

OPENING PLENARY AND REMARKS BY ASIL PRESIDENT DONALD FRANCIS DONOVAN

ASIL TODAY*

Let me welcome everyone to this 107th meeting of the American Society of International Law. I have the very agreeable task of expressing some important thanks, and then I'm going to open the meeting by reviewing what's happening at the Society and extending an invitation to all of you to get involved to the fullest extent possible.

Some years ago, for the Centennial Meeting, we had close to 1,600 attendees, our highest total ever. We are approaching that number for this meeting. That level of participation reflects not only the dynamism of the Society, but the quality of the meeting program. While we are the American Society of International Law, close to half our members are based outside the United States or are non-U.S. nationals, and that diversity is reflected in the clearest way in the program. We very much want to serve as an international forum, and I'm proud that this meeting will surely achieve that goal.

So this morning we should give pride of place to the real stars of the meeting, our three co-chairs: Stanimir Alexandrov, Laurence Boisson de Chazournes, and Kal Raustiala. Anybody who has done anything to put on a program of this scope will know how much work it involves, and how much skill. From the first time I thought about this meeting, I thought what a perfect team these three would make, and I was therefore enormously pleased when they each agreed to take on the task. With the help of a stellar program committee, they have executed, as you will see from the program and experience over the next three days, a truly extraordinary program. Laurence, Stanimir, and Kal, on behalf of all of us who will be enjoying the fruits of your labors, thanks enormously to you and the members of your committee for the spectacular work you did in putting it all together.

I also want to thank the Society's sponsors: our patrons, the law schools, the law firms, the publishers, and all of those who support what we do. One of the expanding sources of support for the Society is our law school and law firm partners, and we are grateful to them for the collaboration and for the support.

Finally, and I will say this time and again throughout the meeting, we should thank the incomparable Betsy Andersen and the Tillar House staff. They are the epitome of the under-resourced, hardworking professionals who do an extraordinary amount of high-quality work with limited—though hopefully increasing—resources. So Betsy, to you and the whole staff, enormous thanks as well. I would encourage every meeting attendee who sees anybody with a staff button to stop them in the hall, and tell them what a fabulous job they do.

It is not the purpose of these remarks to provide a grand vision of the state of international law or the challenges it faces. No, I'm going to do something much more pedestrian, but still, to my mind, very exciting. I'm going to tell you what is happening at the Society. We are at a truly important point in the Society's history. The work that is going on now is building on the work of the last five or six years of my predecessors, Betsy, and the staff. But we are not only continuing the Society's core activities, we are expanding its work in important ways. So if you'll indulge me for a moment, I'd like to review where we are and where we hope to go.

* These remarks have been edited and updated since they were delivered.

First, in the way of maintaining our core contributions, we are here at an Annual Meeting with what may prove record attendance, but what is surely record breadth of participation. In the way of expanding that contribution, there's been an important development in the last few years. Rather than hold the Midyear Meeting in Washington, D.C., Betsy and my predecessor David Caron initiated the practice of holding that meeting in a different city, to expand the Society's reach and directly engage the international law community—and constituencies that should be part of the international law community—throughout the country. The first venue was Miami, then Los Angeles, and then last fall Atlanta and Athens, Georgia. This fall, we will hold the Midyear Meeting in New York, obviously a place with a full complement of international lawyers who should be part of the Society and whom the Society should serve.

The decision to go to New York serves another of our objectives. From its beginnings, the Society has strongly believed that if we are to truly serve our mission of debating, developing, and disseminating international law as an essential component of the rule of law, we need to ensure the robust participation of scholars, practitioners, and policymakers alike. Focusing on the practitioner community, it is surely the case that, notwithstanding the increased opportunity to practice international law in the private sector, the vast majority of practitioners of international law are found in governments, international organizations, and nongovernmental organizations, and an enormous number of those practitioners are found in New York. We are determined both to better engage and better serve that community, and we thought New York was a good place to give effect to that determination. So we will be looking forward to the Midyear Meeting this fall in New York.

Further in the way of expanding on our core contributions, I note the immediate success of the Research Forum as a component of our Midyear Meeting. In anticipation of the Midyear Meeting in Los Angeles, Laura Dickinson and Kal Raustiala suggested to David Caron that the meeting provide an opportunity for scholars to present their work in progress. A call for papers ensued, and the response was overwhelming, both in number and quality of submissions. It was clear that Laura, Kal, and David had identified a real need, and after the meeting last year in Atlanta and Athens, when we had an equal or even greater response, the Research Forum has settled in as a regular part of the Midyear Meeting.

