American Branch *of the International Law Association*

ABILA Newsletter

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Message from the President:

This issue of the Newsletter highlights the range of activities the American Branch has undertaken. It presents reports from chairs of two of our American Branch committees, Christina Cerna of Human Rights and John Noyes of Law of the Sea, as well as reports from our representatives on three international level committees: Gary Horlick discusses the recent Geneva meeting of the International Trade Law Committee; Jim Nafziger reports on the London meeting of the Cultural Heritage Committee; Luke Lee and Andrea Bjorklund respectively report on the Toronto meetings of the committees on International Compensation for Victims of War and International Law of Foreign Investment. Mary Ellen O'Connell introduces a new effort by the ILA, which she is directing, to address the law of armed conflict. We also present a report from Yael Lerman Mazar, one of our observers to the United Nations, on the recent meeting of the parties to the Convention on the Elimination of Discrimination Against Women. Finally, we have Concini Blount's book review on *The Limits of International Law*, by Jack L. Goldsmith and Eric A. Posner, and a note of Carl Christol's new work, *International Law and U.S. Foreign Policy*.

Given the scope of activities, we hope members will join in one or more of our committees. The full list is available on the website, www.ambranch.org.

Please note the two announcements of important upcoming conferences: The first is our regional meeting at Case Western Reserve Law School to commemorate the 60th anniversary of the negotiation of the Genocide Convention. Second, International Law Weekend will be held at the House of the Association of the Bar of the City of New York. The latter is free to members of the American Branch and co-sponsoring organizations, as well as students.

Charles D. Siegal

American Branch Committee Reports

Human Rights Committee
By: Christina Cerna

The Human Rights Committee of the International Law Association, American Branch, is co-chaired by Christina Cerna and Scott Horton. The Committee organized a panel for Saturday morning at the International Law Weekend, held on October 28, 2006 in New York. The panel focused on new developments in international human rights law during the past year and was divided into two segments. Professors Anne Bayefsky and Philip Alston addressed the recent sessions of the UN Human Rights Council and Professor Paolo Carozza and Dean Claudio Grossman commented on the recent work of the international human rights bodies on which they sit, the Inter-American Commission on Human Rights of the Organization of American States and the United Nations Committee against Torture.

The Human Rights Committee joined in an amicus brief to the Supreme Court which will hear the case of the Guantanamo detainees next year. John Cerone helped prepare a working document of the brief, which was submitted to the membership of the Committee for comment and improvement.

Christina Cerna is a also member of the ILA Committee on Human Rights Law and Practice and is preparing a final version of her paper on the topic "Is the right to consular assistance an international human right?" for a meeting to be held in Siena in November 2007. Her draft will be submitted to the committee for comment, along with other drafts from members of the ILA committee.

Law of the Sea
By: John E. Noyes

The law of the sea has been much in the news in recent months. The Bush administration is urging Senate approval of the 1982 U.N. Convention on the Law of the Sea, as modified by the 1994 Part XI Agreement on deep seabed mining. In June 2007 the U.S. Joint Chiefs of Staff, who see significant security benefits from U.S. participation in the Convention, wrote to Senator Biden, head of the Senate Foreign Relations Committee, to support U.S. accession. If the United States accepts the Convention, it will join 155 other States Parties. Also in the news have been Russia's extensive claims to a continental shelf under the Arctic Ocean, which are being considered by the Convention's Commission on the Limits of the Continental Shelf, and proposals to regulate the harvesting of marine genetic resources. Recent years have seen major developments in the international law respecting the marine environment, fisheries, and maritime terrorism, among other issues.

