



# Newsletter

## ASIL's Convening Power: Building Community in Turbulent Times

### Notes from the President

Colleagues, there is no more important time for us to stand for our mission to foster the study and understanding of international law and the establishment and maintenance of international relations on the basis of law and justice.

This final newsletter of 2023 highlights examples of our convening power, in person and virtually, to examine and respond to the events of our day.

**ASIL Midyear Meeting in Pittsburgh.** On November 9-11, the Society convened its Fourteenth Midyear Meeting in Pittsburgh, with sponsorships from ten law firms and the University of Pittsburgh School of Law. This event continues an annual tradition that began in 2010 at the University of Miami School of Law, followed in 2011 at UCLA School of Law, as part of late ASIL President David D. Caron's efforts to expand the Society's engagement throughout the United States. This year's meeting attracted nearly 250 participants from around the world. It began with a Practitioners' Forum held at Jones Day law firm, with panels on cyberattacks and sustainable energy investment, followed by a stirring keynote presentation from Ms. Olena (Lana) Zerkal, former Deputy Minister of Foreign Affairs of Ukraine, and Agent of Ukraine before the International Court of Justice.

We then held our Research Forum at the University of Pittsburgh School of Law. It included 32 substantive sessions featuring presentations and expert-let commentary on around 80 papers, engaging scholars and practitioners at all career levels, and covering a wide variety of international topics, including the law of war, the challenge of recent annexation claims, the impact of China on the international legal order, economic sanctions, international criminal and human rights law, international arbitration, private international law, the role of private actors in international law, and more. The panels were well attended and the exchanges vibrant.

The Forum included an assembly where we announced eight Caron Fellows that the Society supported and the winner of the David D. Caron Prize for the best paper by a current student or recent graduate. The 2023 award went to Tobias Traxler, for his paper, "Issues of Timing and Pro-Claimant Bias in Arbitrator Selection." This award will be formally presented at our 118th Annual Meeting in Washington DC from April 3-6, 2024.



At the assembly we were honored with an impactful keynote from Afghani Human Rights defender and journalist, Ms. Horia Mosadiq. Ms. Mosadiq served as Amnesty International's researcher on Afghanistan for around a decade, has worked with many prominent NGOs, and founded her own for the protection of human rights defenders. She has received numerous awards for defending women's rights and promoting justice and reconciliation.

Holding the meeting in Pittsburgh tapped the Society's roots, since Andrew Carnegie was an initial funder and supporter of our Society, founded in 1906, just as he was of the Carnegie Endowment for International Peace, founded in 1910, and of the Peace Palace in the Hague, which opened in 1913. We held our closing reception at the beautiful Carnegie Museum of Art.

I wish to thank the co-chairs of the Research Forum Committee (Karima Bennouna, Vivian Curran, and Jean Galbraith), of the Practitioners' Forum Committee (Laura Ellsworth, Charles Kotuby, David Bigge, Ashika Singh, and Charles Di Leva), of the Host Committee (Ron Brand and Charles Kotuby), and the chair of the Caron Prize Committee (Saira Mohammed).

I look forward to continuing this vibrant mid-year tradition at the University of Chicago Law School next November 14-16, 2024.

**Lviv, Ukraine.** Russia's attack on Ukraine is an attack on the international legal order itself. I write this letter just as we completed our trip to Lviv, which the next newsletter will cover in greater detail. This was an immense venture for the Society, bringing 75 international law experts to work with 75 Ukrainian counterparts on the 75th anniversaries of the Universal Declaration of Human Rights and of the Genocide Convention.

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## The Universal Declaration of Human Rights at 75

Notes from the Executive Director

The Universal Declaration of Human Rights is stunning in both its breadth and its simplicity. In thirty crisply articulated articles, the “UDHR” sets forth the basic civil, political, social, economic, and cultural rights of all people. Seventy-five years after its adoption by the United Nations General Assembly on December 10, 1948, the Declaration remains the primary international statement of the fundamental and inalienable rights of all members of the human family, and, as such, it represents one of humanity’s greatest achievements.

Reading the Declaration today, we must remind ourselves that when the drafters first sat down to negotiate, they quickly met with wide disagreement on the most basic of questions.

Imagine. Drafters of the Declaration could not agree whether there was a God, whether rights belong to individuals or to groups, whether people could own property, whether men and women were equal before the law, whether individuals might choose their own career path or must work their entire lives in a job chosen for them by the state, whether people should have the right to govern themselves.

Indeed, charged with enumerating the various rights, the drafters could not agree on the most fundamental question: the provenance of such rights. Did rights come from God? From the state? From the fact that humans had evolved a capacity for higher reason.

At the same time, on the heels of World War II, the Holocaust, the Atomic Bomb, negotiators were highly motivated to overcome these stark differences and disagreements.

During the war, momentum toward universal recognition of human rights was propelled by President Franklin D. Roosevelt’s 1941 Four Freedoms speech, and, later, by the Atlantic Charter, a joint declaration between Roosevelt and

British Prime Minister Winston Churchill.

Roosevelt proclaimed four basic freedoms that could never be legitimately abridged: freedom of speech and expression, freedom of worship, freedom from want, and freedom from fear. Churchill echoed the American president by asserting that an Allied victory would be marked by the “enthronement of human rights.”

A promise had been made, and for many, efforts to defeat the Axis powers became synonymous with a struggle to make human rights a universal concern.

Following the war, and largely due to the efforts and advocacy of civil society, human rights were given an entirely new international legal status through the UN Charter, in which they were mentioned no fewer than five times. The Charter’s Preamble declares that “promoting and encouraging respect for human rights and for fundamental freedoms for all” is one of the four founding purposes of the United Nations.

The newly formed UN General Assembly moved quickly to establish a Commission on Human Rights in June 1946 and chose eighteen members to sit on the Commission, including a US Delegate named Eleanor Roosevelt.

President Truman had appointed Roosevelt to the US Delegation, and she was subsequently assigned to the UN’s Third Committee, which deals primarily with humanitarian, social, and cultural matters. Mrs. Roosevelt immediately recognized that she had been put on the Third Committee because it was thought to be a safe place where she “could do no harm.”



