



Newsletter

UN 21 Interest Group
formerly
United Nations Decade of International Law

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Note: We no longer use page numbers for this Newsletter- now that we have shifted to an electronic format. **Next Newsletter:** Fall 2002.

MESSAGE FROM THE CHAIR:

2002 Annual Meeting: Many thanks to UN21 Vice Chair Martha Trofimenko of Wilmington, Delaware for chairing our section's business meeting during the ASIL's Annual Meeting! Martha's excellent report, summarizing our colleagues' coverage of the previously published agenda. (I solicited your suggestions for our annual meeting

agenda, and then published them via a pre-meeting e-mail to our group listserv.)

This year's meeting was attended by both seasoned supporters—*e.g.*, Lilian del Castillo of the Ministry of Foreign Affairs in Buenos Aires—and new members—*e.g.*, Mark Luz of the White & Case law firm's Moscow office. That suggests that our group continues to attract both those who have been with us from the outset of the UN Decade of International Law and fresh faces with new approaches to the work of our group.

2003 Annual Meeting: One "pressing" matter discussed by the attendees was UN21 hosting a panel at next year's ASIL annual meeting. I submitted notice to UN21 via our listserv that if anyone wished to organize a panel, that they would have to do so before the ASIL's deadline (see my message #469, archived on our listserv web page at <http://groups.yahoo.com/group/un21>). I also sent an e-mail reminder on June 7, 2002.

I have organized such panels in the past (including *last year's* 2001 Internet panel), but I cannot do so this year. However, I remain willing to assist anyone who wishes to do so—recalling that we can always have our own panel as a part of our UN21 business meeting. I do sense that having done a general ASIL panel last year (ie, not just for UN21), we would not be as likely to have a UN21 proposal for a general ASIL panel chosen this again, given the fierce competition for general panel meeting slots.

ASIL's annual Breakfast Meeting for Interest Group Chairs: Each Chair or Vice-chair (some IG's have Co-chairs) made a report about the activities and concerns of their Group. The Society's President, Anne-Marie Slaughter, is planning to establish a list of speakers on various International Law topics so that the ASIL can serve as a resource when the need arises. Vice Chair Martha Trofimenko responded that since UN21 IG members have a commitment to speak to non-law groups at least once a year on the subject, the Society might consider our members as potential speakers.

Budget: The ASIL staff has distributed the *Functional Statement of Operations for Fiscal Year of the Interest Groups*. The Statement shows the balance of funds for each group. As of December 31, 2001, the our UN21 balance was \$3,900.76. That gives us some clout, and I believe that we should think of ways in which to use it—possibly for humanitarian purposes. I hereby solicit ideas and will return to this subject via e-mail.

Each Member's Speaking Commitment: Another topic is prodding members to speak to some non-law group about an International Law topic each year. I will try to be more diligent about reminding us collectively about our commitment to use our resources to educate people outside of the profession about International Law and its ubiquitous application to our daily existence.

Martha's report, summarizing the previously published agenda, appears below. I solicit your suggestions each year, and then publish our annual meeting business agenda via either the pre-meeting UN21 Newsletter or e-mail to our group's listserv.

Election v. Appointment of Vice Chair: Finally, as explained in detail in the last UN21 Newsletter (History of Section Officers), my current term as Chair ends at the next ASIL Annual Meeting in Washington (April 2002). I therein indicated that I remain willing to continue to serve as Chair. However, I do not want to do so without providing a full and fair opportunity for others to express their interest in that position.

My restating this election matter, again in this subsequent newsletter, is actually to raise a new matter—whether the Vice Chair position should remain as an *appointed* position. The other option is to make it an *elected* position—as is the Chair, for three-year terms. The

argument *for* the Chair's being able to appoint the Vice Chair is drawn from the scenario whereby law school deans (who are elected) normally appoint their assoc deans with whom they will be closely working. On the other hand, one might argue that electing both UN21 section positions (Chair and Vice Chair) appears to be more democratic. I will raise this matter by e-mail as we get closer to next year's ASIL Annual Meeting. I do want to "float" this possible change now, so that you will have time to consider it in advance.

VICE CHAIR'S REPORT:

Report from the Annual Business Meeting of the UN21 Interest Group (IG) at the 96th Annual Meeting of the American Society of International Law, at the Washington Monarch Hotel, Washington, D.C., Friday, March 15th, 2002, at 8:00 a.m.

As the Chair of the UN21 IG was unable to attend, the Meeting was chaired by Vice-Chair Martha B. Trofimenko.

The Agenda was as follows:

1. Welcome and sign-in & 2. Letter from the Chair Bill Slomanson.

Discussion: The Vice-chair opened the meeting, distributed the above Agenda, had all present sign in, and then read the letter from our Chair, Bill Slomanson.

