

International Law **IN PRACTICE**

2018 YEAR IN REVIEW



American Society
of International Law

LEADERSHIP LETTER



Dear Colleagues:

Our 112th Annual Meeting convened in April 2018 amid deepening worries about the vitality and resilience of the international legal order. Those concerns were hardly diminished as the year drew to a close. Yet the Society has remained resolute in pursuing its two-pronged mission of fostering knowledge of international law and promoting international relations based on law and justice. Indeed, the 2018 Annual Meeting theme, "International Law in Practice," can be seen as an expression of faith in the capacity of international law to weather the storm, offering practical solutions to many of the world's challenges.



Over the past year, the Society has continued to serve as the premier convener of the international law community and a trusted source of information and analysis. It has redoubled its efforts to increase understanding of international law among policymakers, the media, and the public. And it has expanded its commitment to fostering the professional development of the next generation of international lawyers.

Building on the success of its livestream series on "International Law and the Trump Administration," the Society launched the podcast, "International Law Behind the Headlines," which explores the international legal issues in the news through interviews with leading experts.

Over the course of the year, the Society also presented and cosponsored dozens of conferences, symposia, and other events in Washington and around the world. These included, in addition to the Annual Meeting in Washington, the ninth Midyear Meeting, which took place in Los Angeles. The three-day event comprised the Research Forum, hosted by ASIL Academic Partner UCLA School of Law, and the Practitioners' Forum, hosted by Gibson Dunn & Crutcher LLP. As always, these programs provided an exceptional opportunity for new and aspiring professionals from around the world to engage directly with leaders in the field in exploring new and emerging issues in international law.

A highlight of the program was the convocation celebrating the launch of the David D. Caron Fund. The Fund, which honors the life and work of the 44th President of the Society, will support, enhance, and perpetuate the Research Forum, which was created by David and remains one of his signature achievements. Among other things, the Fund supports the David D. Caron Prize, for the best paper presented at the Research Forum by a current student or recent graduate, and the David D. Caron Fellowships, which will help defray the travel expenses of students or recent graduates who have been selected to present a paper at the Research Forum but require financial assistance to attend. The first David D. Caron Prize will be presented at the 2019 Annual Meeting.

The past year also brought increased engagement with the Society's international partners, including the Organisation for Economic Co-operation and Development (OECD). At the 2018 Annual Meeting, the two organizations signed a Memorandum of Understanding to facilitate joint projects and programs of mutual interest, including in the areas of business and human rights, cybersecurity, and multilateralism. Over the past year, ASIL and OECD have organized conferences on anti-corruption, held in Washington and Paris, and senior OECD representatives have participated in Annual Meeting panels on development and the future of multilateralism.

The Society has continued to take steps to increase the synergies among its various activities, from publications to podcasts to conferences, and to increase collaboration among its 34 interest groups, with

its institutional partners, and with colleagues in other disciplines. At the 2018 Annual Meeting, the Society launched the "signature topics" initiative, whose goal is to enable members to develop cross-cutting projects on key international law issues. The first two signature topics—"Atrocity Prevention: The Role of International Law and Justice," and "Beyond National Jurisdiction: Human Activities in the Oceans, Polar Regions, Cyberspace and Outer Space"—are multiplying the impact of the Society's work, while delivering an ever more dynamic and cohesive experience to its members.

The work of the Society has prospered over the past year, thanks to the wisdom, dedication, and generosity of its members and leaders, its volunteers, donors, partners, sponsors, and its staff. We are grateful for all they do to sustain and nurture this essential institution, and to ensure that it remains strong and relevant in these challenging times. We hope that the 2019 Annual Meeting, whose theme is "International Law as an Instrument," will provide you with ideas, energy and inspiration for the continuing challenges ahead.

Sincerely,

Sean D. Murphy
President 2018-2020

Mark D. Agrast
Executive Director

WHO WE ARE

The American Society of International Law (ASIL) is a nonprofit, nonpartisan, educational membership organization founded in 1906 by US Secretary of State Elihu Root and chartered by Congress in 1950.

Headquartered in Washington, DC, its mission is "to foster the study of international law and to promote the establishment and maintenance of international relations on the basis of law and justice."

ASIL holds Special Consultative Status with the Economic and Social Council of the United Nations and is a constituent society of the American Council of Learned Societies.

The Society's 3,500 members hail from more than 100 nations, with nearly 40% residing outside the United States. Its members include scholars, jurists, practitioners, government officials, leaders in international and nongovernmental organizations, students and others interested in international law.

Engaging policymakers, civil society, and the public to promote peace and justice through the greater understanding and use of international law.

Through its many publications, conferences, briefings and educational events, ASIL seeks to serve the needs of its diverse membership and to advance understanding of international law among policymakers and the public.

