

# THE INTERNATIONAL LAW ASSOCIATION AND ITS AMERICAN BRANCH: A TRIBUTE TO DAVID STEWART

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## ABSTRACT

*The International Law Association (ILA), which was established in 1873 and is headquartered in London, includes sixty-seven national or regional branches of members. The largest of these is the American Branch (ABILA). This essay addresses the history, structure, and activities of both the ILA as a whole and the ABILA. Both entities have benefited substantially from the expertise and leadership of David Stewart, Professor from Practice Emeritus at Georgetown University Law Center. Within the context of the ILA-ABILA framework, we identify some of his leading contributions as an eminent teacher, scholar, and practitioner of international law.*

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## I. INTRODUCTION

We have been privileged to work with David Stewart, primarily during his third consecutive career in the field of international law.<sup>1</sup> In 2008, after five years in private practice in New York and thirty-two years in the U.S. State Department's Office of the Legal Adviser, he was appointed as Professor from Practice at Georgetown University Law

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1. We assume that David would not define his brief military service as a career.

Center. He received a distinguished teaching award from Georgetown and has also served as Co-Director of the school's Global Law Scholars Program and Co-Director of its Center on Transnational Business and the Law.

Even as David was barely getting his feet wet in an academic environment, he somehow found time to continue government-level work as a member of the Inter-American Juridical Committee of the Organization of American States. He also assumed leadership roles in several prominent non-governmental organizations (NGOs). These roles included membership on the Board of Editors of the *American Journal of International Law* and Co-Reporter of the American Law Institute's *Restatement (Fourth) of the Foreign Relations Law of the United States* (2018). That might seem like quite enough for one person, even spread over time. But of special importance to all three of us have been David's extraordinary contributions to the International Law Association (ILA), based in London and staffed by a full-time Chief Operating Officer, and its American Branch (ABILA).<sup>2</sup> Our tribute to David will focus on only this one NGO complex, but it's a big one, as reflected in Part III.

The ILA, now more than 150 years old, has as its objectives "the study, clarification and development of international law, both public and private, and the furtherance of international understanding and respect for international law."<sup>3</sup> The Association features four principal projects: (1) forming and assisting sixty-seven national or regional branches; (2) establishing and supervising about twenty committees and occasional study groups on cutting-edge topics of international law, all ably supervised by a Director of Studies; (3) conducting a biennial conference that features working and concluding sessions of the committees and study groups, as well as holding occasional regional meetings; and (4) nurturing the professional development of younger and nationally diverse professionals.<sup>4</sup> David's work has spanned all of these projects. He has also been a leader in ABILA, itself over a century

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2. Professor Nafziger served as President of ABILA (2000-2004) and Chair of its Executive Committee (now Board of Directors) (2004-2008) and is currently Vice-Chair of the ILA (2016-present). Professor Noyes was President of the American Branch (2008-2010) and Chair of its Executive Committee (2010-2014). And Professor Stewart also served as ABILA President (2014-2018) and Chair of the Branch's Board of Directors (2018-2022). The three of us have also been members of the ILA's governing Executive Council.

3. INT'L L. ASS'N (ILA) CONST. art. 3.1 (2016).

4. For detailed essays about the Association's history, branches, committees, and contributions, see *TO THE BENEFIT OF INTERNATIONAL LAW 150 YEARS OF THE INTERNATIONAL LAW ASSOCIATION* (Catherine Kessedjian et al. eds., 2023).

old, with its own conferences, active committees, and educational initiatives.<sup>5</sup>

## II. DAVID STEWART'S RECORD OF LEADERSHIP

### A. *The American Branch of the International Law Association*

David's record of leadership in the American Branch of the International Law Association has included service as a Vice President (2008–2012), President-Elect (2012–2014), President (2014–2018), and Chair of the Board (2018–2022). We review his contributions to ILA and ABILA committees and conferences below. Here we highlight just some of his other major accomplishments in the American Branch. David substantially expanded and upgraded the Branch *Newsletter*, contributed book reviews and committee reports to it, and helped oversee ABILA's reorganization as a Delaware corporation. In addition, he co-directed (with Louise Ellen Teitz) an ABILA project with representatives from the American Society of International Law on the implementation of transparency norms in international investment and commercial arbitration.<sup>6</sup> ABILA's leadership selected David to serve in that capacity because of both his expertise and his ability to reach out productively to like-minded organizations. After all, he was instrumental in many of them at one time or another.

