



INTERNATIONAL LAW ASSOCIATION
AMERICAN BRANCH
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NEWSLETTER

International Law Weekend 2020

International Law Weekend 2020 will take place virtually on **October 22-24, 2020**. This year's unifying theme for ILW 2020 is **International Law in Challenging Times**.

This exciting annual conference is a signature event of the Branch. It will be held remotely this year and is cosponsored by Arbitration Place. The conference will take place during International Law Week at the United Nations and will feature the 99th annual meeting of American Branch members.

The Organizing Committee is co-chaired by Chiara Georgetti, Yvonne Dutton, and Tej Srimushnam. Committee members include William Aceves, Pamela Bookman, Kristin Boon, Amity Boye, M. Imad Khan, David Nanopoulos, Victoria Sahani, Nawi Ukabiala, and Isavella Vasilogeorgi. Branch President Leila Sadat and Board Chair David Stewart participate *ex officio*.

As in previous years, the conference will open on Thursday with a high-level plenary panel moderated by ABILA President Leila N. Sadat, speakers include H.E. Judge Silvia Fernández de Gurmendi (International Criminal Court); Professor Gian Luca Burci (Graduate Institute of International and Development Studies of Geneva); and Professor David Scheffer (Northwestern Pritzker School of Law).

The conference will continue on Friday and Saturday and features 27 panels on a range of topics. Catherine Amirfar, Esq., partner at Debevoise & Plimpton LLP and president of the American Society of International Law (ASIL), will present a keynote address Friday during the lunch hour. On Saturday morning a special keynote address will be delivered by H.E. Judge Julia Sebutinde (International Court of Justice), kicking off a second plenary discussion on the 75th anniversary of the United Nations, featuring Patrícia Galvão Teles (Autonomous University of Lisbon), Charles Jalloh (Florida International University), Larry D. Johnson (Former Assistant-Secretary-General for Legal Affairs, United Nations), and Ambassador Christian Wenaweser (Permanent Representative of the Principality of Liechtenstein to the United Nations). The panel is preceded by the Members Meeting.

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New Membership Brochure

The Branch membership brochure has been revised and updated. The new version is dated January 2020.

It is available for download at the Branch website under the Membership tab at www.ila-americanbranch.org.

All members are encouraged to print copies for use in recruiting new members.

Letter from the Branch President Hope in a Time of Uncertainty: The View of an (American) International Lawyer

My University recently asked me to participate in “Global Town Hall,” on the subject of [*Hope in a Time of Uncertainty*](#). Although challenged at the outset, the more I thought about it, the more (cautiously) optimistic I became.

As ILW 2020’s closing plenary panel will explore, the United Nations will celebrate the 75th anniversary of the Charter’s entry into force on October 24, 2020. Yet that miracle of achievement will likely pass unremarked in the United States, the country that shaped the first draft of the Charter and now hosts the institution itself. Why?

It is true that the United Nations, and the international legal order attached to it, has faced real challenges. Decolonization was achieved, but not accountability or compensation for the damage wrought, and many countries liberated from colonial domination have yet to become truly prosperous and politically stable. Scandals have rocked many international institutions, and some of the Security Council’s Permanent Members often play the role of global spoilers rather than world leaders, including the United States, which has [withdrawn from more than a dozen international agreements or institutions over the past 3-1/2 years](#) and threatened withdrawal from others. Trump’s “America First” philosophy combines a “sovereigntist” critique of international law and international institutions -- that sees them as depriving domestic institutions of power -- with [a disdain for human rights and an embrace for authoritarian governments](#). This worldview divides rather than unites, and embraces a transactional approach towards international relations in which war and the possible unravelling of the liberal international order seems increasingly likely.

Yet perhaps the picture is less bleak. In spite of current hot spots and rising nationalism, interstate violence has [decreased markedly](#) over the past 25 years. That is not the rosy end of the story, of course: States seem instead to have turned on their own citizens, and non-state actors pose serious threats to international peace and stability; problems the problems require urgent and thoughtful solutions. Yet as this year’s rich ILW 2020 program demonstrates, there has been an explosion of international litigation, arbitration and other forms of dispute settlement before a rich variety of courts and tribunals seeking to resolve real global and transnational problems. So perhaps the sovereigntist attack on international law and institutions is *not* because these institutions have failed (although they may need reform): rather, *the attack stems from the fact that the institutions are working*.

If this is correct, international organizations are not the *source* of the world’s problems, but a convenient scapegoat for domestic politicians when things go wrong. If the 1990s was the decade of international law, the current resistance to and backlash against international law and institutions is jarring. Yet it is also energizing, forcing proponents of a liberal international order, a commitment to human rights, and the peaceful resolution of disputes to undertake the hard work of political and geopolitical transformation. This is why organizations like ABILA are needed now more than ever.

On October 24, 2020, the United Nations will celebrate its 75th birthday and ABILA will hold its 99th Annual Members Meeting. We remain hopeful about our future and are undaunted by the hard work ahead. It is an exciting, hopeful, and challenging time to be an international lawyer.

Yours sincerely,
Leila N. Sadat
Washington University School of Law

ILW 2020: International Law in Challenging Times *(cont'd from p. 1)*

The description of the Weekend is as follows:

From shifting political alliances to changing trade and economic relations, the world around us is undergoing profound transformations. The backlash against globalization has resulted in increased suspicion of multilateralism – and escalating populism. Yet, the world is more interconnected than ever. Our economic system relies on interconnectivity. To stop the spreading of coronavirus and address climate change, international coordination is paramount. What is the role of international law in this changing and often contradictory world? What could and should international lawyers do? How can international institutions become more successful both at addressing the challenges facing them and in winning state and popular support?

ILW 2020 will respond to some of these questions, and discuss how international law can help address these new challenges.

Introducing the New ABILA Media Officer: Zoe Ferguson



ABILA is pleased to announce Zoe Ferguson has joined us as our Media Officer and ILW 2020 Administrative Officer. Zoe graduated from the University of Georgia School of Law *cum laude* in May 2020, where she studied international law, environmental law, and media law. She lives in Bronxville, New York and is fluent in French. During law school she spent a summer at War Child Holland in Amsterdam. Before law school, she attended Cornell University and spent a semester at the Université de Paris. She has written for various

publications including the *American Lawyer*, *Bustle*, and *The Cornell Daily Sun*. She is currently working part-time as a Program Associate for HudsonUP. Zoe will be promoting the ABILA in a variety of ways. She has started a new twitter account: [@ABILA_official](https://twitter.com/ABILA_official).