Both the International Law Association and the American Branch have prepared influential analyses of aspects of the law of the sea. Since 1982, when negotiation of the Law of the Sea Convention concluded, ILA committees have studied various oceans issues: collisions at sea (see the ILA's 1982 Report); the exclusive economic zone, including the relationship between the EEZ and the continental shelf, as well as joint development of non-living resources (see the 1982, 1984, 1986, and 1988 Reports); the protection of underwater cultural heritage (see the

1990 and 1992 Reports, and the draft convention in the 1994 Report); maritime neutrality (see the 1992, 1994, and 1996 Reports, and the Helsinki Principles on the Law of Maritime Neutrality in the 1998 Report); coastal state jurisdiction relating to marine pollution (see the 1996, 1998, and 2000 Reports); and legal issues of the outer continental shelf (see the 2002, 2004, and 2006 Reports). American Branch committees have also been active, preparing studies of: the final negotiations at UNCLOS III (see the 1981-1982 American Branch Proceedings); the exclusive economic zone, including problems posed by the "donut hole" in the Bering Sea (see the 1983-1984 and 1989-1990 Proceedings); landlocked states (see the 1983-1984 Proceedings); and definitions of terms used in the Law of the Sea Convention that are not defined in the Convention (see the 2001-2002, 2003-2004, and 2005-2006 Proceedings).

Both the American Branch's Law of the Sea Committee and the ILA will soon consider proposals for new law of the sea projects. The American Branch's Committee is wrapping up its current definitions project this fall, and the ILA Committee on the Outer Limits of the Continental Shelf will be concluding its work at the 2008 biennial meeting in Brazil. Please send proposals for future ILA projects to the American Branch's member on the ILA Committee on the Outer Limits of the Continental Shelf, Prof. John Noyes (jnoyes@cwsl.edu), or to the American Branch's President, Charles Siegal (Charles.Siegal@mto.com). Please contact the Chair of the American Branch's Law of the Sea Committee, Prof. George Walker (gkwalkerint@att.net), with ideas about future American Branch Law of the Sea Committee work. Please send copies of all proposals to the American Branch's Co-Directors of Studies, Prof. Valerie Epps (vepps@suffolk.edu) and Prof. Phil Moremen (moremeph@shu.edu).

International Law Association Committee Reports

International Trade Law Committee
By: Gary Horlick

The International Trade Law Committee of the ILA met in Geneva on June 29, 2007. The members met with the Director of the WTO Division for Legal Affairs, the Executive Director of the Advisory Center for WTO Law, the deputy director of the Appellate Body Legal Staff, as well as other directors or lawyers from various WTO Divisions.

The Committee agreed to prepare a Report to the 73rd ILA Conference at Rio de Janeiro in August 2008, including sections on Developments in the Trading System/(Overview of Doha Round Negotiations), Trips, WTO Dispute Settlement Practice, WTO Negotiations on Improvements of the DSU, Need for Reforming Multilevel Trade Governance, The Development Dimension of the WTO, A Proposal for an ILA Declaration on Human Rights and International Trade Law, RTAs, Regulatory Competition, Regulatory Convergence, The Cotonou Agreement and EPAs, The Impact of Biotechnology on International Trade Law, Trade-Related Competition Rules, Trade Related Tax Problems. A proposal for a Draft ILA Declaration on International Trade Law, Human Rights and the Customary International Law Rules on Treaty Interpretation was discussed and will be reviewed further.

Committee on Compensation for Victims of War
By: Luke Lee

Two reports by the Committee's Co-Rapporteurs will be circulated in July 2007 to members of the Committee for their comments and suggestions: one by Prof. Rainer Hofmann of Germany focusing on substantive issues; the other by Shuichi Furuya of Japan, on procedural issues. Both reports will be presented in the form of Articles and Commentaries—constituting a draft Declaration of International Law Principles on Compensation for Victims of War. A revised draft, incorporating the suggestions and comments of the Committee's members, will be discussed at the ILA's Brazil Conference in August 2008.

A final draft will be prepared for ILA's adoption at its Conference at the Hague in 2010.