Undertaking such efforts—and the more mundane aspects of overseeing an organization—is challenging, requiring lots of good “people skills,” which David has in abundance. At ABILA, he has been a diplomatic problem solver—in discussing difficult issues, we recall David's frequent gracious offer, “What can I do to help?”—and a voice of calm and reason. In 2022, David received the Branch's highest honor, the Charles Siegal Distinguished Service Award.

### B. *ILA and ABILA Committees*

David co-chaired two ABILA committees, on extraterritorial jurisdiction and on commercial dispute resolution, and has also served on ILA committees, including one concerning the international protection of consumers and another concerning the protection of privacy in private international and procedural law. For several decades after it was established, the ILA tended to focus on arbitration and private international law but has significantly expanded its public international law projects.

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5. TO THE BENEFIT OF INTERNATIONAL LAW, *supra* note 4, at 257.

6. See ABILA/ASIL *Transparency Initiative*, ABILA NEWSLETTER, May 2009, at 7.

David's own feet are planted firmly in multiple terrains of international law. The breadth of his interests is only suggested by his varied committee work. He has written or edited well-received books on a range of topics—private international law, foreign sovereign immunity, the law of diplomacy, human rights, and international criminal law—as well as scores of highly useful law review articles.<sup>7</sup>

C. *ILA and ABILA Conferences*

One of the highlights of attending ABILA and ILA conferences and meetings has been spending time with David, who has routinely participated in them for many years. At these gatherings, our opening greetings often centered on an inspection of David's hallmark necktie du jour cascading down his chest—typically something patriotic- or global-themed and often as witty as its owner. His more substantial contributions to the ILA biennial conferences have reflected the breadth of his interests, such as his remarks as a panelist at the 2018 ILA biennial conference in Sydney, Australia, concerning “Trans-Pacific challenges in developing international law.” Four years earlier, he had been immersed in organizing the ILA biennial in Washington, D.C., hosted jointly with an annual ASIL meeting. This resulted, in short, from ABILA rescuing the conference from the Japanese Branch when the devastating Great Sendai Earthquake diverted the expected sponsorship by Japanese corporations to the public's huge needs.<sup>8</sup> In the end, however, the Washington, D.C., conference was not only a success but was “heralded as the largest ever gathering of international lawyers.”<sup>9</sup>

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7. DIGEST OF UNITED STATES PRACTICE IN INTERNATIONAL LAW (co-editor of seven volumes, covering 1989-2003); THE FOREIGN SOVEREIGN IMMUNITIES ACT: A GUIDE FOR JUDGES (2d ed. 2018); DAVID P. STEWART, INTERNATIONAL CRIMINAL LAW IN A NUTSHELL (2d ed. 2019); DAVID P. STEWART ET AL., INTERNATIONAL HUMAN RIGHTS IN A NUTSHELL (6th ed. 2025); RESEARCH HANDBOOK ON LAW AND DIPLOMACY (Margaret E. McGuinness & David P. Stewart eds., 2022); DAVID P. STEWART ET AL., INTERNATIONAL AND TRANSNATIONAL CRIMINAL LAW (4th ed. 2023); DAVID P. STEWART & DAVID W. BOWKER, RISTAU'S INTERNATIONAL JUDICIAL ASSISTANCE: A PRACTITIONER'S GUIDE TO INTERNATIONAL CIVIL AND COMMERCIAL LITIGATION (2d ed. 2021).

8. For discussion of the 9.0 magnitude Great Sendai Earthquake and relief efforts, see John P. Rafferty & Kenneth Plether, *Japan Earthquake and Tsunami of 2011*, BRITANNICA, <https://www.britannica.com/event/Japan-earthquake-and-tsunami-of-2011> (last visited July 19, 2025); see also *Notes on the Business of the Association*, in INT'L L. ASS'N, REPORT OF THE SEVENTY-SIXTH CONFERENCE HELD IN WASHINGTON, D.C., AUGUST 2014, at 52, 54 (2014) (noting the Japanese Branch's gratitude for the efforts of the American Branch in hosting the 2014 ILA biennial conference in its place).

9. Jonathan Mance, *Preface to Report of Washington Conference*, in INT'L L. ASS'N, REPORT OF THE SEVENTY-SIXTH CONFERENCE HELD IN WASHINGTON D.C., AUGUST 2014, at 15, (2014).