New ABILA Website

ABILA is pleased to announce that it has a new website, to be launched in late October. This new website has been completely redesigned and reimagined to render it more modern, user-friendly, and to help our organization use technology more effectively. In the coming weeks, more interactive aspects of the website will be launched, such as short videos from ABILA members, news updates from ABILA and ILA Committees, and events of interest to ABILA members. The new website will also allow committee members to easily communicate with each other and will be updated on a regular basis with news items, committee updates, and events of interest to ABILA members.



ILW 2020 Registration

Registration for ILW 2020 is open! Registration for ILW 2020 is \$75 for ABILA members. Registration for ILW 2020 is \$100 for non-ABILA members. Current law students and other graduate students may attend ILW 2020 for free. Be sure your ABILA membership is current.

Register today: <https://www.arbitrationplace.com/ila>

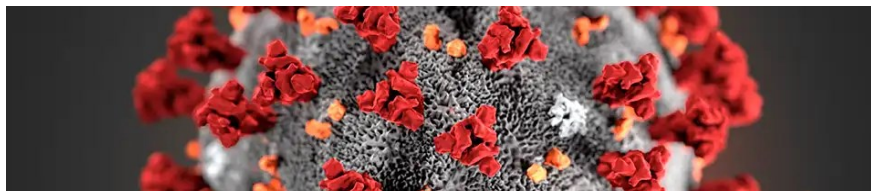
Future Regional Events

We welcome proposals and offers for additional events from members and their institutions across the country.

Regional events are an important and productive way to highlight the international law programs at law schools (and related programs at other institutions). These events stimulate student interest in the field of international law, and encourage participants to engage on a regional basis with colleagues at other institutions, foreign affairs councils and specialists, and the international law sections of local and state bar associations.

ABILA Webinar Series: *COVID-19 & International Law*

The American Branch, along with the Whitney R. Harris World Law Institute and the Bar Association of Metropolitan St. Louis (BAMSL), organized a free webinar series addressing many of the international law aspects of the pandemic. ABILA President Leila Sadat moderated the webinars.



The first program, [*COVID-19 & International Law: A Snapshot*](#), took place on April 28, 2020. It featured Professor Frederick Abbott, Co-chair, Committee on Global Health Law of the International Law Association and Professor of International Law at Florida State University School of Law; Ms. Sara Yang Bosco, Senior Vice President, Secretary and General Counsel of Emerson Electric Company; Professor Gian Luca Burci, former Legal Counsel of the World Health Organization and an Adjunct Professor of International Law at the Graduate Institute of International and Development Studies of Geneva; and Professor Jonathan Hafetz, Professor of Law at Seton Hall Law School and a senior staff attorney with the ACLU Center for Democracy.

The second webinar, [*Immigrants & Refugees during COVID-19: State Responses and Responsibilities*](#), included Mr. Firas Kayal, Senior Policy Advisor to the United Nations High Commissioner for Refugees (UNHCR); Professor Katie Herbert Meyer, Assistant Professor of Practice and Director of the Immigration Law Clinic at Washington University in St. Louis School of Law; and Professor Kim Thuy Seelinger, Director, Center for Human Rights, Gender and Migration at Washington University's Institute of Public Health.



The final program, entitled [*Security vs. Liberty? COVID-19 and Challenges to National Security Law*](#), was held on June 11, 2020. It was also cosponsored by the Center on National Security at Fordham Law School and featured the Honorable Andrew C. Weber, Former Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs; Mr. John Berger, Senior Fellow and Managing Editor and Moderator of Vital Interests: U.S. Foreign Policy and the Global Reset at the Center on National Security; and Ms. Neema Singh Guliani, Senior Legislative Counsel at the American Civil Liberties Union.

Co-Sponsored Event: *Nebraska Virtual Space Law Week*

The American Branch, along with the American Society of International Law Space Law Interest Group cosponsored the [*13th Annual Nebraska Space Law Conference*](#), held virtually from September 28 - October 2, 2020.



Co-sponsored Event: *Teaching International Law During Challenging Times*

The American Branch co-sponsored, with the American Society of International Law's Teaching International Law Interest Group, a panel discussion on *Teaching International Law During Challenging Times* on October 2, 2020. This panel addressed teaching International Law during the ongoing COVID-19 pandemic and the general negativity expressed towards international law by some States' governments, especially the United States.



Darin Johnson
Professor of Law,
Howard University
School of Law



Cindy Buys
Professor of Law,
Southern Illinois
University School of
Law



Jennifer Trahan
Clinical Professor,
Center for Global
Affairs, New York
University



Mark Wojcik
Professor of Law,
UIC John Marshall
Law School



Moderator:
Milena Sterio
Professor of Law,
Cleveland-Marshall
College of Law

Panelists noted that international law has occupied a less central role in U.S. law schools than elsewhere in the world. At many law schools, International law is taught as an upper-level elective course; thus, many U.S. law school students graduate without ever having had exposure to International Law. The panel's starting premise was that international law is a crucial course of study for every law school student; that International Law occupies an important place in every lawyer's practice; and that during the COVID-19 pandemic, the role of International Law should be re-emphasized and taught to all students. The panel focused on exchanging insights in teaching International Law, with a particular emphasis on best practices, resources, and challenges regarding remote, online or hybrid teaching of International Law.

ILA Biennial Conference, Kyoto 2020: November 29 — December 13

The International Law Association's 79th biennial conference, *ILA 2020: Bridging for the Future*, originally scheduled for August 2020, has been rescheduled for 29 November - 13 December 2020. All sessions including the Plenaries will be held solely online. Several open sessions, reserved for Committees completing their mandates and finalizing draft resolutions, will take place during these two weeks. Registration opened on 15 October 2020. Detailed program information can be found on the conference website.

Modern international law was first introduced in Japan in the middle of the 19th century. Since then, Japan has made great contributions to the international legal community. The Japan Branch of the International Law Association, which was founded in 1920, is celebrating its centenary anniversary this year.

The main theme of the Kyoto Conference is "Bridging for the Future." The 2020 ILA Conference will bridge the past, present and future, as well as connecting the East, West, North and South. Japan's fundamental foreign policy is to establish and strengthen the rule of law in international relations, and the Kyoto Conference will contribute to this goal. For more information visit www.ila2020kyoto.org.



