# SOUTHWESTERN JOURNAL OF INTERNATIONAL LAW



VOLUME XXVII

2021

Number 1

### **TABLE OF CONTENTS**

### FIGHTING IN THE LAW'S GAPS

### ARTICLES

MAINTAINING COMMAND AND CONTROL (C2) OF LETHAL AUTONOMOUS WEAPON SYSTEMS: LEGAL AND POLICY CONSIDERATIONS ERROR! BOOKMARK NOT DEFINED. John Cherry & Durward Johnson
LEGAL CHALLENGES OR "GAPS" BY COUNTERING HYBRID WARFARE – BUILDING RESILIENCE IN JUS ANTE BELLUM
CHALLENGES IN REGULATING LETHAL AUTONOMOUS WEAPONS UNDER INTERNATIONAL LAW
THE PRINCIPLE OF PROPORTIONALITY IN MARITIME ARMED CONFLICT: A COMPARATIVE ANALYSIS OF THE LAW OF NAVALWARFARE AND MODERN INTERNATIONAL HUMANITARIAN LAW
THE RIGHT TO BE FORGOTTEN DOES NOT APPLY OUTSIDE THE EUROPEAN UNION: A PROPOSAL FOR WORLDWIDE APPLICATION
ARMENIA AND THE BATTLE TO DEFEAT ETHNO-NATIONALIST ATTACKS ON THE ISTANBUL CONVENTION

IMPROVING OUTCOMES FOR NEW MOTHERS IN THE UNITED STATES......186 Julia Wood

Enrique Martinez

# SOUTHWESTERN JOURNAL OF INTERNATIONAL LAW

2021

Volume	XXVII	
V OLUME	ΔΔΥΠ	

Number 1

*Editor-in-Chief* Brendan Nafarrate

> Managing Editor NIV LEVY

Senior Articles Editors SASHA RAMOS KATHERINE VAZQUEZ

Lead Articles Editors Ara Aghakhanian Eliana Amirian Mariam Ghazaryan Jasmine Penny

Special Research Projects Editor ASHLAND DENISON

#### Staff Editors

ARMAN AVAGYAN MALAK CHERKAOUI JAOUAD ONE S. CHOI KEVIN P. CULPEPPER KRISTINA N. DAVID RYAN J. FARRELL RACHEL S. FEIGELSON ALLEGRA A. GARSIDE BRYAN M. GLEASON CHLOE P. GRAHAM SHAHRZAD F. HADDAD KIMBERLY HERNANDEZ Asher Y. Hoffman Ava Issary Mouna Kezbar Melanie Khosravi Abigail M. Lombardo Jomari Carlo R. Lucero Karen Chrismar G. Maala Magdalena A. Mirisch-Kreuger Alexander J. Navi Mark H. Okumori Nancy Santiago Chelsea Zaragoza

Faculty Advisors Carina J. Miller Warren S. Grimes

## SOUTHWESTERN LAW SCHOOL 2020-2021

### **BOARD OF TRUSTEES**

PATRICK BAGHDASERIANS HON. DEBORAH S. BRAZIL KEVIN BURKE STEVEN P. BYRNE MICHAEL E. CAHILL THOMAS L. DRISCOLL PETER DUCHESNEAU CHARLES P. FAIRCHILD JOHN M. GERRO JAHMY S. GRAHAM HON. J. GARY HASTINGS KAREN A. HENRY THOMAS H. HOBERMAN LAUREN B. LEICHTMAN MARIA MEHRANIAN HON. ROBERT H. PHILIBOSIAN CHERIE S. RAIDY MEE H. SEMCKEN CARLOS A. SIDERMAN GEORGE WOOLVERTON JULIE K. XANDERS WALTER M. YOKA DENNIS P.R. CODON, *Trustee Emeritus* SHELDON A. GEBB, *Trustee Emeritus* HON. RONALD S.W. LEW, *Trustee Emeritus* BRIAN A. SUN, *Trustee Emeritus* HON. ARLEIGH M. WOODS, *Trustee Emerita* 