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David has also invested much time and energy in organizing, speaking at, and planning panels for ABILA's own major annual conference, International Law Weekend (ILW), held in New York every fall, and for ABILA's regular regional ILWs. In 2017, during his tenure as ABILA President, he inaugurated International Law Weekend-South.<sup>10</sup>

### D. Professional Development

In line with a global trend in NGOs, the ILA and its branches—especially ABILA—have recently placed substantial emphasis on diversification and professional development. The ILA, dominated by older white males throughout much of its history, has adopted several initiatives to promote diversity in its membership and leadership, and greater involvement of early career professionals.<sup>11</sup> Despite these efforts, definitive new guidelines applicable to all ILA projects remain works in progress. A particular challenge has been to offset the organization's structure based on national or regional chapters, which disproportionately represent European countries. As an ILA leader, David helped to expand the reach of the ILA and supported diverse perspectives in it.<sup>12</sup> His dedication to the ILA's role in legal education underpinned, at ABILA, his support for ILW and regional ILW programs that attracted many students and that provided opportunities for early career professionals to showcase their work.

In sum, David's many contributions have spanned the full range of the work of the American Branch and the parent ILA—overseeing business operations, instituting and supporting educational outreach programs, planning and speaking at conferences, and contributing to substantive committee projects.

## III. THE INTERNATIONAL LAW ASSOCIATION AND ITS AMERICAN BRANCH

This part provides additional background about the history, work, and impact of the International Law Association and ABILA, to add a bit of context to David Stewart's contributions to these organizations.

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10. See *Inaugural International Law Weekend-South Kicks Off at Texas A&M Law*, PR NEWswire (Feb. 28, 2017, at 10:22 ET), <https://www.prnewswire.com/news-releases/inaugural-international-law-weekend-south-kicks-off-at-texas-am-law-300415009.html>.

11. See *infra* notes 27-28.

12. See, e.g., *Committee on Protection of Privacy in Private International Law, Working Session, Aug. 8, 2016*, in INT'L L. ASS'N, REPORT OF THE SEVENTY-SEVENTH CONFERENCE, HELD IN JOHANNESBURG, AUGUST 2016, at 155, 158, 163 (2017) (summarizing David Stewart's views that the Committee should "reach out beyond the United States and continental Europe to understand how the concept [of privacy] was approached . . . in the Middle East and Asia," and that the extraterritorial operation of an EU Regulation conveyed insensitivity "to the concerns of third countries," inviting conflict).

A. *The International Law Association*

The ILA, founded in Belgium in 1873 as the Association for the Reform and Codification of the Law of Nations—its name changing to the International Law Association in 1895—had aspirational goals.<sup>13</sup> In its early years, many members of the Association sought to promote global peace and security through international law codification and mandatory international arbitration. The horrors of the Franco-Prussian War (1870–1871) and the successful resolution of the U.S.-U.K. *Alabama Claims* arbitration (1872) were fresh in the minds of the ILA’s founders.<sup>14</sup> Americans with backgrounds in peace societies were instrumental in creating the ILA,<sup>15</sup> and the renowned U.S. codifier David Dudley Field served as its first president. Long based in London, the Association attracted the support of leading American, British, and other Western European international law experts. The organization sought to broaden its influence by opening membership to shipowners, insurers, merchants, and philanthropists.<sup>16</sup> Today, although the vast majority of the ILA’s approximately 4500 members are international lawyers who provide deep expertise on which the Association can draw, the ILA continues to take account of the practical impacts of its proposals.

The ILA’s national and regional branches are integral to its structure and work. Individuals and institutions become ILA members by joining one of its sixty-seven branches, representing much of the world.<sup>17</sup> Nine of the first eleven branches, all founded in the 1910s and 1920s, were from Europe; the American and Japanese branches were also created in that period. Almost half of the ILA’s current branches have been

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13. See *Proceedings of the First Conference, in INT’L L. ASS’N, REPORTS OF THE FIRST CONFERENCE HELD AT BRUSSELS, 1873, AND OF THE SECOND CONFERENCE HELD AT GENEVA, 1874*, at 1-3 (1903) [hereinafter *REPORTS OF THE FIRST TWO CONFERENCES*]; Mark Weston Janis, *American Idealists and the Founding of the International Law Association, in TO THE BENEFIT OF INTERNATIONAL LAW, supra* note 4, at 163.

14. Joseph G. Alexander & George G. Phillimore, *Preface, in REPORTS OF THE FIRST TWO CONFERENCES, supra* note 13, at iii, vi-vii; see generally Tom Bingham, *The Alabama Claims Arbitration*, 54 *INT’L & COMP. L.Q.* 1 (2005).