New Branch Members

We welcome the following new ABILA members who have joined our Branch since March 2020:

Suad Abdel Aziz

Ralph Antonioli

Charlotte Blattner

Virag I. Blazsek

Mack Bowles

Hong-Yu Chen

Aaron Chickos

Russell Childree

Belinda Cooper

Anne Craver

Kabir A.N. Duggal

M.J. Durkee

Jason Emert

Yuan Fang

Zoe Ferguson

Hanna Haney

Maria Hodge

Sara Hubaishi

Patrick Keenan

Patryk Labuda

Nabeela Latif

Tamara Lewis

Gabriel Marshall

Michael E Motto

D. Wes Rist

Omar Yousef Shehabi

Alana Thyng

Yuan Wang

Alicia Xue

Shiyi Zhang

Introducing ABILA Member: Nawi Ukabiala



Nawi Ukabiala is an associate in the New York office of [Debevoise & Plimpton LLP](#) and is a member of ABILA's ILW 2020 Planning Committee. His practice focuses on international dispute resolution and public international law. He has been instructed by States and private companies in international arbitration proceedings under the auspices of the International Centre for Settlement of Investment Disputes ("ICSID") and the International Chamber of Commerce. He was part of the Debevoise team representing the claimant in *TCC v. Pakistan* that secured the second largest award in ICSID history. His representations have also involved proceedings before the International Court of Justice ("ICJ"), the Committee on the Elimination of Racial Discrimination, and the Inter-American Commission on Human Rights, as well as third-party communications to the International Criminal Court. He is currently the lead associate on the counsel team for the International Bar Association's ("IBA") international inquiry into crimes against humanity in common prisons in the Democratic People's Republic of Korea. He has also been instructed in proceedings before U.S. federal and state courts.

Nawi previously served as the legal officer to ICJ Judge Julia Sebutinde, as judicial law clerk to Justice Edward Mansfield at the Supreme Court of the State of Iowa and, subsequently, as special law clerk to the whole court. Nawi has also worked as a legal consultant in the World Bank's legal department.

Nawi is passionate about racial justice and using international dispute settlement to promote reform in the United States. He recently published a short piece on [Just Security](#) and spoke at a [webinar](#) promoting the idea of using CERD conciliation to address racial injustice in American law enforcement. He has also discussed the relationship between racial discrimination in the United States and international law in interviews, including with the [Asser Institute](#) and [IBA news](#). Nawi is also passionate about international adjudication, particularly inter-institutional litigation strategies, international relations theory, and peace and security issues, and has published [two articles](#) on the U.N. Security Council's counter-terrorism policy, an [article](#) on optimizing international and domestic prosecutorial outcomes in a transitional justice context, and an [article](#) exploring the ability of law to address the threats posed by Wikileaks.

Introducing New ABILA Board Member David Attanasio



David L. Attanasio is an associate at Dechert LLP in Washington, D.C. He concentrates his practice on international arbitration and international litigation matters, and especially those with difficult issues of public international law or foreign law. He is currently completing a book on international investment law entitled *International Investment Protection for Global Banking and Finance* that will be published later this year by Wolters Kluwer. Dr. Attanasio has extensive experience in international dispute resolution under a range of procedural rules, including the ICSID, UNCITRAL, ICDR, SCC, and EDF rules, as well as with ancillary litigation, including Section 1782 proceedings. His

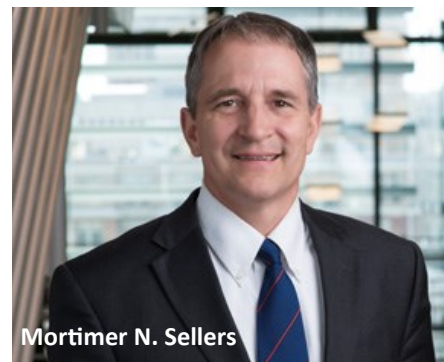
expertise covers the banking and finance, oil and gas, mining, information technology, and construction sectors as well as multiple geographic regions, including Latin America, Eastern Europe, Central Asia and the Middle East. In addition to his work as counsel, Dr. Attanasio is a lecturer at the University of Virginia School of Law, where he will teach a course on international investment law and human rights, as well as at Georgetown University Law Center, where he teaches a course on current topics in investor-State arbitration.

ABILA Gains Three New Patrons

The American Branch extends its sincere appreciation to its newest patrons: **Mortimer N. Sellers** (Director of the Center for International & Comparative Law at the University of Baltimore School of Law), **Leila N. Sadat** (Director of the Whitney R. Harris World Law Institute at Washington University School of Law), and **Beth Van Schaack** (Professor of Law at Stanford Law School and a faculty affiliate with Stanford's Center for Human Rights & International Justice).



In honor of our 100th anniversary, we invite all Members to please consider becoming a Patron of the American Branch with a one-time payment of \$5,000. Patrons are life members of the Branch and do not pay annual dues. If you would like to set up a payment plan, please feel free to reach out directly to ABILA's Membership Officer Tabitha Crawford (tabitha.c@wustl.edu) or to the President of the American Branch, Leila Sadat (sadat@wustl.edu).



In Memoriam: John Carey



John Carey, who had a long and distinguished career as a public servant as an attorney, legal scholar, and judge, passed away the morning of October 7, 2019. He was 95. John Carey was also a widely respected scholar of international human rights law. He authored dozens of academic articles and two books, including "UN Protection of Civil and Political Rights." He also founded United Nations Law Reports and served as editor for half a century. John Carey was a member of the International Law Association's Human Rights Committee, was the first Chair of the American Branch's Human Rights Committee (formed in 1966), and served on the Branch's Executive Committee. He was for many years an Honorary Vice President.

After a career as an international lawyer, primarily at Coudert Brothers, then only one of two private international law firms in the country, Mr. Carey served as civil and criminal law judge of the State of New York. After reaching the mandatory retirement age of 70, he continued as a judicial hearing officer for another two decades.

John Carey was appointed to the UN Subcommission on the Prevention of Discrimination and the Protection of Minorities and served for nearly 25 years, from 1964 to 1988. The Subcommission was created to provide advice to the Human Rights Commission, and initiated the development of human rights treaties, the appointment of working groups and special rapporteurs, and procedures which have fostered the development of objective fact-finding, as well as new legal concepts and norms and principles fostered promotion and protection of human rights. During his tenure, Carey often advocated on behalf of victims of human rights violations.

