

# International Legal Research Interest Group

## Letter from the Editor

Seasons Greetings ILRIG Members,

I am so excited to present for you the Winter 2022 issue of the *Informer* Newsletter, a newsletter dedicated to international researchers from around the globe! As 2022 begins to wind down and we begin to look toward 2023, I encourage ILRIG members to focus on the bright future of international research and the fortunate opportunity information professionals have been given to impact the world we live in.

In this issue you will find exciting news of the publication of Dr. Valdimir Troitskiy's article in the *Arkansas Journal of Social Change and Public Service*. Additionally, you'll be able to review a professional development opportunity courtesy of the Library of Congress as well as a pro bono/volunteer opportunity with the Yezidi Genocide Justice Campaign. Finally, a big thank you for Stefan Kirchner's essay contribution titled *International Law Remains Relevant for Arctic Governance* as well as Rachel M. Shields' essay contribution titled *Protecting Ukraine's Digital Cultural Heritage*.

As you peruse this newsletter, please remember that we are always looking for content including member updates, research tips, articles, and essays. The newsletter would not exist without interesting submissions from readers like you. We want to hear from you! If you have any questions, suggestions, ideas or articles you would like to submit, please contact me, the Editor, at [ilrignewsletter@gmail.com](mailto:ilrignewsletter@gmail.com).

We hope that you enjoy this issue.

Sincerely,

Brittany L. Menton  
Newsletter Editor, *Informer*

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## International Legal Research Interest Group

### ILRIG OFFICERS

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Views contained in this publication are those of the authors in their personal capacity. The American Society of International Law and this Interest Group do not generally take positions on substantive issues, including those addressed in this periodical.

## Research Tip of the Season

Have you ever tried to find a good place to begin your international research but struggled to or prefer to begin your research with a free resource? The Franklin County Law Library offers a fantastic LibGuide which directs to free local, federal, and international resources. The International section includes links covering British, Canadian, Chinese, German, Indian, and Mexican legal research resources. You can also find several databases, libraries, and even an index to treaties in the LibGuide.

The Free Websites for Legal Research: International LibGuide is available here: <https://fclawlib.libguides.com/freewebsites/international>.

Provided by:  
Brittany L. Menton  
Research Analyst and ILRIG Newsletter Editor  
Lewis Roca

## Member Publications

The Arkansas Journal of Social Change and Public Service recently published issue 11.1 which includes article by **Dr. Vladimir Troitskiy** «**Blockchain As a Social Regulator: Elaboration of Theory Foundations**”

By means of comprehensive comparison to International Public Law and Lex Mercatoria, both historical and modern, this article is addressing the question on whether or not such unique autonomous decentralized regulatory mechanisms like blockchain law can become sustainable, cover large social groups and compete or coexist with conventional law. The link to the full text of the article: <https://ualr.edu/social-change/volume-11/>.

Provided by:  
Vladimir Troitskiy  
Senior Partner  
Lex International Law Firm

## Professional Development

### Daniel and Florence Guggenheim Scholars Program

The **Law Library of Congress** invites applications for the Daniel and Florence Guggenheim Scholars Program. The purpose of this program is to fund a scholar whose research will draw upon the Law Library’s world-class collections, target new acquisitions, and leverage the Law Library’s staff expertise. The focus of the program is to create new research at the intersection of demography, technology, and criminal justice. This research will generate benchmarks, metrics, best practices, and possible solutions to some of the emerging legal issues that fall at the intersection of these fields. The program will encourage a multidisciplinary and multinational approach for the greatest impact.

Proposals that utilize data analysis and modeling tools to illustrate the impact of emerging laws and policies on criminal justice, technology, and/or demography are encouraged, but not required.



*The Law Library of Congress invites applications for*  
**The Guggenheim Scholars Program**

Accepting applications until  
January 31, 2023  
to be considered for the program in summer  
2023. The successful candidate will be  
announced in March of 2023.

To apply, please send a current CV/Resume, a list of publications, a list of references, and a one-page project proposal that includes details on how the Law Library of Congress' collections can support your research by emailing [lawresearch@loc.gov](mailto:lawresearch@loc.gov).

