

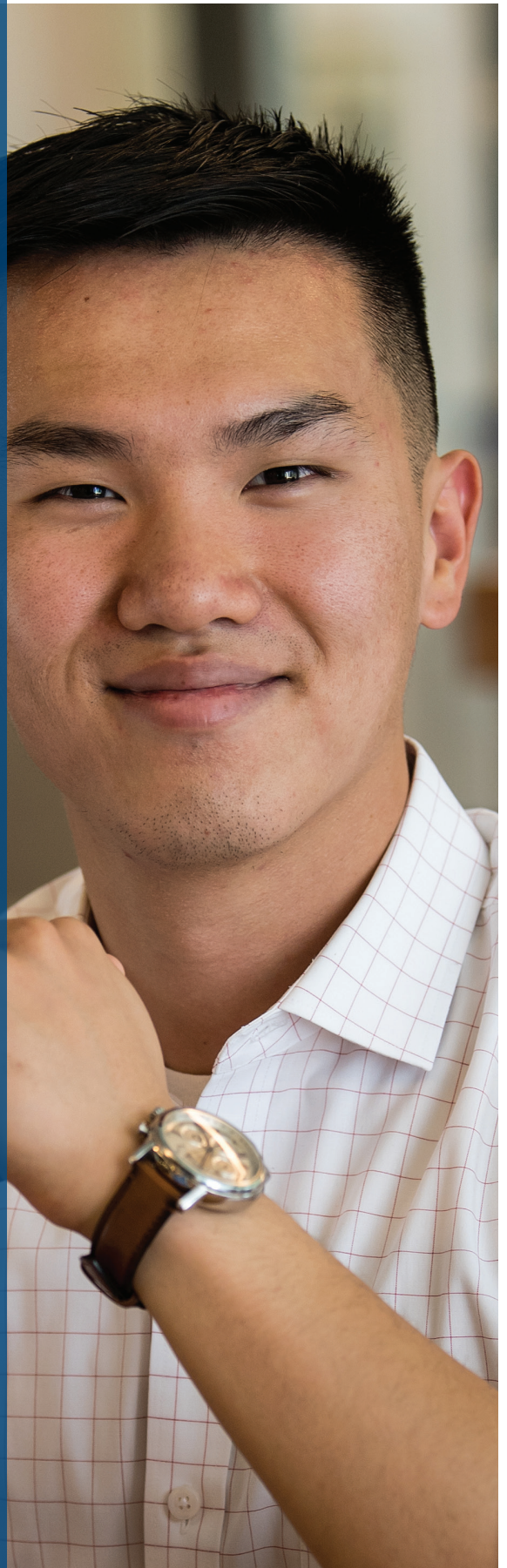


GLOBAL  
**IMPACT** DRIVES  
OUR **PURSUIT** OF  
INTERNATIONAL  
**LAW**

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*International and  
Comparative Law*

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FOR OVER 40 YEARS, INTERNATIONAL AND COMPARATIVE LAW AND A GLOBAL OUTLOOK HAVE BEEN DISTINGUISHING FEATURES OF AUWCL. WE ARE ‘WHERE THE WORLD MEETS TO STUDY LAW.’ TODAY, MORE THAN EVER, WE ARE COMMITTED TO THE PROMOTION AND PROTECTION OF INTERNATIONAL RULE OF LAW AND TRAINING LAWYERS WHO UNDERSTAND THE COMPLEXITY OF OUR INTERCONNECTED WORLD AND COMMON BONDS OF HUMANITY.”

*Dean Roger A. Fairfax Jr.*



## Director’s Message



GREETINGS from Washington, D.C.! The challenges posed by the pandemic, climate change and trade wars have only underscored the importance of what we do as academics and as a law school dedicated to promoting universal values and a global outlook. I am so proud of all the accomplishments of our stellar faculty who continue to reaffirm our continuing strength in international, comparative, and transnational law with their scholarship and activism.

Highlights this year include the proclamation of the “Mendez Principles” in honor of AUWCL Professor Mendez and his life-long commitment to non-coercive, ethically sound, evidence-based and empirically founded interviewing practices. Professor Claudio Grossman spearheaded the International Law Commission (ILC)’s work on reparations for gross human rights violations. We welcomed change makers from diverse backgrounds, including a former U.S. Trade Representative, the U.N. High Commissioner on Human Rights, and members of the ILC. Our Annual International Arbitration Lecture was awarded the “Lecture of the Year” by the *Global Arbitration Review*.

