ILA Executive Council Meeting (November 2015)

The Executive Council of the International Law Association met in London on November 14, 2015, with over forty officers and representatives of national branches in attendance. Branch President David Stewart and past President John Noyes represented the American Branch, and Cynthia Lichtenstein and Ruth Wedgwood were present in their capacities as ILA Vice-Chair and ILA President, respectively.

The Association reported healthy finances as of October 31, 2015, with a total general fund balance of £197,915 pounds and a scholarship fund balance of £12,300. The scholarship fund is used to support student or early career professionals' attendance at ILA conferences. The 2016 provisional budget shows income of £113,800 and expenditures of £127,962.

A proposal for a new Committee on the Procedure of International Courts and Tribunals was deferred until the May 2016 Executive Council meeting pending further study of the scope of issues to be studied and consideration of involving more practitioners in the work of the Committee.

Several American Branch members were approved as members of existing ILA committees and study groups, including Ruth Atherton and Larry Gostin on the Global Health Law Committee, Larry Johnson on the Committee on Nuclear Weapons, Non-proliferation and Contemporary International Law, Louise Ellen Teitz on the Committee on Protection of Privacy in Private International and Procedural Law, Beth Stephens on the Business and Human Rights Study Group, and Gary Horlick, Amelia Porges, and Paolo Davide Farah on the Preferential Trade Agreements Study Group.

Other American Branch members have taken on leadership roles. Charles Jalloh will become Rapporteur of the Committee on Complementarity in International Law, Christina Mariottini the Co-Rapporteur of the Committee on Protection of Privacy in Private International and Procedural Law, and Kristen Boon the Co-Rapporteur of the UN Sanctions Study Group.

The meeting heard a report on planning for the 77th ILA Biennial conference, to be held in Johannesburg, South Africa August 7-11, 2016. A nine-member Steering Committee has been established, and the host South African Branch has launched a website (<http://ila2016.com/>) with details about the conference.

Future biennial conferences are scheduled for Sydney, Australia in 2018, Kyoto, Japan in 2020, and Portugal in 2022. Plans are also being discussed for a celebration in Paris in 2023 to mark the 150th anniversary of the ILA.

The Council welcomed new branches from Cyprus and Pakistan. With these and other recently formed national and regional branches (from Belarus, the Caribbean, Indonesia, and Singapore), the ILA is now comprised of 57 branches.

Upcoming meetings of the Council are scheduled for May 7, 2016 and November 12, 2016 in London, as well as during the ILA biennial in Johannesburg, South Africa in August 2016.

*Submitted by John E. Noyes*

## 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](mailto:abilanews@gmail.com).

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## Next Members Meeting

The next annual of the Branch membership will be Saturday, October 29, 2016

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## Branch Patrons

Our thanks to our  
ABILA Patrons:

- Charles N. Brower
- Lee Buchheit
- David D. Caron
- Christina Cerna
- Edward Gordon
- Tony Lee Larson
- Cynthia Lichtenstein
- Houston Putnam Lowry
- Roberto Aquirre Luzi
- John F. Murphy
- James A. R. Nafziger
- Ved P. Nanda
- Andre Newberg
- John E. Noyes
- Aníbal Sabater
- Paul B. Stephan
- David P. Stewart
- Ruth Wedgwood

## GOOD GOVERNANCE INITIATIVE (CON'T)

(Continued from page 5)

and Board have approved a conflict-of-interest policy for the Branch. The Branch also maintains Directors & Officers (D&O) insurance.

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### Do you like the New Look ?

We're trying out some different formats for the Newsletter. Please let us have your comments and suggestions. Thanks to Seana Flanigan!

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## RECRUIT A NEW MEMBER

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

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

# AMERICAN BRANCH COMMITTEES

The **International Humanitarian Law Committee** organized a panel for ILW 2015 entitled: "The Department of Defense Law of War Manual: The Tension between State and Non-State Expressions of Customary International Humanitarian Law." The panel focused on the formation of customary international humanitarian law through practice and opinio juris of States and how other actors – such as the ICRC, NGOs, academics, or non-State parties to a conflict - also indirectly contribute to shaping customary law. The panelists discussed concrete examples such as the new DoD Law of War Manual and the International Committee of the Red Cross Study on customary international humanitarian law, and explored the strengths and weaknesses of various expressions of customary law. A full report of the panel can be found on the IHL Committee webpage.