### **ADMINISTRATION**

CHARLES P. FAIRCHILD, B.A., J.D., LL.M., Chair of the Board of Trustees SUSAN WESTERBERG PRAGER, B.A., M.A., J.D., Dean and President MICHAEL CARTER, B.A., M.B.A., Ed.D., Executive Vice President and Chief Administrative Officer ANAHID GHARAKHANIAN, B.A., J.D., Vice Dean DOV A. WAISMAN, A.B., M.S., J.D., Vice Dean HILLARY KANE, B.A., J.D., Chief Communications and Marketing Officer NYDIA DUENEZ, B.A., J.D., Associate Dean, Dean of Students and Diversity Affairs DOREEN E. HEYER, B.S., M.S., Senior Associate Dean for Academic Administration MARCIE CANAL, B.A., Associate Dean of Operations and Risk Management MARGARET HALL, B.A., M.L.I.S., J.D., Associate Dean and Law Library Director HILA KEREN, L.L.B., Ph.D., Associate Dean for Research DEBRA L. LEATHERS, B.A., Associate Dean for Institutional Advancement ROBERT MENA, B.A., M.S., Ed.D., Associate Dean for Student Affairs SHAHRZAD POORMOSLEH, B.A., J.D., Associate Dean for Career Services HARRIET M. ROLNICK, B.A., J.D., Associate Dean for SCALE® BYRON STIER, B.A., J.D., LL.M., Associate Dean for Strategic Initiatives TRACY L. TURNER, B.A., J.D., Associate Dean for Learning Outcomes JULIE K. WATERSTONE, B.A., J.D., Associate Dean for Experiential Learning Mary Basick, B.S., J.D., Assistant Dean of Bar Preparation LISA M. GEAR, B.A., Assistant Dean for Admissions Natalie Rodriguez, B.A., J.D., Assistant Dean of Academic Success

### **FULL-TIME FACULTY**

RONALD G. ARONOVSKY, A.B., J.D., Professor of Law

- MARY BASICK, B.S., J.D., Assistant Dean of Bar Preparation, Associate Professor of Law for Academic Success and Bar Preparation
- PAUL A. BATEMAN, B.A., M.A., Ph.D., Professor of Legal Analysis, Writing, and Skills

MICHAEL J. BERGER, B.A., M.A., J.D., Associate Professor of Law

BETH CALDWELL, B.A., M.S.W., J.D., Professor of Legal Analysis, Writing, and Skills

CHRISTOPHER DAVID RUIZ CAMERON, B.A., J.D., Justice Marshall F. McComb Professor of Law MARK CAMMACK, B.A., J.D., Professor of Law

KATHRYN CAMPBELL, B.A., J.D., Professor of Legal Analysis, Writing, and Skills

CATHERINE L. CARPENTER, B.A., J.D., The Honorable Arleigh M. Woods and William T. Woods Professor of Law and Co-Director of the Moot Court Honors Program

BRIDGETTE M. DE GYARFAS, B.S., J.D., Associate Professor of Legal Analysis, Writing, and Skills

ALEXANDRA D'ITALIA, B.A., J.D., M.P.W., Associate Professor of Law and Director of Writing Center, Co-Director

of the Moot Court Honors Program

MICHAEL B. DORFF, A.B., J.D., Michael & Jessica Downer Endowed Chair, Professor of Law and Technology Law & Entrepreneurship Program Director

Michael M. Epstein, B.A., J.D., M.A., PH.D., PROFESSOR OF LAW AND SUPERVISING EDITOR OF THE JOURNAL OF INTERNATIONAL MEDIA AND ENTERTAINMENT LAW

- JOSEPH P. ESPOSITO, B.S., J.D., Professor of Law and Co-Director of the Trial Advocacy Honors Program
- JENNY RODRIGUEZ- FEE, B.A., J.D., Clinical Professor of Law
- APRIL E. FRISBY, B.A., J.D., Associate Professor of Law for Academic Success and Bar Preparation
- JAMES M. FISCHER, J.D., Professor of Law
- NORMAN M. GARLAND, B.S., B.A., J.D., LL.M., Second Century Chair in Law and Professor of Law
- JAY W. GENDRON, B.A., J.D., Director of the Entertainment and Arts Legal Clinic and Associate Professor of Law

ANAHID GHARAKHANIAN, B.A., J.D., Vice Dean, Professor of Legal Analysis, Writing, and Skills and Director of the Externship Program