3. Growing budget surplus pushing \$3,500.00 according to our Chair. Ideas how to use it?

Discussion:

- The group felt that the small percentage of the overall membership in attendance should not make any official recommendation, but that its discussion (immediately below) should be explored through the Newsletter.
- If there are expenses associated with organizing a panel at the ASIL Annual Meeting, then this money should be used toward putting a UN21 panel on the program next year (2003). If, for a example, a good speaker-panelist from outside United States or Canada would be willing to come, but could not afford all the expenses involved in traveling and staying in Washington, D.C., the money could be used to subsidize that panelist.
- The thought surfaced, also, that perhaps there is a need for one hard copy of a Special Newsletter, which could be sent out to members of the UN21 IG prior to the Annual Meeting and distributed at the Annual Meeting to a larger audience (as some other Interest Groups have done). Some of the surplus money could be used for that. It would give UN21 greater visibility at the Annual Meeting.

4. Format of election: Conduct at the UN21 Annual Business Meeting—or electronically?

Discussion: Opinion was evenly divided as to the mode/format of elections of the Chair of our IG. The options are an "electronic" election (by e-mail) or election by a majority of votes of those present at our group's gathering at the ASIL Annual Meeting. The presiding officer (Vice-chair) refrained from breaking the tie. The feeling seemed to be

that if we switch to electronic elections, this might do away with the UN21 Annual Business Meetings altogether.

5. Member issues regarding the operation of this section?

Discussion: No issues with respect to operation of this IG were raised, but suggestions were made as follows:

- to offer incentives to advanced law students to publish brief essays on a suitable UN-related topic (or a topic of our choice) in our e-Newsletter. This might attract younger members and potential scholars to our IG.
- organizing a Panel at the ASIL Annual Meeting was stressed as being important.

6. Election in 2003—Bill Slomanson is willing to continue, but if there are other candidates, it would be good to have them come forward at this meeting, or well before our 2003 elections.

Discussion: The meeting was unanimous in the proposal that our present Chair, Bill Slomanson, continue as Chair of UN21 after 2003. No other candidates emerged. This can be taken as a Nomination for Election in 2003.

7. Should we continue our commitment to give one (1) talk per year at a college on an International Law subject? Should we include highschool? Academic organizations? Non-law groups?

Discussion: As to commitment to give one talk per year, members suggested that UN21 add high schools and academic organizations, as well as university venues for such talks. Perhaps even NGO's. A new prospective member present, Mark Luz, who is at this time posted in Moscow with a law firm of White & Case, told us that he is about to give a talk in Moscow on International Law.

At this point, the presiding Vice-chair declared the Annual Business Meeting of the Interest Group UN21 adjourned.

Martha B. Trofimenko
Barrister and Solicitor

UN DECADE OBJECTIVES *

Each Newsletter issue carries a restatement of the essential goals of the United Nations Decade of International Law (1990-1999). New members, and seasoned ones as well, can readily articulate the reason for our existence. The four essential objectives of the Decade are:

- Promoting acceptance of the substantive principles of International Law;
- Promoting peaceful settlement of disputes, including greater use of the International Court of Justice (ICJ);
- Encouraging progressive development of International Law and its codification;
- Encouraging the teaching, study, dissemination, and wider acceptance of

International Law.

* Thanks to UN21 member and staunch supporter, Howard Meyer, for making the proposal that this listing be mentioned in each issue of our Newsletter. The members present at an annual business meeting of UN21 adopted it several years ago. I have thus included it in each ensuing issue of our UN21 Newsletter.

MEMBERS' ACTIVITIES:

Please advise the Editor of your significant professional developments. We can thus keep in touch and serve as resources for one another.

- **Brian Lepard** (University of Nebraska College of Law): published his first book! Its title is *Rethinking Humanitarian Intervention: a fresh legal approach based on fundamental ethical principles in international law and world religions* (Penn State University Press, 2002) ISBN 0-271-02145-4. This book project was first inspired nearly eight years ago by a presentation Brian made at a panel sponsored by the U.N. Decade for International Law Interest Group (the predecessor of the UN21 Interest Group) at the 1994 ASIL Annual Meeting. Brian expresses his appreciation to Bill Slomanson and to all members of the Interest Group for their support during the course of this lengthy project. Based on book cover endorsements by Richard Falk (Princeton) and Robert Johansen (Notre Dame), it is evident that Brian will be publishing prominent works in international human rights law for years to come.
- **Martha Trofimenko** (Barrister and Solicitor): attended the East-West Institute of New York International Conference on *Ukraine and the West 2002: Policies for Progress*, held in Kyiv, Ukraine, on April 27th, 2002. Among the participants were six ambassadors, some of whom spoke about the EU and Ukrainian relations. Presenters also included several panelists from the governing structures of the European Union (who outlined the EU enlargement issues), the Foreign Minister and other government officials of Ukraine, and several members of the East-West Institute. US Congressman Robert Schaffer spoke about land reform and value of land ownership.