*Submitted by Committee Chair **Andrea Harrison***

The **International Criminal Court Committee** released a document entitled "Libya & the International Criminal Court: Questions and Answers. The Libyan Death Sentences against Saif Al-Islam Gaddafi and Abdullah Al-Senussi & the ICC's Admissibility Rulings." The report was distributed at the Annual Assembly of ICC States Parties meetings, in The Hague, Netherlands, in November 2015. The Committee also sponsored a panel at ILW 2015 entitled "Accountability for Crimes in Syria and Iraq."

*Submitted by Committee Chair **Jennifer Trahan***

The **International Human Rights Committee** hopes to take on a student volunteer to help it determine which U.S. appellate cases might benefit from an amicus brief illuminating the requirements of international human rights law. The committee also intends to coordinate with the Formation of Customary International Law Committee in its proposed study of customary human rights law. Finally, the committee intends to organize a large conference at Arizona State University in the next 1-2 years on the role and rights of individuals in public international law.

*Submitted by Committee Chair **Aaron Fellmeth***

The **International Intellectual Property Law Committee** will continue the project under its biennial mandate, which aims to study the interrelationship between IP and human rights, drawing on panel discussions at ILW 2013 and 2014 and a conference on "Intellectual Property and Human Rights" at American University Washington College of Law. The committee chair, Peter Yu, wrote an article on "The Anatomy of the Human Rights Framework for Intellectual Property," forthcoming from the Southern Methodist University Law Review. At ILW 2015, the Committee sponsored a panel on "TRIPS Agreement at 20." Commemorating the 20th anniversary of the entering into effect of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights, this timely panel explores the Agreement's effectiveness, strengths and weakness as well as the future challenges in the international intellectual property field. Serving as panelists are Tahir Amin (I-MAK), Doris Long (John Marshall), Timothy Trainer (Global IP Strategy Center), and Peter Yu (Texas A&M).

*Submitted by Committee Chair **Peter Yu***

The **Islamic Law Committee** is working on two projects: one will be an edited volume on the relationship of international humanitarian law to Islamic law, and the other will involve position papers respecting Islamic law on (such as its relation

*(Continued on page 9)*





## BRANCH MEMBER NEWS

**Prof. Sean D. Murphy** of George Washington University Law School has been nominated by the U.S. government for reelection to the UN International Law Commission in November 2016 for a second five-year term. His second report on crimes against humanity will be debated by the Commission during its summer 2016 session. Murphy will also deliver lectures at The Hague Academy of International Law in July 2016 on the topic “International Law Relating to Islands.”

**Prof. John E. Noyes** published “The Law of the Sea Convention and the United States of America,” 47 *Revue belge de droit international* 15.

**Prof. Jennifer Trahan** recently published “Defining The ‘Grey Area’ Where Humanitarian Intervention May Not Be Fully Legal, But is Not The Crime of Aggression,” 2 *Journal on the Use of Force and Int’l Law* 42 (2015), and “The ICTY Appellate Chamber’s Acquittal of Mom ilo Periši : The Specific Direction Element of Aiding and Abetting Should be Rejected or Modified to Explicitly Include a ‘Reasonable Person’ Due Diligence Standard,” 40 *Brooklyn Journal of International Law* 171 (2015) (co-author).

**Prof. Chimène Keitner**, Harry & Lillian Hastings Research Chair & Professor of Law at UC Hastings College of the Law, has published the 4th edition of *International Law Frameworks* in West’s Concept & Insights series. This popular concise treatise, originally written by the late David J. Bederman, has earned praise for its engaging and accessible style, and is designed for use by both students and practitioners.

**Arnold Pronto** is the ILA’s liaison to the United Nations.

**Vice President Aníbal Sabater** will represent the Branch at the ABA’s UN Day. **ILA President Ruth Wedgwood** will represent the ILA itself.

**Bruce Rashkow** is the liaison to the Branch from the ABA Section of International Law.

## OTHER NEWS

The Branch is a cosponsor of the ASIL Annual Meeting, to be held in Washington from March 30-April 2, 2016.

The Branch is also a “non-financial co-operating entity” for the 2015 Spring Meeting of the ABA Section of International Law, to be held in Washington, D.C. from April 28 – May 2, 2015.