We look forward to working together to safeguard peace and universal values.

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



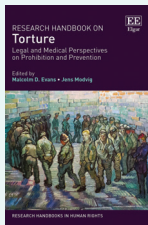
# Scholarship



## The Limits of Transparency: China, the United States and the World Trade Organization

Padideh Ala'i in *Cultures of Transparency: Between Promise and Peril*, Routledge Publishing (2021)

It was the United States' hope that China's accession to the WTO and imposition of additional transparency requirements could push China towards a liberal market-based economic system and ultimately political reform. Instead, Professor Ala'i argues, China's accession to the WTO is a story of the limits of legal transparency and the inability of the WTO to impose structural reforms on a country as large and important as China. China today adheres to rule by law rather than rule of law.



## The Research Handbook on Torture

Edward Elgar Publishing (2020)

This collection of articles includes contributions from Professors Grossman, Rodríguez-Pinzón, and Méndez, exploring the international

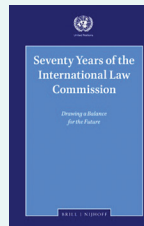
prohibition of torture and the mechanisms of the international community to enforce that prohibition. The Research Handbook considers both the legal and medical dimensions of torture, as well as from societal and philosophical perspectives.



## The Fundamentals of Arbitration

Susan Franck, in *Oxford Research Encyclopedia of Economics and Finance*, OUP (2020)

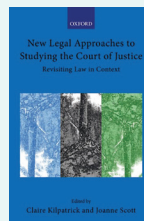
Part of arbitration's success is grounded in the flexibility of the procedure and the broad choices for the parties. Despite these advantages, Professor Franck shows that it is not empirically verifiable that arbitration always saves time and costs. She concludes that arbitration will continue evolving to address concerns about local policy considerations, confidentiality and ethics, technology and cybersecurity, and diversity and inclusion.



## The Changing Landscape of International Law

Claudio Grossman, in *Seventy Years of the International Law Commission*, Brill (2020)

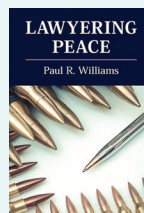
Professor Grossman's contribution reflects on major attributes of the International Law Commission: adaptability, diversity, and independence. Professor Grossman argues that the Commission should have a greater gender balance and focus on multilateralism as a bulwark against nationalism. It should also keep in mind the "human factor" given the individual's ability to influence the development and application of international law.



## Waiting for the Barbarians: Inside the Archives of the European Court of Justice

Fernanda Nicola in *New Legal Approaches to Studying the Court of Justice. Revisiting Law in Context*, Hart (2020)

In 2015, the European Court of Justice opened its archives, creating a new primary source for studying the Court's practice: the dossiers de procédure. Professor Nicola's chapter examines the dossiers of *Costa v. Enel*, *Defrenne II* and *Commission v. U.K.* and arguments submitted to the Court. In addition, the chapter suggests various ways to enhance access to the ECJ's records.



## Lawyering Peace

By Paul R. Williams, CUP (2021)

*Lawyering Peace* reflects Professor Paul R. Williams' decades-long experience negotiating peace arrangements in some of the toughest conflict zones around the world. Through a rigorous, yet accessible, analysis of over 20 peace processes, Professor Williams aims to help future negotiators build better and more durable peace agreements.

# Global Impact



## The “Mendez Principles” on Effective Interviewing for Investigations and Information Gathering

After four years of collaborative effort led by Professor Juan Mendez, a coalition of NGOs and human rights experts finalized the Principles on Effective Interviewing for Investigations and Information Gathering, referred to as the “Mendez Principles.” These principles reflect Professor Mendez’ strong commitment to non-coercive, ethically sound, evidence-based and empirically founded interviewing practices. They will optimize policing efforts and make communities safer.



## A Call for Temporary Suspension of Intellectual Property Rules

Professors Sean Flynn and Michael Carroll, together with other research and education organizations around the world, joined the call for the World Trade Organization

to temporarily suspend its rules on intellectual property where needed to support the prevention, containment and treatment of COVID-19. Their statement calls particular attention to the need to include copyright rules within the waiver.