OPINION PAGE:

Neither the Editor nor the American Society of International Law endorse an op-ed by the decision to publish it. Op-ed pieces are provided as a means of generating thoughtful dialogue on issues arising under International Law.

Individual Scoundrels / Outlaw Nations: *REJOICE!*

by *Howard N Meyer*

People concerned with an International Rule of Law can look back with loathing at the

Spring of 2002. It was marked by two American tragedies.

Reported widely by the media, if not prominently was the announcement that the Bush Administration had "unsigned," that is, purported to withdraw the signature of its predecessor, to the Treaty of Rome of 1998. That multilateral pact, fruit of years of planning and diplomacy, provides for the establishment of a global criminal tribunal that would have authority to charge and try persons (1) allegedly guilty of crimes of international consequence (2) who for whatever reason, had not been prosecuted by the authorities of a state (or states) having jurisdiction to do so.

The other tragic circumstance was a non-event. It could have been the subject of commentary and analysis, but as a continuing failure was not an occurrence susceptible to treatment as a straight news item. That was the failure of the United States to accept, without reservation, the universal jurisdiction of transnational disputes at the International Court of Justice and concomitantly assume leadership of a drive to encourage other nations to do so. Such actions would make the rule of law among nations a reality.

Also deplorable was the absence of any sign in American civil society of interest in persuading our government to accept universal jurisdiction, let alone act as a leader in encouraging all other nations to do so.

It is not the purpose of the writer to comment on U.S. attempted withdrawal from its (unratified) agreement to join the Rome Treaty accompanied with threats by the executive and legislative branches to undermine and sabotage the functioning of the criminal tribunal when it come into being. It is for others to attempt to tilt at that windmill.

Ex-Senator Daniel Patrick Moynihan, during the decade that saw the United States renege on its initial commitment to accept, if not wholeheartedly and with a crippling reservation, universal jurisdiction, taunted the defectors with such aphorisms as

"In the annals of forgetfulness there is nothing quite to compare with the fading from the American mind of the idea of the Law of Nations."

Called by one commentator "an endearing overstatement," the failure of attention (among current political leaders and media monarchs) to the utility and wisdom of acceptance of the International Court of Justice (ICJ) does justify the attribution of collective amnesia to the American establishment and people on the point.

The record on the question conveniently divides into two segments:

(a) <1899-1985> the period from the start of the American tradition in dealing with the issue until withdrawal from acceptance of universal jurisdiction;

(b)<1985-2002> the times of Reagan, Bush the elder, Clinton, and the younger – current - G. W. Bush.

As to the earlier period: this brief essay will not attempt to recapitulate the story as told in the writer's book *The World Court in Action*. A convenient summary will be found in an eloquent essay by U.S. Representative Jim Leach (R. Iowa). This was presented in the form of testimony given at a Hearing of a Subcommittee of the Committee on Foreign Affairs , House of Representatives.(Oct. 30, 1985).

He began:

"Mr Chairman, the recent decision of the administration to terminate U.S. acceptance of the compulsory [the conventional usage for what is now more fairly called "universal"] jurisdiction of the International Court of Justice is deeply troubling for a society committed to the rule of law."

* * *

"It symbolizes a retreat from the post-World War II U.S. commitments to international law...and lowers the United States to the level of international scofflaw."

* * *

"The administration's decision not only symbolizes a retreat from post-World War II positions, it also symbolizes a retreat from support for the concept of international adjudication that dates back to the last century."

The Congressman then summarized events leading to the U.S. leadership role at the early 20th Century Hague conferences, the decades that followed – two wars and the aftermath –culminating in the national consensus that reversed the old guard Senate resistance to the first World Court of the interwar period, 1920-39.

"It is important to note that the American people gave overwhelming support to the acceptance by the United States of the compulsory [universal] jurisdiction of the World Court."

In conclusion, Rep. Leach asked for "a firm response from Congress" to the Administration's withdrawal from compulsory jurisdiction. He failed to win support then. The cause was not cast off as "lost" immediately.

Other public personae took similar positions. Paul Simon, Senator from Illinois saw and decried the self-inflicted wound to U.S. prestige, in an Op-Ed in the New York Times. When the U.S. in 1986 vetoed an otherwise unanimous U N Security Council resolution demanding U S compliance with the Court's ruling on the merits of Nicaragua's case, the Los Angeles Times headlined its editorial "World Scofflaw." The World Federalist Organization launched litigation in a D C Federal Court to compel compliance, as the Congress and the President defied the Court.

In other ways the Federalists made support for the Court, -- and later, activity in behalf of the U N Decade of International Law, an Assembly action primarily aimed at winning respect for the Court and universal jurisdiction – principal aims.

