



INTERNATIONAL LAW ASSOCIATION
AMERICAN BRANCH
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NEWSLETTER

Mark Your Calendars! International Law Weekend 2020

International Law Weekend 2020 will take place in New York City 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 and is co-sponsored by Fordham University School of Law and the New York City Bar Association. The conference will take place during International Law Week at the United Nations and will feature the 99th annual meeting of American Branch members.

Cognizant of the current pandemic, planning is nevertheless underway. The Organizing Committee, which issued its call for panel proposals earlier this month, 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 will participate *ex officio*.

As in previous years, the conference will open on Thursday evening with a high-level plenary panel at the New York City Bar Association, followed by a reception. The conference will continue on Friday and Saturday at Fordham University School of Law. Catherine Amirfar, Esq., partner at Debevoise & Plimpton LLP and incoming president of the American Society of International Law (ASIL), will present a keynote address Friday during lunch. Following our long-standing tradition, plans are being made for a reception at a UN Mission on Friday evening. Another major presentation will be made on Saturday preceding the Members Meeting.

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Opening Plenary Session at the New York City Bar Association, ILW 2019



New Membership Brochure

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

It is available for download from 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

As this *Newsletter* goes to press, the world is reeling from a global pandemic caused by the novel coronavirus, which appeared suddenly in December 2019.

It is astonishing how quickly all this has happened. Stock markets have crashed, nationalism has surged, global travel has screeched to a halt, and international trade and economic life have been crippled. Hospitals and medical personnel are overwhelmed, and “social distancing” has become the new normal. The virus has spread with astonishing rapidity, and morbidity, to every continent except Antarctica. There have been more than 3 million confirmed cases worldwide, with more than 210,000 deaths. On March 11, 2020, the World Health Organization declared the coronavirus outbreak to be a global pandemic.

One would hope that such a scourge could unite the world in an effort to combat and contain it. Although some global cooperation has been evident, the overall response has been inconsistent. As in Camus’ *The Plague*, some governments have downplayed or understated the severity of the epidemic. Others have overreacted, taking disproportionate measures that negatively impact the human rights of their populations. Nationalism and finger-pointing have impeded global cooperation with devastating results. International legal scholars, including the ILA committees on [Global Health Law](#) and Human Rights in States of Emergency, have already begun to weigh in. What seems readily apparent from the emerging literature is that international legal cooperation is needed in the face of a common disaster more than ever.

The American Branch, like all organizations, has been affected by the pandemic, and we are acting to address the immediate needs of our organization and its membership. Because many members find themselves in difficulty, in April our Board decided that if an individual is unable to pay their membership dues this year, ABILA will pay them. We also started a free webinar series addressing many of the international law aspects of the pandemic, beginning with a first program on April 28, 2020 entitled [COVID-19 & International Law: A Snapshot](#).

Meanwhile, behind the scenes, important long-term planning for our future is ongoing. We are completely redesigning and upgrading our website to render it more modern, user-friendly, and to help our organization use technology more effectively. We are advertising for a new media officer who can update our social media profile and develop content for the website. Plans for [International Law Weekend 2020](#) are also underway, albeit with the recognition that significant changes to our usual operating methods may be required as a result of the pandemic. Finally, our centennial planning committee has begun thinking about how to celebrate ABILA’s hundredth anniversary year in 2021.

During times of crisis, it is comforting to be part of a community of like-minded individuals committed to the rule of law and justice in international affairs. I hope that you will contribute to our community by letting us know how you are doing, serving on committees, attending webinars, and otherwise interacting with fellow Branch members. We care about you and look forward to the day when we can meet again in person.

Until then, please accept my best wishes for your health and well-being.

Sincerely,

Leila Sadat, President

ILA Biennial Conference, Kyoto 2020 Postponed

The International Law Association's 79th biennial conference, *ILA 2020: Bridging for the Future*, which was scheduled to take place in Kyoto, Japan in August, has been postponed. The Japan Branch has made this difficult decision with the full support of the ILA to protect the health and safety of ILA members, conference participants, and the venue staff.

The Japan Branch is working towards postponement to a later date, with cancellation as a fall-back option if that should prove impracticable.

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.

For more information visit www.ila2020kyoto.org.

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

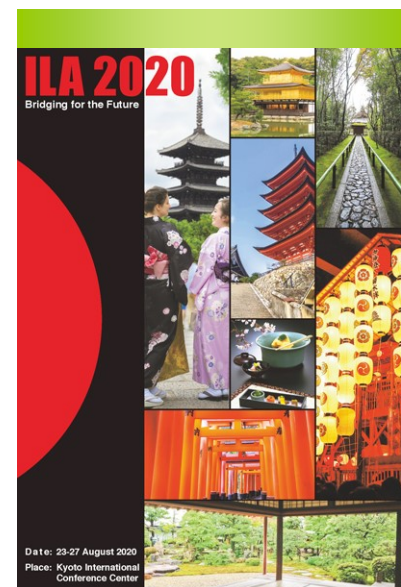
The description of the weekend is as follows:

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.