ASIL is a volunteer-led organization governed by a 60-member Executive Council elected by its membership. In partnership with the elected leadership, ASIL is led by an executive director and supported by a professional staff of 10.

HIGHLIGHTS OF 2018

FOSTERING KNOWLEDGE OF INTERNATIONAL LAW

Long form and short form—*The American Journal of International Law* (AJIL) remains the preeminent scholarly journal in the field under the leadership of its new editors-in-chief, **Curtis Bradley** and **Laurence Helfer** (ASIL Academic Partner Duke University Law School). Its online, open access companion, *AJIL Unbound*, under supervising editor **Ashley Deeks**, features timely, shorter essays on recent developments, written to be accessible to broader audiences. *International Legal Materials* (ILM), the Society's bimonthly digest, reproduces the authoritative texts of the most significant international legal documents, with introductory notes by leading experts. *Proceedings of the Annual Meeting* is the official record of the keynote addresses, presentations, and discussions that take place at the Society's Annual Meeting. All four journals are published by Cambridge University Press. In addition, the Society publishes *ASIL Insights*—concise, objective, and timely background briefs on current developments in international law, edited by **Sonia Rolland**, **Matiangai Sirleaf**, **Anastasia Telesetsky**, and **Natalya Scimeca**, with managing editor **Caitlin Behles**.



Livestreams and Podcasts—Building on the success of its livestream series, *International Law and the Trump Administration*, the Society launched its new podcast, *International Law Behind the Headlines*. Hosted by ASIL President-Elect **Catherine Amirfar** (ASIL Law Firm Partner Debevoise & Plimpton LLP) and **Kal Raustiala** (ASIL Academic Partner UCLA School of Law), and produced by director of communications and technology **Jimmy Steiner**, episodes feature interviews with top experts on the international legal issues dominating today's headlines. The inaugural episodes invited prominent legal experts to offer their views on whether the post-World War II international order is being dismantled. Subsequent episodes have covered maritime disputes between Russia and Ukraine, the dawning of the "code" war, the role of international law in presidential decision-making, and the "unmaking" of treaties. New episodes are posted monthly or as new developments emerge. All episodes are available at www.asil.org/podcast and via iTunes.



Jennifer Ismat, Bríd Ní Ghráinne, Aisling McMahon, and Jessica Peake attend the Midyear Meeting's Closing Reception.

PROMOTING PROFESSIONAL DEVELOPMENT

2018 Midyear Meeting—in November, the ninth ASIL Midyear Meeting took place in Los Angeles, California, providing an opportunity for the Society to deepen its relationships in the region. The three-day event comprised the long-established Research Forum, hosted by ASIL Academic Partner **UCLA School of Law** and sponsored by the UCLA International Comparative Law Program and the Promise Institute for Human Rights; and the Practitioners' Forum, hosted by the Los Angeles Office of **Gibson Dunn & Crutcher LLP**.

Serving Academics—The Research Forum organized by co-chairs **Kal Raustiala** (ASIL Academic Partner UCLA School of Law), **Victoria Shannon Sahani** (ASIL Academic Partner Arizona State University Sandra Day O'Connor College of Law), and **Jarrod Wong** (ASIL Academic Partner McGeorge School of Law of the University of the Pacific) featured presentations of 65 works-in-progress by scholars from nearly 20 countries. It featured career and research seminars for students and new professionals, and lunchtime programs on "Current Developments in International Trade," moderated by Jarrod Wong, and "The Role of the Special Rapporteur," moderated by **Mark Agrast**. A highlight of the program was a convocation celebrating the launch of the **David D. Caron Fund**, created to support, enhance, and perpetuate the Research Forum. The convocation included the announcement of the first David D. Caron Prize for best paper presented at the Research forum, which will be awarded in March 2019 during the 113th Annual Meeting of the Society in Washington, DC.

Serving Practitioners and Corporate Attorneys—The Practitioners' Forum featured keynote remarks by **Göran Marby**, CEO and President of the Internet Corporation for Assigned Names and Numbers (ICANN), on the "Regulation of the Internet in the Transnational Arena." It was followed by a panel discussion moderated by **Kal Raustiala** with **Tricia Cross** (21st Century Fox), **Kristen Eichensehr** (UCLA School of Law), and **Vivek Krishnamurthy** (ASIL Leadership Circle Law Firm Partner Foley Hoag LLP). Other recent programs geared toward law firms and corporate counsel included a panel discussion presented by the Society and ASIL Law Firm Partner Sidley Austin LLP on the implications of the US-Mexico-Canada Agreement for investor protection; a program featuring ICSID Secretary-General **Meg Kinnear** on the ICSID Rules amendment process, presented by the ASIL Dispute Resolution Interest Group; and a conference in Paris on "The Transnationalization of Anti-Corruption Law," organized by the ASIL Anti-Corruption Law Interest Group, Sciences Po Law School, the Zicklin Center for Business Ethics Research at the Wharton School of the University of Pennsylvania, and in cooperation with OECD.