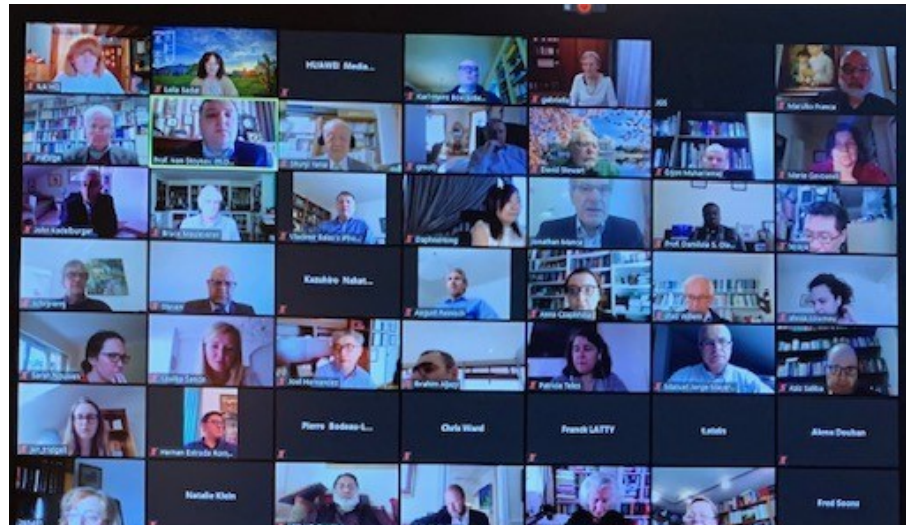
During his judicial career, John Carey was known for his carefully written judgments, including on the issue of the extent to which lawyers could consider the race of potential jurors in *voire dire* in order to prevent juries composed of only members of one race. He was most well known for presiding over both murder trials of Carolyn Warmus, in White Plains, the first ending in mistrial and the second in her conviction. The trial became famous after the release of the film "Fatal Attraction," whose plot is loosely based on the case.

He graduated from Milton Academy in 1942, Yale College in 1945, Harvard Law School in 1949, and, in 1965, earned a Master's of Law from NYU, where he wrote his thesis under the late Professor Thomas Franck. He served as an Ensign and then was promoted to a Lieutenant Junior Grade in World War II in both the Atlantic and Pacific theaters from August 1943 to January 1946 on anti-Submarine ships, the USS DE-160 and the USS PC-1245.

Report on ILA Executive Council Spring 2020

Fall 2020 Executive Council Meeting

The fall 2020 Executive Council meeting of the International Law Association will be held remotely during the Kyoto Biennial.



Leila Sadat, David Stewart, and James Nafziger attended the meeting of the ILA Executive Council (online) in May 2020. Lord Mance convened the meeting at 10 a.m. GMT. It was the first time the ILA Executive Council met by videoconferencing (Zoom) due to the coronavirus pandemic. He noted that this permitted more Branches to participate and involved as many as 67 participants. It worked well, and there was a general consensus that the remote meeting approach might be adopted for future spring meetings (the sentiment was expressed that the fall meetings should continue to be held in person in London).

There was a discussion of the difficulties HQ has been having due to working remotely (for example, to deposit payments directly with banks). They have also encountered difficulties with the new software provider (headquartered in Italy, and the coronavirus crisis and language problems have created difficulties). Claire Martin, ILA Chief Operating Officer, reported that she was optimistic these issues will be resolved shortly. There are also related financial challenges (overall reduction in branch memberships and shortfalls in dues payments).

A lengthy discussion of plans for rescheduling the Kyoto 2020 Biennial ensued. After careful consideration, including the possibility that any in person meeting for the foreseeable future would run the risk of further delays or cancellation, the Japan Branch proposed, and the Management Committee recommended, that the Biennial would be held remotely on two dates. It will begin with an Executive Council meeting in late November, and subsequently be held on Sunday, December 13, 2020, on the occasion of the Japan Branch's Centennial. *(cont'd on page 9)*



Lord Mance

Report on ILA Executive Council Spring 2020 *(cont'd)*

The December program will be confined to a two-hour opening plenary, six or seven open Committee meetings (in particular those that are concluding their work and for which the plenary must approved resolutions), and a closing plenary session for the adoption of resolutions. The Japan Branch proposed a registration fee of approximately USD 94. The Council expressed its gratitude to the Japan Branch for these plans and urged all branches to encourage “virtual” participation by branch members. It was decided to increase the number of scholarships, but not dilute the quality of the participants. There was also some discussion of individual branches contributing to the Japanese Branch to compensate it for the substantial financial losses it has suffered in having to cancel the original program. The Executive Council will take up the question of any ILA contribution at its November 2020 meeting.

The Director of Studies, Professor Pierre Bodeau-Livinec, presented his report, noting first the possibility of arranging for parallel closed meetings of committees and study groups in conjunction with the Kyoto Biennial, perhaps over the two or three weeks prior to the Biennial, whether organized by the ILA itself or by Committee Chairs and Study Groups themselves and second that at least three Committees are in the process of finalizing their work this year. The report also reported on pending Committee nominations and stressed the importance of getting nominations to the Chief Operating Officer in sufficient time for the necessary coordination with the relevant Committee Chairs. There was also some discussion about the circumstances under which a Chair can decline to accept a Branch nomination, for example in cases when the Committee’s work has progressed to the point where a new member would not be able to contribute substantially. Finally, the report noted that the proposal to form a new International Tax Law Committee remained under consideration. Other proposals should be submitted not later than early November. The work of two Study Groups (UN Sanctions and International Tax Law) has been concluded.



Pierre Bodeau-Livinec

In the context of a draft for a new long-range strategic plan, the Committee on Diversity reported that it has met and will be making a proposal at the November Executive Council meeting.

ILA President Chris Ward reported that the committee formed to take up the consideration of a new Chair when Lord Mance’s term expires has begun its work.

Plans for the Lisbon Biennial in 2022 are proceeding; Greece offered to host the 2024 Biennial in Delphi. The Austrian Branch also indicated its willingness to host the 2024 Biennial.