The ILW Organizing Committee invites panel proposals to be submitted through its [online portal](#).

We are, of course, fully aware that the COVID-19 pandemic has affected us all, and no one can say with certainty what the situation may be in the fall. Nonetheless, we have decided to proceed with planning for ILW 2020 in the hope that it will be possible to hold the event as scheduled. We will keep you posted if anything changes in this regard, and we are considering remote access and virtual participation.



ILW 2020 Registration

Registration for ILW 2020 will open in August. In line with the changes approved by the Board of Directors and the Branch membership, registration will be \$50 for non-members and \$25 for Branch members. Students attend for free. Be sure your ABILA membership is current.

A special conference rate has been arranged at the Empire Hotel (44 West 63rd Street, New York, NY 10023). This rate is valid for those making reservations until the ABILA block of rooms is sold out. Reservations can be made online or by calling 855-265-7400 (ask for the International Law Weekend group discounted rate).

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), to stimulate student interest in the field of international law, 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.

Co-sponsored Event: *Third Annual International Arbitration and Dispute Resolution Symposium*

The American Branch co-sponsored the *Third Annual International Arbitration and Dispute Resolution Symposium: What Happens Before and After International Arbitration?* at Washington University School of Law on February 21, 2020. This Symposium addressed topics relating to the “before” the onset of arbitration, such as negotiations and mediation, as well as enforcement actions after the arbitration. Both commercial and investment arbitration were discussed. The meeting brought together private practitioners, in-house and government counsel, academics, arbitration and mediation institutions, and engaged users of international arbitration and dispute resolution. The program featured a keynote address by world-renowned barrister and arbitrator Mahnaz Malik, of Twenty Essex in London. The event was chaired by ABILA Secretary M. Imad Khan. ILW 2020 Planning Committee Member Victoria Sahani was a featured speaker.



International Law Weekend-Midwest *Atrocity Prevention*, September 20, 2019

ILW Midwest was held at Case Western University School of Law on September 20, 2019. Focused on the theme of *Atrocity Prevention: The Role of International Law and Justice*, the meeting featured two dozen of the world’s foremost experts on atrocity law and policy, who addressed topics including the role of social media in inciting violence, the paralysis of the Security Council due to the veto, and attacks on the International Criminal Court. Professor Sean Murphy, the Manatt/Ahn Professor of International Law at George Washington University, President of the American Society of International Law, and Special Rapporteur on Crimes against Humanity at the U.N. International Law Commission, delivered a keynote address on progress of a new international treaty on the prevention and punishment of crimes against humanity.





Ambassador Stephen Rapp delivers the keynote address during ILW 2019

Report on ILW 2019

International Law Weekend 2019, held in New York on October 10-12, was a resounding success with more than 1,000 registrations and nearly 700 in attendance. The theme was *The Resilience of International Law*. The Branch deeply appreciates the hard work of the Organizing Committee, led by Co-Chairs William Aceves, Margaret McGuinness, and Ashika Singh. The other members of the Organizing Committee were Pamela Bookman, Amity Boye, Kathleen Clausen, Martin Flaherty, Alonso Gurmendi, Michael Marelus, Caline Mouawad, J. Janewa Osei-Tutu, Leila Nadya Sadat (*ex officio*), Milena Sterio, David P. Stewart (*ex officio*), and Isavella Vasilogeorgi. Tej Srimushnam served as the ILW Administrative Officer and was assisted by Nelly Gordpour and Madaline George.

This was the 45th International Law Weekend and marked the 98th annual meeting of the American Branch. ILW 2019 featured 35 panels with several designated for continuing legal education (CLE) credit. Branch Committees sponsored forty percent of the panels.

In addition to **Fordham Law School**, the **New York City Bar Association**, the **Singapore Mission**, and the **International Law Students Association (ILSA)**, the Branch also offers its thanks to the other co-sponsors of and contributors to ILW 2019:

Platinum Level

Debevoise & Plimpton LLP
 Fordham University School of Law's International and Non-J.D. Programs
 Fordham University School of Law's Leitner Center for International Law & Justice

Gold Level

American Society of International Law
 White & Case LLP

Silver Level

California Western School of Law
 Case Western Reserve University School of Law
 Columbia Law School
 University of Georgia School of Law's Dean Rusk International Law Center
 Foley Hoag LLP
 George Washington University Law School
 Georgetown University Law Center
 King & Spalding LLP
 NYU School of Professional Studies
 New York State Bar International Law Section
 NYU Center for Global Affairs