Vivek Krishnamurthy, Tricia Cross, Kristen Eichensehr, and moderator Kal Raustiala at the Practitioners' Forum.

Mark Agrast, Tai-Heng Cheng, Amal Clooney and Sean Murphy at the New York Patrons' Reception



Mark Agrast, Susan Spencer, Cian Murphy, Léon Castellanos-Jankiewicz, Charles N. Brower, Sean D. Murphy, and Asli Ü. Bâli at the David D. Caron Fund Convocation.

HIGHLIGHTS OF 2018



Regis Bismuth, Jan Dunin-Wasowicz, Lucinda Low, Nicola Bonucci, and Philip Nichols at the Anti-Corruption Law Interest Group's "Transnationalization of Anti-Corruption Law" event in Paris.

Serving Government Attorneys—The Government Attorneys Interest Group continued its "International Law in Government Practice" dinner series, as well as hosting several networking receptions for government and international organization lawyers in New York and Washington, DC.

Providing Grants for Fieldwork and Research—The Society awarded Arthur C. Helton Fellowships to four new professionals for projects in Ireland, Mexico, Myanmar, and South Korea.

Delivering Mentoring and Career Services—The Society conducted 35 training sessions for high school, college, and law school students about international law and careers in the field. It also provided access to training for career service officers at ASIL Academic Partner schools on how to advise students pursuing international law careers. More than 800 students were introduced to or expanded their knowledge of international law and careers in the field through these programs.

PROVIDING A FORUM FOR DIALOGUE

Global Presence—The past year brought increased engagement with the Society's international partners, including the Organisation for Economic Co-operation and Development (OECD), with whom the Society entered

into a 2018 Memorandum of Understanding to facilitate joint projects and programs. Over the past year, ASIL and OECD have organized conferences on anti-corruption, held in Washington and Paris, and senior OECD representatives have participated in the ASIL Annual Meeting.

Over the past year, the Society organized and cosponsored over 60 events, more than half of which took place outside of Washington, including events in Barbados, France, Japan, Nepal, Singapore, South Africa and Switzerland. We also continued our longstanding collaboration with the City of The Hague, which sponsored the Closing Plenary and Reception at the ASIL Annual Meeting.

UN Observers—Nearly two dozen Society members served as official observers accredited to nine United Nations sessions under the Society's Special Consultative Status with the UN Economic and Social Council (ECOSOC). The sessions included the conference on Biodiversity Beyond National Jurisdiction, UNCITRAL proceedings, sessions of the UN Convention on the Law of the Sea, and meetings of the UN Committee on the Peaceful Uses of Outer Space.

112th Annual Meeting—The 2018 Annual Meeting co-chaired by **Kathleen Claussen**, **Jacob Katz Cogen** and **Tafadzwa Paspipanodya**, featured over 40 substantive



From left to right, Dapo Akande, Padideh Ala'i, then-President Lucinda Low, and Joan Donoghue at the 20th Grotius Lecture.

sessions organized around the theme, "International Law in Practice." Attended by over 1,300 participants from 50 countries, the conference included the annual Grotius Lecture, delivered by Judge **Joan Donoghue** of the International Court of Justice (ICJ); the Assembly Address by former ICJ judge Sir **Christopher Greenwood**; the Charles N. Brower Lecture on International Dispute Resolution, given by **Meg Kinnear** of the International Centre for Settlement of Investment Disputes; and the Friday keynote address by former US Ambassador-at-Large for War Crimes Issues **Stephen Rapp**.

Other highlights included the Women in International Law (WILIG) Luncheon honoring **Maxine Marcus** of the Transitional Justice Clinic, with remarks by **Goler T. Butcher Medal** recipient Justice **Rosalie Silberman Abella** of the Supreme Court of Canada.

The **Manley O. Hudson Medal Luncheon** featured a conversation between the 2018 medal recipient, former ASIL President **Peter Trooboff** (ASIL Law Firm Partner Covington & Burling LLP) and **Harold Koh** (ASIL Academic Partner Yale Law School).

The Closing Plenary, on "The Future of Multilateralism" sponsored by the Municipality of the Hague and the Asser Institute for International and European Law. It was moderated by **Jean-Marc Thouvenin** of the Hague Academy of International Law, with introductory remarks by Asser Institute President **Ernst Hirsch Ballin**.