Committee on the International Law of Foreign Investment
By: Andrea Bjorklund

The Committee met in open session in Toronto on June 6, 2006, with Karl-Heinz Böckstiegel presiding. This was the fourth meeting of the Committee since its formation in 2003. Committee Chairman Christoph Schreuer introduced the work of the Committee, which has two main components. One is the preparation of a report to be presented at the ILA meeting in Rio de Janeiro in 2008, and the other is the preparation of papers by individual committee members on the major aspects of the international law of foreign investment. Those individual papers will be used in the composition of the Committee's final report and will also be published as the Oxford Handbook of International Investment Law (Peter Muchlinski, Federico Ortino & Christoph Schreuer eds., Oxford University Press, forthcoming 2008). The Committee met in closed session the following day to discuss several papers submitted by its members. The Committee will meet next in Vienna on September 22, 2007, and will then reconvene at the ILA meeting in Rio de Janeiro in 2008. The Committee expects to conclude its work with the publication of its final report in Rio.

Committee on Cultural Heritage Law
By: James Nafziger

The Cultural Heritage Law Committee met May 17-18 in London to develop its two projects for the current ILA biennium. With reference to the item about the Committee in the August 2006 issue of the ABILA Newsletter, these two projects involve a study of the relationship between international trade law and cultural heritage law; and a study of the concept of safe havens for temporary deposit of cultural material rescued from circumstances of armed conflict or other serious threats to heritage. On May 16, Committee Chair Jim Nafziger of the ABILA and Committee Rapporteur Bob Paterson of the Canadian Branch made a presentation to the British Branch about the work of the Committee.

Study Committee on the Meaning of War
By: Mary Ellen O'Connell, Chair

Since at least the time of Hugo Grotius and his seminal work, The Law of War and Peace (1625), international law has been organized around the existence of the two categories he refers to: war

and peace. Of course there is no immutable, scientifically-definable line between these socially-constructed concepts, and, therefore, a perennial challenge for international law has been understanding what armed conflict is and determining when the rules relevant to armed conflict apply. (Nathaniel Berman, *Privileging Combat? Contemporary Conflict and the Legal Construction of War*, 43 Col. J. Trans. L. 1 (2004)).The challenge might have been somewhat less during the age of legal formalism when governments formally declared war, and, upon that declaration, the law relevant to war was triggered. But even then, the challenge remained where states were plainly engaged in warfare but did not declare it—or declared it where it was plainly not occurring.

With the adoption of the United Nations Charter, the law relevant to armed conflict (also, with the adoption of the Charter, the term "armed conflict" was widely substituted for "war.") is triggered upon facts of fighting, not declarations. With this change the challenge has shifted away from the problem of declarations to the problem of understanding what facts amount to armed conflict. We have a number of examples of governments denying that fighting on their territory amounts to armed conflict, arguing instead it is criminal activity that the government has under control and that the rules of war are therefore not applicable. With the September 11 attacks on the United States, however, we have a reversal of that more common issue—now we have an example of a government declaring war where many would call it crime.

One explanation for these controversies is that international law does not today contain an accepted definition of armed conflict. A definition or understanding can be built from a number of legal sources, (Mary Ellen O'Connell, *What is War?*, http://jurist.law.pitt.edu/forum/oconnell1.php), but no widely-accepted standard exists against which to measure government claims. We lack such an accepted definition despite the fact that so much in the law turns on the meaning of armed conflict. In particular, a state's right of response under the *jus ad bellum* is determined, in part, by whether it is confronting an armed conflict or a lesser provocation. The *jus in bello* is in its entirety triggered by the existence of an armed conflict. With the passage from peace to armed conflict, the right to life becomes circumscribed by the combatant's right to kill; in armed conflict the enemy may be detained without trial until the end of hostilities, but those of the enemy who fight according to the laws and customs of war, should arguably be treated as prisoners of war, not criminals. Many other rights, such free navigation on the high seas, free trade, and asylum rights may be circumscribed in armed conflict but not in peace. Treaty obligations may be terminated or suspended by armed conflict. The obligations of neutral states are determined by the existence of armed conflict.