Speaking of core contributions, we produce nothing more important than the *American Journal of International Law*, the Society's crown jewel. The *Journal*, too, is at an exciting juncture. At this Annual Meeting, we'll have the occasion to celebrate the remarkable service of Bernie Oxman and Lori Damrosch as co-editors-in-chief, as well as the beginning of the stewardship of their successors José Alvarez and Benedict Kingsbury.

We're going to take advantage of this moment of passage to take a good look at the *Journal*. We've convened a committee chaired by Jane Stromseth and composed of both members and nonmembers of the *Journal* board to look at governance issues, with the objective to ensure that the *Journal* maintains its extraordinary level of quality and draws on the extraordinary range and diversity of talent within the Society along all axes. We've also asked the AJIL Committee to consider what other suggestions as to the *Journal's* form and content it might develop in the course of its work. As part of the process, the committee is reaching out to the *Journal's* readers and constituents, to learn how they see it, and the feedback already garnered tells us how useful that exercise will be. We're looking forward to the committee's report to the Executive Council, which will take the form both of possible changes to the regulations governing the *Journal* and of more general observations as to how it might most effectively serve the international law community.

Having stabilized the Society's finances, we've been able to increase our commitment to another of our core activities: education and outreach. For the first time in several years, we have a Director of Education and Outreach, Wes Rist. We're bringing to completion a bench book for U.S. judges, and developing educational resources for high school students, as well.

As a result of the 21st Century Campaign, to which I'll return in a minute, we have been able to initiate the Howard M. Holtzmann Research Center on International Arbitration and Conciliation. The Holtzmann Center will increase our capacity in an area of great importance to many of our practitioner, academic, and policymaker members, and that is international dispute resolution. We plan to develop an archive that will take, in the first instance, Judge Holtzmann's papers, and then, we hope, those of other important figures in the field, of whom many will be members of the Society. The Holtzmann Center, which Djurdja Lazic will direct, is another initiative that builds squarely on work we've long been doing.

The ASIL Forum is yet another. The Society is not an advocacy organization, but we do have a hugely talented group of members, with a great diversity of expertise and viewpoint, and we have great credibility as a neutral convener. We have regularly brought that credibility to bear by serving a think-tank function—organizing, on an ad hoc basis, various activities designed to facilitate extended examination of policy issues in the international arena. In order to enhance our capacity to grapple with the most difficult problems our global community faces, we have established the ASIL Forum as a means of identifying and evaluating opportunities to play that convening role. The Forum will have an advisory board led by Dinah Shelton and Curt Bradley, one of our vice-presidents, and they and the other members will work with the staff both to look for opportunities in which we can bring our resources to bear and to evaluate proposals made to the Society. As with all our activities, we will draw on members from both within and without the United States. We're enormously excited about that initiative.

I just left the first meeting of another initiative that builds on activity the Society has long undertaken. The Society has long fostered good, and active, relations with our colleague societies around the world, by organizing, to give just one example, joint meetings. Prompted by a conversation with Judge Xue when we were both in Rio, on Judge Sepulveda's invitation, for the 2nd Annual Meeting of the Latin American Society of International Law, this society invited representatives of our colleague societies who might be attending this meeting to convene this morning to start a conversation about how we might collaborate, how we might face common challenges and take advantage of common opportunities, what we can learn from each other. That conversation was deliberately without agenda, but we came away convinced that it was well worthwhile to facilitate further collaboration. The Colleague Societies Steering Committee will be led by Chantal Thomas, another of our vice-presidents. There's real enthusiasm both within our Society and among our colleagues to extend our collaboration.

Speaking of collaboration, our Annual Meeting next year will be a joint meeting with the International Law Association, which we are organizing with its American Branch. The Society and the ILA are like organizations with like missions and overlapping membership, and given the American Branch's objective to host an ILA biennial meeting, it seemed obvious that we should do our meetings jointly. It will surely be a scheduling and organizational challenge to meld the two meetings, as both organizations have a well-settled format for their own meetings. To ensure smooth coordination, we've organized a coordinating committee composed of, on behalf of the ABILA, its President Ruth Wedgwood, David Stewart, and Jim Nafziger, each of whom is also an active and committed member of the

Society, and, on behalf of the Society, Betsy, myself, and Catherine Amirfar, an ABILA vice-president and also a committed and active member of the Society. I am very pleased to tell you that the three co-chairs of the meeting will be Oona Hathaway, Fionnuala Ní Aoláin, and Larry Johnson, and they, of course, will be serving both organizations in putting on a single, joint meeting. We may well have over 2,000 international lawyers from over 100 countries, so it will be a gathering not to be missed.