2018 Annual Meeting sponsors and exhibitors included: Akin Gump Strauss Hauer & Feld LLP; American Bar Association Section of International Law; American University Washington College of Law; Arnold & Porter LLP; Brill/Nijhoff Publishers; Cambridge University Press; Case Western Reserve University School of Law; Centre for International Governance Innovation; Debevoise & Plimpton LLP; Editions PEDONE; Eleven International Publishing; Foley Hoag LLP; the Embassy of the Netherlands in Washington; George Washington University Law School;

Hart Publishing; International Committee of the Red Cross; Institute for International Education-Fulbright Scholars Program; Intersentia Publishing; Justice Consultancy International LLC; Oxford University Press; Public International Law & Policy Group; Routledge-Taylor & Francis Group; Springer Science and Business Media; Talbot Publishing/Lawbook Exchange; The Municipality of The Hague; University of Michigan Law School; and Washington University School of Law.



Sir Christopher Greenwood addresses the ASIL Assembly.



Women in International Law Interest Group Co-Chair Shana Tabak (left) presents the Prominent Women in International Law award to Maxine Marcus (right).

LOOKING AHEAD

The year ahead will bring continued challenges for international law, and the Society will once again be called upon to uphold the core values embodied in its mission.

The Society's objectives for the coming year include enhancing its services to its members; expanding access to professional development opportunities for the next generation of international lawyers; strengthening its partnerships with other civil society organizations on the basis of shared values and interests; and expanding its engagement with key external constituencies, including policymakers, the judiciary, the media, and the public.

ENHANCING MEMBER SERVICES. The Society will continue to enhance its member services and to tailor those services to the needs of its various constituencies, including academics, practitioners and corporate counsel, lawyers working in government and international organizations, and new professionals.

EXPANDING OPPORTUNITIES FOR MEMBER ENGAGEMENT. The Society is working to create more opportunities for members to become engaged in its activities, including through participation in the interest groups, publications, and such cross-cutting activities as the Signature Topics initiative.

PROVIDING PROFESSIONAL DEVELOPMENT OPPORTUNITIES. The Society is looking at ways to increase access to its career mentoring and professional development services for law students and new professionals.

STRENGTHENING OUR PARTNERSHIPS. The Society has developed strong partnerships with such organizations as the OECD, the International Council for Commercial Arbitration, the American Bar Association, and the International Committee of the Red Cross, and will continue to build these and similar relationships with other potential partners.

ENGAGING WITH NEW AUDIENCES. The Society is working to expand its engagement with policymakers and the judiciary; to make greater use of podcasts and other online tools to provide information to the public that is accurate, engaging, and accessible; and to develop resources for journalists and other media professionals seeking to better understand the international legal aspects of the issues they cover and to incorporate international legal content into their reporting.

In these and other ways, the Society looks forward to engaging with its members, partners, and the public to advance its mission in the coming year.

HOW WE ARE ENGAGING OUR COMMUNITY



young professional women have enrolled in ASIL's mentoring program as mentors and mentees in 20 cities from Los Angeles to Nairobi.



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International Law Firm Partners



50+
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substantive programs annually throughout the US in collaboration with over 20 colleague societies and other organizations



law students and young professionals have served as Helton Fellows, pursuing field work and research in international law, human rights, humanitarian affairs and related areas in 48 countries across the globe.



3,500+
MEMBERS
in 100 countries



2,000+
ASIL MEMBERS
active in 34 Interest Groups



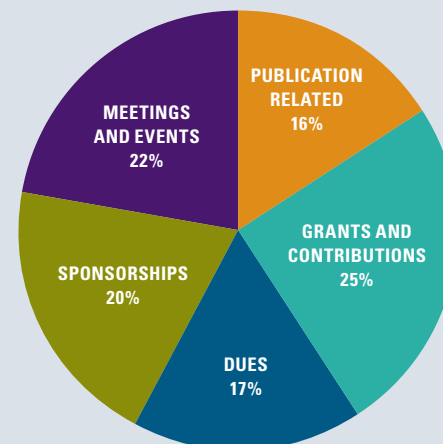
2,500
daily visitors to **asil.org**



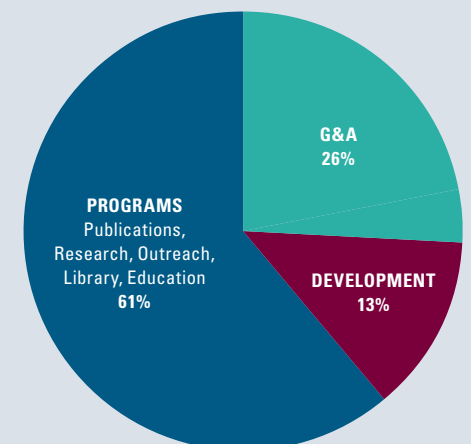
1,400+
participants from over 50 countries attend the **ASIL Annual Meeting** each spring

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2018 EXPENSES



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The American Society of International Law was founded in 1906 to foster the study of international law and to promote the establishment and maintenance of international relations on the basis of law and justice. Society membership is open to all persons of any nationality and profession who are interested in its objectives.

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