International and Comparative Law

40 YEARS
WHERE THE WORLD MEETS TO STUDY LAW

International and Comparative Law
In 1982, American University Washington College of Law (AUWCL) established the International Legal Studies Program (ILSP). Forty years later, ILSP has over 4,500 LL.M. alums and four LL.M. degrees and is itself part of dozens of centers and programs each addressing a different area of international law. Most recently, we have expanded our international law programs to include new programs in technology, intellectual property and security, as well as health law. Through our teaching and research, we have long advocated for a global approach to addressing our common problems and strengthening international rule of law to achieve that goal.

Our faculty continue to make great impact at the United Nations and its agencies, such as the ILC, UNCITRAL, CAT and the human rights special procedures. They are also involved in other relevant fora, including the ICSID, the World Bank, the OAS, as well as prominent non-governmental organizations, such as the International Commission of Jurists.

We look forward to the next 40 years with renewed energy and enthusiasm recognizing the immeasurable importance of what we do at AUWCL - educating the next generation of international lawyers.

Warm regards,

Padideh Ala’i
Professor of Law
Director of International and Comparative Legal Studies

AUWCL’S COMMITMENT TO INTERNATIONAL PROGRAMS REMAINS AS STRONG TODAY AS IT WAS AT ITS INCEPTION 40 YEARS AGO. WHILE THE WORLD ORDER HAS EXPERIENCED PROFOUND TRANSFORMATIONS OVER THE PAST 40 YEARS, WE EXPANDED AND ADAPTED OUR INTERNATIONAL LAW CURRICULUM TO OVER ONE HUNDRED INTERNATIONAL AND COMPARATIVE COURSES THAT INCLUDE INCREASINGLY IMPORTANT AREAS SUCH AS CLIMATE CHANGE, GLOBAL HEALTH, TRADE, TECHNOLOGY, AND NATIONAL SECURITY LAW. WE ALSO MAINTAIN AND RECRUIT EXCEPTIONAL INTERNATIONAL FACULTY THAT BRING DISTINGUISHED EXPERTISE AND CUTTING-EDGE LEARNING EXPERIENCE TO THE CLASSROOM.”

Dean Roger A. Fairfax Jr.
Scholarship

**Gender and International Criminal Law**
Susana SaCouto, Indira Rosenthal, and Valerie Oostveld, Oxford University Press (2022)

The book provides an in-depth examination of how gender is perceived and analyzed in international criminal law, identifies key gaps in the understanding of gender within international criminal law, and offers recommendations for how gender, including sexual violence and other gender-based crimes, can be more meaningfully addressed by international courts and tribunals.

**Contracting for Process**
David V. Snyder, in 84 Duke Journal of Law & Contemporary Problems (2022)

This study introduces the concept of contracting for process as one of the aspects to consider when negotiating a contract. It is particularly well suited in situations of uncertainty as to the elements usually included in a contract, and includes processes to determine these elements during the life of the contract. The process may involve market monitoring, market studies, meetings, structures and constraints for decision-making. Contracting for process was particularly useful during the COVID-19 pandemic, given the uncertainties in global supply chain management.

**Virtual Currency Law. The Emerging Legal and Regulatory Framework**
V. Gerard Comizio, Aspen Publishing (2022)

This is one of the first law school casebooks about the emerging legal and regulatory framework governing virtual currency and blockchain-related activities. Since the advent of the virtual currency (Bitcoin) in 2008, a new global financial ecosystem has emerged, composed of an increasing number and variety of digital assets. Professor Comizio’s casebook provides a comprehensive overview of this quickly emerging field of financial regulation and anticipates some legal transformations that lay ahead.

**“International and Cross-Border Copyright” & “Technological Protection Measures”**
Sean Flynn et al., in Building Legal Literacies for Text Data Mining, Univ. of California, Berkley Press (2021)

This is the first ever survey of copyright exceptions for research contained in copyright laws. The authors show that every copyright law has at least one exception to promote research uses of copyrighted works. Expanding these exceptions would have a positive impact on creating more innovative and diverse scholarship.

