

FOREWORD

The 111th Annual Meeting of the Society took place at a time of deepening apprehension about the future of international law and legal institutions. A new U.S. president had just taken office, vowing to reassess the American commitment to multilateral treaties and institutions that had sustained the global order since the end of World War II—curtailing U.S. support for United Nations agencies and other multilateral institutions; calling into question the continuity of U.S. security commitments in Europe and Asia; cutting funding for the State Department and other domestic agencies with responsibility for diplomacy and foreign assistance; withdrawing from multilateral agreements, including the Trans-Pacific Partnership, the North American Free Trade Agreement, and the Paris Climate Agreement; and ending American cooperation with international courts and tribunals.

Although the Annual Meeting theme had been chosen many months before the results of the election were known, it would be hard to imagine a more crucial moment at which to consider the question of “What International Law Values.”

The meeting offered conferees an opportunity to explore the theme through dozens of substantive programs offering a broad range of historical and contemporary perspectives, and to engage in dialogue and debate with many of the leading figures in the field. The array of topics included: international law and cyberspace; the right to a fair trial under international law; the future of deep economic agreements; the global refugee crisis; the effectiveness of international claims commissions; private space exploration; adjudication of international environmental disputes; compulsory jurisdiction; arms control and new technology; transitional justice mechanisms; the regime of islands in the aftermath of the South China Sea arbitration; the independence of investor-state adjudicators; military intervention by consent; regulation of the global commons; and valuing women in international adjudication.

In addition to the regular programs, each day began with a special session on “International Law and the Trump Administration,” examining a key policy area in which the change of administrations had brought about a change of direction, from security, to trade and investment, to the environment. In addition, a “late-breaking” session considered the legality of the U.S. missile strikes against Syria that had taken place in the run-up to the meeting.

Highlights included the Nineteenth Annual Grotius Lecture, delivered by the distinguished Harvard historian David Armitage, who examined civil war from the perspective of four centuries of international law, in a lecture titled, “Civil War Time: From Grotius to the Global War on Terror.” An equally learned response was given by the Distinguished Discussant, Mary L. Dudziak, of Emory University School of Law.

The Manley O. Hudson Medal Luncheon featured a conversation between the 2017 Hudson Medal recipient, Professor Georges Abi-Saab, and the recipient of our 2017 Honorary Member Award, Professor Philip Alston. The Women in International Law Interest Group (WILIG) Luncheon included remarks by ASIL’s honorary president, Judge Rosemary Barkett, who received the Prominent Woman in International Law Award from Associate Justice Ruth Bader Ginsburg of the U.S. Supreme Court.

The Sixth Annual Charles N. Brower Lecture on International Dispute Resolution was delivered by Judge David Caron of the Iran-U.S. Claims Tribunal (and a past president of the Society), who spoke on “The Multiple Functions of International Courts and the Singular Task of the Adjudicator.”

The second annual Detlev F. Vagts Roundtable on Transnational Law featured a discussion of “Lawyering in the Age of Transnational Governance,” with a distinguished panel convened by Professor Hannah L. Buxbaum.

On Friday evening, we welcomed the new general counsel of the World Bank, Sandie Okoro, to deliver her first major speech in that capacity. Her theme, “Seen and Not Heard,” highlighted the worldwide problem of gender-based violence.

The centerpiece of the Annual Meeting was the Assembly, which featured keynote remarks by Philippe Sands of University College London. His address, “East West Street and Beyond: On the Origin of ‘Genocide’ and ‘Crimes Against Humanity,’” recounted the parallel stories of two of the most consequential figures in the modern development of international law—Hersch Lauterpacht and Raphael Lemkin—which in the course of his research became a journey of personal discovery for Sands himself. The Assembly also included the Society’s annual leadership elections, the presentation of honors and awards, and memorial tributes, including a moving remembrance to another eminent international lawyer named Lauterpacht—Sir Elihu Lauterpacht—by Stephen Schwebel.

The closing plenary, on “Building Trust in International Law and Institutions,” was sponsored by the Embassy of the Netherlands in Washington and the Municipality of The Hague. The program provided a fitting capstone to the conference, reaffirming the value and importance of the international legal system as a framework for global diplomacy and justice. It culminated in a special presentation by the Deputy Mayor of The Hague, designating a footpath adjacent to the Peace Palace in honor of famed Nuremberg prosecutor Benjamin Ferencz, followed by moving remarks by Mr. Ferencz.

The success of the meeting is due to the creativity and commitment of many people, including President Lucinda A. Low, Annual Meeting co-chairs Aloysius (Louie) Llamzon, Julie Maupin, and Saira Mohamed, and the dedicated and hardworking members of the Annual Meeting Committee. Thanks are also due to Deputy Executive Director Wes Rist, Director of Publications and Research Caitlin Behles, the editor of these *Proceedings*, Erin Lovall, our meeting planner, Eden Capuano, and her team at Voila! Inc., and all the members of the Society’s talented and industrious staff.

MARK DAVID AGRAST
Executive Director

December 2017
Washington, DC