The next full meeting of the Executive Council will take place during the Kyoto Biennial. The following ones are set for May 1 and November 13, 2021.

Publications from Branch Members

Brian D. Lepard (Chair of the ABILA Committee on the Formation of Customary International Law), recently published three law review articles in Portuguese in prominent publications in Brazil: [*New Trends in International Human Rights Law: Its Sources, History, and Institutions*](#) (translated title) in *Cadernos do Programa de Pós-Graduação em Direito da Universidade Federal do Rio Grande do Sul*; [*The Status of the Universal Declaration of Human Rights in Contemporary International Law*](#) (translated title) in the *Revista da Faculdade de Direito da Universidade Federal de Uberlândia*, and [*The Legality and Ethics of Special Measures to Protect Vulnerable Populations under International Law*](#) (translated title) in the *Revista Brasileira de Direitos Fundamentais & Justiça*. His chapter on Reflections on the Resolution of Debates on the Universal Declaration of Human Rights: The Potential of an Approach Based on Fundamental Ethical Principles (translated title) was published in the book *Argumentação Jurídica: E Questões Controvertidas de Direito Constitucional Contemporâneo* (“Legal Argument: Controversial Questions of Contemporary Constitutional Law”) (Arthur M. Ferreira Neto, ed).

(cont'd on page 12).

ABILA Committees

The American Branch of the International Law Association and its Committees are pleased to co-sponsor events organized by ABILA members.

Please let us know via email at membership@ila-americanbranch.org if you have events you would like the Branch to co-sponsor or promote on the ABILA online calendar.

News from Branch Committees

The International Human Rights Committee's Subcommittee on U.S. Compliance with International Human Rights Law, chaired by Aaron Fellmeth, has formed a panel for ILW 2020 called *Novel Human Rights Crises During a Global Pandemic*. The panel will be moderated by Aaron Fellmeth and features Christina Cerna, Paul Dubinsky, and Barbara Stark. It will be held via Zoom on October 23rd at 3:30pm EST.

A group of Committee members made two joint stakeholder reports to the UN Human Rights Council for the USA UPR 2020. One dealt with discrimination in immigration policy; gun violence; attempts to undermine international criminal justice; and inadequate remedies for violations of IHRL. The gun violence section, in particular, was the most cited report on the topic in the UN's Summary of Stakeholder Reports. The second, under Professor Stella Elias's leadership, dealt with discrimination on the basis of sex and gender, transgender discrimination, basic reproductive rights, and immigrant and refugee rights in general.

Finally, several Committee members, including Warren Binford and Stella Elias, filed an amicus brief with the 9th Circuit in *Flores v. Barr* regarding the Trump Administration's attempt to terminate a settlement agreement forbidding the government from long-term detention of migrant children. Oral argument was in May.



The Committee on International Environmental and Energy Law has a new name and now includes International Energy Law. This reflects a trend given the increasing academic and practical interest in the field. It also highlights cutting edge research topics concerning climate change, renewable energy, energy security, the Energy Charter Treaty, and the social cost of

carbon. Professor Myanna Dellinger generously welcomed Dr. Carolina Arlota as a co-chair of the ABILA's Committee on International Environmental and Energy Law. The committee is thrilled to host its sponsored panel in ILW 2020: *COVID-19 and Climate Change: A Setback or Strengthening the Resolve to Move Forward?*

The **Investment Law Committee** is holding a 60-minute panel discussion on *Investor-State Disputes, International Finance, and Economic Crisis* during ILW 2020, moderated by Virág Blazsek, who has been a member of the Committee since 2016.

Irene Calboli is now co-chair of the **International Commercial Law Committee**.

The **Study Group on Threats to the International Legal Order** has met twice in the past year -- first in New York City in October 2019, then at Santa Clara University in February 2020. Some study group members participated in a panel at ILW 2019. The main output from the study group will be a book published by Oxford University Press. The book, edited by David Sloss, has 17 contributing authors writing 15 chapters. First drafts of chapters are due to the editor this fall. The completed manuscript will be delivered to the publisher in spring 2021.

News from Branch Members

ABILA Board Members **Michael Scharf** (Case Western Reserve) and **Milena Sterio** (Cleveland Marshall), along with Paul Williams (PILPG) coauthored an [Amicus Brief](#) requested by the Appeals Chamber of the International Criminal Court in the *Ntaganda* case. The legal question the Court asked them to address was whether the term "attacks" under international humanitarian law and the ICC Statute includes looting a hospital immediately after the fighting in the Congo had ceased. This is the first Amicus Brief that Scharf and Sterio, who won a book of the year award last year for their book [The Legacy of Ad Hoc Tribunals in International Criminal Law](#) (Cambridge, 2019), have filed before the ICC.



ABILA Board Chairman **David P. Stewart** authored an amicus brief (in which three former Legal Advisers of the U.S. Department of State joined) in the *Philipp* and *Simon* cases pending before the U.S. Supreme Court on the scope of the "expropriation exception" in the Foreign Sovereign Immunities Act. He also joined in an amicus brief supporting a grant of certiorari in the *Chanzhou SinoType v. Rockefeller Technology* case concerning the proper interpretation of the Hague Service Convention.

Joseph Dellapenna, who served as Rapporteur on the ILA's Berlin Rules on Water Resources as well as performing other services for the Association, accepted a position as Visiting Professor of Law at the Peking University School of Transnational Law in Shenzhen, China. Because of the travel situation, he will teach only online for the fall quarters, but hopes to go there in person in the spring. Last year (2019), he was a visiting professor at Wuhan University and at the University of Macau. He has just completed co-editing the Edward Elgar *Encyclopedia of Water Law* to be published in 2021.



Tej Srimushnam, co-chair of the ILW 2020 Planning Committee, was recently made co-chair of the American Society of International Law's Minorities in International Law Interest Group.

Aaron Fellmeth and **Victoria Sahani** started the first blog for teachers of international business transactions, [the IBTBlog](#). Anyone can participate by submitting short posts (maximum 500 words) on major new developments in international business law. **Aaron Fellmeth** recently moderated a Zoom panel on *The treatment of unaccompanied migrant children by the USA: a policy that violates international human rights obligations*, hosted by American University, Washington College of Law on July 9, 2020.