**The Inter-American Commission on Human Rights**
Claudio Grossman, in Max Planck Encyclopedia of Public International Law, Oxford University Press (2022)

Professor Grossman’s contribution reflects on the work of the Inter-American Commission on Human Rights as the principal institution for the protection of human rights in the Americas. He covers the institutional structure, the functioning and procedure, as well as the practice of the Commission.

**Preventing Human Trafficking: The Role of the IOM and the UN Global Compact on Migration**
Janie Chuang, in Fighting Modern Slavery and Human Trafficking. History and Contemporary Policy, Cambridge University Press (2022)

Professor Chuang analyzes the effectiveness of the emerging global governance norms on labor migration. Among other legal tools, she focuses on the recent UN Global Compact for Safe, Orderly, and Regular Migration and the initiatives of the International Organization of Migration.
Professor Diane Orentlicher Addresses Legal Complexities of Russia’s Attack on Ukraine

On May 17, 2022, Professor Diane Orentlicher and former State Department Legal Adviser John Bellinger III engaged in a keynote dialogue about legal issues raised by the Russian aggression in Ukraine at the gala dinner of the American Law Institute’s annual meeting. Professor Orentlicher addressed the interconnections between international human rights, humanitarian law, and relevant general principles of international law. She draws from extensive professional experience with international crises from her service as the Deputy for War Crimes Issues in the U.S. Department of State (2009-2011); U.N. Independent Expert on Combating Impunity (on appointment by the UN Secretary-General) and Special Advisor to the High Commissioner on National Minorities of the Organization for Security and Co-operation in Europe (on secondment from the U.S. Department of State).

PIJIP Assumes Stewardship of the Low Carbon Patent Pledge

On August 4, 2021, AUWCL’s Program on Information Justice and Intellectual Property (PIJIP) assumed stewardship of the Low Carbon Patent Pledge (LowCarbonPatentPledge.org) jointly with two other institutions. The Pledge’s goal is to make key patented technologies in the low carbon innovation field freely available. The Pledge was launched in 2021 by Hewlett Packard, Microsoft, and Facebook.

Team of AUWCL Professors Contribute to Groundbreaking UN Human Rights Committee Decision

In yet another leading case, the AUWCL human rights faculty has demonstrated its excellent advocacy skills. In a historic decision on December 15, 2021, the U.N. Human Rights Committee held Venezuela responsible for violating the right to be tried by an independent tribunal and to the presumption of innocence of an eminent Venezuelan jurist accused of participating in the drafting of new Constitutional provisions following the 2002 coup against Hugo Chavez. This is the first time that a U.N. human rights body impliedly revoked a decision of the Inter-American Human Rights Court, which had found no human rights violation in this case. Among the high-profile group of lawyers litigating this case were Professors Claudio Grossman, Juan Mendez and Visiting Professor Carlos Ayala.

Developing Investment Mediation at UNCITRAL

On May 5, 2022, Professor Susan Franck participated in the Forum for Further Preparatory Work on Investment Mediation in Hong Kong, organized by the Hong Kong Ministry of Justice and UNCITRAL, presenting on “Key Considerations in the Design of Effective Investment Mediation Clauses and Rules.” Her proposals included adopting a co-mediator model and providing checklists for expectation management before and during the mediation process.
OUR FACULTY’S LEADERSHIP IN INTERNATIONAL AND ACADEMIC INSTITUTIONS WORLDWIDE

In 2021-22, Professor and Dean Emeritus Claudio Grossman was Appointed Special Advisor to the International Criminal Court, re-elected to the U.N. International Law Commission, and re-elected President of the Inter-American Institute of Human Rights. Professor Susan Franck became member of the Chartered Institute of Arbitrators (CIarb) and was appointed co-chair of the CIarb’s D.C. Branch in March 2022.

Professors Claudia Martin and Susana SaCouto are among the founding members of ReLeG - Latin American Network for Gender-based Strategic Litigation, established in June 2021. Professor Horacio A. Grigera Naon is among the select members of the Latin American Chapter of the International Chamber of Commerce’s Institute of World Business Law. Professor David V. Snyder was appointed Chair of the ABA’s Implementation Task Force on Policies and Principles on Forced and Child Labor in May 2022.