These efforts failed, but they were not all in vain. After the reformist Gorbachev regime in the USSR reversed a history of eight decades of Soviet hostility to the ICJ and its predecessor and called for universal jurisdiction, the Congress in the Foreign Relations Authorization Act of 1990 [P.L. 101-246] declared support for "efforts...to broaden, where appropriate, the compulsory jurisdiction and enhance the effectiveness of the International Court of Justice."

In July 1993, a congressionally created U S Commission on Improving the Effectiveness of the United Nations studied the I.C.J. and endorsed wider acceptance of compulsory jurisdiction and recommended that:

"to set a standard of leadership, the US. consider *reaccepting* the compulsory jurisdiction of the Court under Article 36(2) [of the Statute of the Court]." (emphasis supplied)

In a follow-up in June 1994, after A.S.I.L. President Louis Henkin in an open letter to the new President (Clinton) asked that the U.S. so to act, Senator Christopher Dodd, at a wide-ranging "Foreign Policy Overview" conducted by the Committee on Foreign Relations, during the period allotted to him for questioning Secretary Warren Christopher, interjected "I would like to just raise the issue of the World Court."

"I think it is sad indeed...that now we have withdrawn ourselves from the jurisdiction of that Court. The Cold War is over. I think it is important that we re-engage"

Secretary Christopher (who in a privately published memoir said that the ICJ's decision in the case of the Tehran Hostages helped diplomacy to free them:) responded: "I [agree] that the United States ought not automatically remove itself from jurisdiction."

That was about the last ever heard about the theretofore intermittently – but quietly – advocated restoration of United States support for universal jurisdiction of a court to settle transnational disputes. The non-governmental groups that had been concerned in the matter seemed to abandon their advocacy.

By the mid-'nineties of the 20th century, a new issue began to arise and take shape. This was the impact of the savage cruelties seen during the war on Bosnia and the perpetration of genocide in Rwanda. Both attracted attention, anguish and demands to "do something" of an intensity that national leaders could not ignore. Improvisations were put together by the U N Security Council.

Now the idea of an international tribunal to try, and when found guilty punish perpetrators of crimes of global reach, was not a novel one. "Hang the Kaiser was the cry, after the first world war. Intermittently discussed thereafter in law reviews, such a plan was dramatically put into effect at Nuremberg and Tokyo after the second world war. But the concept was not thought important enough or sufficiently relevant to furthering the Rule of Law among nations when a code of international conduct was put together at San Francisco in 1945: what did emerge were the Charter of the U N (with the outlawry of the use of force to settle disputes among nations) and the Statute of the I C J, to provide a mode of peaceful resolution of such disputes and thereby to develop international law.

The incidence of aggression and the spread of what came to be called "crimes against humanity" had revived the idea of a multinationally sponsored criminal trial arena. It was made a reality of limited scope, confined to the former Yugoslavia and Rwanda. But what had made possible the creation of such tribunals generated a sentiment that by 1998 brought about the multinational Treaty of Rome. Enough ratifications to put the treaty into effect took another four years.

During that period, idea of an international criminal tribunal became a "cause." Popular backing for the idea attracted, among others, the World Federalist Movement. For one thing, anything that involved international collaborative action was thought to advance the idea of a global federation. For another, the possibility of organizing and leading a now popular cause had a fund-raising potential. That potential was so successfully realized that there came into being an "NGO Coalition for an International Criminal Court" attracting an impressive number of non-governmental organizations of every kind. Not only that: a number of well-meaning foundations with deep pockets were brought

into the fold.

One cannot quarrel with the idea of an international criminal tribunal, nor disagree with the organization of public sentiment in its behalf. But arresting and trying alleged malefactors, commendable as it is, has little to do with rebuilding the international legal order or restoring the supremacy of the rule of law in transnational behavior. The U.S. gave aid and comfort to transnational crooks by trashing the Treaty of Rome. Abandonment by all America of ICJ universal jurisdiction and disregard of its rulings on use of force is worse.

Howard Meyer has just published *The World Court in Action*, an analysis of the International Court of Justice for the general reader).

READER'S CORNER:

Arbitration	Asylum	Collections
Courts	Dictionary	Economics
Environment	Human Rights	Internet
Statehood	State Practice	Terrorism
Trade	United Nations	Publishers

[Prior Newsletter Reader's Corner Reviews](#)

Notes: "Bullet" entries signified by the symbol " ° " indicate those books which publishers forwarded to the Editor, or otherwise came to his attention, which were not reviewed but merited special mention. (Alternatively, books with similar themes had been recently reviewed in this Newsletter.) These entries are included at the *end* of various subsections in this *Reader's Corner* compilation.

Format: Book *titles* are listed alphabetically, rather than the conventional alphabetical listing by author. The number contained with the symbol "[]" provides the number of book pages. The number appearing at the end of each entry is the book's ISBN.