### AMERICAN SOCIETY OF INTERNATIONAL LAW

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## Notes from the President —continued from page 1

Our aim was to show solidarity in reaffirming core international law principles, to work with our colleague society in Ukraine (the Ukrainian Association of International Law) on ten critical legal issues that their country faces, and to build new and ongoing connections in carrying forward our collective missions in support of international law and justice. In Lviv, I signed the Lviv Declaration of Fundamental Principles of International Law with Olga Butkevych (the President of the Ukrainian Association of International Law), which the participants affirmed in the final assembly. Our partnership exemplifies the bridges that we continue to build with colleague societies and our foreign membership around the world.

**Israel-Hamas War.** The Middle East is again in crisis following the horrendous attacks in southern Israel on October 7th and the ensuing war in Gaza that has resulted in over seventeen thousand Palestinian deaths as I write, a high percentage of whom are women and children. The Society has produced two webinars to inform the public of the importance of the international law issues at stake, which can be viewed [here](#) and [here](#). More will follow, including an **ASIL International Law Behind the Headlines** podcast, hosted by Kal Raustiala and Catherine Amirfar, this December with Tess Bridgeman and Ryan Goodman, as well as ensuing publications and coverage at our Annual Meeting in April.

Much more than international law is required for a just peace, but as Janina Dill powerfully states in the AJIL webinar, international law provides a common language which is “our best hope for restraint” in this conflict for the protection of human life. Despite the defects of international law, insisting on compliance with it provides a foundation and moral support for a just peace in a world in which all can live in freedom and dignity.

A Challenge with the terrible wars in the Middle East and Ukraine is that attention can turn away from other victims of international law violations around the world. We must not forget them, and we must continue to work tirelessly on all fronts. Our Society’s large and diverse membership is all encompassing in its pursuit of a more just world order under international law in which all can flourish. As Dr. Martin Luther King Jr. stated when he received the Margaret Sanger Award, “I refuse to segregate my moral concerns.”

I am immensely proud and grateful for the intense efforts, generosity, and commitments of you, our volunteer members, and of our Society’s superb staff.

Gregory Shaffer

## Notes from the Executive Director —continued from page 2

Truman and others would soon discover that they had underestimated Eleanor.

Roosevelt was swiftly elected chairperson of the UN Commission on Human Rights, by acclamation, and under her leadership, the Commission embarked on an arduous journey that lasted almost three years and involved thousands of hours of intensive study, heated debate, and delicate negotiation that ultimately led to adoption of the UDHR.

While debating lofty philosophical questions, members of the Commission also acknowledged that the concept of human rights manifests itself in all societies—through their respective literary, artistic, religious, legal, and political structures. Indeed, attempts to articulate this innate understanding of human rights can be

traced from ancient laws, such as the Hammurabi code chiseled in stone in ancient Mesopotamia around 1754 BC, to Greco-Roman doctrines and through the works of such philosophers as Aquinas, Spinoza, Leibniz, Grotius, Locke, and Rousseau. Confucius too the Chinese pointed out!

Employing the philosophy of natural law, Sir Hersch Lauterpacht argued that the individual human being could be a subject of international law and that human rights must therefore be a subject of international concern. Still, translating vague concepts of rights derived from nature into specific written laws would prove difficult, requiring weighty compromise in the search for common ground.

For example, in an early draft, the Declaration’s very first article was modeled on the US Declaration of Independence and began, “All men are created equal...” Hansa Mehta of India urged Eleanor Roosevelt to substitute the words “all people” for “all men.” At first, Eleanor didn’t see the necessity of making any change. Everyone knows that “all men” means “all people.” But Hansa Mehta insisted that in her country, “all men” means “all men” (and no women!). The Commission on the Status of Women voted unanimously to ask the Commission on Human Rights to substitute Mehta’s language. The final language read “All human beings,” and subsequent articles throughout the Declaration began with “Everyone” or “No one.”

—continued on page 4

## Notes from the Executive Director —continued from page 3

In this same first article, the drafters eventually substituted the phrase “are born free and equal” for the phrase “are created,” which implies some sort of divine presence in the universe—a concession that some Member States, mainly the Communist countries, were simply unable to make. Ever the pragmatist, Mrs. Roosevelt was not willing to let words stand in the way of a broader agreement on substance.

An early question confronting drafters was the legal nature of the document they were charged with producing. Certain nations—including the United States (which wanted to avoid the Senate approval needed for US endorsement of any international treaty)—favored a morally persuasive declaration. Other countries preferred a legally binding treaty.

It was again Eleanor Roosevelt’s political pragmatism that prevailed in the committee’s decision to draft both, first a declaration and later a legally binding instrument.

Roosevelt was a consummate diplomat. She spoke French as well as she spoke English and would often jump in to translate when the official UN translators had missed some nuance, or after hours of work, were simply too tired to go on.

Eleanor herself was indefatigable, which inspired others perhaps as much as it infuriated them. At one point in the negotiation, the Panamanian delegate implored Mrs. Roosevelt not to forget that the members of the Commission on Human Rights were also human beings who had human rights of their own!

Roosevelt would suggest that because she was a woman, she did not quite understand all the complex arguments the men about her were making, and then she would proceed slowly and methodically to disarm their arguments of all reason. “Never have I seen naïveté and cunning so gracefully blended,” commented one State Department advisor.

Eleanor surprised and impressed the most senior government officials, both appointed and elected, earning their respect through her tenacity, hard work, intelligence, and uncanny strategic instincts. During one historic debate in the General Assembly, Mrs. Roosevelt went head-to-head with the notorious Soviet Ambassador Andrei Vishinsky on the issue of European war refugees. She was thrown into the debate unexpectedly, and without notes or preparation, speaking extemporaneously, she unequivocally put Vishinsky in his place.

Arthur H. Vandenberg, the powerful and widely respected Republican Senator from Michigan declared, “I take back everything I ever said about her, and believe me it’s been plenty.”

Mrs. Roosevelt always felt that her greatest contribution to the Universal Declaration was her advocacy to ensure that the document was written in simple language that would speak plainly to all who read it. However, I would argue that her greatest contribution is that we have a Declaration at all.

A final heroic debate in the General Assembly lasted into the early hours of December 10, 1948. In Paris, at 3:00 a.m., the call was made to vote on the adoption of the Universal Declaration of Human Rights. The Declaration was adopted without dissent. While at the time some countries abstained, primarily the Soviet bloc, all countries have since affirmed their recognition of and support for the Universal Declaration of Human Rights.