Oxford University Press
 Princeton University's James Madison Program in American Ideals and Institution
 Seton Hall University School of Law
 St. John's University School of Law
 Tufts University, The Fletcher School of Law and Diplomacy
 University of Nebraska College of Law
 University of Pittsburgh School of Law
 Washington University School of Law's Whitney R. Harris World Law Institute
 Yeshiva University, Benjamin N. Cardozo School of Law

New Branch Members

We welcome the following new ABILA members who have joined our Branch since September 2019:

Alan S. Kleiman
Alexander Ellis Peters
Alexandra Insinga
Alexandra Raleigh
Beixiao (Robert) Liu
Bill Deckelman
Caroline Miller
Carter Page
Christi-Anne Beatty
Claire O'Connell
Elizabeth Acorn
Elizabeth Anderson
Emily Medosch
Evelyn Campos Sanches
Francesco Messina
Gifany Ten-Ten Tongohan
Gordien Ndizeye
Heba Qazi
Hurst Hannum
Jamaldeen Seidu
James Leitner
Jayant Malik
John Linarelli
Kushtrim Morina
Lawrence Moss
Madaline M. George
Manel Chibane
Margaret deGuzman
Matthew Morantz
Nezihe Diril
Paige Richardson
Patrik Labuda
Philippa Greer
Philippa von Weichs
Pierre Verdier
Quinn R. Long
Rafael Beaumont
Richard Field
Robert Cimmino
Sebastian Dutz
Siobhan McNerney-Lankford
Steven Snell
Stratos Pahi
Tamar Sarjveladze
Vasco de Jesus Rodrigues
Yanrong Zeng
Yiming Gu

Introducing ABILA Member: James Gathii



Professor James T. Gathii is a Professor of Law and the Wing-Tat Lee Chair in International Law at Loyola University Chicago School of Law since July 2012. He is a graduate of the University of Nairobi, Kenya, and Harvard Law School. He sits on the board of editors of the *American Journal of International Law*, the *Journal of African Law* and the *Journal of*

International Trade Law and Policy, and on the Advisory Board of the *International Journal of Constitutional Law*, among others. He is also a founding editor of www.afronomicslaw.org/, the blog on International Economic Law Issues as they relate to Africa and the Global South. His research and teaching interests are in Public International Law, International Trade Law, Third World Approaches to International Law (TWAIL), Comparative Constitutionalism, and Human Rights, as well as Business Law.

Professor Gathii is an Independent Expert of the Working Group on Extractive Industries, Environment, and Human Rights Violations in Africa formed by the African Commission on Human and Peoples' Rights. He is also an expert member of the Working Group on Agricultural Land Investment Contracts of the International Institute for the Unification of Private Law (UNIDRIOT). He has sat as an arbitrator in international commercial arbitrations hosted by the Permanent Court of Arbitration and is an elected member of the International Academy of International Law. He has consulted for the Office of the United Nations High Commissioner for Human Rights (OHCHR), and the Economic Commission for Africa (ECA), among others.

Professor Gathii is widely published in the areas of Public International Law, International Trade Law, and International Human Rights, and he speaks extensively on these topics both in the United States and abroad. His books include *African Regional Trade Agreements as Legal Regimes* (Cambridge University Press, 2011, Paperback 2013); *War, Commerce and International Law* (Oxford University Press, 2010); *The Contested Empowerment of Kenya's Judiciary 2010-2015: A Historical Institutional Analysis* (Sheria Publishing House, 2016); and an edited collection, *The Performance of Africa's International Courts* (Oxford University Press, 2020). He is currently writing a book on Third World Approaches to International Law and finishing another on Company Law in Kenya. In addition to his books, Professor Gathii has authored over 90 articles and book chapters.

Professor Gathii has been an active member of the American Branch for many years. He has presented several papers at ILW, and was a member of the ILA **Use of Force Committee**, chaired by Mary Ellen O'Connell, which produced a report on the *Meaning of Armed Conflict in International Law*.

Introducing New Member: Pamela Bookman



Professor Pamela Bookman, an Associate Professor of Law at Fordham University School of Law, is an expert in the fields of Civil Procedure, Contracts, International Litigation and Arbitration, and Conflict of Laws. Her scholarship has appeared in the *Stanford Law Review*, the *NYU Law Review*, the *Yale Journal of International Law*, and other leading law journals.

Prior to entering academia, Professor Bookman was a Counsel in the New York office of Wilmer Cutler Pickering Hale & Dorr LLP, where she represented clients in complex commercial business disputes with a focus on transnational litigation and maintained an active pro bono practice.

Professor Bookman received her B.A. in Russian Literature from Yale University and her J.D. from the University of Virginia School of Law, where she served as an Articles Editor on the *Virginia Law Review* and received the Rosenbloom Award for enhancing the academic experience of her fellow students. Following law school, Professor Bookman clerked for Judge Robert D. Sack of the U.S. Court of Appeals for the Second Circuit, President Rosalyn Higgins and Judge Thomas Buerghenthal of the International Court of Justice, and Justice Ruth Bader Ginsburg of the U.S. Supreme Court.