15. See Janis, *supra* note 13.

16. Alexander & Phillimore, *supra* note 14, at v.

17. Before national branches were established, individuals joined the ILA by applying to the Association’s headquarters. There is still a Headquarters Branch to which individuals may belong if they are not from a country or region represented by another branch. For information about the identity, establishment, size, and history of the ILA’s national and regional branches, see *TO THE BENEFIT OF INTERNATIONAL LAW, supra* note 4, at 249-451; *Branches of the Association, in INT’L L. ASS’N, REPORT OF THE EIGHTY-FIRST CONFERENCE, HELD IN ATHENS, 25 JUNE-28 JUNE 2024*, at 130 (2025); *Branches, INT’L L. ASS’N*, <https://www.ila-hq.org/en/branches> (last visited June 17, 2025).

established in the 21st century. As of June 2025, sixteen of the sixty-seven branches are from Asia (including the Middle East), nine are from Central and South America and the Caribbean, and six are from Africa. The ILA still reflects a heavily European influence, however, with thirty-one of its branches and a high percentage of its members from Europe. Branch representatives sit on the ILA's governing Executive Council. Given the geographical scope of Council membership, ILA leadership gatherings are in an excellent position to consider international perspectives on issues. The existence of numerous branches also facilitates finding out how various domestic legal systems apply international law, important for assessing its interpretation and efficacy.<sup>18</sup> Different branches also host ILA conferences, initially held annually but for the past century biennially—a schedule interrupted only by World War II.<sup>19</sup> And branches are entitled to nominate members with relevant expertise to serve on ILA committees, where most of the substantive work of the ILA has been undertaken.

ILA committees have been fixtures since the early years of the Association. Today, the Executive Council establishes them, sets their terms of reference, and approves their leadership and membership; a Director of Studies supervises their work. Committee reports take various forms: restatements of the law; draft treaties; declarations; elaborations of a code or rules or principles of international law; or reviews of recent legal developments.<sup>20</sup> ILA committees and study groups have been involved with virtually all fields of private and public international law, focusing on such subjects as global health law, international securities regulation, commercial arbitration, the impacts of sea level rise, space law, cultural heritage law, the protection of people at sea, and the

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18. ILA committees often note municipal applications of international law in their studies of specific areas of international law. Some committees have also examined the general question of how international law intersects with domestic legal systems. Examples include reports of the Committee on International Law in National Courts, e.g., *Third Report*, in INT'L L. ASS'N, REPORT OF THE SIXTY-EIGHTH CONFERENCE, HELD AT TAIPEI, TAIWAN, REPUBLIC OF CHINA, 24-30 MAY 1998, at 659 (1998); the Committee on Human Rights, e.g., *Final Report*, in INT'L L. ASS'N, REPORT OF THE SEVENTY-SEVENTH CONFERENCE, HELD IN JOHANNESBURG, AUGUST 2016, at 285, ¶¶ 40-91 (2017); and the Committee on Islamic Law and International Law, e.g., *Final Report*, in INT'L L. ASS'N, REPORT OF THE SEVENTY-EIGHTH CONFERENCE, SYDNEY, 2018, at 1038 (2018).

19. For a list of conferences, see *History of the International Law Association*, in REPORT OF THE EIGHTY-FIRST CONFERENCE, *supra* note 17, at 94. The United States hosted ILA conferences in 1899, 1907, 1958, 1972, and 2014.

20. *ILA Committee Rules & Guidelines* art. 3.2 (Apr. 25, 2015), [https://www.ila-hq.org/en\\_GB/documents/committee-rules-and-guidelines-2015-as-adopted-by-ec-25-april-2015-web-version](https://www.ila-hq.org/en_GB/documents/committee-rules-and-guidelines-2015-as-adopted-by-ec-25-april-2015-web-version). Branch representation on committees is linked to the size of branches. *See id.* art. 4.2.

use of force.<sup>21</sup> The Association's biennial conference plenaries review committee conclusions and adopt resolutions based on them.<sup>22</sup>

The ILA has undergone significant changes in its more than 150 years of existence. Although it still pursues aspirational projects—some of its committee mandates are to reconceptualize international law *de lege ferenda* or to declare foundational principles—the ILA's initial focus on arbitration and codification has expanded. Soon after its establishment, the Association was devoting considerable attention to private international law studies of interest to the practicing bar and businesses.<sup>23</sup> That emphasis continues, but since 1969, when the ILA created the position of Director of Studies—charged with developing topics for and overseeing the work of committees—a greater prevalence of public international law projects emerged. The first ten Directors of Studies, all world-renowned academics, have been from the field of public international law.<sup>24</sup> Other modern ILA efforts have included publishing books and, for several years, a journal;<sup>25</sup> strengthening consultations with governmental and nongovernmental organizations;<sup>26</sup> promoting diversity;<sup>27</sup> and undertaking initiatives to engage early career international lawyers in the work of the Association.<sup>28</sup>