RUSSIA’S INVASION OF UKRAINE: OUR FACULTY’S VIGOROUS DEFENSE OF THE INTERNATIONAL RULE OF LAW

In national and international media, as well as other public fora, AUWCL’s faculty condemned the Russian invasion of Ukraine and helped articulate international standards to document, indict, and prosecute those responsible. Our faculty also highlighted the impact of the economic sanctions against Russia and their effect on world trade.

Professor Anita Sinha Received AALS 2021 Shanara Gilbert Award for Outstanding Clinical Work

Professor David Hunter Among Inaugural Recipients of Nicholas Robinson Award for Excellence in Environmental Law
Dean Roger A. Fairfax, Jr. at the World Bank’s Law, Justice and Development Week 2021

The Law, Justice and Development Week 2021 has brought together world-renowned experts to discuss the fight against racial discrimination in countries around the world. In his remarks, Dean Fairfax listed recent victims of police brutality in the United States, and put emphasis on the events that led to the death of George Floyd. He pointed out that police brutality and the fight against racial discrimination within the police also concern the United Nations, as this is not only a problem in the United States, but globally. He acknowledged the global nature of this problem and emphasized the need to encourage a transnational dialogue on these matters.

War Damages and a High War Crimes Court in Ukraine

On July 22, 2022, Professor Paul Williams co-organized an expert roundtable to assess the need for a High War Crimes Court in Ukraine to investigate and prosecute those allegedly responsible for atrocity crimes committed in Ukraine since the occupation of Crimea in February 2014. He also presented draft legislation that could readily be adopted to implement that Court. On July 8, Professor Williams organized a discussion about potential reparations for Russia’s damage and destruction of Ukrainian property during the conflict. Both events were part of PILIPG Though Leadership Initiative, which is a unique program providing prominent experts in international law an opportunity to present views on peace negotiations, post-conflict constitution drafting, and war crimes prosecution.

U.S.-China Relations and the World Trade Organization

Leading voices in international trade, including Simon Lester, President of the China Trade Monitor and President of WorldTradelaw.net, Neysun Mahboubi, Research Scholar of the Center for the Study of Contemporary China at University of Pennsylvania, and Mary Lovely, Senior Fellow of the Peterson Institute, analyzed the U.S.-China trade relationship. The experts recognized the complex interrelations of trade with other areas of policy, including on the domestic level. As a result, these domestic problems end up radiating out into problems for the global economy. The discussion was moderated on June 28, 2022 by Professor Padideh Ala’i, who directs the Program on International Trade, Investment and Development.

Sea Level Rise and International Law. Assessing Its Impact on the Americas

AUWCL held a conference on July 26-27, 2022 with experts on environmental law, law of the sea, and human rights to assess the impact of sea level rise in the Americas. Professor of Law and Dean Emeritus Claudio Grossman inaugurated the conference by pointing out the impact of sea level rise on the international law of the sea, international human rights and other areas of international regulation.
Does a Transnational Legal Order Exist in International Arbitration?

On November 10 and 11, 2021, the AUWCL’s Center on International Commercial Arbitration (CICA) and the Swiss Institute of Comparative Law held the “Symposium on International Arbitration: Does a Transnational Legal Order Exist in International Arbitration?” The event was opened by Prof. Dr. Horacio A. Grigera Naón, Director of CICA; Prof. Dr. Krista Nadakavukaren Schefer, Vice-Director of the Swiss Institute of Comparative Law; Prof. Dr. Ignacio Tirado, Secretary-General of UNIDROIT; and Prof. Dr. Christophe Bernasconi, Secretary General of the Hague Conference on Private International Law. The participants concluded that despite the increased need for greater unification of private international law, there are many obstacles, such as cultural and linguistic barriers, profound conceptual differences between countries, and differing economic interests.

Documenting Khmer Rouge Atrocities

On July 6, 2022, the U.S. Institute of Peace held a conversation with AUWCL Professor Susana SaCouto, who had served as advisor to the Extraordinary Chambers Courts of Cambodia, and with Elizabeth Becker, journalist and author, about the role of documentation in achieving justice and accountability.

