

ASIL



American Society of International Law

Newsletter
UN21 Interest Group
formerly
United Nations Decade of International Law

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MESSAGE FROM THE CHAIR:

Because of some unusual submissions, we have a fascinating and diverse array of reading matter for this issue. The special features in this issue include a positive book review of UN21 charter member Howard Meyer's book on the ICJ—and the ASIL's Interest Group Redesignation Process, accompanied by my response on behalf of our group (previously submitted to you via our e-mail listserv).

I urge you to focus on the Budget Allocation Proposal below, as a means of putting our budget surplus—or a significant portion of it—to good use.

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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: Spring 2004.

UN DECADE OBJECTIVES *

Each *UN21 Newsletter* issue carries a restatement of the essential goals of the United Nations Decade of International Law (1990-1999). This listing will help new members, and seasoned

ones, to 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 at our 1995 Business Meeting in New York, on the occasion of the 50th Anniversary of the United Nations. Since then, I have included it in each issue of our UN21 Newsletter.

BUDGET ALLOCATION PROPOSAL

As of the last report from the ASIL Comptroller, we have a \$5,193.00 budget surplus. I think we are overdue, in terms of allocating this

fund, or a significant portion of it, to a worthy UN-related cause.

Each summer I teach the Public International Law course, pro bono, at Pristina University in Kosovo. As you know, Kosovo is now the only territory in the world that is governed by an international organization (the UN). The Dutch government is in charge of the educational segment of this venture. For further details, see my Kosovo webpage presentation, which is almost complete, at <http://slomanson.tjssl.edu/KSU_Present.html>.

The Kosovo Law Centre was created by the Organization for Cooperation and Security in Europe (OSCE), and has informal links with the university. The OSCE is the human rights pillar of the UN's administration of Kosovo. This August, I met with its director. See the "KLC" link on my the above Kosovo webpage, for his picture, that of the Librarian, and various pictures of the building—which is in Kosovo's capitol city of Pristina.

The Kosovo Law Centre (KLC) is cash strapped, because of overall UN and OSCE financial cutbacks in Kosovo. The KLC serves as an independent NGO that provides academic resources for law students at the university, and local lawyers. Its modest library has books and some local journal material. However, the KLC would like to expand its journal offerings so that local law students, and other university/NGO researchers can become more current in terms of International Law developments.

I'm in the process of developing a dozen journal list, with pricing and shipping costs to Kosovo—

or to the Amsterdam HQ of the Dutch NGO that runs the Kosovo Summer University program at Pristina University (where I will return to teach for the third year, next summer).

Thus, I hereby solicit your approval, in principle—subject to my determining how much of the requested list we could satisfy by purchasing all/some of the journals on that list. I'm thinking that we might begin with a Interest Group contribution that ensures the provision of some of the leading journals for at least a few years. We can then determine how this program is working, and would not thereby commit the entire balance of our ASIL UN21 surplus to one project—or at least not until I have had the opportunity to revisit Kosovo to ensure that our journals arrive at the KLC, and that they are properly housed there. I have no doubts about this happening, but am merely indicating how I would exercise direct oversight on behalf of our ASIL UN21 section.

Would you send an e-mail to the UN21 listserv, with your thoughts on this proposed use for a portion of our surplus funds? By the time you read this portion of our newsletter, I will have already placed this same request on our listserv.

LISTSERV COMMUNICATIONS

Date: Tue, 19 Aug 2003 12:20:22 -0700 (PDT)

Subject: [un21] **The Next United Nations**

Dear Friends,

Let me just repeat a thought that I have mentioned before, namely, that UN NGO activities, international relations courses, or model UN programs in high schools or colleges could usefully focus in 2004 and 2005 on the 60th anniversary of the UN and the need for a global UN Charter Review Conference for restructuring, reform, and strengthening of the UN system.

Such a conference, which is urgently needed to try to make the UN work better in the interests of the world's people, has never been held. It is long overdue. The major religions and professional groups of the world should unanimously urge this conference upon the Member States.

Given the impending US elections in 2004, the theme of global democratization and sustainable civilization within the framework of the UN must be made a key point in the Democratic platform. If the Democrats by some chance win the election, the progressive internationalist community must have already worked to lay a foundation for consensus with conservative internationalists so that plans for such a Charter review conference will not flounder for lack of support.

In pursuit of these ideas, let me attach and include a copy of a talk some of you may have already heard or read given at a national conference on the US and the UN last July by Don Kraus, executive director of the Campaign for UN Reform.