21. ILA committee reports since 2000 are available at *ILA Committees*, INT'L L. ASS'N, [https://www.ila-hq.org/en\\_GB/committees](https://www.ila-hq.org/en_GB/committees) (last visited June 17, 2025). All reports since the ILA's founding are published in the Association's conference reports, available at Hein Online in the International Law Association Reports library. IIA study groups are more flexible than committees and produce work products not intended to lead to formal ILA resolutions. See *ILA Study Groups*, INT'L L. ASS'N, [https://www.ila-hq.org/en\\_GB/study-groups](https://www.ila-hq.org/en_GB/study-groups) (last visited June 17, 2025).

22. RECORD OF CONFERENCES & RESOLUTIONS, <https://www.ila-hq.org/en/documents/record-of-ila-conferences-1873-to-date-1> [<https://perma.cc/6A5D-NVS6>] (last visited June 17, 2025) (list of ILA resolutions since 1873).

23. See, e.g., ASS'N FOR THE REFORM & CODIFICATION OF INT'L L., REPORT OF THE FOURTH ANNUAL CONFERENCE, HELD AT BREMEN, SEPTEMBER 25TH-28TH, 1876 (1880) (summarizing reports on, e.g., bills of exchange, coinage, and marine insurance).

24. See Alfred H.A. Soons, *The Position of the Director of Studies*, in TO THE BENEFIT OF INTERNATIONAL LAW, *supra* note 4, at 35. The tenth Director of Studies, elected in 2024, is Professor Lucas Lixinsky of the University of New South Wales.

25. See *Publications*, INT'L L. ASS'N, <https://www.ila-hq.org/en/publications> (last visited June 17, 2025).

26. See, e.g., Soons, *supra* note 24, at 37-38. Since 1971, the ILA has maintained consultative status with the United Nations, several of its specialized agencies, and UNIDROIT. Torsten Stein, *International Law Association (ILA)* ¶ 9, in OXFORD PUBLIC INTERNATIONAL LAW [MAX PLANCK ENCYCLOPEDIA OF PUBLIC INTERNATIONAL LAW] (last updated May 2019), <https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e951>.

27. See Soons, *supra* note 24, at 38 (noting the emphasis of the ILA's first Director of Studies, Francis Vallat, on "the need to enhance diversity within the ILA—in particular by involving young people and young nations—and to make the ILA more universal"); *Diversity, Equality & Inclusion Policy*, INT'L L. ASS'N (May 2021), <https://www.ila-hq.org/en/documents/annex-a-ila-diversity-equality-and-inclusion-policy-final-080521>.

28. *ILA Young Scholars & Practitioners*, INT'L L. ASS'N, <https://www.ila-hq.org/en/young-scholars-and-practitioners> (last visited June 17, 2025); see Soumaya Asfour et al., *Building*

What weight do the resolutions and studies of expert international law organizations carry? When the ILA was founded, it filled a gap in efforts to develop international law. No international courts or major international arbitral institutions were operating in 1873.<sup>29</sup> Intergovernmental organizations were in their infancy, and the few that existed carried out limited administrative tasks.<sup>30</sup> Diplomatic initiatives could and did serve lawmaking functions, but advocates for the ILA saw that such initiatives could favor the particular interests of one country over common interests.<sup>31</sup>

With respect to individual scholarship, a common formal starting point is Article 38(1)(d) of the Statute of the International Court of Justice, which refers to the work of “the most highly qualified publicists” as “subsidiary means for the determination of rules of law.”<sup>32</sup> Individual analyses of international law have indeed been valuable, but the collective wisdom of a group of international lawyers with a reputation for expertise and careful deliberation can be particularly influential, both in analyzing the current state of international law and in proposing its progressive development.<sup>33</sup>

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*Tomorrow's ILA: From the Perspective of the ILA's Younger Members*, in TO THE BENEFIT OF INTERNATIONAL LAW, *supra* note 4, at 667.

29. The Permanent Court of Arbitration (1899-present), the Central American Court of Justice (1907–1918), and the Permanent Court of International Justice (1922–1946) all postdated the establishment of the ILA. The oldest major institution hosting arbitrations in private international disputes is the London Court of International Arbitration (originally named the City of London Chamber of Arbitration), which was founded in 1892. Courts of Mixed Commissions, established by bilateral treaties in the early nineteenth century to suppress trafficking in enslaved persons, had stopped deciding cases by the 1860s. See JENNY S. MARTINEZ, *THE SLAVE TRADE AND THE ORIGINS OF HUMAN RIGHTS LAW* 67–98 (2012).