## Improving the Reparations Regime for Human Rights Victims

At a conference on December 16, 2020, commemorating the “The UN Basic Principles at 15: Reparations at a Crossroads,” Professor Diane Orentlicher explained the impact of the UN Basic Principles and Guidelines on the Right to Remedy and Reparations for Victims of Gross Violations of International Humanitarian Law. She highlighted the transformation of international humanitarian law thanks to the establishment of numerous international criminal tribunals, and their contribution to making reparations effective for gross violations of human rights.

## International Human Rights Advocacy

Our faculty’s expertise in human rights and international criminal law is unsurpassed. We have participated in high-profile litigation as *amicus curiae*, expert witnesses, and representatives of human rights victims:

- Professor Juan Mendez filed an *amicus* brief about unlawful family separations at the U.S. southern border on December 23, 2020.
- Professor Claudia Martin co-authored an *amicus* brief for the Inter-American Court of Human Rights’ Advisory Opinion on the issue of indefinite re-election of presidential candidates.
- Professor Paul Williams submitted an *amicus* brief to the Appeals Chamber of the International Criminal Court in the case of the *Prosecutor v. Bosco Ntaganda*.
- Professors Claudio Grossman presented oral arguments before the Inter-American Human Rights Commission in the case of *Ana Matilde Gomez v. Panama* in defense of Gomez, the former Attorney General of Panama who had been removed from office summarily.





### **AYWCL Professor and Dean Emeritus Claudio Grossman participates as member of the UN International Law Commission**

Claudio Grossman participated in the U.N. International Law Commission's 72nd session and presented comments on Sea Level Raise, Provisional Application of Treaties, Exceptions to Immunity of Jurisdiction and Protection of the Atmosphere. This groundbreaking work formulates the legal principles enshrined in treaties and other legal instruments that will help shape the international law of the next generation.



### **Expert Opinion on Cultural Heritage**

Professors Diane Orentlicher and Susana SáCouto provided expert opinions to the International Criminal Court (ICC)'s draft policy on cultural heritage. The comments urge that the policy explicitly include

“archives” in its conception of cultural heritage, as archives have played an indispensable role in transitional and historical justice. These archives serve as a fundamental pillar for ensuing individual criminal responsibility litigation, as they may contain evidence that could clarify the perpetrators’ involvement with certain crimes.



### **The Global Fight Against Torture**

Professor Diego Rodríguez-Pinzón is a member of the U.N. Committee Against Torture (CAT), where he serves as Rapporteur and member of the bureau. He was also appointed CAT's Rapporteur on New Complaints and Interim Measures. During 2020 and 2021, he was instrumental in having the CAT register more than 100 individual communications and issue provisional measures in more than 70 cases.



# Global Dialogues



## Are Annulled Arbitral Awards Still Enforceable Under the New York Convention?

Taking stock of his extensive research and experience, Professor Horacio Grigera Naón discussed the motion “Should awards annulled at the seat be enforced by courts in other jurisdictions?” during a presentation at the Lagos Chamber of Commerce International Arbitration Centre (LACIAC). By responding to this question in the affirmative, his arguments are reflective of some recent cases in highly developed arbitral jurisdictions, such as France and the United States.

## Trade Promotion Authority at a Crossroads

On November 19, 2020, Ambassador Susan C. Schwab, former U.S. Trade Representative, delivered the Fourth Wenger Distinguished Lecture On International Trade about “U.S. Trade Policy at a Crossroads.” Schwab discussed the adverse consequences of the upcoming expiration of the Trade Promotion Authority for U.S. trade policy of the expiration. The TPA gave the President and/or U.S. Trade Representative the power to enter into trade negotiations to lower U.S. export barriers.

## The Age of the Anthropocene

On October 15-16, 2020, the AUWCL hosted a two-day symposium, “The Age of the Anthropocene,” welcoming experts from the United States and abroad to share their insights on environmental justice, human rights, and climate change on a global scale. The experts discussed the available evidence about the linkage between the protection of the environment, human welfare and security, as well as global supply chains.



## World Economic Order: New Challenges and Opportunities

Leading voices in international trade, including James Bacchus, former member of the WTO Appellate Body, Daniel Crosby, Partner at King & Spalding, Mary Lovely, Senior Fellow of the Peterson Institute, and Antonio Nucifera, a Trade Manager at the World Bank, analyzed the challenges for the world economic order. From dispute settlement to the regulation of trade relations in a world of growing nationalism and regionalism, they put the complexities faced by the world into context and discussed the growing challenges for the United States as a trading power in an increasingly multipolar world. Ambassador Alan Wolff, WTO's Deputy Director General, delivered a keynote address for this discussion, highlighting the increased relevance of trade for the maintenance of global peace and security.