Four ABILA members—**Gabor Rona**, **Diane Marie Amann**, **Milena Sterio**, and **Margaret deGuzman**—along with the Open Society Justice Initiative, filed suit against the President, Attorney General, and Secretaries of State and Treasury, et al. challenging the President's Executive Order that authorizes financial sanctions against the International Criminal Court's Prosecutor. The sanctions threaten civil and criminal consequences for those who provide material assistance to the Prosecutor.



Chiara Giorgetti, Vice-President of ABILA and Chair of the Academic Council (AC) of the Institute for Transnational Arbitration (ITA), organized with Tom Sikora of ITA a series of four webinars on the Draft Code of Conduct for Adjudicators in the Investor State Dispute Settlement, which are available for viewing [here](#). In the webinars, experts representing states delegates, academia, practice and international organizations, discuss four salient issues regulated in the draft Code: issue conflict, double hatting, repeat appointments and code implementation. The Code is a key part of the reform process presently discussed at [UNCITRAL Working Group III](#), and it was [made public](#) on May 1. Professor Giorgetti served as a scholar in residence at the [Center for Settlement of Investment Dispute](#) (ICSID) where she worked extensively on the draft of the Code and the attached commentary.



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

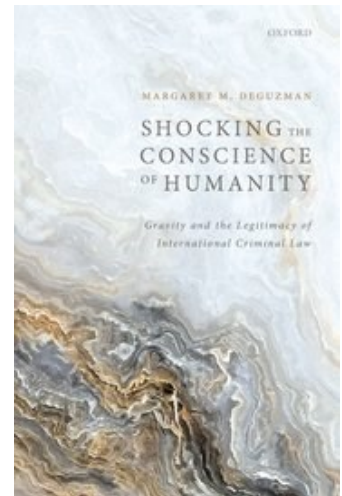
The American Branch of the International Law Association and its committees are pleased to co-sponsor events organized by ABILA Members.

Please let us know if you have events you would like the Branch to co-sponsor or advertise on the ABILA online calendar.

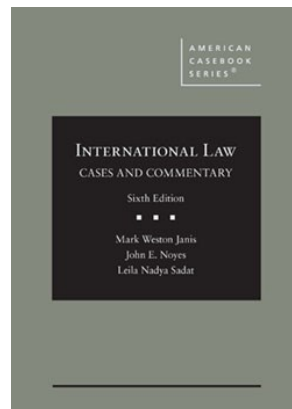
www.ila-americanbranch.org

Publications from Branch Members *(cont'd from p. 9)*

Margaret deGuzman recently published [*Shocking the Conscience of Humanity: Gravity and the Legitimacy of International Criminal Law*](#) (Oxford University Press, 2020). The book explores the central role that the concept of gravity has played in the development of international criminal law and advances thinking about the justifications for the international criminal law regime and important regime decisions, with a deep exploration of international criminal law theory. It also proposes strategies for regime decision-making aimed at increasing the legitimacy of international criminal law.



Mark Weston Janis, John E. Noyes, and Leila N. Sadat recently published the sixth edition of [*International Law: Cases and Commentary*](#) (West Academic). This edition, which saw the addition of Sadat as a new co-author, adds new material, topics, doctrines, and foreign policy issues of vital relevance to the contemporary public international law course. All chapters have been thoroughly updated and several new cases have been added. The chapter on international organizations and regimes has been significantly revised, incorporating treatment of climate change. The use of force chapter brings in new materials on terrorism, cyber warfare, drone attacks, peacekeeping, and the law of

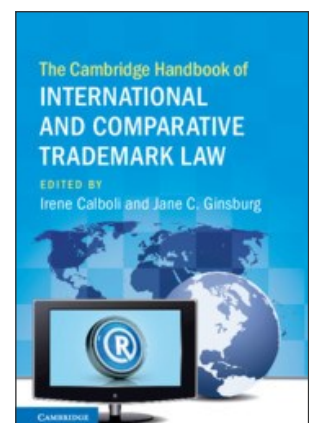


occupation. This sixth edition also highlights recent developments concerning international investment disputes, the proliferation of international courts and tribunals, human rights, self-determination and statehood, the law of the sea, the Restatement (Fourth) of the Foreign Relations Law of the United States, and the changing posture of the United States toward international law and international relations.

Irene Calboli, along with Jane C. Ginsburg, edited [*The Cambridge Handbook of International and Comparative Trademark Law*](#), the most comprehensive book on international and comparative trademark law.

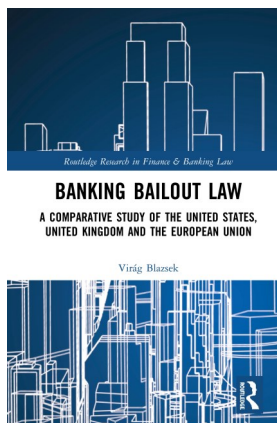
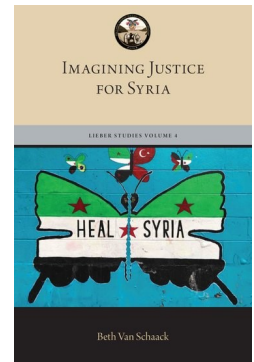
Marketa Trimble's article "[A Quarter Century of International Copyright on Software](#)" has been published by the Texas International Law Journal.

David P. Stewart's "Current Developments" article on the 2019 Hague Judgments Convention was published at 113 Am. J. Int'l L. 772 (2019).



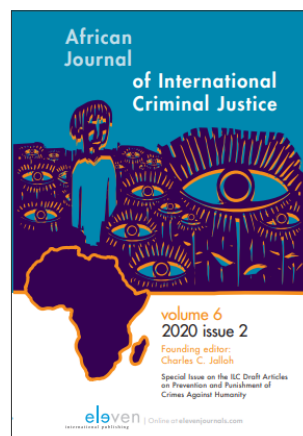
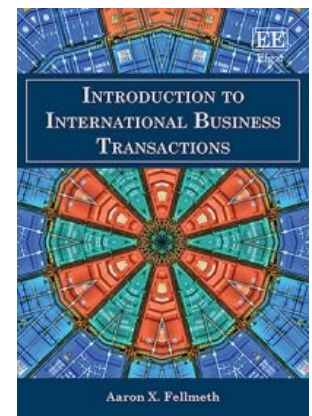
Publications from Branch Members (cont'd)

Beth Van Schaack's book [*Imagining Justice for Syria*](#) was recently published by Oxford University Press. The book presents cutting-edge and innovative thinking about international justice and impunity, including principles of jurisdiction and issues of institutional design. It features an extensive discussion of the history and current situation in Syria, including what precipitated the revolution, the complex web of parties involved, the humanitarian consequences, and how the conflict has evolved since its inception. Professor Van Schaack provides an expert discussion of existing institutions, legal principles, and juridical innovations in an accessible way, with each chapter covering a different route to justice, including international courts, domestic jurisdiction, civil suits, and the domain of transitional justice.