In recognition of her leadership, delegates to the UN General Assembly awarded Eleanor Roosevelt a very rare form of recognition—a standing ovation.

What began as an articulation of shared values bearing moral weight on UN Member States has become a primary building block of customary international law that demands respect from the entire world community. Dozens of countries make direct reference to the UDHR or its provisions in their national constitutions, and human rights advocates worldwide invoke the Declaration’s principles. The UDHR has also provided the framework for the adoption of the UN Covenant on Economic, Social and Cultural Rights; the UN Covenant on Civil and Political Rights; and many other *legally binding* international human rights treaties.

As Eleanor Roosevelt predicted, the Declaration has proven to be a “living document” in that it has grown in stature and respect over the past 75 years. It represents at once humanity’s minimal expectations and its highest hopes. Yet, like anything else that lives, the Universal Declaration of Human Rights must be nurtured, fed, and watered, and when injured, its wounds must be treated, so that it might recover and thrive.

Central to the Declaration’s rationale is the belief that “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.”

Indeed, the Declaration may be more relevant today than it has been at any other point in time since its adoption. As we turn the corner on 2023, the months and years ahead look challenging, even frightful. But we must press on with courage and fortitude. As Mrs. Roosevelt has reminded us, “Courage is more exhilarating than fear and in the long run, it is easier.”

Michael D. Cooper



## ASIL Leadership Nominees Announced

The 2023–2024 Nominating Committee has announced its slate of nominees for the Executive Council and officer positions. The candidates, listed below, will be presented to the ASIL membership for election at the Assembly, to be held during the 2024 Annual Meeting. The Nominating Committee was chaired by Hannah Buxbaum and included members Abby Cohen Smutny, Jeff Dunoff, Tafadzwa Pasipanodya, Jarrod Wong, and Meg Kinnear (alternate). To read the Committee's full report and biographies of all the nominees, visit [asil.org/nominees](https://asil.org/nominees).

### President-Elect:

**Mélida N. Hodgson**

### Honorary President:

**Hon. Joan Donoghue**

### Vice-Presidents:

- **Michael D. Cooper**  
(Executive Vice President)
- **Marney Cheek\***
- **Harlan Cohen**
- **Steven Hill\***
- **Saira Mohamed\***



Hodgson

Donoghue



Cooper

Cheek

Cohen

Hill

Mohamed

**Honorary Vice Presidents** (automatically the three previous presidents, ASIL *Constitution* Art. IV):

- **Gregory Shaffer**
- **Catherine Amirfar**
- **Sean D. Murphy**

### Executive Council Members:

- **Christina Beharry**
- **Andrew Boyle**
- **Francesca Debenham**
- **Henry Gao**
- **Hannah Garry**
- **J. Benton Heath**
- **Kishanthi Parella**
- **Jeremy Sharpe**

### Counsellors:

- **Rosalie Abella**
- **Frits Bontekoe\***
- **Chimène Keitner**
- **Meg Kinnear\***
- **Monica Pinto\***
- **Jaya Ramji-Nogales\***
- **Michael P. Scharf\***
- **Mortimer Sellers**

\* Nominated for an additional term

The Society congratulates the nominees.

## 2024 ASIL Honors



The ASIL Executive Council has unanimously approved the recommendations of the ASIL Honors Committee for the 2024 recipients of the Manley O. Hudson Medal, the Goler T. Butcher Medal, and the Honorary Member Award. The honors will be presented during the 2024 ASIL Annual Meeting, to be held in April 2024. (See related story on page 16.)

The members of the 2023-2024 Honors Committee were Tom Ginsburg (chair), Dapo Akande, Fleur Johns, Mónica Pinto, and Michael Scharf.

The following are the committee's descriptions of year's honorees. (Some of the biographies have been abbreviated due to space limitations. The full Committee report can be found at [asil.org/honorees](https://asil.org/honorees).)

### Manley O. Hudson Medal



Professor José Alvarez' scholarship, teaching and insights have had a profound and transformative influence on the field of international law and international legal scholarship, and also contributed greatly to the Society. José Alvarez is the Herbert and Rose Rubin Professor of International Law at New York University School of Law.

## 2024 ASIL Honors —continued from page 5

Before coming to NYU, he was the Hamilton Fish Professor of International Law and Diplomacy and the executive director of the Center on Global Legal Problems at Columbia Law School, a professor of law at the University of Michigan Law School, an associate professor at the George Washington University's National Law Center, and an adjunct professor at Georgetown Law Center. He served as president of the American Society of International Law (ASIL) from 2006-2008 and was also co-editor-in-chief, along with his NYU colleague, Benedict Kingsbury, of the *American Journal of International Law*. His lectures on "The Public International Law Regime Governing International Investment" at the Hague Academy of International Law were published as a pocketbook in 2011. His other books are a collection of essays, co-edited with others, entitled *The Evolving International Investment Regime* (OUP 2011) and *International Organizations as Law-Makers* (OUP 2005). He has published over 150 articles and book chapters. Before entering academia on a full time basis in 1989, Alvarez was an attorney adviser with the Office of the Legal Adviser of the US Department of State where he worked on cases before the Iran-US Claims Tribunal, served on the negotiation teams for bilateral investment treaties and the Canada-US Free Trade Agreement, and was the legal adviser to the administration of justice program in Latin America coordinated by the Agency of International Development. Educated at Harvard College, Harvard Law School, and Oxford University, Alvarez has also been in private practice and was a judicial clerk to the late Hon. Thomas Gibbs Gee of the Fifth Circuit Court of Appeals. Alvarez's activities outside of academe include memberships in the Council on Foreign Relations, the US Department of State's Advisory Committee on Public International Law, and service on the board of the Center for Reproductive Rights, as special adviser on public international law to the International Criminal Court's first prosecutor, Luis Moreno Ocampo, and as an expert witness in a number of investor-state arbitrations. Prof. Alvarez is the lead faculty director for NYU's US-Asia Law Institute and is the faculty director of the International Legal Studies LLM specialization. Professor Alvarez was elected to the American Academy of Arts & Sciences in 2021.