30. The Central Commission for the Navigation on the Rhine (established in 1815) and the Danube Commission (1856) regulated river navigation, while the Cape Spartel Lighthouse Commission (1865) and the International Telegraph Union (1865)—now the International Telecommunication Union—served narrow administrative and technical cooperation functions.

31. See Nico Schrijver, *Four International Law Sisters (IDI, ILA, Hague Academy and ILC): Similarities, Differences, and Interactions*, in 150 YEARS OF CONTRIBUTING TO THE DEVELOPMENT OF INTERNATIONAL LAW: SESQUICENTENARY BOOK OF THE INSTITUTE OF INTERNATIONAL LAW (1873-2023) 181, 181-82 (Marcelo Kohen & Iris van der Heijden eds., 2023).

32. This language repeats the text of Article 38(4) of the 1920 Statute of the Permanent Court of International Justice.

33. For modern examples, consider the *Customary International Humanitarian Law Database*, INT'L COMM. OF THE RED CROSS, <https://ihl-databases.icrc.org/en/customary-ihl> (last visited June 17, 2025), and the *San Remo Manual on International Law Applicable to Armed Conflicts and Sea, 1994*, compiled by naval and legal experts and adopted by the International Institute of Humanitarian Law.

It is often difficult to pinpoint how any one entity or study shapes a particular international law development, but the ILA's work has undoubtedly influenced scholars, national and international courts and tribunals, and international law organizations. Since the prestigious Hague Academy of International Law began offering courses in 1923, "it is most likely that nearly all" of its thousand or so lectures have been delivered by ILA members.<sup>34</sup> There has also been considerable cross-fertilization between the ILA and the Institut de Droit International (IDI), dating from the founding of both organizations just a month apart in 1873.<sup>35</sup> Examples of international tribunals relying on ILA committee work are plentiful, for instance in the field of international commercial arbitration.<sup>36</sup> ILA draft treaties have, at times, directly shaped treaties now in force and *lex ferenda*. For example, the UNESCO Convention on the Protection of the Underwater Cultural Heritage<sup>37</sup> is based on a draft prepared by the ILA's Committee on Cultural Heritage Law,<sup>38</sup> and its 2014 Draft Convention on Immunity from Suit and Seizure for Cultural Objects Temporarily Abroad for Cultural, Educational or Scientific Purposes<sup>39</sup> is currently under consideration for adoption by two organizations. The influence of ILA standard-setting projects on the work of the International Law Commission (ILC)<sup>40</sup> is apparent in various issue areas,

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34. Schrijver, *supra* note 31, at 192.

35. See Alexander & Phillimore, *supra* note 14, at v-vi, xi. For discussion of the work of the IDI, see 150 YEARS OF CONTRIBUTING TO THE DEVELOPMENT OF INTERNATIONAL LAW, *supra* note 31. Some have charged that the Institut's low membership turnover and "scientific" focus have contributed to its slow recognition of international law developments that responded to global political changes, especially with respect to decolonization. See, e.g., Georges Abi-Saab, *The Institute of International Law and the Colonial Phenomenon*, 117 AJIL UNBOUND 216, 218 (2023).

36. See, e.g., Julie Spinelli, *L'influence des travaux de l'ADI sur la pratique de l'arbitrage international*, in TO THE BENEFIT OF INTERNATIONAL LAW, *supra* note 4, at 623 (listing numerous decisions of international arbitral tribunals relying on the work of the ILA International Commercial Arbitration Committee). For analyses of the influence of the work of ILA committees in the fields of international trade law, human rights, cultural heritage law, international water law, sustainable development, international civil and commercial litigation, space law, victims of violations of international humanitarian law, investment law, state immunity, climate change, and international securities regulation, see TO THE BENEFIT OF INTERNATIONAL LAW, *supra* note 4, at 455-621, 647-59.

37. Convention on the Protection of the Underwater Cultural Heritage, *adopted* Nov. 2, 2001, 2562 U.N.T.S. 3 (entered into force Jan. 2, 2009).