- KEVIN J. GREENE, B.A., J.D., John J. Schumacher Chair and Professor of Law
- WARREN S. GRIMES, B.A., J.D., Irving D. and Florence Rosenberg Professor of Law
- ISABELLE R. GUNNING, B.A., J.D., Professor of Law
- PRIYA S. GUPTA, B.A., MSC., J.D., Professor of Law and Faculty Director of the General LL.M. Program
- DANIELLE KIE HART, B.A., J.D., LL.M., Professor of Law

JOHN HEILMAN, B.S., J.D., M.P.A., M.R.E.D., Professor of Law

ROMAN J. HOYOS, A.B., J.D., M.A., Ph.D., Professor of Law

HILA KEREN, LL.B., Ph.D., Associate Dean for Research and Paul E. Treusch Professor of Law JOERG W. KNIPPRATH, B.A., J.D., Professor of Law

JUERG W. KNIPPRATH, D.A., J.D., Frojessor of Luw

CRISTINA C. KNOLTON, B.A., J.D., Professor of Legal Analysis, Writing, and Skills and Co-Director of the Negotiation Honors Program

- HERBERT T. KRIMMEL, B.S., M.Acc., J.D., Professor of Law
- CHRISTINE L. LOFGREN, B.A., J.D., Visiting Associate Professor of Legal Analysis, Writing, and Skills
- JONATHAN M. MILLER, B.A., J.D., Professor of Law
- JANET NALBANDYAN, B.A., J.D., Associate Professor of Law for Academic Success and Bar Preparation

EUNICE PARK, A.B., J.D., Professor of Legal Analysis, Writing, and Skills

- ROBERT POPOVICH, B.S., MBT, J.D., Professor of Law
- SUSAN WESTERBERG PRAGER, B.A., M.A., J.D., Dean, President and Professor of Law
- GOWRI RAMACHANDRAN, B.A., M.A., J.D., LL.M., Professor of Law
- ANDREA RAMOS, B.A., J.D., Clinical Professor of Law and Director of the Immigration Law Clinic
- ORLY RAVID, B.A., J.D., Director of the Donald E. Biederman Entertainment and Media Law Institute and Associate Professor of Law

NATALIE RODRIGUEZ, B.A., J.D., Assistant Dean of Academic Success and Associate Professor of Law for Academic Success and Bar Preparation

JACQUELYN K. ROGERS, B.S., J.D., Associate Professor of Law for Academic Success and Bar Preparation

HARRIET M. ROLNICK, B.A., J.D., Associate Dean for SCALE® and Associate Professor of Law

TINA SCHINDLER, B.S., J.D., Director of Bar Preparation and Associate Professor of Law for Academic Success and Bar Preparation

MICHAEL D. SCOTT, B.S., J.D., Professor of Law and Technology Law & Entrepreneurship Program Founding Director Emeritus

- BILL H. SEKI, B.A., J.D., Professor of Law and Co-Director of the Trial Advocacy Honors Program
- IRA L. SHAFIROFF, B.A., J.D., Professor of Law

JUDY BECKNER SLOAN, B.A., J.D., Professor of Law

- BYRON G. STIER, B.A., J.D., LL.M., Associate Dean for Strategic Initiatives and Professor of Law
- J. KELLY STRADER, B.A., M.I.A., J.D., Professor of Law

N. KEMBA TAYLOR, B.A., J.D., Professor of Legal Analysis, Writing, and Skills

JOHN TEHRANIAN, A.B., J.D., PAUL W. WILDMAN CHAIR AND PROFESSOR OF LAW

TRACY L. TURNER, B.A., J.D., Associate Dean for Learning Outcomes and Director of the Legal Analysis, Writing, and Skills Program and Professor of Legal Analysis, Writing, and Skills

RACHEL E. VANLANDINGHAM, B.A., M.P.M., J.D., LL.M, Professor of Law

JULIA VAZQUEZ, B.A., M.A., J.D., Clinical Professor of Law and Director of Community Lawyering Clinic

DOV A. WAISMAN, A.B., M.S., J.D., Vice Dean and Professor of Law

JULIE K. WATERSTONE, B.A., J.D., Associate Dean for Experiential Learning, Clinical Professor of Law and Director of the Children's Rights Clinic