### Goler T. Butcher Medal



Roya Boroumand is the founder and Executive Director of the Abdorrahman Boroumand Center, a non-governmental organization dedicated to the promotion of human rights and democracy in Iran. The organization was established in memory of her late father, Abdorrahman Boroumand, a critic of both the Shah and Khomeini, who was assassinated in April 1991 by

Iranian government agents in Paris. Drawing on the values enshrined in the Universal Declaration of Human Rights, the Center is dedicated to promoting public awareness of issues concerning democracy and human rights in Iran. Through its programs of research, documentation, publications, and outreach, the Center hopes to help restore the dignity of Iran's countless victims of human rights violations. Among its many projects is an Internet database cataloguing the victims of summary, arbitrary or extrajudicial executions carried out by the Islamic Republic. Ms. Boroumand has served as a source of rigorous, objective documentation aimed at achieving justice and accountability under international law, leveraging the UN Human Rights system to expose and target the abuses carried out by the Iranian government.

### Honorary Member Award



Ben Kioko is a Justice of the African Court of Human and People's Rights, on which he has served since 2012, and is responsible for some of the greatest contributions to the development or effective realization of international human rights in Africa. Prior to joining the African Court, Justice Kioko was Chief Legal Counsel to the African Union (AU) and Director for the unified

Central Legal Service for the AU, its organs and institutions, including the AU Commission, regional as well as representative offices for more than a decade. In the capacity of Chief Legal Counsel, he was responsible for oversight of all legal matters, including provision of legal advice, drafting of treaties and agreements, and conduct of all elections, as well as advising all AU organs and institutions, including the Executive Council and the Assembly of Heads of State and Government. While at the AU, he worked oversaw the drafting and negotiation of at least twenty-five treaties on different areas, including human rights, governance, and peace and security, and in the building of their treaty bodies. These including among others the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) and the African Charter on Democracy, Elections and Governance (ACDEG). As a judge and later Vice-President at the African Court on Human and Peoples' Rights, Kioko participated in developing the foundational jurisprudential principles during the African Court's formative years on which the Court continues to rely. He has helped to steer the Court through the critical phases of its development. Justice Kioko has also made important contributions to international human rights scholarship and continues to serve on the editorial boards of various international law journals. He is also an Advocate of the High Court of Kenya. ■



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## Recent Statements

### Statement of ASIL President Gregory Shaffer Regarding the Attack on Israel, the Gaza War, and the Protection of Civilians

On October 13, 2023, the Society released a statement by President Gregory Shaffer regarding the attack on Israel, the Gaza War, and the protection of civilians. The statement is printed below and can be found on the ASIL website at [asil.org/press](https://www.asil.org/press).

*The intentional mass killing by Hamas of Israeli civilians and the abduction of dozens of hostages*

*constitute gross violations of international human rights and international humanitarian law. Among those murdered and abducted are children, women, the elderly, and the disabled. These acts constitute war crimes and crimes against humanity, and they must be condemned. As required by international law, the hostages must receive proper treatment and be released immediately.*

*All parties to armed conflict must comply with international law, and in particular international humanitarian law, which prohibits both targeted as well as indiscriminate killing of civilians, and imposes other critical requirements aimed at protecting civilian populations. These are core principles of international law embraced by the*

*American Society of International Law. These principles apply to all parties, Israel's armed forces and Hamas alike.*

*We express our solidarity with the families and friends of all victims of this violence—Israelis, Palestinians, and others—and urge all States and the international community to condemn international law violations. Lawful measures to deter violations must be taken to protect the lives and security of innocent people.*

*International law provides the foundation for peace, stability, and human flourishing. All parties must comply with their legal obligations so that a just and lawful peace may follow.*

## Publication News

### Nominations Sought for American Journal of International Law Board of Editors

The Nominating Committee of the Board of Editors of the *American Journal of International Law* (AJIL) is inviting nominations for the elections to the Board that will take place in the spring of 2024.

Nominations, along with supporting statements and information, such as curriculum vitae and a list of publications, should be sent to the AJIL Nominating Committee Chair, in care of AJIL's Administrative Editor: [admin\\_ajil@columbia.edu](mailto:admin_ajil@columbia.edu). Self-nominations are welcome. The deadline for nominations is **January 31, 2024**.

Board membership requires a commitment to active service. Members are expected to review manuscripts that are submitted for publication, to participate in governance decisions, and to contribute in other ways to the operation of the Journal. In considering nominations, the Committee takes account of the quality and creativity of the candidate's work in the field and of their area and kind of expertise. The Committee also seeks to ensure that the Board benefits from the diversity that exists across the field of

international law, especially among historically underrepresented racial and ethnic groups. While candidates do not need to be a member of ASIL to be nominated, those who are ultimately elected will need to be members of the Society in good standing while serving on the AJIL Board. For more information about AJIL and its content, please visit [asil.org/AJIL](https://www.asil.org/AJIL).

### Nominations Sought for International Legal Materials (ILM) Editorial Advisory Committee

The American Society of International Law welcomes applications to fill one position on the Editorial Advisory Committee (the Committee) for *International Legal Materials* (ILM).

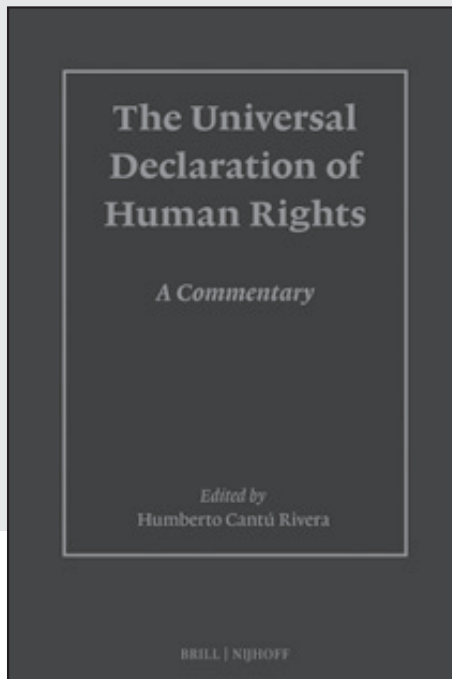
Published on a bimonthly basis since 1962, ILM reproduces primary international legal documents reflecting the broad scope and evolution of international law. Materials are selected by the Committee and its Attorney-Editor based on their usefulness to scholars, practitioners, and government and international officials. Each issue contains the full texts, together with prefatory notes, of important treaties and agreements, judicial and arbitral decisions, national legis-

lation, international organizations resolutions, and other documents.