**LAW LIBRARY OF CONGRESS**  
LEGAL RESEARCH INSTITUTE

The application deadline is January 31, 2023. More information can be found at: <https://blogs.loc.gov/law/2022/10/the-law-library-of-congress-invites-applications-for-the-guggenheim-scholars-program/>

Provided by: Jenny W. Gesley  
ILRIG Co-Chair and Foreign Law Specialist  
Library of Congress

## Career Opportunities

### **PRO BONO VOLUNTEER OPPORTUNITIES FOR THE YEZIDI GENOCIDE JUSTICE CAMPAIGN (Amsterdam, the Netherlands, and New York, New York)**

Additionally, I would like to share the Yezidi Genocide Justice Campaign that was begun in January 2022 and

advocates for the legal prosecutions of corporate actors that aided and abetted ISIS. Here is the link to that campaign: <https://yezidigenocidejusticecampaign.org/>

Legal volunteers are welcome to submit letters of interest to volunteer to: [catherinevankampen@gmail.com](mailto:catherinevankampen@gmail.com).

## Short Essays: International Legal Research and Open Access

### **International Law Remains Relevant for Arctic Governance**

By:

Stefan Kirchner, Research Professor of Arctic Law and Head of the Arctic Governance Research Group, Arctic Centre, University of Lapland, Rovaniemi, Finland

In October 2022, the White House published the new Arctic strategy of the United States of America. The move comes nine years after the last such document and the new strategy is meant to cover the next ten years. As events in 2022 have shown, however, the situation in the Arctic continues to be highly volatile. After the end of the (first) Cold War, international cooperation in the Arctic had been accelerated, resulting in the founding of the Arctic Council (AC) in 1996 and in a number of international treaties on Arctic issues that were created by the eight Arctic States: the 2011 Agreement on Cooperation on Aeronautical and Maritime Search and Rescue in the Arctic, the 2013 Agreement on Cooperation on Marine Oil Pollution Preparedness and Response in the Arctic and the 2017 Agreement on Enhancing International Arctic Scientific Cooperation. The five coastal states of the Arctic Ocean, Russia, Canada, the United States, Norway, and Denmark (on behalf of Greenland), together with the European Union (of which Sweden and Finland are members), Iceland, China, South Korea, and Japan, ratified the Agreement to prevent unregulated high seas fisheries in the Central Arctic Ocean. These treaties remain relevant - at least on paper. The esca-

lation of Russia's war against Ukraine has led to a serious deterioration of international relations also between the member states of the Arctic Council (AC). The AC, which is chaired by Russia until spring 2023, is effectively dormant. In March 2022, the seven Western Arctic States (A7) announced that they would pause the cooperation with Russia within the Arctic Council, while emphasizing the importance of the AC. In June 2022, A7 states agreed to continue to work together on AC-related activities that do not involve the Russian Federation at all and that had been agreed upon prior to the beginning of the Russian AC chairmanship. The existing international treaties continue to apply between the eight Arctic States, although it seems unlikely that the legal obligations that follow from these treaties can be enforced effectively vis-à-vis the Russian Federation. At the moment, the future of the international governance of the Arctic in general and of the Arctic Council in particular remain uncertain, in particular with regard to indigenous representative organizations from the Arctic. Within the current AC, these organizations enjoy a special status, almost on the same level as the member states. These uncertainties regarding the future of Arctic governance are now being met by the White House with its new National Strategy for the Arctic Region in October 2022. In recent years, many Arctic and non-Arctic states, but also the European Union (EU), have published policy documents that outline their respective visions for the future of the Arctic and international cooperation in the region. The Arctic has gained significant pub-

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lic attention in recent years in particular because the impact of climate change is more visible here than in many other parts of the world. While not legally binding *per se*, these policy documents can provide insights into the future development of International Arctic Law. Through the Arctic location of large parts of its largest state, Alaska, the United States is an Arctic nation. It is a member of the Arctic Council (AC) but for a long time it has been perceived as punching below its weight in the Arctic. By emphasizing the importance of international law in the international governance of the Arctic, the United States now has the opportunity to take a leadership position among the A7. Once the last remaining member states of the North Atlantic Treaty Organization (NATO) that have not yet done so, Hungary and Turkey, will approve the pending NATO membership applications by Finland and Sweden, all A7 states will be NATO members. This means that the Arctic is already *de facto* split in two parts, Russia and the West, each of which are responsible for approximately half the territory and half the population of the Arctic. The ongoing war of aggression that is waged by Russia against Ukraine, including acts of genocide within the meaning of Article II (e) of the Genocide Convention in the form of the forced transfer of Ukrainian children to Russian families, means that currently no cooperation is possible with Russia. This is also stated in the new U.S. Arctic strategy document. The current situation also has implications for the future development of international Arctic Law. It remains to be seen how the international governance of the Arctic will develop - but it is becoming increasingly clear that international law and cross-border cooperation will remain important, but only among the A7. The future of Arctic governance is divided. International law will remain essential for the international governance in the free half of the Arctic.