Professor Bookman joined the American Branch in 2019. She served on the 2019 ILW Program Committee and was a panelist for the ILW panel *Competition and Convergence in International Dispute Resolution*.

Student Ambassador Program a Success

The American Branch's new Student Ambassador program contributed greatly to the success of ILW 2019. Four students – Katherine Blake (Santa Clara University School of Law), Brittany de Hoyos (University of Pittsburgh School of Law), Sara French (University of Dayton School of Law), and Kei Hanada (St. John's University School of Law) – were selected for the inaugural program and provided funding to attend ILW, where they attended panels, networked at various events, assisted with registration, and reported on ILW for ABILA's website. Additional student volunteers were provided by Washington University in St. Louis School Law and Sturm College of Law. Student Ambassadors are invited to continue their involvement in the Branch throughout the year.



ABILA members are encouraged to nominate students to the 2020 Ambassador Program by emailing ABILA President Leila Sadat (sadat@wustl.edu) and Ms. Tabitha Crawford (tabitha.c@wustl.edu) ABILA's Membership Officer.

Meet Our New Membership Officer



Ms. Tabitha Crawford joined the American Branch as the new Membership Officer in fall 2019. She takes over the position for Ms. Bethel Mandefro, whose two years of work for the Branch oversaw an impressive increase in new and retained membership. Ms. Crawford is a graduate of Greenville College with a B.A. in History and English. She is currently the Administrative Coordinator at the Whitney R. Harris World Law Institute at Washington University School of Law in St. Louis. She previously worked at St. Louis University for seven years.

Spring 2020 Executive Council Meeting

The spring 2020 Executive Council Meeting of the International Law Association (ILA) will be held remotely on May 9th, 2020.



Report on ILA Executive Council Fall 2019 Meeting in London



The semi-annual meeting of the ILA's Executive Council was chaired by Lord Mance and President Chris Ward (Australian Branch). Vice Chair Jim Nafziger (ABILA) was also on the dais. ABILA was represented by Vice President Chiara Giorgetti and Board Chair David P. Stewart. Twenty-four of the ILA's 63 branches were represented.

ILA membership stands at an all-time high, with more than 4,600 members worldwide. The largest national branches include the American, British, Japanese, German, Dutch, French, Australian, and Indian.

The Association's current financial state is good, notwithstanding the fact that a number of Branches have yet to pay their 2018 and 2019 membership contributions in full, causing a shortfall (expected to be resolved by the end of the financial year). The main problem is that during the administrative transition earlier this year, many branches were not invoiced. For 2020, the Council approved a conservative budget at approximately the same level as for the past year. The need for additional contributions to the Biennial Scholarship Fund was emphasized.

Claire Martin, the Association's Chief Operating Officer, noted that a new electronic accounting system is being instituted that will greatly facilitate membership processing and midterm (3 year) budget planning.

Prof. Pierre Bodeau-Livinec, the new ILA Director of Studies, reported on his discussions with the Mauritius Branch concerning its highly political and narrowly drawn proposal on "The right of self-determination in the context of decolonisation, in light of the recent ICJ advisory opinion in the matter of Chagos v. United Kingdom." He also reported that the new Study Group on Children's Rights, chaired by ABILA member Prof. Wendi (Warren) Binford would limit its mandate to cross-border violations of children's rights and would report to the Executive Council in May 2021, with the possibility at that time of establishing a broader committee on children's rights. The Slovenian Branch announced that it may propose a new committee on migration issues.

Prof. Bodeau-Livinec also noted that a steering committee will be created for the Kyoto Biennial. He indicated efforts will be undertaken for greater dissemination of the work of ILA Committees and Study Groups including through the ILA website.

Report on ILA Executive Council Fall 2019 Meeting in London *(cont'd)*

The Council approved new members for a number of ILA committees, including ABILA members Dr. Ryan Abbott for the Global Health Law Committee (chair nominee) and Alice Colarossi (Submarine Cables and Pipelines under International Law). ABILA member Nina Olsen has joined the International Tax Law Study Group.

Headquarters nominations were approved for new members from Lebanon, Iran, Venezuela, Saudi Arabia, Ethiopia, and Kuwait.

The regional meeting on migration held in Portoróz, Slovenia, in June 2019, was a success, attended by 135 people (representing 24 ILA Branches). It has led to active interest in the establishment of a new Montenegrin Branch. The American Branch reported briefly on ILW 2019, attended by ILA President Chris Ward, and noted that ILW 2020 is scheduled for October 22-24, at which the Branch will kick off its centennial year and campaign. ILA Vice Chair Prof. Catherine Kessedjian (French Branch) reported on plans for the commemoration of the ILA's 150th Anniversary, to be held in Paris June 19-20 or 26-27, 2023. A published volume including ILA and Branch histories is in the works. The Japanese Branch reported on preparations for the Kyoto Biennial, which was, at the time, scheduled for August 23-27, 2020. The 2022 Biennial will take place in Lisbon June 19-23. The Chair called for proposals to host the 2024 Biennial.