Arbitration

S. Rosenne (ed.), **The Hague Peace Conferences of 1899 and 1907 and International Arbitration: Reports and Documents** (TMC Asser Press: 2001) [457] 90-6704-134-3

This publication is a magnificent resource for accessing the original documents of these two foundational conferences. The 1899 conference addressed disarmament and dispute settlement as an alternative to war (as well as creating the PCOA). The 1907 conference continued by refining these objectives by refining the work of the earlier conference while incorporating interim innovations.

The first of three segments of this collection presents key reports and documents of the 1899 conference, including official correspondence and the Final Act of 1899. The mid-section of this book contains like materials associated with the 1907 conference—reports of the interim commissions, plenary meetings, and the 1907

conference's Final Act. The final part of this book consists of three Appendices: the 1899 and 1907 Convention(s) for the Pacific Settlement of International Disputes, and a useful background regarding events—originating in St. Petersburg in 1898—leading to the convocation of the initial intergovernmental peace conference.

Asylum

R. Byrne, G. Noll & J. Vedsted-Hansen (ed.), **Migration Control and Refugee Protection in an Enlarged European Union** (Kluwer: 2002) [463] 90-411-1753-9

This book assesses the scope of access to asylum and associated forms of protection afforded to individuals within EU countries. Its thematic content focuses on distinctions between EU procedures and International Law expectations, as the EU enlarges to incorporate a more diverse array of immigration and refugee protection issues. Nations in both the EU's western and candidate nations are thus experiencing tension regarding State protection and migration control.

This multi-authored collection assesses the complex patterns of national, regional, international organizational, and external International Law limitations on State behavior involving migration and immigration. It is essentially a three-year study by academics and practitioners, using the current and evolving status of the relevant institutions as a means for predicting the future of asylum in an expanding Europe. It is thus a "must" acquisition for any public or private collection containing international legal materials—especially for those purporting to focus on asylum, migration, and refugee issues in a rapidly expanding geographical arena with such a diverse constituency.

Collections

N. Ando, E. McWhinney & R. Wolfrum (ed.), **Liber Amicorum: Judge Shigeru Oda** (Kluwer: 2002) [two volumes] 90-411-1797-0 & 90-411-1798-9

This collection of International Law nuggets provides a diverse array of fresh approaches to the various hot button issues associated with the international judicial process. The bulk of these volumes contains a rich vein of literature, by renowned experts in the field, which can be conveniently mined for profit by anyone seeking up to date analyses of developments at the Court—and international tribunals generally.

In Volume I (of two), the first two Parts focus primarily on Japan's Judge Oda of the International Court of Justice—with a tribute written by the Court's president on behalf of the ICJ's members. Its general contents are as follows: Part III = The International Court of Justice and International Law: Developments, Doctrine, and Sources. Part IV = Individual Judgments of the International Court of Justice (including Barcelona Traction and its progeny; Genocide case, Fisheries Jurisdiction, and Reservations Case); Part V = Jurisdiction of International Tribunals. Part VI = Proliferation of International Tribunals. Part VII = International Tribunal for the Law of the Sea.

Volume II addresses more general topics. Part VIII = International Litigation: Strategies, Rules and Procedures. Part IX = Land and Maritime Boundaries, International Watercourses and Other Waters. Part X = Law of the Sea. Part XI = Environment and the Law of the Sea. Part XII Human Rights. Part XIII = Defence, the Use of Force, and the Law of Armed Conflict.

The ninety-seven (97) distinct analyses in this collection, by such prominent authors, make it an invaluable tool for obtaining the latest from the greatest.

Courts

A. Rubin, **Ethics and Authority in International Law** (Cambridge: 1997) [228] 0-521-58202-4

This Editor may be the last one on this list to become aware of Professor Rubin's seminal work in international legal theory. The publisher kindly provided a copy of this now five-year old book for review—which is nevertheless timeless. Its provocative message addresses the interplay between law and ethics. At the risk of oversimplification, the author argues that there should *be* none. He argues this point, in a manner resembling the biblical concept of giving to God that which is God's and to Caesar that which is Caesar's. Put another way, authority determines the content of the law while ethics "determines" nothing that is truly legal—reminiscent of the clash between *positivism* (e.g., agreed upon treaty obligation) and *natural law* (e.g., ethical considerations which some might argue are *jus cogens*).

Professor Rubin thus challenges the concept of an international tribunal having universal jurisdiction over "universal crimes." International legal institutions, being somewhat primitive in comparison to their national counterparts, cannot exercise universal jurisdiction. The community of nations lacks a universal authority, in the sense that it consists of almost 200 equals making rules which are self-governing. Put another way, if there were a single authority to which most or all nation-States would pay homage, then each would no longer be sovereign. A small group of States might thus destroy the benchmark of the current international legal system premised upon sovereign equality.

One might long to disagree with the thrust of Professor Rubin's sound thrashing of those who inject natural law principles into their view of law making. One must nevertheless read this work and critically assess this explanation of the disconnect between the "What is" and the "What should be" of our international legal system.