To make sure that the Society has the opportunity to serve the broadest number of people possible, we also have a membership drive underway. In developing the strategic plan a couple of years ago, we considered closely how to increase membership and ensure that we effectively serve all relevant constituencies. It is now time to execute on our findings, and so a membership committee headed by Hari Osofsky and David Bowker has come to the Executive Council with a series of concrete proposals on how to do just that.

And to pull all this activity together, we are developing a new website. We are blessed with a wonderful facility in Tillar House, literally and architecturally a home for the Society and a headquarters of international law. The website will be the virtual counterpart to Tillar House. The development of the website has been a major commitment both in terms of financial resources and staff time, but we see it as the pivot on which so much of our future activity will turn. The staff has been assisted by a website committee, and as we get closer to launch, we'll broaden the consultation in order to get comprehensive feedback from our membership.

Our hopes for the website are great, as we expect that it will dramatically increase our capacity to reach out to colleagues around the world, to encourage scholarship, to debate policy, to support international lawyers in under-resourced institutions, to house the archive in international dispute resolution, to make the convening of meetings and the exchange of ideas more effective, to collaborate with the *Journal* in ways that will facilitate immediate discussion and foster more considered scholarship, to collaborate with other international law societies and organizations—in short, to realize our ambition to provide a truly international forum. It's a really exciting prospect, so look for the launch of the website sometime in the fall.

To make all this activity possible, we need to increase our resources. So I turn to the 21st Century Campaign. We have recognized for some time that changes in the publishing industry will make it impossible for the Society to continue its longtime dependence on publishing revenue as the major source of its funding. To replace that source, we need to convince our members and friends that the Society is worthy of their philanthropic giving. To serve that end, we have created what will be, though it may be strange to say it, the Society's first true development committee. It will be chaired by Mahnoush Arsanjani and co-chaired by Abby Cohen Smutny and Gary Born, all three a recent or current vice-president. Recognizing the importance of the committee, other of our most senior leaders have also agreed to serve.

The 21st Century Campaign reflects both our recognition that we need to broaden our sources of revenue and our confidence that we will be able to do so. It is not, strictly speaking, a capital campaign, but it will provide the foundation of our activities just as if it were. The 21st Century Campaign will increase our organizational capacity and hence our capacity to serve. It is the Campaign, for example, that has allowed us to proceed with the website that, as I've just described, will provide the platform for so much of what we hope to do.

We have always been ambitious for the Campaign. I will confess, though, that when I became President, I was not yet prepared to announce what then remained an internal goal, because I wasn't quite sure how we were going to reach it. But we have been supremely

fortunate to have two real leaders on that score. First, at the outset, Charlie Brower, a longtime leader of the Society, made an enormously generous gift that, to put it simply, made the Campaign credible. And then, just recently, Howard Holtzmann, recognizing that so many of the friends and colleagues to whom he was devoted were in turn deeply devoted to the Society, made the extraordinary gift that, also simply put, made our goal reachable. So, as the Newsletter recently reported, with \$2 million raised so far, we have announced the Campaign goal of \$3 million. Any of you who have ever done fundraising will know that raising that last tranche will be brutally difficult. But with the Development Committee leading the way, we will get there, because we have to. We recognize that among the Society's members there will be a wide range of means and resources, but when you receive that letter or phone call, or, better, before you do, I hope that you'll show your support for the Society and its mission by making a generous gift.

Before I close, let's remind ourselves of that mission, of the Society's fundamental objective. It has remained remarkably consistent over more than a century. This is a Society dedicated to a just world under law. If that is advocacy, I am prepared to say that the Society advocates. We may have a wide range of approaches to international challenges; we may have a wide range of perspectives; we may have a wide range of viewpoints. But we share a commitment to the potential of international law to contribute to justice on the international plane, to contribute to human welfare, to contribute to economic and social development, to preserve the basic dignity of the human person.

I am privileged to have the chance to open this Annual Meeting, to invite you to the intellectual feast that will unfold over the next three days. As you proceed through the meeting, I encourage you to think about how you might get further involved in the Society and hence contribute to its work. And if you'll allow me to circle back to the beginning, I want again to thank Laurence, Stanimir, Kal, and the program committee, and Betsy and the Tillar House staff, who together have made all this possible.

Thanks all.