Some discussion also took place about proposals for broadening the participation of scholars and practitioners from developing states and encouraging involvement by students and early-career scholars and practitioners in general, including both short-term and long-term measures.

The Executive Committee also approved new Diversity Guidelines for ILA conferences and panel speakers. It was made clear that the Guidelines generally address all categories of diversity listed in the preamble except where gender-related guidelines are so specified.

The next Executive Council meetings are scheduled for May 9, 2020 (by video conference) and November 14, 2020; the Council was scheduled to meet twice in Kyoto on August 23 and 27. Finally, insofar as Lord Mance plans to step down as Chair during the next two years, the Management Committee will propose a procedure for selecting his successor.

Fall 2019 Meeting of Board of Directors

A meeting of the Board of Directors of the American Branch was held on Friday, October 11 at Fordham University Law School. Leila Sadat and William Aceves provided an update on ILW 2019 and others expressed appreciation for the quality of panels and panelists and the organization of the event. Leila Sadat delivered a report, including an update on membership levels (305 at the time of the report), ILW Midwest at Case Western, and the May 2019 ILA Executive Committee Meeting. She also noted that the ABILA Centennial will take place in two years.



Fall 2019 Annual Members Meeting

The 98th Annual Members Meeting of American Branch was held Saturday, October 21, 2019, at Fordham Law School. The meeting was kicked off by a lively keynote presentation by William Burke-White, Director of Perry World House at the University of Pennsylvania Law School, on *How International Law Got Lost*. Following Professor Burke-White's address, the meeting received reports from President Leila Sadat on membership and activities, regional meetings of the Branch, and other Branch initiatives, including the ABILA Centennial, and a financial report from Treasurer Houston Lowry. Ronald Brand presided over the election of David Attanasio and Martin Flaherty as Directors, and Jennifer Trahan as Co-director of Studies. Peter Yu provided a report as Co-director of Studies.

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

News from ILA Committees and Study Groups

ILA Committee on the Procedure of International Courts and Tribunals

On September 6-7, 2019, the Committee held its sixth session, hosted at the Max Planck Institute for Procedural Law in Luxembourg. The Committee, which was established in 2016, aims to propose a package of reforms for the procedural rules of international courts and tribunals, tailored to the individual circumstances of each jurisdiction. The Committee has presented an interim report relating to the procedural rules of the International Court of Justice and the International Tribunal for the Law of the Sea at the 2018 ILA Conference in Sydney, and is working on the procedure of inter-state arbitration in preparation for the 2020 ILA Conference in Kyoto, where it was planning to present its final report.



ILA Committee on Intellectual Property and Private International Law

On June 21–22, 2019, the ILA Committee on Intellectual Property and Private International Law met at Humboldt University Faculty of Law in Berlin, Germany for a productive discussion of the draft “Guidelines on Intellectual Property in Private International Law” and the accompanying comments. Three Branch members (Professors Rochelle Dreyfuss, Jane Ginsburg, and Marketa Trimble) participated in the meeting. The ILA Committee intended to present the Guidelines with a proposal for an ILA Resolution at the ILA 79th Biennial Conference in Kyoto in 2020. The work of the ILA Committee is particularly important now that intellectual property matters have been excluded from the scope of the new Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters.



News from ILA Committees and Study Groups *(cont'd)*

ILA Committee on Global Health Law

The Committee adopted a statement regarding the COVID-19 pandemic on April 5, 2020, as follows:

“The Global Health Law Committee of the International Law Association observes that the potential for virus-based pandemic outbreaks has long been anticipated by public-health specialists as well as by the World Health Organization (WHO). During the 2014-2016 Ebola outbreak attention was drawn to gaps in the preparedness of local health systems, to the scientific challenges of developing new treatments, vaccines and diagnostics in a sufficiently rapid manner to effectively confront large-scale virus outbreaks, and to the special difficulties confronted by low-resource environments in addressing pandemic outbreaks. In February 2015 the Committee convened a meeting on Global Health Security in Geneva at which a substantial number of interested stakeholders shared concerns about these gaps. Following detailed preparatory work, the World Health Assembly met in May 2015 and decided that additional resources should be directed toward prevention of and response to pandemic outbreaks. Although the precise contours and the magnitude of the COVID-19 outbreak could not be foreseen at that time, the potential for such an event was widely understood, as was the need for further advance investment to address it.”

Taking note of the global COVID-19 pandemic, the Global Health Law Committee restates fundamental principles and rules of international law important to containing and ending the pandemic, safeguarding the rights of individuals and groups, and ultimately returning international society to a normal functioning state. The statement can be [read in full online](#).