The lack of a widely-accepted definition may not have been a serious impediment to the proper functioning of the law when the problem was under-inclusion of armed conflicts. When a government contended it was not involved in armed conflict, it had to comply with the laws of peace, including the full panoply of human rights protections. True, some who should have been declared POWs were labeled common criminals, but that inequity pales in comparison to the rights violations that occur when a government claims the rights and privileges of wartime in non-war situations. In wartime, government forces have "combatant immunity" to kill without warning. They may detain enemy forces until the end of the conflict without the requirement to provide a speedy and fair trial.

The United States and other states, for example Russia, have claimed combatant immunity to kill suspected terrorists anywhere and the right to detain suspects indefinitely. Under this view the US – or any other state – has the legal right to target and kill an Al Qaeda suspect on the streets of Hamburg, Germany, or any other peaceful place. While numerous governments have protested America's detention policies, few have protested the killing of six persons in Yemen in 2002 as an exercise of the "combatant's privilege." It is not clear whether there is an emerging pattern of state practice and if so whether it is having a modifying effect on the meaning of armed conflict and/or the rules relevant to armed conflict. Antonio Cassese, in a short article published soon after September 11, decried what was being done to the categories of international law in the name of fighting terrorism. (Antonio Cassese, *Terrorism is Also Disrupting Some Crucial Legal Categories of International Law*, 12 EJIL 993 (2001). More recently Thomas Franck has written suggesting a new legal status for persons accused of terrorism—somewhere between the peacetime status of criminal and the wartime status of combatant. (Thomas Franck, *Criminals, Combatants, or What? An Examination of the Roles of Law in Responding to the Threat of Terror*, 98 Am. J. Int'l L. 686 (2004)). Judith Gardam has long held that we need no war/peace distinction, but that all uses of violence be governed by the principles of necessity and proportionality.

The International Law Association created a study committee to produce a report on the meaning of war. The committee will consider the law as it existed on September 11, 2001 and consider changes that have possibly occurred since that date. The committee has four years to complete the study. It submitted its work plan in June at the ILA meeting in Toronto (5-9 June 2006). The Committee held a preliminary drafting session in Berlin in December 2006. It plans its primary drafting session for Notre Dame, Indiana in September 2007 and will submit its final report at the biennial meeting in Rio de Janerio in 2008.

Report of International Law Association Observer

Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW" or "Convention"), 39th Session (23 July to 10 August 2007, United Nations Headquarters, New York)
By: Yael Lerman Mazar

Background to CEDAW and the 39th Session

CEDAW, which was adopted by the UN General Assembly in 1979, is the international bill of rights for women. Signatory states commit themselves to ending discrimination against women in several ways, including incorporating principles of equality into the legal system, abolishing discriminatory laws, adopting laws that prohibit gender discrimination, and establishing tribunals and other public institutions to protect women against discrimination. In particular, the Convention focuses on safeguarding the reproductive rights of women, affirming women's rights to acquire, change or retain their and their children's nationality, and protecting women against sex trafficking and exploitation. All of these topics were discussed at length at CEDAW's 39th Session.

A CEDAW committee of twenty-three members, each serving in a personal capacity, scrutinizes the country's prepared report and provides comments to the state's delegation. In addition, non-governmental organizations ("NGOs") may provide country-specific reports during the live session through alternative/ shadow reports and oral comments. There are generally 1-2 NGOs designated per country and each may speak for 3-10 minutes at the live session.

As part of their obligations under CEDAW, signatory states must submit national reports every four years, stating how they sought to fulfill the Convention's provisions since the last reporting period. This year, the nations required to report were Belize, Brazil, Cook Islands, Estonia, Guinea, Honduras, Hungary, Indonesia, Jordan, Kenya, Liechtenstein, New Zealand, Norway, Republic of Korea, and Singapore.

Jordan

At the live session, nearly every expert commended Jordan for its progress in the last few years toward fulfilling the provisions of the Convention. For instance, in an update to the country report, which was published in March 2006, H.E. Dr. Muhyiddine Touq, Head of the Delegation of Jordan, noted that in municipal elections on July 31, 2007, women gained over 20% of the seats through direct competition (as opposed to legislated quotas guaranteeing spots for women in government) and one woman was elected chairwoman of a local council. In addition, the government is considering innovative legislation, such as creating a "maternity fund" for women on maternity leave. The purpose of this fund is to counteract employers' tendencies not to hire women so as to avoid paying maternity leave in a country with high birth rates. Likewise, the government is looking to increase employment opportunities for women who are heads of households; female participation in the Jordanian workforce is currently at only 14.9%.