## INTERNATIONAL LAW WEEKEND 2015

*(Continued from page 4)*

Portugal. Earlier in his career, he acted as Legal Adviser to the Permanent Representation of Portugal to the European Union, Brussels (1999-2008).

A delightful reception took place on Friday evening at the Mission of the Republic of Singapore to the United Nations.

As in previous year’s, Saturday’s program included a number of “workshop” panels on employment prospects for students interested in careers in international law.

Thanks to the ILW 2015 Organizing Committee for a great job: the Committee included Chiara Giorgetti, Tessa Walker, Jeremy Sharpe, Santiago Villalpando, and David Stewart.

## MEMBER NEWS

Please let us know your news, including announcements of publications, appointments, achievements, success and other noteworthy accomplishments.

Simply email  
[abilanews@gmail.com](mailto:abilanews@gmail.com).



## SEVENTY-FIVE YEARS AGO AT THE AMERICAN BRANCH

The American Branch Executive Committee met on April 7, 1941, and the Branch's annual meeting and dinner were held on May 12. John K. Loughlin of Philadelphia was elected President, succeeding Lewis M. Isaacs of New York, and Pieter J. Kooiman was reelected as Secretary and Treasurer.

The 1941 Branch membership roll listed 171 members; annual dues for an individual were \$5.00 per year.

Much discussion at the meetings focused on the challenges of World War II. Arthur K. Kuhn noted, as one indication of the Association's "constructive work," that the U.S. Secretary of State and Secretary of War "both had referred to the [ILA's] Budapest Rules on the obligations of neutrals as one of the pillars of U.S. foreign policy."

Some members urged additional financial support for the Association as it tried to survive economically despite the lack of contributions from occupied countries during the War. Others noted competing demands on the finances of Branch, which had a balance on hand of only \$873.76. The issue of support for Headquarters was left to the discretion of the Executive Committee, which ultimately sent a special contribution of £50 to London.

The 1941 annual dinner featured a speech by Count Richard N. Coudenhove Kalergi, one of the early proponents of European integra-

*(Continued on page 10)*

## AMERICAN BRANCH COMMITTEES (CONT'D)

*(Continued from page 7)*

to slavery (given the ISIS practices) and Islamic financial issues.

*Submitted by* Committee co-chair **Haider Ala Hamoudi**

**The Committee on the Law of the Sea** sponsored an ILW 2015 panel entitled "Rising Seas, Baselines Issues: The Work of the ILA Baselines and Sea Level Rise Committees." It will be submitting proposals for ILW 2016.

*Submitted by* Committee Chair **George K. Walker**

**The Space Law Committee** sponsored an ILW 2015 panel on one "Regulating On-Orbit Activities and Property Rights in Outer Space: Translating Broad, Open and (Sometimes) Conflicting Principles of International Law into U.S. and Other National Regimes." In addition to proposing an ILW 2016 panel, it intends to organize research on (1) liability for accidents in space that would address possible changes to the current Liability Convention; (2) how to manage both the scientific and commercial utilization of resources in space as the technology of the 21st Century develops sufficiently to enable governments and companies to reach and use those resources that are found on the Moon, Asteroids, and other planets such as Mars; and (3) regulation of on-orbit or in-space activities, to include mining, on-orbit servicing of satellites, etc. With Congress set to reexamine the Commercial Space Law Amendments Act in 2015, the Committee will consider preparing letters and/or short issue briefs to educate members of Congress on key issues, including those related to liability, on-orbit jurisdiction, and property rights that the Committee is or will be focusing on in its panels and research. In addition, it will consider sponsoring panels at ABILA regional conferences.

*Submitted by* Co-Chairs **Matthew Schaefer** and **Henry Hertzfeld**

**The United Nations Law Committee** organized an ILW 2015 panel titled "The Challenges of Pandemic Response: Lessons from the Ebola Crisis and Future International Action," featuring Laurie Garrett of the Council on Foreign Relations, Suerie Moon of the Harvard Global Health Institute, and Prof. Steven Hoffman of the University of Ottawa Faculty of Law. In conjunction with the International Organizations Interest Group of the American Society of International Law, the Committee is also in the process of organizing an international organization-specific careers panel, to be held in early 2016.