Update on the ABILA Study Group Threats to the International Legal Order

Is the International Legal Order Unravelling? Many people believe that we are at a watershed moment in the development of international law and institutions. There is a risk that we may be witnessing the unravelling of the international legal order in the next decade. Are we in the midst of a revolutionary change in the international legal order? Or should we merely expect gradual, evolutionary change over the next decade? David Sloss, Professor of Law at Santa Clara University, is chairing an ABILA study group to explore these questions.



Members include: Maxine Burkett (University of Hawaii), Kathleen Claussen (University of Miami), Laura Dickinson (George Washington), Kristen Eichensehr (UCLA), James Gathii (Loyola Chicago), Tom Ginsburg (University of Chicago), Chris Jenks (Southern Methodist University), Ido Kilovaty (University of Tulsa), Susan Pascocello (Georgetown), Sergio Puig (University of Arizona), Jeremy Rabkin (George Mason), Jaya Ramji-Nogales (Temple), Leila Sadat (Washington University), Wayne Sandholtz (USC), Richard Steinberg (UCLA), Paul Stephan (University of Virginia), and Allen Weiner (Stanford).

The study group held its first meeting in New York City in October 2019. Sloss hosted the second meeting at Santa Clara in February 2020. The study group will be producing a book that Sloss is editing, which is tentatively entitled *Evolution or Revolution? Change in the International Legal Order*. The book will consist of fifteen chapters, plus an introduction.

Professor Sloss has good news to report. “Despite my worst fears, the key take-away from the study group meeting at Santa Clara is that the international legal order is probably not unravelling. Indeed, although the future is uncertain, several current trends point in a more hopeful direction.”

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.

ABILA Directors of Studies' Report

Since last year's annual 2019 meeting, the Branch added three committee co-chairs: Floriane Lavaud (Debevoise) to the **Committee on International Arbitration**, Diora Ziyeva (Dentons) to the **Committee on International Investment Law**, and Sahar Aziz to the **Committee on Islamic Law and Society**. The Branch also established a new **Study Group on the De-Legalization of International Relations**, with David Sloss (Santa Clara) and Richard Steinberg (UCLA) as co-chairs.

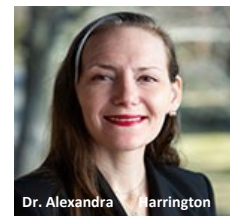
News from Branch Committees

The International Human Rights Committee's Subcommittee on U.S. Compliance, chaired by Aaron Fellmeth, organized the filing of a brief in the Ninth Circuit in *Flores v. Barr*, regarding the Trump Administration's decision to terminate a settlement agreement from a past case and detain immigrant children indefinitely. The brief was filed at the end of January on behalf of several nongovernment organizations and international law scholars and activists, and explained the incompatibility of indefinite child detention with international human rights law binding on the United States.



Members of the Subcommittee also submitted a stakeholder report to the U.N. Human Rights Council for the 2020 Universal Periodic Review (UPR) of the United States. Authors of the report were Aaron Fellmeth, Madaline M. George, Dr. Thomas Obel Hansen, Leila Sadat, and Kristin Smith. The report dealt with discrimination based on religion in immigration policy; gun violence; U.S. attempts to undermine international criminal justice; and inadequate remedies for violations of International Human Rights Law. The stakeholder report was widely cited in the *U.N. Summary of Stakeholder Submissions on the United States of America*. In addition, the Committee formed a **Task Force on U.S. Immigration Policy** headed by Prof. Stella Elias, who submitted a UPR report on the U.S. child detention policy, DHS harassment of immigration lawyers and journalists, and related issues.

The Committee also formed an 12-person **Working Group on Consumer Protection and Human Rights**, under the leadership of Dr. Alexandra Harrington and Tej Srimushnam, which is drafting a white paper on the relationship between consumer protection and human rights.



The Committee on International Humanitarian Law, chaired by Ashika Singh, co-sponsored two panels at ILW 2019: *Mercenaries or Private Military Contractors?: Regulation of an Ever-Expanding Phenomenon* and *Foreign Fighters and Their Families: A Debate Regarding How to Reconcile the Competing Demands of ICL, IHL, Human Rights, and Refugee Law*.

News from ABILA Committees (*cont'd*)

The International Criminal Court Committee, chaired by Jennifer Trahan, published a *Statement by the American Branch of the International Law Association International Criminal Court Committee: The United States and the ICC* on March 25, 2019. This statement, *inter alia*, expressed concern about U.S. Secretary of State Michael R. Pompeo's announcement regarding a travel ban against ICC officials working on the Afghanistan Situation.