THE 24th ANNUAL GROTIUS LECTURE

The Art of International Law, by Judge Hilary Charlesworth

On April 6, 2022, the 24th AUWCL sponsored Grotius Lecture was delivered by ICJ Judge Hilary Charlesworth on The Art of International Law on the inaugural day of the ASIL Annual Meeting. The discussant was Michigan Law School Visiting Professor Karima Bennoune. AUWCL Dean Roger A. Fairfax, Jr. introduced the Grotius Lecturer, and ASIL President Catherine Amirfar delivered opening remarks. The Grotius Lecturer, Judge Charlesworth, had just been appointed to serve on the International Court of Justice. She provided a compelling argument about the importance of the visual arts for expressing international law. She explained that the visual dimension occupies a far greater place in the determination of our reality than most would admit. The study of international law usually focuses on treaties, judgments, and other relevant documents of state practice and scholarly work. However, Judge Charlesworth claimed that the visual dimension can shape and transform the way these documents are made and applied.

Over the course of almost a quarter century, the Grotius Lectures have evolved into one of the most stellar events on international law in Washington, D.C. as they highlight diverse and innovative approaches to this field of law.
Program Profiles

Our unique international law programs give unparalleled strength and vigor to our international law research and scholarship. The following are recent developments in some of these programs.

Center for Human Rights & Humanitarian Law
AUWCL established the Center for Human Rights & Humanitarian Law in 1990 as part of its long-standing commitment to international human rights and the rule of law. For over 30 years, the Center has made a tremendous impact on shaping norms, practices, and jurisprudence through its externally sponsored awards from foundations, government agencies, and partners worldwide. This year, the Center’s work included: exploring the links between public finance and human rights; strategic advocacy in specific high impact cases related to femicide and enforced disappearances among other things; and research advancing the mandate of the U.N. Special Rapporteur on Toxics and Human Rights.

Center on International Commercial Arbitration
The Center on International Commercial Arbitration was established in 2004 and is directed by Professor Horacio A. Grigera Naón, Distinguished Practitioner in Residence, independent international arbitrator and former secretary general of the International Court of Arbitration of the International Chamber of Commerce. The Center organizes five online programs; a summer program; two moot competitions; the Annual Lecture; and a bi-annual Symposium. The Center also engages in research and publications. In 2022, the Center led the publication of the book International Arbitration in Times of Economic Nationalism (Kluwer Law International). In July 2022, the Center partnered with the Chile Chamber of Commerce Mediation and Arbitration Center and the Inter-American Commercial Arbitration Commission to offer a hybrid practical seminar for lawyers and employees of arbitral institutions. The event was sponsored by the International Centre for Settlement of Investment Disputes (ICSID).

Over the last 17 years of intense and groundbreaking work developing innovative academic programs, the Center has branded WCL as one of the top law schools in the world in commercial and investment arbitration, attracting J.D., LL.M., S.J.D., and certificate students.
Academy on Human Rights and Humanitarian Law
The Academy on Human Rights and Humanitarian Law promotes practical human rights and humanitarian law approaches. It strengthens links between human rights organizations, practitioners, and educators worldwide through multilingual programs, including the LL.M. in International Human Rights and Humanitarian Law, the Program of Advanced Studies on Human Rights and Humanitarian Law, and the Inter-American Human Rights Moot Court Competition. Additionally, it houses important initiatives, such as the Human Rights Month and the Human Rights Essay Award.

In 2021 and 2022, the Academy hosted 30+ events as part of the Human Rights Month’s Experts Speak Series: Addressing Human Rights in Times of Crisis. Co-sponsors included Pathfinders for Peaceful, Just and Inclusive Societies, and the Center on International Cooperation, New York University (CIC NYU). In addition, the International Code of Conduct Association (ICoCa), the American Society of International Law’s Women in International Law Interest Group, GQUAL, and the Institute for African Women in Law. Plus, the University of Chile, Faculty of Law, the Independent Consultation and Investigation Mechanism (MICI) of the Inter-American Development Bank (IDB Group), the Due Process of Law Foundation, Disability Rights International, the World Organization Against Torture, Race, and Equality, the Latin American Network for Strategic Gender Litigation (ReleG), and AUWCL’s, War Crimes Research Office.