*Submitted by* Co-Chairs **Noah Bialostozky** and **Matthew Hoisington**

**The Use of Force Committee** welcomed Daniel Joyner as deputy chair and plans to submit proposals for ILW 2016 panels devoted to use of force law topics and, where appropriate, sponsor panels on these topics at ILW Midwest and ILW West. It intends to explore the use of podcasts to permit participation by remote access to panelists and other contributors. Topics will focus on committee members' recent scholarship on the use of force and related legal subjects. Finally, the committee intends to work in conjunction with contributors to major online legal blogs to advance participation in committee activities and discussion of use of force legal issues and related topics.

*Submitted by* Committee Chair **Jack Beard**

*(Continued on page 11)*

## ILA COMMITTEES

On February 19, 2016, the **Global Health Law Committee** (GHLC) submitted two proposals to the United Nations High Level Panel on Access to Medicines. The Panel will finalize a report and recommendations to the UN Secretary General in June 2016. The first proposal related to establishment of an Essential Medicines Patent Pool; the second proposal involved a Framework Convention on Pharmaceutical Innovation and Its Related Protocols. See [http://frederickabbott.com/ila\\_global\\_health](http://frederickabbott.com/ila_global_health). The GHLC met in London on March 11, 2016 at the headquarters of The Lancet to discuss papers they are preparing as part of the Committee's work program and report for the August 2016 ILA Biennial in Johannesburg.

*Submitted by* **Frederick Abbott**, co-chair of the GHLC and a member of the UN Expert Advisory Group appointed to assist the High Level Panel.

The **ILA Committee on Use of Force** remains engaged in the drafting of a report on "Aggression and the Use of Force." Since convening at the 2014 biennial meeting in Washington, D.C., at which the Committee sponsored a panel, Committee members have submitted written comments with respect to the draft report presented at that meeting. Based on those comments, the Chair (Sir Michael Wood) and Rapporteur (Noam Lubell) are close to producing a new version of the draft report, to be circulated in the first half of 2016 and discussed at the biennial meeting this year in Johannesburg. Given the substantial developments in recent State practice, such as with respect to Syria and the Ukraine, it is likely the Committee will seek an extension of its mandate so as to hold one more meeting (probably in Heidelberg) after Johannesburg, before finalizing and submitting the report.

*Submitted by* **Sean Murphy**, Member, ILA Committee on Use of Force

The **ILA Committee on Cultural Heritage Law** is completing a report on the international legal aspects of cultural landscapes of significance to indigenous peoples. The Committee's past agenda has ranged widely – for example, from the preparation of a draft treaty to protect shipwrecks and other underwater heritage, which served as the basis for a UNESCO convention now in force, to guidelines on safe havens for objects in time of armed conflict. The Committee's last project was the preparation of a draft treaty to provide immunity from seizure of internationally loaned cultural objects and from court jurisdiction based on the mere presence of such objects in the territory of the court.

The Committee and invited experts met for two days at Jerusalem's Rockefeller Museum in June 2015 to discuss a draft report on cultural landscapes. A final version will be discussed and presented for approval at the forthcoming ILA Conference in Johannesburg. It is intended to be an exploratory report that provides simply a framework for further development of a pertinent regime in order to assist governments, international organizations, non-governmental organizations, business interests and, above all, indigenous peoples, in efforts to protect and resolve conflicts related to pertinent cultural landscapes in all of their diverse manifestations. A special effort is being made to render the report accessible and understandable as well to the general public.

*Submitted by* **James A.R. Nafziger**, Chair, ILA Committee on Cultural Heritage Law

The **ILA International Human Rights Law Committee** will be holding an inter-session meeting on May 12-13, 2016 at the European Court of Human Rights in Strasbourg, France. This meeting is being facilitated by Paulo Pinto de Albuquerque, who is a member of our Committee and a Judge on the European



## SEVENTY-FIVE YEARS AGO AT THE AMERICAN BRANCH

(Continued from page 9)

tion and founding president of the Paneuropean Union. He spoke on "How to Organize Post-War

Europe." See "Twentieth Annual Dinner of the American Branch of the International Law Association," 1941 *Report of the Proceedings of the Twentieth Annual Meeting of the American Branch of the International Law Association* 14.