The Committee on International Intellectual Property, co-chaired by Sean Flynn and Peter K. Yu, sponsored a roundtable at ILW 2019 on *International Intellectual Property Law in the Age of Smart Technology and Intelligent Machines*. This timely roundtable brought together experts from around the world to explore the resilience of the international intellectual property regime and the tensions and conflicts posed by rapid technological change. Committee Co-Chair Sean Flynn moderated the panel. Panelists included Committee Co-Chair Peter Yu, Cheryl Foong (Curtin Law School in Australia), Doris Estelle Long (UIC John Marshall Law School), and Michal Shur-Ofry (The Hebrew University of Jerusalem in Israel).

The Committee on International Investment Law, co-chaired by David Attanasio and Diora Ziyaeva, co-organized *A Conversation with Carolyn Lamm Interviewed by Professor Michael Waibel* on April 4, 2019 at Harvard Law School in collaboration with the Harvard International Arbitration Law Student Association. The talk focused on international investment arbitration. Harvard Law students and professors engaged with Ms. Lamm and heard her exceptional "war stories" from acting as counsel in high-stake and cutting-edge investment cases. On May 8, 2019, this Committee co-organized a conference on *International Arbitration and Human Rights in the Age of Artificial Intelligence* at the New York office of Dechert LLP. The panel discussion considered the implications and consequences for human rights and international arbitration of the use of artificial intelligence. Leading academics and lawyers in the field debated on state responsibilities in the context of international arbitration for privacy and data protection. The Committee also held a closed roundtable on climate change and investment law in the fall.

The Committee on Space Law, co-chaired by Henry R. Hertzfeld and Matthew Schaefer, has been involved in informal discussions throughout 2018 and 2019 with industry, Executive Branch officials, and Congressional staff on space resources, COSPARS planetary protection standard reform, and how the U.S. government can best meet its Article VI obligations in the Outer Space Treaty to authorize and supervise new on-orbit activities, such as satellite servicing, lunar research facilities and rovers, and asteroid mining.



The Committee on United Nations Law, co-chaired by Christiane Ahlborn and Bart L. Smit Duijzentkunst, co-sponsored a work-in-progress workshop on the law of international organizations on March 15, 2019. Both co-chairs participated as discussants in the workshop, which took place at the Faculty Library of Seton Hall Law School. Eight papers by scholars from the United States, Europe, and Asia were discussed by about 20 participants from academia and legal practice, including remote participants. Together with the International Organizations Interest Group of the American Society of International Law, this Committee co-sponsored a panel on recent developments in the law and practice of legal offices of international organizations on November 7, 2019 at the Permanent Mission of the Netherlands and featured staff from legal offices of various New York-based international organizations, such as UNICEF, UNDP, and the United Nations.

The Committee on the Use of Force, chaired by Jack M. Beard, organized a panel of distinguished international experts at ILW 2019 entitled *The Growing Risk of War in Outer Space: What Role Will International Law Play?*, which considered dramatic advances in space technology, increasing geo-political tensions, and the critical strategic importance of military assets in space present a growing risk of armed conflicts extending to outer space. This panel explored this threat and the role that international law may play in maintaining international peace and security in space, as well as the role that international humanitarian law may play if an armed conflict does occur.



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

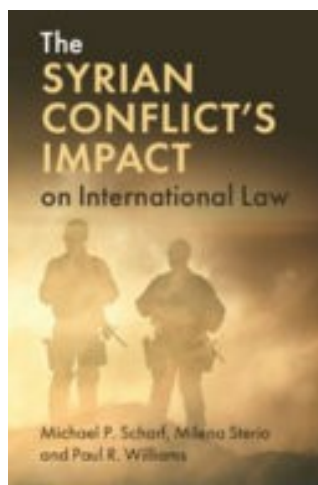
News from Branch Members

ABILA President **Leila Nadya Sadat** took part in the Annual Association of American Law Schools (AALS) Meeting in Washington DC on January 1-4, 2020, where she served as a discussant for *The Role of Women as International, Regional, and National Judges*, moderated by ABILA

member **Milena Sterio**, and was a panelist on *The Challenge of International Law in Dealing with the Causes of the Global Refugee Crisis: Climate Change, Armed Conflict, and Gross Human Rights Abuses Perpetrated by State and Non-State Actors*. She also delivered the keynote address, *Towards the Light: The Continued Importance of the Nuremberg Principles in an Era of Contested Accountability*, at the Nuremberg Principles Academy in Nuremberg, Germany in October 2019.



ABILA Co-Director of Studies **Jennifer Trahan** was named to the Council of Advisers on the Application of the Rome Statute to Cyberwarfare, a group co-organized by the Permanent Missions of Argentina, Austria, Belgium, Estonia, Liechtenstein, Luxembourg, Spain, and Switzerland, and the Global Institute for the Prevention of Aggression. She also served as amicus curiae to the International Criminal Court regarding the appeal of the Pre-Trial Chamber decision not to authorize the opening of an investigation in the situation of Afghanistan. Her book, *Existing Legal Limits to the Security Council Veto Power in the Face of Atrocity Crimes*, is forthcoming and will be published this spring by Cambridge University Press.