38. Buenos Aires Draft Convention on the Protection of the Underwater Cultural Heritage, *Resolution 8: Cultural Heritage Law*, in INT'L L. ASS'N, REPORT OF THE SIXTY-SIXTH CONFERENCE, HELD AT BUENOS AIRES, ARGENTINA, 14-20 AUGUST 1994, at 14 (1994). See JAMES A.R. NAFZIGER, FRONTIERS OF CULTURAL HERITAGE LAW 129 (2021).

39. *Resolution 3/2014*, in REPORT OF THE SEVENTY-SIXTH CONFERENCE, *supra* note 8, at 34.

40. The ILC is a permanent subsidiary organ of the U.N. General Assembly, established in 1947 to "initiate studies and make recommendations for the purpose of . . . encouraging the

including the formation of customary international law<sup>41</sup> and the law of international watercourses.<sup>42</sup>

The number and variety of “publicists” whose work influences the development of international law have expanded dramatically since 1873. International courts and tribunals, international arbitrators representing corporate interests, and international law practitioners at global law firms have gained in status.<sup>43</sup> A wide range of international organizations and institutions—including the U.N. specialized agencies, the ILC, and the U.N. General Assembly—progressively develop international law. So do various other global treaty bodies and regional economic and human rights institutions and courts.<sup>44</sup> Some global NGOs, including national and regional societies of international law and bar associations, produce studies on a range of international law topics; others advocate for new rules of international law or for compliance with existing rules in only one field. Although advocacy NGOs may be biased towards articulating positions that support their normative goals, their studies may provide information and interpretations of

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progressive development of international law and its codification.” U.N. Charter art. 13, ¶ 1. The ILC is composed of thirty-four international law experts from around the globe, nominated by states and elected by the U.N. General Assembly.

41. *Resolution No. 16/2000* and Comm. on the Formation of Customary (General) Int’l L., *Final Report: Statement of Principles Applicable to the Formation of General Customary International Law*, in INT’L L. ASS’N, REPORT OF THE SIXTY-NINTH CONFERENCE, HELD AT LONDON, 25-29TH JULY 2000, at 39, 712 (2000); *Text of the Draft Conclusions on Identification of Customary International Law*, [2018] 2 Y.B. Int’l L. Comm’n 90, U.N. Doc. A/CN.4/SER.A/2018/Add.I (Part 2). See Schrijver, *supra* note 31, at 202.

42. See *Resolution I: Uses of the Water Resources of International Rivers and Helsinki Rules on the Uses of the Waters of International Rivers*, in INT’L L. ASS’N, REPORT OF THE FIFTY-SECOND CONFERENCE, HELD AT HELSINKI, 14 TO 20 AUGUST 1966, at xi, 477 (1967); *Draft Articles on the Law on the Non-Navigational Use of International Rivers*, [1994] 2 Y.B. Int’l L. Comm’n 89, U.N. Doc. A/CN.4/SER.A/1994/Add.I (Part 2); Convention on the Law of the Non-Navigational Uses of International Watercourses, May 21, 1997, 36 I.L.M. 700 (1997); Joseph W. Dellapenna, *The Contribution of the ILA to the Development of International Water Law*, in TO THE BENEFIT OF INTERNATIONAL LAW, *supra* note 4, at 499, 501-04. In general, “the reports and resolutions of the ILA have been relied upon frequently by the International Law Commission” and other entities. Schrijver, *supra* note 31, at 189. See also Stein, *supra* note 26, ¶ 10.

43. See Sara Dezalay, *Legal Knowledge as Social and Political Capital*, 117 AJIL UNBOUND 210, 210-15 (2023) (noting a move from the “scholar-codifier” to the “practitioner-codifier”).

44. The European Court of Human Rights, the Inter-American Court of Human Rights, the Court of Justice of the European Union, and the Court of Justice of the Andean Community are among the most active of the dozens of international courts and tribunals. For discussion of contributions of treaty bodies to the development and enforcement of international law, see, for example, Nigel S. Rodley, *The Role and Impact of Treaty Bodies*, in THE OXFORD HANDBOOK OF INTERNATIONAL HUMAN RIGHTS LAW 621 (Dinah Shelton ed., 2013).

international law useful to many states and other actors.<sup>45</sup> In this modern environment, it is remarkable that ILA resolutions and committee studies continue to contribute so significantly to international law in a wide range of issue areas.<sup>46</sup>

B. *The American Branch of the International Law Association*

The American Branch—the fourth recognized by the ILA, after those of the Netherlands, Germany, and Japan—held its first annual meeting in 1922.<sup>47</sup> It initially focused on efforts to explain and formulate rules relating to maritime and commercial topics. The first American Branch committees primarily investigated the same topics as their parallel ILA committees, a practice that became the norm for much of the Branch’s history. Early volumes of the *Report of Proceedings of the Annual Meeting of the American Branch of the International Law Association* (now the *Proceedings of the American Branch of the International Law Association*)—published regularly since 1922—contain addresses, reports on the work of the Branch, and notes about the involvement of Americans in ILA work. ABILA officers were leading members of the bar and prominent international law scholars.