Jordan was questioned about how the threat of radical Islam is impacting Jordan's ability to enact the Convention. Jordan responded by referring to the Amman Message of July 12, 2006. In this message, the Muslim Brotherhood of Jordan rejected terrorism and pledged to retrain all Jordanian judges and Imams. The goal of this retraining is to spread moderate Islam as well as promote gender equality issues.

Jordan's NGO Shadow Report urged the Government to take a number of significant measures not mentioned in the country's report, including: (1) letting a woman choose her place of residence independently of her husband, an act currently not allowed under Jordan's Personal Status Law, Article 37 ("A wife shall, once she receives the immediate dowry, obey and move to live with her legal husband any where he wants, even if this is outside the Kingdom provided that she is well secured and the marriage contract does not include any conditions other than that. If she refuses, she will lose her right to alimony."); (2) making modifications to the penal code to protect female victims of domestic violence. At present, domestic violence victims are placed in jail for protection from their spouses. NGOs prefer these women to be transferred to shelters run by NGOs, instead of languishing in jails like criminals, often for years; (3) when an honor killing occurs, NGOs advocate that judges – and the penal code – punish perpetrators appropriately. Under the current law, Article 98 of the penal code, those found guilty of committing honor killings are generally sentenced to only six months in prison. Courts may further halve this sentence if the victim's family waives its right to file a complaint of the crime. Similarly, a perpetrator of rape or molestation will avoid punishment if he marries his victim; however, there are no laws in place to ensure the victim's consent to such a marriage. NGOs advocate changes to the penal code to reflect these inequities and bring Jordan in accordance with its obligations under CEDAW.

Republic of Korea

In the live session, much of the discussion between the state delegation and CEDAW committee focused on the plight of temporary female workers, incorporating more women into the workforce by enacting family-friendly laws, increasing female representation in government, reframing anti-prostitution laws, and resolving inequity in female worker wages.

Some experts expressed concern about a high abortion rate among Korean women ages 20-24. The concern was that this high rate reflected sex-selection abortions by married women. In response, the Korean delegation maintained that the high abortion rate reflected unwanted extra-marital pregnancies. To support this, the Government noted that recent trends show Korean women marrying after age 26.

Korea's NGO Shadow Report also focused on discrimination against temporary female workers, ending discrimination in hiring by instituting changes to the civil service exam, and measures to protect female victims of prostitution. The NGOs also introduced a topic not mentioned in the state report: marriage brokers who trick women into marrying men in less desirable areas (e.g., fishermen in rural areas). Through this practice, the marriage brokering system has taken on an element of human trafficking; as the Shadow Report stated, "The agency often furnishes incorrect information to the woman about the man and then restricts her ability to say 'no' because she is held in debt bondage." The NGOs urged the Government to discourage this.

Finally, the NGO shadow report encouraged revisions to the penal code, such as recognizing marital rape, as well as retraining police, prosecutors and judges on gender issues. For example, in 2006, a senator was found guilty of raping a female reporter; the judge deferred the senator's sentence so that the senator could maintain his position until the end of his elected term.

Concluding Remarks

The conference successfully analyzed those areas in which countries have both progressed and require improvement. Its inclusion of experts in the field, as well as delegations and NGOs sensitive to gender issues, enabled the live sessions to reflect intelligent discussion and useful recommendations. It would have been beneficial to see discussion between the countries and their corresponding NGOs, instead of each reporting individually to the CEDAW committee. Also, it is unclear how much progress can be made: the Jordanian delegation noted that no matter how fast the government pushes ahead on gender issues, it must still confront the values of its society. It is a great challenge to change a society's views and behavior toward women when some discriminatory customs date back 2000 years and are deeply rooted in the culture. In addition, radical Islam is trying to hold Jordan back as it attempts to imple-

ment CEDAW. Despite these legitimate concerns, it is rewarding to see countries and NGOs advocating for ending discrimination against women, thereby safeguarding CEDAW and its relevancy.