S. Sewall & C. Kaysen (ed.), **The United States and the International Criminal Court: National Security and International Law** (Rowman & Littlefield: 2000) [paper: 266] 0-7425-0135-3

This is a succinct but comprehensive assessment of the US position on the ICC. There are fourteen individually authored chapters, and a useful appendix tracing the steps in bringing a case before the court (when it begins to function in 2003). The prominent contributors serve up a rich potpourri of authoritative analyses of the future relationship between the ICC and its current No. 1 critic.

After the opening chapter's comprehensive overview, the remaining chapters are intelligently organized into four distinct parts. Part I traces the roots of the ICC. Part II focuses specifically on the US and the ICC. This segment addresses issues involving the US Constitution, American military, and a general history of ambivalence about the Court. Part III analyzes other national approaches to the ICC. Part IV presents the Court's implications for International Law—in a very direct and thoughtful assessment of the future of the international legal system, soon to include an ICC after a half-century of numerous efforts to add this feature as a jurisprudential approach to conflict resolution.

Dictionary

D. Dukelow & B. Nuse (ed.), **The Dictionary of Canadian Law** (2nd ed. Carswell: 1995) [1375] 0-459-55291-0

With the increasing volume of NAFTA commerce since the treaty's inception, cross border law practice necessitates a suitable cross border law library. The Mexican and Canadian materials previously reviewed in this Newsletter have been richly enhanced by the availability of Canada's premiere legal dictionary, now in its second writing.

No international/comparative library collection would be complete without this contribution to the practical literature—both for Canadian readers and US practitioners engaging in Canadian legal matters. In addition to the expected definitions, each entry is reinforced with the appropriate abbreviation, etymology, citation of authority, case law interpretation, cross references, and variant spellings. This approach is a model for legal dictionaries worldwide.

Economics

A. Qureshi (ed.), **Perspectives in International Economic Law** (Kluwer: 2002) [338] 90-411-9866-0

This publication presents sixteen individually authored chapters, written in the pursuit of some noble goals. These include assurances that all layers of humanity are included when law makers address economic need, and that no group be marginalized by the cultural imperatives of another. The perspectives of many prominent international economic law scholars have been thus assembled to provide a diverse array of critical IEL topics, including: globalization; survival of the nation-State as we know it; the role and condition of sustainable development; regional integration; and the gender bias of IEL's essential institutions.

One who teaches IEL, or has an interest in grasping the important undercurrents, should rely on this compilation as a means to provide ready access to a somewhat neglected area at the intersection of International Law and economics.

Environment

P. Cameron & D. Zillman (ed.), **Kyoto: From Principles to Practice** (Kluwer: 2001) [376] 90-411-1689-3

The editors have assembled a unique cohort of environmental experts, from both developed and developing countries, thus yielding a superb collection of legal analyses on international and comparative climate change policy. The seventeen individually authored chapters present and analyzes the array of State practices regarding greenhouse gas emissions, incentives for encouraging renewable energy sources, forestry activities, voluntary industry agreements, and the emissions trading scheme. One refreshing feature is that the book does not focus on just one nation (the US) in this assessment of what must be done to control climate change.

This would be the ideal addition to a library collection which specializes in International Law, the environment, and the scientific underpinnings of the Kyoto Protocol—which aims to alter the soft law status of the supposed international commitment to environmental conservation. Any International Environmental Law course would greatly enhanced by this reader, especially because the authors have met job expectations by producing a well-supported and easily read depiction of the importance of continuing attention to climate change and its impact on the international community of nations.

P. Marin, **Providing Protection for Plant Genetic Resources: Patents, *Sui Generis* Systems, and Biopartnerships** (Kluwer: 2002) [206] 90-411-8875-4

The WTO TRIPs agreement requires parties to: (1) allow patents on micro-organisms and (2) protect plant varieties by either patents or a "*sui generis*" system of protection, or some combination of both. The Brazilian author makes a potent case for eliminating the patent option so that they might, instead, create a protection regime which provides protection which complies with the Biological Diversity Convention, WTO, TRIPs, and local social and economic objectives. She thus assesses the various *sui generis* proposals that have already been made, objectively presenting both their strengths and weaknesses. She proposes biopartnerships as a means of fulfilling the law's objectives while encouraging more innovation than is possible under the traditional patent system of protection. A proposed code of conduct would also ameliorate potential abuses by the stronger partner.

This book deserves a strong endorsement for its comfortable writing style, ample support for the various propositions, and its innovative analysis of a system in need of something more than incremental fixing (given the wide range of concerns expressed here and elsewhere about the evolving WTO TRIPs patent protection regime).