Some of these original features have continued throughout ABILA’s existence: the leadership of distinguished international lawyers (witness the work of David Stewart); the involvement of U.S. international lawyers in the work of the ILA itself, often as chairs or rapporteurs of ILA committees; active Branch committees; and the continuous publication of the American Branch *Proceedings*. More generally, ABILA, as part of the ILA, shares the parent organization’s goals of clarifying and developing international law, and furthering understanding of that law. ABILA remains one of the ILA’s largest branches, as it was at when it was founded.

45. For discussion of various roles NGOs have played in the development and implementation of international law, see Steve Charnovitz, *Two Centuries of Participation: NGOs and International Governance*, 18 MICH. J. INT’L L. 183 (1997).

46. Social and political developments may of course limit the influence of the ILA’s studies and proposals, however sensible and well thought out they may be. See, e.g., Frederick M. Abbott, *The Contributions of the ILA Committee on International Trade Law*, in TO THE BENEFIT OF INTERNATIONAL LAW, *supra* note 4, at 455, 457-58 (noting the work of the Committee in contributing to a consensus, in the early years of the World Trade Organization, about the importance of a rule-based international trading system, but suggesting the extreme difficulty or impossibility of exerting influence to “counter the forces of atrophy” evident in recent years).

47. For a history of ABILA and an overview of its current activities, see Nafziger & Noyes, *supra* note 5, and for detailed accounts of ABILA activities, see the *Proceedings of the American Branch of the International Law Association*, all volumes of which are available on Hein Online in the International Law Association Reports library.

But the American Branch has also changed significantly in the past century. Although Branch committees generally track and contribute to the work of ILA committees, some now undertake additional projects or are organized to address entirely different subjects from those being pursued by ILA committees. The range of committee activities has expanded, including not just analytical reports, but books, podcasts, and panel programs.<sup>48</sup> ABILA committees may also adopt policy positions—as may ABILA itself—and have expressed those positions in amicus briefs and in communications to government officials.<sup>49</sup>

In 1974, the Branch moved from offering occasional speaker events or co-sponsored panel discussions to organizing, in conjunction with its annual meeting in New York, a multi-panel event named International Law Weekend (ILW). ILW has now expanded to an annual conference that spans three days, features some thirty panels, attracts over 1300 registrants, provides CLE credit for practitioners, and offers networking and educational opportunities. Since 2001, ABILA has also sponsored numerous regional ILWs around the country. These conferences, all well attended, provide educational and networking opportunities for students, academics, attorneys from private practice, in-house counsel, and those involved with government, international organization, and NGO work.

ABILA's structure of governance and administration has also changed. The Branch's incorporation in 2012 established a Board of Directors to replace its Executive Council. More recently, the Branch added first one, and then two, part-time staff members. Within this structure, prominent practicing attorneys still serve as American Branch leaders, but more academics fill top leadership roles than was the case in ABILA's early decades.<sup>50</sup> Branch membership has also become much more diverse in the twenty-first century.

ABILA, now entering its second century, can claim an impressive record of growth and influence. Its active committees, conferences, educational initiatives, and contributions to the work of the robust International Law Association suggest a promising future.

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48. See, e.g., PROCEEDINGS OF THE AMERICAN BRANCH OF THE INTERNATIONAL LAW ASSOCIATION 2020-2024, at 103-63 (Freya Doughty-Wagner ed., 2025).

49. See, e.g., *id.* at 162, 164-82; Int'l Human Rights L. Comm., *Amicus Brief in Freund v. Société des Chemins de Fer Français*, in PROCEEDINGS OF THE AMERICAN BRANCH OF THE INTERNATIONAL LAW ASSOCIATION 2009-2010, at 97, 103 (Jeffrey Atik ed., 2010).

50. From November 1986 through 2025, nine of the ten Presidents of the American Branch have been international law professors, albeit most of them had prior experience in private practice or government legal positions. Those nine, in chronological order of holding office, are Cynthia C. Lichtenstein, Edward Gordon, Alfred P. Rubin, James A.R. Nafziger, John E. Noyes, Ruth Wedgwood, David P. Stewart, Leila Nadya Sadat, and Michael P. Scharf.