BOOK REVIEWS

International Law and U.S. Foreign Policy
By Carl Q. Christol
University Press of America, 432 pp., 2006
ISBN 076183527X ISBN 9780761835271

The second, revised edition of *International Law and U.S. Foreign Policy* deals with America's most critical international problems, including new chapters on U.S. immigration policy; U.S. oil policy; and terrorism, unlawful detainees, and torture. More broadly, this comprehensive text examines the relationship between international law and important foreign policy decisions, including international criminal tribunals, the human environment and climate change, anti-personnel land mines, arms control and disarmament, the Middle East peace process, and the Iraq crisis from 2002-2006.

The Limits of International Law
By Jack L. Goldsmith and Eric A. Posner
Oxford University Press 2005, p.262, ISBN-13 978-0-19-531417-5, ISBN 0-19-531417-4
*Reviewed by Conici Blount

This book analyzes the nature and effectiveness of international law from the perspective of "state-centered rational choice theory." The authors (professors at Harvard and Chicago respectively) posit that states act rationally to maximize their interests, in light of their perceptions of the interests of other states and the distribution of state power.

They explicitly reject the assumption of many international legal scholars that states comply with international law for "noninstrumental reasons," for example, because it reflects "morally valid procedures" or "internal value sets" or even simply because they have consented to the rules in question. They agree that international law is a "real phenomenon" but claim that most traditional explanations are flawed. Compliance, they argue, does not result from: "internalization" of international rules, out of habit or practice, or even a sense of generalized obligation ("opino juris"), but simply from the fact that states act out of self-interest.

Part 1 of their analysis focuses on customary international law. Compliance, they argue, is a function of "behavioral regularities" rather than a sense of legal obligation. This is not to say customary international law does not exist but that "it is not an exogenous influence on state behavior." They apply their theory in four illustrative areas: wartime maritime commerce, ambassadorial immunity, breadth of the territorial sea, and wartime exemption from prize of coastal fishing vessels.

Part 2 examines compliance with treaties and "nonlegal agreements," including in the areas of human rights and trade. The argument is that states refrain from treaty violations because they fear retaliation, a failure of coordination or "some other kind of reputational loss."

Part 3 focuses on three external challenges international law faces; "rhetorical practices of states cannot be reconciled with an instrumental theory of international law;" state actions should increase "global welfare;" and that the authors' theory does not address "normativity."

In the authors' view, if international law considers the state as the "primary obligation-bearing agent," then it can have "no direct moral force for the individuals or groups that control the state." By contrast, if it considers individuals or nonstate groups as the primary moral agent, then "it can claim the agent's loyalty but it must give up its claim to regulate the relationships between the states." The authors believe states have no moral obligation to follow international law but can exercise moral discretion and comply with international law.

In some respects international law can be seen as not law, but morality, because it "reflects the moral obligations that states owe to one another." Scholars believe state actions indicate willingness to comply and that treaty obligations should be stronger and more precise. On the other hand, the authors argue "stricter international law could lead to greater international lawlessness," and an increase in compliance costs.

Although the authors' theoretical position is not the norm, this book is essential reading for anyone concerned with international law.

The Cultural Heritage Law Committee will meet May 17-18 in London to develop its two projects for the current ILA biennium. With reference to the item about the committee in the August 2006 issue of the ABILA Newsletter, these two projects involve a study of the relationship between international trade law and cultural heritage law; and a study of the concept of safe havens for temporary deposit of cultural material rescued from circumstances of armed conflict or other serious threats to heritage. On May 16 Committee Chair Jim Nafziger of the ABILA and Committee Rapporteur Bob Paterson of the Canadian Branch will make a presentation to the British Branch about the work of the committee.