### **Protecting Ukraine's Digital Cultural Heritage**

By:

Rachel M. Shields, Esq., Reference Librarian & Lecturer in Law, Stanford Law School

Russia's ongoing invasion of Ukraine is devastating in a multitude of ways. There has been mass casualties, death, destruction, political unrest, and economic collapse. The effects from the war have been seen and felt worldwide, but the physical invasion of Ukraine has also been accompanied by a much less visible (and certainly less discussed) danger—the loss of Ukraine's digital cultural heritage. Although various international agreements specifically provide protection to cultural material during an armed conflict, preserving digital material is arduous. Power outages, downed servers, and cyberattacks can result in a permanent loss of data and a permanent loss of digital cultural history. Organizations and volunteers have set out to preserve as much of Ukraine's data as possible, but recent events in Ukraine have demonstrated the growing importance of digital cultural property and the need to reconsider how it is protected, especially in times of war.

### **The Challenge in Protecting Digital Cultural Heritage**

There is no question that protecting digital cultural heritage is crucial. In 2003, the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) adopted the Charter on the Preservation of Digital Heritage ("UNESCO Charter"). As the preamble of the UNESCO Charter acknowledges, preserving digital heritage "for the benefit of present and future generations is an urgent issue of worldwide concern."<sup>1</sup> This agreement

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1 United Nations Educational, Scientific and Cultural Organization (UNESCO). Charter on the Preservation of Digital Heritage. CL/3865. 2009.

## Short Essays: War, Exploitation, and International Legal Research —continued from page 4

formally extended similar protocols pertaining to the preservation of physical cultural heritage property to digital materials.

However, the challenge lies in determining which digital content should be preserved considering the colossal amount of intangible information available on the internet. Efforts to organize internet material is an especially daunting task when content creators are continuously creating, sharing, and contributing to the ever-expanding material.<sup>2</sup> Documenting each interaction of every internet user is neither practical nor does it fall in line with what is traditionally considered cultural heritage. Although digital technology has advanced the ways in which people access cultural heritage, it has challenged the definition of what constitutes cultural heritage.

### The Need to Protect Ukraine's History and Heritage

Russia has declined to follow the UNESCO Charter international agreement to preserve digital cultural history. Countless websites and online information have been lost due to cyberattacks, power outages, shelling, or fear of being a visible target. This is in part due to the lack of infrastructure in maintaining digital history.

Additionally, Ukrainians have had very little time to protect their physical and digital material. Despite the imminent tension of war and Russian troops stationed along Ukraine's border, it was an intentional choice to not warn museums to protect their work.<sup>3</sup> It would have caused "panic, and the general politi-

cal message was we should prepare only on a military level," according to Ihor Poshyvailo, co-founder of the Heritage Emergency Response Initiative and the director of the Maidan Museum in Kyiv.<sup>4</sup> However, despite Russia's denial that it planned an assault on Ukraine, it attacked just minutes after declaring war, leaving Ukrainians no time to prepare and protect their cultural heritage, including their online data.

### The Archive Designed to be Destroyed

Two days after Russia's invasion, Anna Kijas, a music librarian at Tufts University, tweeted a message about using digital tools to rescue digital information, specifically music collections. This message caught the attention of Sebastian Majstorovic, a digital historian at the Austrian Centre for Digital Humanities and Culture Preservation, and Quinn Dombrowski, an academic technology specialist at Stanford University. They teamed up to create an online archive, Save Ukrainian Culture and Heritage Online ("SUCHO"), to preserve Ukraine's digital history.

On its very first day of operations, more than 400 people, many of which were librarians, volunteered to join SUCHO's archive initiative. Now, with the help of a team of over 1,300 individuals, SUCHO's founders have created a growing archive of Ukraine's digital cultural heritage using open-source tools to capture media and metadata. SUCHO is even taking a proactive approach with their preservation efforts through the development of a situation monitoring team that uses Google Maps and library directories to identify potential at-risk heritage websites in need of archival.