Virag Ilona Blazsek's book, [*Banking Bailout Law*](#) (Routledge U.S. & U.K., October 2020), was recently published. Setting forth the building blocks of banking bailout law, this book reconstructs a regulatory framework that might better serve countries during future crisis situations. It builds upon recent, carefully selected case studies from the United States, the European Union, the United Kingdom, Spain and Hungary to answer the questions of what went wrong with the bank bailouts in the EU, why the US performed better in terms of crisis management, and how bailouts could be regulated and conducted more successfully in the future. Employing a comparative methodology, it examines the different bailout and bank resolution techniques and tools and identifies the pros and cons of the different legal and regulatory options and their underlying principles. In the post-2008 legal-regulatory architecture, financial-institution-specific insolvency proceedings were further developed or implemented on both sides of the Atlantic. Ten years after the most recent financial crisis, there is sufficient empirical evidence to evaluate the outcomes of the bank bailouts in the US and the EU and to examine a number of cases under the EU's new bank resolution regime.

Aaron Fellmeth recently published a new textbook, [*Introduction to International Business Transactions*](#) (Edward Elgar Pub. 2020) and Teacher's Manual. This innovative textbook introduces the legal concepts, regimes and actors that regulate international business transactions. It guides readers through the major aspects of international business law using state-of-the-art teaching techniques and offers comprehensive coverage on key treaties, legal aspects of international commerce, and the regulation of global trade and investment.



Leila N. Sadat and Charles Jalloh recently co-edited a special issue of the [*African Journal of International Criminal Justice*](#) on the International Law Commission (ILC) Draft Articles on Prevention and Punishment of Crimes Against Humanity. At a time when governments at the General Assembly are currently contemplating whether to use the ILC's 2019 Draft Articles as the basis for a convention, this Special Issue provides insight from scholars and practitioners from around the world and offers space for additional voices – particularly from the Global South – to join the debate on this important topic. It also contributes to improving dialogue and the exchange of views between members of the ILC and the Sixth Committee as well as broader legal academia and global civil society. The Issue features several articles from ABILA members, including a forward by Sean Murphy, who was the ILC Special Rapporteur on Crimes Against Humanity, as well as [*An Analysis of State Reactions to the ILC's Work on Crimes Against Humanity: A Pattern of Growing Support*](#) by Leila N. Sadat and Madaline George, [*Crimes Against Humanity in the "Western European & Other" Group of States: A Continuing Tradition*](#) by Beth Van Schaack, and [*Defining Crimes Against Humanity: Practicality and Value Balancing*](#) by Margaret deGuzman.

ILA Committees

ABILA membership provides the opportunity to represent the Branch on various ILA Working Committees. Currently 67 ABILA members serve on 20 ILA Committees, including:

Complementarity In
International Criminal Law

Global Health Law

Human Rights in Times of
Emergency

Implementation of the Rights of
Indigenous Peoples

Intellectual Property & Private
International Law

International Commercial
Arbitration

International Law and Sea Level
Rise

International Monetary Law

International Protection of
Consumers

International Securities
Regulation

Military Assistance on Request
(formerly Use of Force)

Nuclear Weapons, Non
Proliferation & Contemporary
International Law

Participation in Global Cultural
Heritage Governance

Procedure of International
Courts and Tribunals

Protection of Privacy in Private
International and Procedural
Law

Role of International Law in
Sustainable Natural Resource
Management for Development

Rule of Law and International
Investment Law

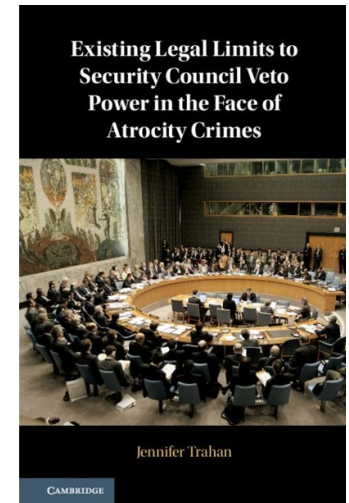
Space Law

Submarine Cables and Pipelines
Under International Law

Sustainable Development and
the Green Economy in
International Trade Law

ABILA Book Award

The American Branch is pleased to announce the winner of the inaugural Book Award, **Jennifer Trahan's** *Existing Legal Limits to Security Council Veto Power in the Face of Atrocity Crimes* (Cambridge University Press, 2020). The book considers, in light of existing obligations of international law, the use of the veto power by permanent members of the UN Security Council to block Council Action in situations where there is ongoing genocide, war crimes, or crimes against humanity. Professor Trahan traces a number of such instances, with detailed focus on the crimes in Syria and Darfur -- and how vetoes and veto threats, respectively, prevented the Security Council from taking measures it otherwise would have undertaken to try to alleviate the commission of atrocity crimes. She then examines such actions in light of the obligations of international law, specifically, whether such practices accord with (1) the protections due to jus cogens norms; (2) the obligations contained within the UN Charter, particularly its "Purposes and Principles," and (3) the obligations contained within the Genocide and Geneva Conventions. She makes a compelling case that the practice one sees is both far out of line with these existing legal obligations and widely disapproved by UN Member States. She suggests this situation is ripe for action in the General Assembly, including the option of requesting the International Court of Justice for an advisory opinion on the legality of such veto use.



Charles Siegal Outstanding Service Award



The American Branch is pleased to announce that the winner of the inaugural Charles Siegal Outstanding Service Award is Cynthia Lichtenstein. The recipient of the Siegal Award is selected based on specific extraordinary service initiatives and/or sustained superior contributions to the ABILA over a number of years. Professor Lichtenstein was a long-standing leader of the monetary law and securities related committees in both ABILA and the ILA. She served as Chair of ABILA's Committee on Committees (later renamed Director of Studies), and subsequently as ABILA's

President (1986-1992) and then as Chair of the Executive Committee. Professor Lichtenstein has always enhanced the interests and visibility of ABILA in her service to ILA at the international level as a leader of two ILA committees, as a mainstay of countless ILA Executive Council meetings and Biennial Conferences, and as ILA Vice Chair (2008-2016). She promoted the needs of practitioners and advocated for their inclusion in ABILA, and has long been a vigorous proponent of active outreach to, and involvement of, student members as an important goal of the Branch.