Differential Treatment in International Environmental Law
By Lavanya Rajamani
Oxford University Press, 255pp., 2006
ISBN 13: 9780199280704 ISBN 10: 0199280703
Reviewed by: Friedrich Soltau

CORRECTION TO BOOK REVIEW IN FEBRUARY 2007 NEWSLETTER: There is another book on this subject entitled "Equality Among Unequals in International Environmental Law—Differential Treatment for Developing Countries" that Dr. Anita M. Halvorssen, JSD, LLM, wrote and it was published by Westview Press in 1999. Lavanja Rajamani does reference this book in hers.

REGIONAL MEETING OF THE ABILA

TO PREVENT AND TO PUNISH: AN INTERNATIONAL CONFERENCE IN COMMEMORATION OF THE 60TH ANNIVERSARY OF THE NEGOTIATION OF THE GENOCIDE CONVENTION.

CASE WESTERN RESERVE UNIVERSITY SCHOOL OF LAW
SEPTEMBER 28, 2007

Sixty years ago, on June 11, 1947, Raphael Lemkin, working with the U.N. Secretariat legal staff, completed the first draft of the Genocide Convention, launching the intense negotiations that would conclude in the U.N.'s adoption of the Convention in December 1948. Today, the Genocide Convention has 137 parties, and after years of dormancy, the Convention has become an important legal tool in the international effort to end impunity for the worst crime known to humankind. The past year alone has witnessed important cases based on the Genocide Convention before the International Court of Justice, the *ad hoc* international criminal tribunals, and the domestic courts of several countries. To commemorate the sixtieth anniversary of the negotiation of the Genocide Convention, the ABILA and the Frederick K. Cox International Law Center at Case Western Reserve University are hosting a major international symposium featuring two-dozen of the world's leading academic experts, high level government officials, and most distinguished jurists and practitioners in the field. Speakers include: Juan E. Méndez, former U.N. Special Adviser on the Prevention of Genocide, President, International Center for Transitional Justice; Robert Petit, Co-Prosecutor of the Extraordinary Chambers in the Courts of Cambodia; Hon. Ra'ad Juhi, former Chief Investigative Judge, Iraqi High Tribunal (making his first public appearance in the United States); Fabricio Guariglia, Senior Appeals Counsel of the International Criminal Court; Mischa Wladimiroff, Defense Counsel for Slobodan Milosevic; Mark Ellis, Executive Director of the International Bar Association; and former Nuremberg Prosecutors – Henry King, Whitney Harris, and Ben Ferencz. For more information, click on: http://law.case.edu/centers/cox/content.asp?content_id=123

INTERNATIONAL LAW WEEKEND 2007

TOWARD A NEW VISION OF INTERNATIONAL LAW
OCTOBER 25-27, 2007

The post-9/11 era has been one of great contestation for international law. Scholars and practitioners debate basic questions about the content and nature of public international law and how the political and judicial branches of the U.S. government should interact with it. At the same time, quite removed from these controversies, international law continues to develop and expand. Trade agreements and arbitral conventions, for example, play a critical role in facilitating the ever-growing business transactions across borders, and regional human rights institutions have expanded the protection of individual rights.

This simultaneity of conflict and routine occur against a complex legal, socio-political, economic, and cultural backdrop. Literature across different disciplines has attempted to grapple with the effects of globalization and the legacy of colonialism. Traditional accounts of international governance through sovereign equality have been supplemented by divergent accounts of the role of nonstate and substate actors.

Amid these uncertainties, International Law Weekend 2007 asks what it means to move towards a new vision of international law. How should scholars and practitioners engage the multiple conceptual and normative perspectives on international law? Are these contestations within international law new? How should academics, practitioners, and policymakers interact? How are generational shifts influencing this discourse? What is the role of interdisciplinary interchange? And, perhaps most important, what would progress in international law look like?

The 2007 International Law Weekend will be held October 25 to 27, 2007, at the House of the Association of the Bar of the City of New York. The Program Co-chairs are Hari Osofsky, Margaret McGuinness, Nancy Thevinen, and Patrick Reed.