## UN High Commissioner for Human Rights Michelle Bachelet: The Human Rights Challenge

The AUWCL Center for Human Rights & Humanitarian Law co-hosted a conference featuring UNHCHR Michelle Bachelet with a network of human rights centers at U.S. law schools. The conference focused on current challenges and opportunities in human rights protection worldwide, and how human rights institutes at U.S. law schools could most effectively address these issues. The event highlighted the importance of robust civil society actors for the application of international human rights standards worldwide.





### Reconstructing and Rethinking Social and Racial Justice Across the Atlantic

On November 16, 2020, former AUWCL Professor and Congressman Jamie Raskin (D-MD), together with two members of the European Parliament, Maria Walsh (European People's Party, Ireland) and Pierrette Herzberger-Fofana (European Green Party, Germany), discussed the challenges of achieving racial justice in a post-Covid-19 world. The discussion addressed the common challenges faced on both sides of the Atlantic to overcome racial discrimination.

### Chinese Technology Platforms Operating in the U.S.: Putting Risks into Context

Professors Jennifer Daskal and Gary Corn from AUWCL's Tech, Law, and Security Program were part of a research project to identify the risks associated with Chinese technology platforms operating in the United States. The project assessed and disaggregated national security risks associated with one aspect of this threat: China's ownership and control over communication platforms and other technologies used in the United States.

### AUWCL-ASIL Partnership to Advance International Law

For the 23rd year, AUWCL's international law program sponsored the Grotius Lecture to mark the opening of the ASIL Annual Meeting on March 25, 2021. AUWCL Professor Padideh Ala'i introduced the Grotius Lecturer Professor Yves Daudet and Distinguished Discussant Professor Hanna Buxbaum on the topic "Never let a good crisis go to waste! Can international law seize the advantage?" The Lecture underlined the need for a global approach to solve challenges such as climate change, peace, and economic development, and that international law is the right tool to get that done.



### THE POWER AND IMPACT OF INTERNATIONAL EDUCATION

International education has long been central to the mission of American University and its law school. As one of the oldest LL.M. programs in the United States, AUWCL has a longstanding commitment to teaching international law. On November 16, 2020, during the U.S. Department of State and U.S. Department of Education's International Education Week, AUWCL Professor Padideh Ala'i coordinated two public fora on the state of international education in the United States, and the benefits international education and exchanges create for this country and its people. Panelists included Dr. Fanta Aw, Vice President of Campus Life & Inclusive Experience at AU, Senem Bakar, Director of ISSS at AU, Esther Benjamin, CEO & Executive Director of World Education Services (WES), and Dr. Allan Goodman, President of the Institute of International Education (IIE).

*Professor Susan Franck interviews arbitrator Lucy Reed at AUWCL as part of the ITA Oral History Series.*



# Program Profiles

INTERNATIONAL LAW affects a myriad of legal fields, both in the public and private sphere, that are subject of extensive expertise, research and practical experience. To provide research and scholarship in some of these legal fields, *AUWCL has 25 specialized international legal programs*. The following are recent developments at 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. These awards allow the Center to undertake projects that spur the creation of knowledge and effect change. This year, the Center received over \$500,000 in new awards to support projects related to public finance and human rights; strategic advocacy related to femicide and enforced disappearances; election monitoring; and, advancing the mandate of the UN Special Rapporteur on Toxics and Human Rights, AUWCL Professor Marcos Orellana.

## Center on International Commercial Arbitration

Since 2004, the Center on International Commercial Arbitration has provided a high-level academic forum for exchanging ideas on salient issues and current developments in international arbitration. The Center is directed by Prof. Horacio A. Grigera Naón, an independent international arbitrator and former secretary general of the International Court of Arbitration of the International Chamber of Commerce. The Center's activities include research in international arbitration and its relationship with the judicial systems around the world. The Center also offers training opportunities that range from short seminars to a 24-credit, in-residence and online LL.M. in International Arbitration and Business Law. A prominent activity of the Center is its Annual Lecture, which in November 2020 was delivered by Prof. Emmanuel Gaillard with



the title “Seven Dirty Tricks to Disrupt an Arbitration and the Responses of International Arbitration Law” to a virtual audience of more than 1,000 viewers. The prestigious law journal *Global Arbitration Review* recognized this lecture as the “lecture of the year” 2020.