The Human Rights Essay Award initiative received 250+ submissions in 2021 (Theme: Human Rights and the States of Emergency: Unexpected Crisis and New Challenges) and 2022 (Theme: Climate Change and Human Rights: Impacts, Responsibilities, and Opportunities). Winning articles submitted both in English and Spanish are published in the American University International Law Review.

Trade, Investment and Development Program
Since 2014, the Trade, Investment and Development Program has brought outstanding practitioners and trade experts to teach and to research at AUWCL. Under the direction of Professor Padideh Ala’i, the program features the Symposium on International Trade and the Wenger Lecture in International Trade each year. The program also organizes a summer course on WTO Law and Dispute Settlement that takes place at the WTO headquarters in Geneva, and an online program on WTO & U.S. Trade Law and Policy. The Program Director, Professor Padideh Ala’i, participated in several conferences and media interviews on trade law developments, including the crisis of the multilateral trading system and U.S.-China trade relations.

Tech, Law & Security Program
The Tech, Law and Security Program (TLS)’s leading experts focus on key areas of Content Regulation in the Digital Age; Cyber & Information Conflict; Privacy, Transparency & Security; and Technology and International Atrocity Crimes, with a cross-cutting focus on emerging tech and AI, the protection of fundamental rights, and international engagement.

In 2021 and 2022, TLS continued its in-depth and cutting-edge research on cross-border data flows, regulation, and surveillance; content moderation across the entirety of the digital information ecosystem; and the impact of end-to-end encryption on countering child sexual abuse material online. TLS also began work on the use of digital data in investigating war crimes. TLS hosted a number of high-level and influential speakers as part of its ongoing At-the-Intersection speaker series, and convened a multi-day in-person international law symposium: The Evolving Face of Cyber Conflict and International Law: A Futurespective.

Business Law Program
The Business Law Program is on the cutting edge of business law teaching and research. Led by Director David Snyder and Associate Director Gerard Comizio, the Business Law Program offers robust programming, high profile events and webinars, notable speakers, a number of active student organizations, and a full scholarly program, supported by a vibrant group of business law faculty.

In fall 2021, the Program launched an innovative Compliance and Ethics Certificate (CEC) program, designed to take a deep dive into corporate or financial
services compliance laws and regulations, compliance strategies, and skills-based training. In addition, the Program continues to lead the discussion about the emerging role of business lawyers in addressing international human rights issues. Professor Snyder was the chair and principal author of the Model Contracts Clauses (MCC) for Human Rights Initiative, Version 2.0 (The MCC Initiative 2.0) of the ABA Business Law Section. These clauses are designed as practical tools to help buyers and suppliers protect the human rights of workers in international supply chains.

**War Crimes Research Office**

For 25 years, and under the guidance of AUWCL Professor Susana Sá Couto, the War Crimes Research Office (WCRO) has served as a critical resource for international tribunals and other organizations promoting accountability for atrocity crimes at the international, regional and domestic levels. It also offers students unparalleled opportunities to engage in projects promoting accountability for these crimes, and to build legal and advocacy skills, and connections critical to practicing in international criminal law and international justice. The WCRO complements this work through educational and advocacy initiatives, including the Hague Summer Program, its War Crimes Speaker Series, participation in conferences and workshops, research and publications. Among the stellar services of the WCRO is the Gender Jurisprudence Collections (GJC), a powerful database containing judgments, decisions, orders, and other relevant documents issued by international/ized criminal courts and tribunals. The program also offers advice to international criminal tribunals on novel issues that arise in their jurisprudence, and offers targeted training for government and international organization staff.