Fifty Years Ago at the American Branch

Prominent international lawyers devoted their time and energy to the International Law Association and its American Branch in 1970 and 1971. Cecil J. Olmstead, a distinguished corporate executive who had worked in the U.S. State Department, was Branch President. Judge Philip C. Jessup, who finished his tenure on the International Court of Justice in 1970, filled the office of Honorary President of the American Branch. Leading academics – Columbia Professor John Hazard and Harvard Professors Richard Baxter and Louis Sohn – served as ABILA's Vice Presidents.

American Branch members contributed significantly to ILA committees and ILA governance. As the decade began, Olmstead, Yale Professor Myres S. McDougal, and New York attorney Pieter J. Kooiman, a former Branch President, served on the ILA's Executive Council. Olmstead would later become President of the ILA (1972-1974), Chair of its Executive Council (1974-1988), and a Vice President (1988-1994); he would also be honored as the ILA's first Patron. Sohn chaired the ILA Committee on the Charter of the United Nations, and Professor Martin Domke of New York University the Committee on International Arbitration. Olmstead chaired the ILA Study Group on Legal Aspects of the Conservation of the Environment; a committee on the topic would be established shortly, to be headed by ABILA member Dean R. St. John Macdonald of the University of Toronto. Professor Willis Reese of Columbia was a Rapporteur of the Committee on Transnational Enterprises, and Baxter a Rapporteur of the Committee on Extraterritorial Application of Restrictive Trade Legislation. Some thirty other American Branch members served on various ILA committees during 1970-1971.

ABILA's own committees produced significant work. The Committees on Deep Sea Mineral Resources, Human Rights, International Commercial Arbitration, International Monetary Law, Legal Problems of Asylum, and International Medical Law produced substantive reports in 1970. All but the last of those committees would publish additional important studies in the 1971-1972 Branch *Proceedings*, as would the Committee on Extraterritorial Application of Restrictive Trade Legislation and the Committee on the United Nations Charter.

By 1971 the American Branch had made significant progress on preparing to host the 55th ILA conference in New York City in 1972, which would also mark the Branch's 50th anniversary. Plans for the upcoming ILA biennial occupied much of the discussion when the Branch Executive Committee met at ABILA's May 1971 annual meeting.

One highlight of that annual meeting was a dinner address by then U.S. Ambassador to the United Nations (and future U.S. President) George H.W. Bush on ideas to revitalize support for the United Nations in the United States. Following a practice established in 1967, the annual meeting also featured a panel, this one jointly organized with the Association of the Bar of the City of New York on legal issues in the Middle East. International Law Weekend, with its multiple panels, would not be launched until 1974.



President George H.W. Bush as U.S. Ambassador to the United Nations

Submitted by John E. Noyes and James A.R. Nafziger



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- H.E. Judge Silvia Fernández de Gurmendi, International Criminal Court
- H.E. Judge Julia Sebutinde, International Court of Justice

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- Business Engagement in Global Governance: Boon or Peril?
- The Challenge of Globalizing Private International Law
- 2020 Vision: Trends and Challenges in the Enforcement of International Arbitral Awards
- International Supply Chain: Challenges in the time of Pandemics and Global Disruption
- Arbitration of Human Rights at Sea: Giving International Law Teeth by Empowering Victims to Enforce it

For more information, visit
ila-americanbranch.org/ilw

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Recruit New Members

Every ABILA member is encouraged to recruit new members to the American Branch. The health and success of our Branch depends on a steady infusion of new talent, enthusiasm, and energy.

Please take time now to think about reaching out to several likely prospects, encouraging them to join, to attend ILW 2020 to participate in Branch Committees and Study Groups, and/or to sponsor local and regional events.

To help you in this effort, the ABILA membership brochure is available for download from the [Branch website](#) under the Membership tab.

You can also reach out to our Membership Officer Tabitha Crawford at membership@ila-americanbranch.org who would be happy to follow up with additional information about becoming an ABILA member.

Pay Your Dues

The Branch's membership year began in January. If you have not yet paid your 2020 membership dues, please do so now. If you are unable to do so due to the coronavirus crisis, **ABILA will cover the cost of your dues.**

Visit www.ila-americanbranch.org and click on the Membership tab or contact our Membership Officer Tabitha Crawford at membership@ila-americanbranch.org.

75th Anniversary of the United Nations

The United Nations, founded in 1945, turns 75 this year. This anniversary comes at an apt moment to reflect on global cooperation and progress. During this pandemic, the rest of the world can seem distant. With international travel frozen and people staying home and distanced, it's easy to feel isolated from our global neighbors. However, international institutions like the United Nations continue to work for all of us to make our future a healthier, brighter one.

The United Nations started with 51 members in 1945. That year, 850 delegates representing over 80% of the world's population met in San Francisco to iron out the U.N. Charter. Negotiations reached precarious points at which it appeared the conference might disband without reaching any resolution. The delegates persevered, compromises were reached, and the U.N. Charter passed with unanimous support.

In the following 75 years, the world developed at a remarkable pace and the United Nations achieved major milestones. From the U.N.'s first General Assembly meeting and resolution on the peaceful use of atomic energy and elimination of atomic weapons, to the Universal Declaration of Human Rights, the United Nations sought to address a wide range of issues. Landmark conferences on the environment and women's rights furthered the U.N.'s mission. Peacekeeping and health efforts supported many regions. Throughout 75 years of global change, the United Nations consistently achieved the cooperation of diverse Member States towards solving global challenges.

The world faces another great global challenge today. International cooperation is needed now more than ever. Even after the worst of the pandemic passes, we will need to work with our international partners to create a safer world more prepared for future diseases. We will need to harness our collective power to attack climate change and poverty, and to maintain global peace. The United Nations is a space for dialogue and communication that the world must continue to embrace to advance the wellbeing of all people.

We've come so far, and we will continue to work together for a better future.

Ali Petot, 2021 JD Candidate, Washington University School of Law

American Branch of the International Law Association

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