Human Rights

K. Hastrup (ed.), **Legal Cultures and Human Rights: The Challenge of Diversity** (Kluwer: 2001) [199] 90-411-1656-7

The question posed in this collection of ten individually authored chapters is the extent to which cultural diversity presents challenges to the notion of *universal* human rights. The concept of human rights is a somewhat formal order, based on the numerous instruments generated by the international legal community. Those documents tend to express human rights as being inclusive of all peoples and encouraging common standards by which they can measure their progress.

The chapters thus identify and assess the front lines of this dilemma. These include accommodating minority groups, copyright culture, labor law, Islamic perspectives, and other variations on theme arising in selected nations/regions.

"Fascinating" would be a notable understatement. This collection would be an invaluable asset for any human rights course, dialogue, or library acquisition list.

Internet

G. Rattray, **Strategic Warfare in Cyberspace** (MIT Press: 2001) [517] 0-262-18209-2

Members who attended our last American Society of International Law UN21 panel in Washington, DC (April 2001) will recall the presentation by a former Defense Department analyst regarding cyber attack—predicting that it would be just a matter of time before this form of warfare could devastate local and international communications infrastructure. The definitive book version of that theme is now available—authored by a currently serving US Air Force officer.

This is a comprehensive, well-documented, readable, can't-put-it-down analysis of information system vulnerability which focuses on the US. Its connectedness makes strategical information a weapon (as evidenced by new post-911 governmental strategies), as well as a target. One highlight, among the many in this publication, is the author's succinct presentation of the historical and contemporary framework for conducting strategic warfare, in both offensive and defensive modes.

Its organization/content is presented in five major chapters. The first defines the distinct operating environment in this operational theater. The second illustrates the actual conduct of this form of warfare. The third addresses the evolution of the technological capacity for establishing strategic warfare. The fourth chapter demonstrates an analogous development of US strategic air power between the two world wars, followed by the final analytical chapter on the 1990s. Here, the US had ample evidence that it would have to respond to, and utilize, a new form of combat.

Statehood

M. Igarashi, **Associated Statehood in International Law** (Kluwer: 2002) [329] 90-411-1710-5

An "associated State" is an initially dependent territory, not self-governing, but entitled to self-determination. Alaska and Hawaii are examples—and the subject of a UN General Assembly resolution confirming that their direct incorporation into the US occurred without violating the right of the occupants to freely choose their status. Other examples in this diverse array of associations include Puerto Rico, Greenland (Denmark), Netherlands Antilles and Surinam (Netherlands), Ifni (Morocco), Niue (New Zealand, Palau (US), and many others.

This book provides an historical deluge of useful information about the derivation of many of today's associated/formerly dependent territories/States which were former colonies. The labels applied to these less-than-independent territories have included: protectorate, protected State, vassal State, trust territory, free association and now associated State. The author examines UN Charter applications and State practice (criteria used and treaty relations) and the participation of international organizations, as each of these factors played a role in bringing these associated States into existence.

This would be an invaluable addition to any public institution or private individual's International Law collection. It provides succinct but comprehensive authority of analysis in a somewhat neglected area of legal analysis.

W. O'Neill, **Kosovo: An Unfinished Peace** (Lynne Rienner, 2002) [paper: 157] 1-58826-021-6

This is a fascinating reader about human rights details associated with Kosovo—currently being run by an international organization. The UN (SC Res. 1244) is the administrative authority in Kosovo, helping it to achieve self-determination while geographically still a part of Serbia (and Montenegro, which together make up the remaining portion of the former Yugoslavia). The author was a senior human rights advisor to the UN Interim Administration in Kosovo, and has served on like missions in several other contemporary hot spots.

One thus has access to the what/when/why of the 1999 humanitarian intervention when NATO bombed Kosovo in support of the ethnic Albanian Kosovars. The author assesses the limitations of the various international organizations in Kosovo which are committed to avoiding the horrors which took place in Kosovo, and much of the former Yugoslavia, before *and after* international intervention.

State Practice

S. Cummins & D. Stewart (ed.), **Digest of United States Practice in International Law** (Int'l Law Inst., 2001) [832] 0-935328-90-4

Publication of this volume represents a welcomed revival of this important series which has contributed to an understanding of the US practice of International Law for many decades (1886-1988). The International Law Institute's revival of this series has thus rendered an important service to public entities in various governments, academicians, and practitioners. It provides timely documentation on significant matters of interest to the entire international legal community.

Timeliness is assured by the presentation of many short, explanatory notes to introduce the key document contained in this annual volume. Access has also been improved by providing many of the less available documents, including those which were recently declassified or made available for the first time by government authorities. Its entries are not limited to the US Department of State—including those of other key government agencies so that one may have greater access to the US practice of International Law, complete with Internet citations so that there is much more to this book than appears between the two covers.

No international collection would be complete without this "new" resource, whose revival was long sought after by the American Society of International Law as well as many other public and private agencies and NGOs. Its Table of Cases and forty-seven page Index both promote ready access to content.