**List of Programs**

- Academy on Human Rights and Humanitarian Law
- Brazil-U.S. Legal and Judicial Studies Program
- Business Law Program
- Center for Human Rights and Humanitarian Law
- Center on International Commercial Arbitration
- Hubert Humphrey Fellowship Program
- Immigrant Justice Clinic
- International Human Rights Law Clinic
- International JD Dual Degree Programs
- International Legal Studies Program
- International Organizations, Law and Development Program
- International Visiting Scholars Program
- Impact Litigation Project
- Kovler Project Against Torture
- Legal English Program
- Program on Environmental and Energy Law
- Program on Information Justice and Intellectual Property
- Program on International Communications Regulation and Policy
- Semester Exchange and Summer Abroad Programs
- Spanish for Lawyers Program
- Tech, Law, and Security Program
- Trade, Investment, and Development Program
- U.S. and International Anti-Corruption Law Program
- War Crimes Research Office
- Women and the Law Program
Our World-Renowned Faculty

International Law

Rebecca Hamilton, Associate Professor of Law
Diane Orentlicher, Professor of Law; former Deputy for War Crimes Issues in the U.S. Department of State
Paul Williams, Rebecca I. Grazier Professor of Law and International Relations; Founder of the Public International Law and Policy Group (PILPG)

International Economic Law

Padideh Ala'i, Professor of Law; Director of International and Comparative Legal Studies
Susan Franck, Professor of Law

International Arbitration and Business Law

Gerard Comizio, Adjunct Professor; Associate Director of the Business Law Program
Horacio Grigera Naón, Distinguished Practitioner-in-Residence; Director of the Center on International Commercial Arbitration
David Snyder, Professor of Law; Director of the Business Law Program

Human Rights and Humanitarian Law

Robert Goldman, Professor of Law and Louis C. James Scholar
Claudio Grossman, Professor of Law and Dean Emeritus; Member of the U.N. International Law Commission; Associate Member of the Institut de Droit International
Claudia Martin, Professorial Lecturer-in-Residence; Co-Director of the Academy on Human Rights and Humanitarian Law
Juan Méndez, Professor of Human Rights Law in Residence; former U.N. Special Rapporteur on Torture
Diego Rodríguez-Pinzón, Professorial Lecturer-in-Residence; Co-Director of the Academy on Human Rights and Humanitarian Law; former Member of the U.N. Committee against Torture

International Criminal Law

Susana Sá Couto, Professorial Lecturer-in-Residence; Director of the War Crimes Research Office

Gender and the Law

Janie Chuang, Professor of Law
Daniela Kraiem, Practitioner-in-Residence

Immigration Law

Jayesh Rathod, Professor of Law; Associate Dean for Experiential Education
Anita Sinha, Associate Professor of Law; Director of the International Human Rights Law Clinic

International Environmental Law

David Hunter, Professor of Law; Member of the Strategic Advisors Group for the International Finance Corporation’s Compliance Advisor/Ombudsman (the World Bank Group)
William Snape, Practitioner-in-Residence; Assistant Dean of Adjunct Faculty Affairs; Senior Counsel of the Center for Biological Diversity

Technology, Law, and Security

Kenneth Anderson, Professor of Law
Gary Corn, Director of the Tech, Law, and Security Program
Ya’ara Barnoon, Associate Program Director of the Tech, Law, and Security Program
Jennifer Daskal, Professor of Law; Faculty Director of the Tech, Law, and Security Program
Alex Joel, Scholar-in-Residence and Adjunct Professor; Senior Officer with the U.S. Office of the Director of National Intelligence

European Union and Comparative Law

Fernanda Nicola, Professor of Law; Director of the International Organizations, Law and Development Program

Intellectual Property

Michael Carroll, Professor of Law; Faculty Director of the Program on Information Justice and Intellectual Property
Christine Haight Farley, Professor of Law; Faculty Director of the Program on Information Justice and Intellectual Property
Sean Flynn, Professorial Lecturer-in-Residence; Director of the Program on Information Justice and Intellectual Property

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INTERNATIONAL LAW FACULTY MEMBERS

50+
FACULTY PUBLICATIONS

114
STUDENTS IN LL.M./S.J.D. PROGRAMS, REPRESENTING

51
COUNTRIES

100+
EVENTS WITH FACULTY PARTICIPATION

25
VISITING SCHOLARS

#7
RANKING IN INTERNATIONAL LAW BY U.S. NEWS & WORLD REPORT