The Committee is chaired by the Executive Director of the Society and meets every two months at the Society's headquarters in Washington, DC. Committee members are elected by the Executive Council of the Society for up to two three-year terms. They are expected to actively engage in the work of the Committee and to participate in at least four of the six committee meetings each year. Committee members must be members in good standing of the Society. You do not need to be a member of the Society to apply for an opening, but if you are selected to be on the Committee, you must become a member of the Society.

Interested candidates are encouraged to apply by sending (in PDF format) a curriculum vitae of no more than two pages and a brief expression of interest to Director of Publications and Research Justine Stefanelli, at [jstefanelli@asil.org](mailto:jstefanelli@asil.org), by **February 20, 2024**. We invite you to identify any particular areas of your expertise that may be useful to the Committee's deliberations. For more information about ILM and its content, please visit [asil.org/ILM](https://www.asil.org/ILM).





# The Universal Declaration of Human Rights

## *A Commentary*

Editor:

**Humberto Cantu Rivera**

In *The Universal Declaration of Human Rights: A Commentary*, scholars and practitioners offer an analysis of each one of the thirty articles included in this international instrument, as well as of their evolution under international human rights law.

November 2023 | Hardback (approx. 865 pp.) | ISBN 9789004365124 | E-ISBN 9789004365148 | US\$ 304 | [brill.ws/UDHR](https://brill.ws/UDHR)

BRILL ■ NIJHOFF

## ASIL Abroad Initiative



The Society will hold its 2024 ASIL Abroad meeting on June 5-6, 2024, at the International Conference Centre Geneva (CICG) in Geneva, Switzerland. The two-day conference will consist of dual parallel tracks on *Human Rights, International Humanitarian Law, International Criminal Law (Track 1)* and *International Dispute Resolution & International Economic Law (Track 2)*. Co-chairs of this first meeting are Simon Batifort (Curtis, Mallet-Prevost, Colt & Mosle LLP), Christie Edwards (Geneva Call) and Neha Jain (Northwestern/European University Institute).

With roughly 40 percent of ASIL's membership based outside the United States, ASIL Abroad was formed in 2022 under the leadership of ASIL President Greg Shaffer to strengthen and promote the Society's global membership. It will coordinate events outside the United States, including a biennial ASIL Abroad Meeting; oversee an online Global Engagement Series with each of ASIL's regional Colleague Societies in collaboration with the Annual Meeting Program Committee; and coordinate generally with our Colleague Societies. Visit [asil.org/ASILabroad](https://asil.org/ASILabroad) for more details.

## Applications Sought for 2024 Helton Fellowships

*Application Period Open through January 12, 2024.*



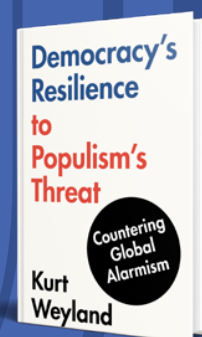
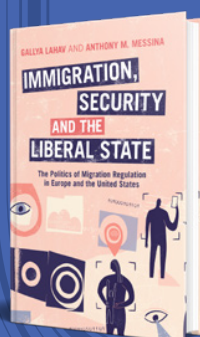
The Society is pleased to open the application period for the Arthur C. Helton Fellowship Program. Established in 2004, the Helton Fellowship Program recognizes the legacy of Arthur Helton, a prominent human rights advocate and ASIL member. Helton died in the 2003 bombing of the U.N. mission in Baghdad together with UN High Commissioner for Human Rights Sergio Viera de Mello and 20 others.

Funded through the generous support of ASIL members, interest groups, and private foundations, Helton Fellowships provide financial assistance in the form of "micro-grants" of \$2,000 for law students and new professionals to pursue field work and research on significant issues involving international law, human rights, humanitarian affairs, and related areas.

Helton Fellowships are intended to provide modest funding that can make the difference in enabling future international lawyers, scholars, and advocates to pursue a life-changing professional experience.

Find out more at [asil.org/helton](https://asil.org/helton). To support the Helton Fellowships, visit [asil.org/donate](https://asil.org/donate) and select "Arthur C. Helton Fellowships."

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## Jessup Judges Sought

The International Law Students Association is looking for judges to volunteer for the oral rounds of the U.S. Regionals of the 2024 Philip C. Jessup International Law Moot Court Competition. The Jessup is the world's largest moot court competition, and the two

consolidated U.S. Regionals represent a fantastic opportunity to network with current and future legal professionals. If you are interested in judging at either of these two events, please complete the US Regionals Availability Survey [here](#).

- US EASTERN REGIONAL. New Orleans, Louisiana. 22-25 February 2024.
- US WESTERN REGIONAL. Portland, Oregon. 29 February – 3 March.

Please email [jessup@ilsa.org](mailto:jessup@ilsa.org) if you have any questions.

## News from the Society's Interest Groups and Chapters

### New Interest Group

#### Global Health Law

([asil.org/GHLIG](http://asil.org/GHLIG))

The Global Health Law Interest Group has received final approval by the Society's Executive Council at the 2023 Midyear Meeting. Its two Co-Chairs are Margherita Melillo and Roojin Habibi. Interested members are encouraged to join!

#### Dispute Resolution ([asil.org/DRIG](http://asil.org/DRIG))

On November 29, 2023, leading legal historians gathered for a webinar on "Resolving Disputes in Ancient Civilizations: Uncovering the Roots of Modern-Day Arbitration and Litigation" to explore early forms of dispute resolution in three iconic civilizations: Egypt, Greece, and Rome. The discussion encompassed various topics, including enquiries into the processes of law-making and lawgiving in the ancient world. Additionally, the speakers explored historical evidence attesting to the use of arbitration in the ancient world, including its use to solve State-to-State disputes. Other topics that were touched upon included faith-based arbitration and jurisdictional competition. Following the panel discussion, the audience had an opportunity to meet the speakers virtually and "Continue the Conversation" in an open Zoom room. Speakers were Dr. Emiliano Buis (Professor of Ancient Greek (Department of Classics) and of International Law (Law School),

University of Buenos Aires), Dr. Jana Mynárová (Full Professor of History and Cultures of Asia and Africa, Institute of Ancient Near Eastern Studies, Charles University) and Dr. Paul du Plessis (Professor of Roman Law, University of Edinburgh). The webinar was moderated by ASIL's Dispute Resolution Interest Group Co-Chairs Dr. Rémy Gerbay (Hughes Hubbard & Reed LLP) and Belén Ibañez (Curtis, Mallet-Prevost, Colt & Mosle LLP). A video of the session is on the groups page.