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2 de Lusenet, Yola. 2007. "Tending the Garden or Harvesting the Fields: Digital Preservation and the UNESCO Charter on the Preservation of the Digital Heritage." *Library Trends* 56, 1: 164-182, doi: <https://doi.org/10.1353/lib.2007.0053>.

3 Young, Michelle. 2022. "Saving the Artwork of Ukraine," *Wilson Quarterly* (Summer).

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4 Stein, Carolyn. "The Archive Designed to be Destroyed: Inside the Campaign to Save Ukraine's Digital Footprint." *Stanford Daily*, August 23, 2022, <https://stanforddaily.com/2022/08/17/the-archive-designed-to-be-destroyed-inside-the-campaign-to-save-ukraines-digital-footprint/>.

## Short Essays: War, Exploitation, and International Legal Research —continued from page 5

Overall, SUCHO's goal is digital repatriation then self-destruction. Once the war is over, the contents within the online archive will be returned to their original communities to help rebuild Ukraine's digital cultural heritage, and the SUCHO organization will disband.

### The Future of Digital Cultural Heritage

SUCHO's approach to preserving Ukraine's digital cultural heritage is extraordinary, but it also is a

testament of the need for better infrastructure and investment in pre-emptive web archiving. Certainly, efforts are needed to execute an effective system for ensuring the preservation of digital cultural heritage. Librarians and other information science professionals can help to fill this void by using their specialized skills and knowledge to collect, preserve, and share digital material. ■

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## Call for Submissions for the ILRIG Newsletter

ILRIG endeavors to provide accessible opportunities for new professionals to feature their work in a space that is reserved specifically for them, as well as a platform to highlight their achievements and accomplishments. As such, we are pleased to announce the following options for our members to feature their work in future editions of the ILRIG newsletter:

### **i. New Developments in International Law**

Members are invited to submit short pieces (up to 300 words) that provide a descriptive update of a recent development or news item from any area of public or private international law, such as but not limited to new activities at international organizations, a decision of an international court or tribunal, and/or treaty negotiations.

### **ii. Short Essays: The Future of International Legal Research**

Members are invited to submit an original essay (up to 900 words) focusing on the future of international legal research. The possibilities are wide ranging and could include how open access may impact information professionals, varying internet restrictions may halt sharing research, the impact of war on preservation and dissemination of research, the changes information professionals and international legal research should prepare for, competitive intelligence and international legal research, etc.

### **iii. Member Spotlight**

Members are invited to submit an announcement highlighting an achievement or professional update, whether it be a new position, a publication, an award, or anything else that we can celebrate (up to 150 words).

### **iv. Member Updates**

Members are invited to submit an announcement (up to 150 words) highlighting an achievement or professional update, whether it be a new position, a publication, an award, or anything else that we can celebrate.

### **v. Opportunities Available**

Members are asked to submit open positions (both paid and volunteer) for legal research positions available. Please include the association name, position title, position summary, and contact information.

### **vi. Upcoming/Recent Publications/Books**

Members are invited to submit information regarding a recently published or upcoming book or publication they assist with. Please include your name, the authors, the title, publication date, and a brief summary (up to 200 words).

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### *vii. Upcoming Events of Interest*

Members are invited to submit information regarding upcoming events of interest to the ILRIG community including meetings (in-person and virtual), webinars, classes, conferences, roundtables, panels, etc. Please provide the date, time, location (virtual or in-person), host, and summary (up to 200 words).

Please send your submission to **ilrignewsletter@gmail.com** and put “ILRIG NEWSLETTER

SUBMISSION” in the subject line. Be sure to provide your full name, title, and organization or

affiliation. If your submission is for the Member Spotlight, please include a high-resolution photo of yourself. We accept submissions on a rolling basis and encourage members to submit early. The deadline for submission is **April 20, 2023**. ■

Disclaimer: Views contained in this publication are those of the authors in their personal capacity. The American Society of International Law and this Interest Group do not generally take positions on substantive issues, including those addressed in this periodical. If you would like to provide information on specific events/opportunities for the newsletter, please send to **ilrignewsletter@gmail.com**.