- P. Trimble, **Turning Point Series—International Law: United States Foreign Relations Law** (Foundation: 2002) [paper: 300] 1-587778-406-8

Terrorism

A. Gerson & J. Adler, **The Price of Terror: Lessons of Lockerbie for a World on the Brink** (Harper Collins: 2001) [322] 0-06-019761-7

This book has the most interesting *cover* that this Editor has ever seen: the paper wrap (cover) contains various photographs of the passengers and a full flight manifest containing the names of the deceased victims of the Pan Am 103 bombing. It provides an eerie, but quite fitting, memorial to those who died in this disaster.

Price of Terror is the story of a lawyer's eight-year battle to obtain some form of justice for the victims' families—after they were initially advised that they could never sue in American courts. The authors are an International Law professor and a journalist who provide a riveting, novel-like account of the path to retribution and liability in an arena once thought to be completely unavailable because of the traditional foreign sovereign immunity from suit. It covers the details from the outset, over Lockerbie, Scotland in 1988, through the final judgment in the civil trial—after the legislative amendment allowing suits against certain States which sponsored such terrorism.

Trade

M. Benitah, **The Law of Subsidies under the GATT/WTO System** (Kluwer: 2001) [424] 90-411-9827-X

Any library collection specializing in trade matters should include this fresh account of the world of subsidies, and its global impact in the GATT/WTO context. This well-conceived, technical but readable, and quite authoritative analysis of the law of subsidies will be an important adjunct to any academic course or law practice which delves into the need for consistency of application regarding local subsidies for outgoing products.

The first of three parts addresses the varied legal techniques for distorting the market via subsidies. Put another way, subsidies come in all sizes and shapes. The author exposes the limitations of the countervailing duty reaction to subsidies. The second part covers how and why these devices spawn legal disputes. One underlying reason is caused by poorly defined constructs, such as "inconsistency with development needs" and *multiple* universal reference criteria. Part Three presents the obstacles to clarification in the case law process.

United Nations

UN, **Yearbook of the United Nations** (UN: 2001) [1509] 92-1-100-856-5

This massive annual UN publication has been reviewed before in the UN21 Newsletter. It is herein revisited, with the arrival of the 1999 compilation. Thus, all researchers who seek any key detail about the UN's work product will be certain to incorporate this valuable resource into their research.

The year 1999 was certainly a turbulent one for the UN. The number of civilian personnel and military police serving under the UN flag rose to 18,500. It was administering East Timor and Kosovo, in the quest for nation-building in spite of the ravages of war, ethnic conflict, and human suffering. Military conflicts broke out on other continents as well. The need to focus on the many faces of international terrorism occupied much of the UN's agenda that year. Given that one could not begin to present all appropriate details in a brief book report, one could at least summarize the highlights of this edition to encourage even more subscriptions to this useful compendium of UN information.

Part One addresses political and security questions, and is essentially organized by region of the world. Part Two focuses on human rights. This part is organized in terms of promotion, protection, and violations. Part Three covers economic and social issues to include work done in the areas of economic cooperation, development, humanitarian and economic assistance, trade, natural resources, environment, population, crime prevention, woman, children, refugees, and much more. Part Four contains legal questions regarding the UN's various international tribunals

(ICTY, ICTR, Law of the Sea Tribunal, and the pending ICC). Part Five includes budgetary details, in terms of UN reform and related institutional matters. Part VI analyses international organizations related to the UN.

A twenty-seven page subject index conveniently promotes access to the content of this very comprehensive collection of key events in the "1999" portion of the UN's operations.

Publishers

- **Cambridge:** Cambridge University Press, The Edinburgh Building, Cambridge CB2 2RU, UNITED KINGDOM
- **Carswell:** One Corporate Plaza, 2075 Kennedy Road, Scarborough, Ontario M1T 3V4, CANADA
- **Foundation:** Foundation Press, 395 Hudson Street, New York, NY 10014, USA

LI>**Harper Collins**: Special Markets Department, 10 East 53rd Street, New York, NY 10022, USA

- **Int'l Law Inst**: Publishing Office, 1615 New Hampshire Avenue, NW, Washington, DC, 20009, USA
- **Kluwer**: Kluwer Law International, P.O. Box 989, 3300 AZ Dordrecht, NETHERLANDS
- **Lynne Rienner**: 1800 30th Street, Boulder, CO 80301, USA
- **Martinus Nijhoff**: P.O. Box 85889, 2508 CN, The Hague, NETHERLANDS
- **MIT Press**: Cambridge, MA, USA
- **Rowman & Littlefield**: 4720 Boston Way, Lanham: MD, 20706, USA
- **TMC Asser Press**: P.O. Box 16163, 2500 BD, The Hague, NETHERLANDS
- **UN**: United Nations Publications, Sales Section, 2 United Nations Plaza, Room DC2-853, New York, NY 10017, USA

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