#### International Law and Technology ([asil.org/ILTechIG](http://asil.org/ILTechIG))



Group Co-Chair Asaf Lubin participated in a panel on the "Legal Personality and Obligations of International Courts." The panel was organized by the American Branch of the International Law Association as part of the International Law Weekend. Lubin spoke about privacy and data protection obligations of international courts and tribunals. The ILTechIG was proud to sponsor this year's 2023 ILA-ASIL Asia-Pacific Research Forum. The event took place at Howard Civil Service International House

in Taipei, Taiwan, ROC between 12/3-12/4. The theme of the Research Forum was "Indo-Pacific Strategies and International Law." The Research Forum provides a forum for academics, private practitioners, and government attorneys to present works-in-progress across the spectrum of international and transnational law issues related to the Asia-Pacific.

#### Intellectual Property Law

([asil.org/IPLIG](http://asil.org/IPLIG))

On October 8, the group held a symposium on "Cross Border Intellectual Property Management." The two-panel session was attended by over 100 virtual participants from around the world. Topics discussed included Cross-Border negotiation of contracts involving IP management, China's dominating presence in the global IP market, the importance of local counsel to understanding the laws of the countries (and jurisdictional requirements) in which IP transactions occur and agreements are entered into; the critical role of ADR and arbitration in resolving IP management disputes; and enforcement mechanisms, as well as cultural and legal differences in IP regimes. The panels discussed harmonization and alignment of different IP regimes. There was robust participation from the audience. The program (below) was expertly organized by group Co-Chair Daniel Hofilena.

—continued on page 12

## News from ASIL Interest Groups & Chapters —continued from page 10

### **PANEL ONE:**

#### **Cross Border IP Management**

##### *Panelists*

- Mary Ann McGrail Co-Chair, IP-LIG, ASIL
- John Alexander Gregorio - Head of Compliance, Asia-Pacific, Roche Singapore
- Christopher Cruz - University Legal Counsel, De La Salle University-Manila
- Moderator: Maria Luisa Dominique Mauricio, Esq., Chair, Young Philippine Institute of Arbitrators

### **PANEL TWO:**

#### **Cross Border IP Enforcement**

##### *Panelists*

- Margarita Kato- Representative of the WIPO Arbitration and Mediation Center Singapore Office
- Teodoro Kalaw IV - Senior Partner, Kalaw Prasad and Hofileña Law
- Alexia Gkorista - Legal Case Manager, WIPO Arbitration and Mediation Center, Geneva Office
- Gabriel Ong - Senior Legal Counsel, Intellectual Property Office of Singapore
- Moderator: Daniel S. Hofileña, Co-Chair, IPLIG, ASIL

## **Latin America** (asil.org/LAIG)

On October 24, the group hosted a webinar for LL.M. students from Latin America looking to stay in the United States. The panel advised on what to do and what to avoid, how to find a temporary or permanent position in the United States, as well as the value of a professional experience in the United States with the view of returning to Latin America afterwards. On November 2, the group, together with Young ITA, co-hosted a training in Spanish for cross-examining experts in international arbitration proceedings. The participants had to test their newly gained knowledge in a mock case.

## **Lieber Society** (asil.org/LIEBER)

On October 27, the Lieber Society sponsored a very well-attended virtual program titled “Applications of the Principles of International Humanitarian Law to the Current Israel/Gaza Conflict.” Speakers from around the world represented different perspectives on such issues as the classification of the conflict (whether it is an international or non-international armed conflict), obligations concerning the treatment of hostages or prisoners of war, requirements for protection of civilians (including evacuations and responsibilities to supply food and water), and other relevant issues relating to the application of humanitarian law principles.

##### *Panelists*

- Omar Dajani, Global Center for Business and Development
- Christian Jorgensen, American Red Cross
- Shiri Krebs, Deakins University Mary Ann McGrail (moderator), Law Office of M.A. McGrail
- Ido Rosenzweig, Haifa University
- Oman Shakir, Human Rights Watch

This is the first in what we hope will be a series of panels on international humanitarian law principles. It was well attended with over 80 registrants and over 60 in attendance.

## **New York Chapter**

(asil.org/NYChapter)



On November 6, the New York Chapter presented its inaugural event, hosted at Debevoise & Plimpton LLP. The discussion proceeded in two parts beginning with a keynote address from Miguel de

## **IN MEMORIUM**



Long time ASIL member Kevin P. McMullen passed away on October 4, 2023. McMullen earned his J.D. from St. John's Law School in Brooklyn, an L.L.M. from New York University

Law School, and an M.A. in comparative government and a certificate in international law and diplomacy from St. John's, Jamaica. After being admitted to the New York Bar he worked at a firm specializing in trusts and estates and was house counsel for another firm before joining Marino Bar Review Course and then Marino-Josephson/BRC. A long-serving reservist, he retired with the rank of lieutenant colonel (infantry) after serving in Germany, Panama, and Korea. He was an honor graduate of the United States Army Command and General Staff College, and an alumnus of the Air Staff College, the Naval War College, the Air War College, and the Industrial College of the Armed Forces. McMullen had been a member of the Society since 1973.

Serpa Soares, United Nations Legal Counsel and Secretary General of the Intergovernmental Conference that adopted the recent Agreement on Marine Biodiversity of Areas Beyond National Jurisdiction (BBNJ), who discussed the BBNJ's far-reaching objectives to protect and preserve the marine environment, to ensure adequate assessment and monitoring of potentially harmful activities, to encourage sharing of new marine technology, and to support development and use of marine scientific research. Carole Laible, CEO of Domini Impact Investments, then spoke about opportunities for multidimensional engagement presented by the Kunming-Montreal Global Biodiversity Framework and the BBNJ, including the financial sector's role in achieving said goals. A lively networking hour followed. This marked the launch of the Chapter's new networking series, designed to facilitate community and interaction between all of the diverse international law professionals in the New York area. ■



## MEMBER NEWS



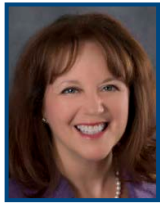
On November 16, 2023, Chiara Giorgetti (University of Richmond School of Law) was elected to the Board of the Register of Damage for Ukraine. The Board is one of the principal bodies of the Register and is crucial for its functioning. It will propose the rules and regulations governing the work of the Register,

develop claim categories and is ultimately responsible for assessing the eligibility of claims for the Register. Giorgetti has served on ASIL's Executive Committee and Executive Council.