WILLIAM WOOD, B.A., M.S.E.L., J.D./M.A., Associate Professor of Law

BRYCE WOOLLEY, B.A., J.D., Associate Professor of Law for Academic Success and Bar Preparation

DENNIS T. YOKOYAMA, B.A., M.S., J.D., Professor of Law

In Memorium Professor Alan L. Calnan

### **EMERITI FACULTY**

DEBRA LYN BASSETT, M.S., J.D, John J. Schumacher Chair Emerita

MICHAEL H. FROST, B.A., M.A., Ph.D., Professor of Legal Analysis, Writing, and Skills Emeritus

BRYANT G. GARTH, B.A., J.D., Ph.D., Dean Emeritus

JAMES A. KUSHNER, B.B.A., J.D., Professor of Law Emeritus

ROBERT C. LIND, B.E.S., J.D., LL.M., Paul E. Treusch Professor of Law Emeritus and Director Emeritus, Biederman Entertainment and Media Law Institute in Residence

ROBERT E. LUTZ, B.A., J.D., Paul E. Treusch Professor of Law Emeritus in Residence

CHRISTINE LORILLARD, B.A., M.A., Ph.D., Professor of Legal Analysis, Writing and Skills Emerita

SUSAN J. MARTIN, B.A., J.D., Professor of Law Emerita

ROBERT A. PUGSLEY, B.A., J.D., LL.M., Professor of Law Emeritus in Residence

KATHERINE C. SHEEHAN, B.A., M.A., J.D., Professor of Law Emerita

LEIGH H. TAYLOR, B.A., J.D., LL.M., Dean Emeritus and Professor of Law

LINDA A. WHISMAN, B.A., M.L.S., J.D., Associate Dean for Library Services and Professor of Law Emerita

### **ADJUNCT FACULTY**

RYAN ABELMAN MILENE APANIAN ANNA ARAN JOHN BEGAKIS PATRICK BOIRON NICHOLAS BOND SAMANTHA BORGHI VICTORIA BURKE ROBYN LEE CHEW ALEX COFFEE HON. ANGELA DAVIS LIZA DAVIS THOMAS DEBOE ADAM DOMBCHIK NYDIA DUENEZ ROBERT DURAN PEGGY FARRELL MITCH FEDERER GARY P. FINE **REBECCA FISCHER** ALICE J. GARFIELD CRAIG GELFOUND SHARREL GERLACH KARINA GODOY HON. RUPA GOSWAMI MEHRNAZ HADIAN JONATHAN HANDEL MELISSA HANNA NAZGOLE HASHEMI LESLIE HEIMOV DAVID HELFANT

HOWARD JACOBS MATTHEW JACOBS VERONICA JEFFERS MORRIS JENKINS ALLAN JOHNSON **DOUGLAS JOHNSON** NEVILLE JOHNSON JULI JORDAN HON. MARK A. JUHAS JARED JUSSIM HILLARY KANE VIK KANWAR ROBERT KAYNE STACEY KIM-JACKSON ANDREW KNAPP IRIS KOKISH LEIB LERNER ZACHARY LEVINE SARA LOCKE KATHY M. LOMBARD APRIL MACARAEG JONATHAN MARCUS CARINA J. MILLER KYLE MARKS RICHARD D. MARKS HON. DARRELL S. MAVIS TIMOTHY B. MCCAFFREY, JR. DAVID MCFADDEN DINAH MINKOFF KAMAL MOO MICHAEL MORSE

NEGIN MOSTADIM **RONI MUELLER** DAVID OSTROVE TIGRAN PALYAN HON. AMY M. PELLMAN SHARON PERLMUTTER TISH PICKETT JUAN A. RAMOS EMILY REHM SUSAN KOHN ROSS DEBORAH RUMMELHART GEORGE H. RUIZ ANASTASIA SAGORSKY LOVEE SARENAS ANDREW SCHWARTZMAN JENNIFER SEIGLE DANIEL SELARZ JEFFREY SHANE HON. JAY J. SHIN ZEPUR SIMONIAN ROURKE STACY EDWARD STARK STEPHEN STRAUSS ANITA SURENDRAN JULIA SYLVA HON. ARMEN TAMZARIAN LEONARD TORREALBA JOSEPH TRIGILIO DANIELLE VAN LIER LAURA WESLEY SONIA YAGURA