### **The Academy on Human Rights and Humanitarian Law**

The Academy on Human Rights and Humanitarian Law promotes practical approaches to human rights and humanitarian law and 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 Summer and the Human Rights Essay Award.

In 2020 and 2021 the Academy hosted 30+ events as part of the Human Rights Summer’s Experts Speak Series: Addressing Human Rights in Times of Crisis. Co-sponsors included the Organization of American States’ Department for Social Inclusion, the Due Process of Law Foundation, Disability Rights International, the American Society of International Law’s Human-Rights Interest Group, and the World Organization Against Torture, Race, and Equality.

The Essay Award initiative received in 2019 (Protection of Migrants under International Human Rights Law) and 2020 (Rule of Law and Human Rights: Strengthening Democratic Institutions) 180+ submissions. Winner articles 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 each year the *Symposium on International Trade* and the *Wenger Lecture in International Trade*. The program also organizes a summer program 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* with high-profile speakers from around the world. Between 2020 and 2021, the program was an important forum for the discussions about the U.S.-China trade war, the expiration of the Trade Promotion Authority, and COVID-related disruptions to global trade.

### **Tech, Law & Security Program**

The Tech, Law and Security Program (TLS) is comprised of leading experts in the program’s key areas of international humanitarian law in the digital age, artificial intelligence, cyber & information conflict and privacy, content regulation, transparency, and privacy. The program convenes the relevant players and ensures that TLS research and publications are timely, calibrated and positioned to have a high-level impact on policy and practice both in the United States and abroad. In 2020 TLS launched projects on the use of artificial intelligence by the U.S. Intelligence Community, the European Court of Justice’s *Schrems II* decision, the use of digital data in investigating war crimes, and countering child sexual abuse material online.

### **The Business Law Program**

The Business Law Program is an extensive academic program led by Director David Snyder and Associate Director Gerard Comizio. Taught by renown academics and practitioners at leading law firms, the curriculum aims to offer every course relevant to practicing business law, domestically and internationally, in the 21st century. In April 2020, the program announced the appointment of V. Gerard Comizio to the new position of associate director of the program, a leading authority on financial services regulatory, transactional, and compliance matters with extensive experience in private practice. In September 2020, the program launched a new initiative to foster a deeper understanding of the emerging law and policy issues raised by virtual currency, blockchain and other transformative financial technologies. A series of webinars featured three former SEC Chairs, Mary Jo White, Mary Shapiro and Elisse Walter (October 2020), and Sarah Bloom Raskin, former deputy secretary of the U.S. Department of the Treasury and Federal Reserve Governor (October 2020) and U.S. Securities and Exchange Commissioner Hester M. Peirce (April 2021).

In Spring 2021, the program offered one of the first virtual currency law school courses in the country. Additionally, on June 30, 2021, Professor Hilary Allen gave testimony before the House Subcommittee on Consumer Protection and Financial Regulation on the need for a more robust protection of the vulnerable in case of climate-change related disruptions of the financial markets.

### The War Crimes Research Office

For 25 years, and under the guidance of AUWCL Professor Susana SáCouto, 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 level. 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.

*Professor Fernanda Nicola*



## List of Programs

- Academy on Human Rights and Humanitarian Law
- Anti-Corruption Law Program
- 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
- 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
- Syrian Initiative to Combat Sexual and Gender Based Violence
- 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; Executive Council Member of the American Society of International Law

**Diane Orentlicher**, Professor of Law

**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

**Diego Rodríguez-Pinzón**, Professorial Lecturer-in-Residence; Co-Director of the Academy on Human Rights and Humanitarian Law; Member of the U.N. Committee against Torture

## International Criminal Law

**Susana SáCouto**, 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; Director of the Women and the Law Program

## 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

For more details: [wcl.american.edu/impact/initiatives-programs/international/faculty](http://wcl.american.edu/impact/initiatives-programs/international/faculty)



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INTERNATIONAL LAW  
FACULTY MEMBERS

100+

EVENTS WITH FACULTY  
PARTICIPATION

50+

FACULTY  
PUBLICATIONS

17

VISITING  
SCHOLARS

77

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

#6

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

26

COUNTRIES