On November 2, 2023, ASIL Executive Council Member Jill Goldenziel received the Serge Lazareff Prize from the NATO SHAPE/ACO Office of Legal Affairs for her contributions to the Office's work and the work of the Alliance as a scholar/practitioner of legal operations (lawfare). Andres Munoz Mosquera, the Director of

the Office, presented the prize to Dr. Goldenziel at the National Defense University.



On Oct. 25, 2023, Leila Sadat of Washington University School of Law delivered the 2023 Klatsky Endowed Distinguished Lecture in Human Rights and received the Cox International Law Center Humanitarian Award for Advancing Global Justice. The author of several award-winning books on human rights and

international criminal law, Sadat launched the initiative to establish a Convention on Crimes against Humanity modeled upon the Genocide Convention. She convened a group of experts to discuss the concept, prepared a draft treaty and then convinced the UN International Law Commission to take it up. The ILC reported the convention favorably to the United Nations General Assembly, which is poised to recommend it for adoption. Joining the likes of Raphael Lemkin, Sadat will be one of a few private citizens in history to have authored a major human rights convention. In her lecture, Sadat provided the inside account of her quest — an unforgettable international law story. Sadat is a former Counsellor on ASIL's Executive Council.

## The ASIL Academic Partnership Program



The pandemic has brought unprecedented challenges to the publishing industry. The Society understands these difficulties and is committed to supporting our partners with this ever-changing landscape. As part of this commitment, we have revamped our Publisher Partnership program with new benefits catering to our valued partners.

We have streamlined our partnership categories to Platinum and Regular. Our Premium Partnership now offers exclusive benefits, such as hosting book and author events on our podcast and in-person events at Tillar House and the Annual Meeting. These benefits were previously available only at higher levels. As with Premium Partnership, the Regular Partnership provides added value, including a standard exhibit booth and two complimentary registrations at the Annual Meeting. Each of the partnership levels ensures year-round engagement with ASIL's global community.

All ASIL Publisher Partners benefit from top priority for exhibit space at ASIL Annual Meetings, which attract over 1,400 leaders in international law annually from more than 75 countries. Additionally, partners can enjoy valuable advertising opportunities within ASIL publications, including features in the *American Journal of International Law*, *International Legal Materials*, and *ASIL Newsletter*. Leveraging the Society's robust online presence, Publisher Partners have their logos displayed on the organization's website, with each logo linked to respective websites. This provides extensive exposure and engagement opportunities across various channels within the ASIL community.

We are thrilled to welcome Cambridge University Press and Brill as renewing Premium Publishers and extend a warm welcome to Springer Nature and Edward Elgar Publishers, who are returning as partners at the Regular level.

If any readers have a relationship with an academic publisher that they would like to see join as Publisher Partners, please contact Jack Karako at [partnerships@asil.org](mailto:partnerships@asil.org).

## Midyear Meeting



On November 9-11, the Society convened its Fourteenth Midyear Meeting in Pittsburgh, Pennsylvania. This event continues an annual tradition that began in 2010 in Miami, Florida, as part of then ASIL President David D. Caron's efforts to promote international legal scholarship in different regions of the United States. The Midyear Meeting, which attracted nearly 250 participants from around the world, included the Practitioners' Forum and the Research Forum, as well as a biannual meeting of the Society's Executive Council and various other constituent entities.



L-R: Marney Cheek, Steven Hill, Lana Zerkal, Michael Cooper, Gregory Shaffer

The program included 32 substantive sessions featuring presentations and expert-let commentary on nearly 80 papers, covering a wide variety of international topics, from "Shaping International Law through Storytelling" to "Economic Law and the

Environment." On Thursday, November 9, the Practitioners Forum, held at Jones Day, featured welcome remarks from ASIL President Gregory Shaffer and Jones Day Partner, Laura Ellsworth, followed by panel discussions on "Cyberattacks: Public Law, Private Application" and "The Challenges of Sustainable International Investment in Energy and Climate Change: How to achieve Reconstruction of Ukraine and Lessons Learned for Sustainable Investment." The program also featured stirring keynote remarks from Ukrainian diplomat, Ms. Lana Zerkal.



Horia Mosadiq Lana Zerkal

The Research Forum, held at the University of Pittsburgh School of Law, also featured impactful keynote remarks from Afghani Human Rights defender and journalist, Ms. Horia Mosadiq. Other highlights included the announcement of the David D. Caron Prize for the best paper presented at the Research Forum by a current student or recent graduate. The 2023 award went to Tobias Traxler, for his paper, "Issues of Timing and Pro-Claimant Bias in Arbitrator Selection." The award will be formally presented at the 2024 Annual Meeting in Washington DC in April. The Society was also thrilled to hold the closing reception at the Carnegie Museum of Art.

The Society thanks all the presenters and discussants, the Research Forum Committee, co-chaired by Karima Bennoune, Vivian Curran, and Jean Galbraith, the Host Committee, and the Practitioners' Forum Committee, co-chaired by Charles Kotuby, Laura Ellsworth, Dave Bigge, Ashika Singh, Charles T. Di Leva, and Albert Bates.

The 2024 Midyear Meeting will be held at the University of Chicago Law School. Details forthcoming at [asil.org/MYM](https://asil.org/MYM).