ABILA Vice-President **Michael P. Scharf** and ABILA Board member **Milena Sterio** recently published *The Syrian Conflict's Impact on International Law* (Cambridge University Press, 2020) with Paul R. Williams.



News from Branch Members

ABILA Assistant Program Officer **Madaline George**, on behalf of the Whitney R. Harris World Law Institute at Washington University School of Law, testified before the Inter-American Commission on Human Rights (IACHR) during its 174th Period of Sessions on November 12, 2019 in Quito, Ecuador. Ms. George spoke at a hearing on *The Impact of Gun*



Violence in the United States and presented alongside representatives from Amnesty International, the Center for American Progress, and several victims and survivors of gun violence. Also in November, she helped launch the inaugural *Introduction to Medicine & Global Human Rights: Annual Forensic Documentation Workshop* with Washington University School of Medicine.

In fall 2019, ABILA Corporate Secretary **M. Imad Khan** joined Winston & Strawn LLP in their Houston office. He also chaired the *Third Annual International Arbitration and Dispute Resolution Symposium* at Washington University School of Law in February 2020.



Call for ABILA Media Officer

The American Branch is looking for a committed member to serve in the newly created position of ABILA Media Officer.

The Media Officer will be responsible for developing and implementing the overall content strategy of the American Branch social media presence, which will include soliciting, writing, and editing content for our website, blogging on current events and ABILA activities, managing social media posts, and handling email communication.

The ideal candidate will have a legal background (either a J.D. degree or working toward a J.D. or other law degree) with a strong interest in international law and practice. He or she must have a passion for, and strong understanding of, the mission of ABILA, excellent written and verbal communication skills, critical thinking and problem-solving skills, the ability to multi-task, and excellent knowledge of Facebook, Twitter, LinkedIn, Instagram, and other social media best practices. He or she must also demonstrate a high level of professionalism.

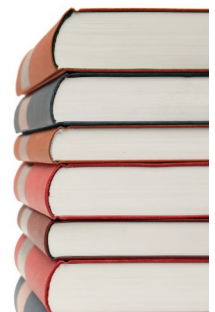
ABILA will base compensation on the candidate's experience.

The American Branch of the International Law Association will consider proposals from applicants without regard to race, color, religion, age, sex, sexual orientation, gender identity or expression, national origin, genetic information, disability, or protected veteran status. Interested applicants should send their CV and cover letter to Prof. Leila Sadat, President, American Branch, International Law Association (sadat@wustl.edu) with a copy to Ms. Tabitha Crawford, Membership Officer (tabitha.c@wustl.edu).

Service and Book Award Committees

The American Branch is pleased to announce that Professor Aaron Fellmeth (aaron.fellmeth@asu.edu) will chair the Book Award Committee and Dean Michael Scharf (michael.scharf@case.edu) will chair the Service Award Committee.

Further details are forthcoming and nominations will be solicited via email soon. Information, including selection criteria and deadlines, will also be posted on the ABILA website once they are available.



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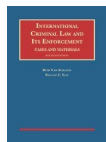
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Recruit New Members

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.

Earth Day Retrospective

April 22, 2020 marked the 50th anniversary of Earth Day, which over the years has been a day of momentous action on the environment, paving the way for global cooperation on a shared problem that knows no borders. In 2016, for example, more than 120 nations celebrated Earth Day by signing the landmark Paris Agreement.



Earlier, in June 1992, shortly after the thawing of the Cold War and the rebuilding of global relationships, representatives from 178 nations – including 117 heads of state – came together in Brazil for the United Nations Conference on Environment and Development, also known as the Rio de Janeiro Earth Summit. The largest gathering of world leaders up to that point, these nations united around a common purpose – to reconcile worldwide economic development with protection of the environment. The resulting Rio Declaration on Environment and Development (“Rio Declaration”) signified the world’s commitment to moving forward with “sustainable development,” that is, development that “meets the needs of the present without compromising the ability of future generations to meet their own needs.”

It seems strange, like most things during this global pandemic, to recognize Earth Day without the signing of a major treaty or taking part in collaborative, continent-wide environmental efforts. But as stay-at-home orders un-clog our highways and reveal blue skies and clear waters, we can take this time to reflect on the importance of our shared environment and the need for collective action in the years to come.

ABILA is proud to support our members working in the field of environmental law and protection. ABILA’s International Environmental Law Committee regularly sponsors panels at ILW, and ABILA members are active participants in ILA Committees on Sustainable Development and the Green Economy in International Trade Law, International Law and Sea Level Rise, and the Role of International Law in Sustainable Natural Resource Management for Development.

American Branch of the International
Law Association

Tabitha Crawford, Membership Officer
C/O Washington University School of Law
One Brookings Drive
Campus Box 1120
St. Louis, MO 63130-4899

membership@ila-americanbranch.org

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