*Submitted by* **John E. Noyes**

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

[www.ila-americanbranch.org/ABILA\\_ILA\\_Events.aspx](http://www.ila-americanbranch.org/ABILA_ILA_Events.aspx)

# AMERICAN BRANCH COMMITTEES

## ILA COMMITTEES (cont'd)

(Continued from page 10)

(Continued from page 9)

**The Committee on the Formation of Rules of Customary International Law** has discussed launching a study of the status of international human rights law as customary international law, possibly in collaboration with the Human Rights Committee and building on a study by the late Prof. Richard Lillich as well as the ILA's 2000 study entitled "Statement of Principles Applicable to the Formation of General Customary International Law." The Committee plans to meet at ILW 2016 to work out a plan for moving ahead.

*Submitted by Committee Chair **Brian Lepard***

**The International Commercial Law Committee** has added Viren Masca-renhas as co-chair, and plans to submit a proposal for ILW 2016 regarding the overlap between corruption regulated by state authorities and corruption in investor-State arbitration decided by private adjudicators.

*Submitted by Co-Chair **Jessica Simonoff***

**The Co-Directors of Studies** report that the following Branch committees have been dissolved: International Monetary Law, International Disabilities Law, Feminism and International Law, Disputes Involving States, Extraterritorial Jurisdiction.

The Co-Directors of Studies have promoted William Burns to the position of Honorary Chair of the Committee on International Environmental Law; Myanna Dellinger will be assuming the committee leadership in the future, possibly with a new co-chair.

The Co-Directors of Studies are seek-

(Continued on page 12)

Court.

The purpose of the meeting is to finalize our Final Report and draft Guidelines, which will be presented to the biennial at the conclusion of our mandate in August. The Committee also plans to publish a separate volume of the papers produced by the Committee.

*Submitted by **Christina Cerna**, Chair, ILA Human Rights Law Committee*

**The ILA Committee on the Protection of Privacy in Private International and Procedural Law** met January 18-19, 2016, at the Max Planck Institute Luxembourg for Procedural Law under the chairmanship of Prof. Dr. Burkhard Hess. Branch member Cristina Mariottini served as Co-Rapporteur; Louise Ellen Teitz and David P. Stewart also participated. The Committee focuses on promoting international cooperation and contributing to predictability on issues of jurisdiction, applicable law, and circulation of judgments in privacy matters. At this third meeting the Committee noted the high degree of interaction between the protection of privacy and constitutional and fundamental values and their impact on the solutions adopted not only by substantive law but also by private international and procedural law. There was consensus that the Committee should draft guidelines and principles (as opposed to rules) providing a sense of the problems and the available solutions with regard to the protection of privacy. There was also consensus that the Committee should address issues of jurisdiction, applicable law, and recognition and enforcement of judgments in relevant areas. The Committee will hold its Open Working Session on August 8, 2016 at the Biennial in Johannesburg to report on its activity.

*Submitted by Committee Member **David P. Stewart***

**The ILA Committee on Baselines under the International Law of the Sea** held an inter-sessional meeting on December 9, 2015 in Singapore, and has scheduled another inter-sessional meeting on March 31, 2016 in Washington, DC in conjunction with the Annual Meeting of the American Society of International Law. J. Ashley Roach of the American Branch chairs the Committee, and Don Rothwell of the Australian Branch is serving as Rapporteur. The Committee is preparing its final report on straight baselines for the upcoming ILA biennial conference in Johannesburg, South Africa. For the Committee's completed and draft reports and associated studies, see <http://www.ila-hq.org/en/committees/index.cfm/cid/1028>.

*Submitted by **John E. Noyes**, Member, and ILA Committee on Baselines Under the International Law of the Sea.*

**The ILA Study Group on Individual Responsibility in International Law**, co-chaired by Lorna McGregor (Essex) and Chimène Keitner (UC Hastings), now has a full complement of 15 prospective or confirmed members from 10 ILA branches. Its main upcoming activity is a Global Seminar on Individual Responsibility in International Law: Concepts and Consequences to be held at the Villa Finaly in Florence on December 9-11, 2016. Work product from this seminar will be posted on the Study Group's website at [http://www.ila-hq.org/en/committees/study\\_groups.cfm/cid/1054](http://www.ila-hq.org/en/committees/study_groups.cfm/cid/1054).

*Submitted by **Chimène Keitner**, Co-Chair of the ILA Study Group on Individual Responsibility in International Law*



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*(Continued from page 11)*

ing a new chair for the International  
Trade Law Committee.

For information about joining a  
Branch committee or proposing com-  
mittee activities, please contact the  
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