## ADDITIONAL RECENT EVENTS

### Ukraine's Quest for Justice: A Conversation with Prosecutor General Andriy Kostin

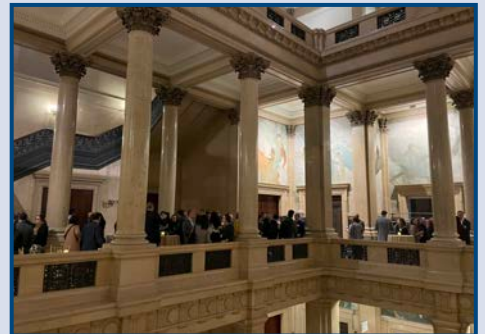
Indiscriminate shelling of civilian areas. Deportation of Ukrainian children. Summary executions. Torture. Rape. Mass looting. In the past year and a half, Ukrainian prosecutors and investigators have worked around the clock to document more than 100,000 war crimes apparently perpetrated by Russian troops on Ukrainian soil. The International Criminal Court issued an arrest warrant in March for Russian President Vladimir Putin, but the path to justice is anything but clear. How can

Ukraine and its allies hold Russia accountable for the atrocities it has committed against Ukraine? How does the search for justice fit into Ukrainian President Volodymyr Zelensky's broader peace strategy? On September 26, 2023, Carnegie President Tino Cuéllar spoke on these topics with Ukraine's Prosecutor General Andriy Kostin. Ukraine's ambassador to the United States, Oksana Markarova, and ASIL President Gregory Shaffer provided introductory remarks. This event was organized in partnership with ASIL, the Embassy of Ukraine in the United States, and the Carnegie Endowment for International Peace. A video of the event is available at [asil.org/eventvideos](https://asil.org/eventvideos).

—continued on page 15



## Selected Photos from the Midyear Meeting



## Additional Recent Events —continued from page 14

### Cooperation & Compliance Through International Law & Institutions



The ASIL Signature Topic Cooperation & Compliance Through International Law & Institutions focuses on the fundamental principles of the international legal system, involving the duty of states to cooperate and comply with international law.

The Signature Topic Committee held its third event in New York on October 24, addressing the topic “Climate Change, Nuclear Proliferation, and Pandemics: Challenges and Opportunities to Improve Cooperation and Compliance.” Co-sponsored by the International Peace Institute and the Permanent Mission of Austria, the event focused on identifying ways in which the international law community can help the UN community improve and strengthen cooperation and compliance with a

—continued on page 16



The 118th Annual Meeting will examine “International Law in an Interdependent World.” There is more international law than ever today – more instruments and disciplines, more institutions, and more judicialization. Meanwhile, nations have become increasingly interdependent on account of global economic integration, technological and communicative connectivity, the need to manage cross-border and global resources, and concerns over collective security. Under one common story, these developments are related: international law tends to contribute to international integration and human interconnectedness, all of which should reduce the potential for conflict and lay the groundwork for greater human flourishing. Real world developments, however, seem to bely such a hopeful narrative. For all that our

rules-based international order has achieved, the last decade has witnessed a resurgence in classical conflicts – from trade wars to open cross-border military aggression and great power conflict. Undeniable gains in prosperity and growth have been attended by rising inequality and disregard for human rights. Our interdependence has also generated its own novel problems, from insecurity in digital networks and cross-border infrastructure to financial contagion, pandemics, and climate crises.

This Annual Meeting will interrogate the role of international law in such an interdependent world. Progressive, critical, and classical analyses have some purchase. Has international law actually contributed to human connectedness and flourishing and, if so, how? Can we still envision this pursuit while limiting social and political stratification within and among nations? How can international law respond to new challenges posed by greater integration, including the very weaponization of interdependence? This meeting will reevaluate and reimagine the purpose, place, and power of international law in response to these developments.

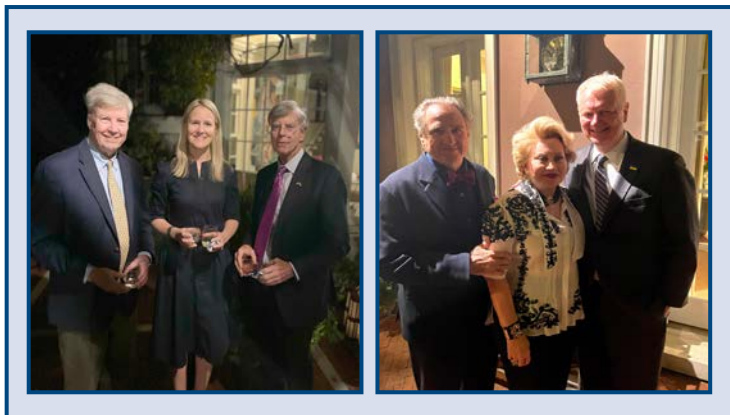
Registration is now open at [asil.org/AM](https://asil.org/AM).

## Additional Recent Events *—continued from page 15*

view to arriving at concrete recommendations to combat climate change, prevent and defeat pandemics, and prevent nuclear proliferation. Prior events focused on nuclear catastrophe and climate catastrophe. Summaries of each event are available at [asil.org/STCoop](https://asil.org/STCoop). A fourth event on pandemics is planned for spring 2024.

the struggle for justice and initiatives to hold Russian leadership accountable for the crime of aggression. He also addressed Russian sovereign assets and possible legal pathways for seizing these assets, either to support the war effort or to provide compensation for damages suffered by Ukraine and by Ukrainians.

## Stand Tall for the Rule of Law Event



On Thursday evening, October 26th, Clara Brillembourg and her husband George Chopivsky hosted a private fundraising dinner at the Washington, DC home of Hilda Ochoa and Arturo Brillembourg in support of ASIL's Summit in Lviv. Former U.S. Ambassador to Ukraine William Taylor spoke on

## ASIL Celebrates the Holidays with Open House



On November 30, for the first time since 2019, the Society opened its doors for the annual Holiday Open House. The event attracted over 100 members and guests. Society President Gregory Shaffer and Executive Director Michael Cooper welcomed attendees and delivered brief remarks. ■



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- Ivan Franko National University of Lviv Faculty of Law
- Kyiv School of Economics
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- University of California-Irvine School of Law
- University of California-Los Angeles School of Law
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Membership dues alone cannot sustain the Society's programs and services. To ensure that it remains strong and relevant, the Society relies on the generosity of its members and other contributors.

With 80 cents of every dollar donated supporting educational programming and engagement of the international law community, the Society is one of the best charitable values around.

## HOW TO GIVE

The Society welcomes tax-deductible donations in any amount, and recognizes gifts or pledges of \$500 or more in its annual report. Donations can be made online or in whatever way is most convenient—through a monthly donation, a multi-year pledge, a gift from a donor-advised fund, or a transfer of stock. Donors over age 70 1/2 can make a qualified charitable distribution directly from an IRA. Finally, the future of the Society can be secured through the Heritage Circle, ASIL's planned giving program. To make a donation or find out more, please visit **[asil.org/support](https://asil.org/support)**.