Thanks,
John Dale

Board Member, Unitarian Universalist United Nations Office, and envoy from the Granite Peak UU Congregation in Prescott, AZ to the UU UNO.

The Next United Nations

Presentation by Don Kraus for the UN Reform Panel

at the National Forum on the UN

June 28, 2003 - Washington, DC

There once was a wise old woman who knew the answer to everything. Seeking to fool her, a young man approached her holding a tiny bird cupped in his hands and asked, "Is this bird alive or dead?" The old woman knew that if she said "alive," the young man would crush the bird and kill it, and if she said "dead," then the bird would be released to fly away. She pondered for a moment and then simply said, "The answer, my son, is in your hands."

Today, the United States is much like the young man. It is a giant that holds the United Nations in its hands. How it reacts will determine if the United Nations serves the purpose of its founding, or if it will be deemed irrelevant, crushed, and tossed into the dustbin of history.

Now I consider myself to be very fortunate person, because I get to spend most of my time focused on United Nations reform. In the course of a day's work I talk with citizens from across the nation. I lobby lawmakers and their staff. I raise funds for our political action committee and get to distribute them in order to promote our agenda. Over the years I have learned most Americans are confused by the UN's deficiencies and -- supporters and detractors alike -- want to do something about it. Of course, they often have conflicting views as to what the problem is and how to solve it.

Some of you may think that those of us who work on UN reform are fortunate because we have a built-in job security. The Gordian knots we attempt to unravel never seem to go away. However, I would prefer to get the job done. So today I will not focus my comments on the reform proposals that my organization promotes to remedy the UN's shortcomings. There are a number of excellent presenters following me who will cover much of that territory. Instead, I want to concentrate on the process and the means by which we must move forward.

The United Nations Security Council's inability to achieve consensus prior to the Iraq War was the last act of a series of events -- including the United States withdrawal from the Kyoto Climate Change protocol and its unsigned of the International Criminal Court treaty -- that has brought us to a dangerous pivotal moment characterized by a record drop in the UN's public popularity. However, this also a window of opportunity that could be used to forge a new UN -- a UN that is more effective at addressing security threats in a post-9-11 world and more responsive to promoting shared objectives. This window has been opened by the intense public scrutiny of the Security Council's actions over the past eight months. From Wall Street to Main Street, Americans have, often for the very first time, paid attention to the United Nations. But to

turn danger into opportunity, American internationalists across the political spectrum – from progressives to conservatives – must be willing to affirm a new American vision of international institutions and laws; and they must be willing to tirelessly sell this vision to a reluctant set of allies and adversaries.

This exercise will require a different political scale than the one that we usually use. We are used to measuring politics on a scale of left to right, or progressives to conservatives. But there is another scale that exists that is more useful for our purposes. This one runs from tribalists to globalists – and contains nationalist to internationalist within those extremes.

If you think of the left-right scale as running horizontally, and the tribalist-globalist scale as running vertically, then my guess is that most of us in this room would fall into the quadrant that runs from progressive to moderate and from internationalist to globalist. I submit that we have more in common with conservative internationalist than with progressive nationalists. This fault line is most apparent when get into debates about issues like free trade, NAFTA, and the WTO.

On the other hand, Assistant Secretary Holmes, who addressed us on Thursday night, and hails from the Heritage Foundation, was quite comfortable saying that “If the United Nations did not exist today, we would have to create it.”

Our task now must be to identify the points of consensus that exist across the internationalist spectrum to reframe the way we engage in the United Nations debate.

The reality is, because of the United States’ predominating role in the world, nothing short of a Washington-backed overhaul of the UN system — one that guarantees all credible nations a seat at the table -- with a set of rules, checks, and balances that all players, including the U.S., will adhere to — Nothing short of this will allow the UN to survive the coming stresses of the 21st century.

The time to initiate this process is now. All stripes of internationalists must achieve a consensus on how the next UN should be structured. To put it bluntly, this is a prerequisite, because if two-thirds of the Senate and one US president do not agree, it doesn't really matter what the rest of the world thinks.

This may seem a terribly US-centric perspective, but Washington clearly has the ability to block proposals it does not approve of, and the Senate has a long history of not ratifying proposals that the President supports. Without a clear US consensus, substantive UN reform is doomed.

A useful way to begin developing this consensus would be for progressive and conservative leaders to own the failings of their policies. Progressive internationalists, and yes I confess I consider myself a progressive internationalist, are too willing to accept flawed institutions and treaties as better than nothing at all, calling them "a realistic step in the right direction." They settle for a Test Ban treaty, rather than a treaty banning nukes. They work for the Kyoto Climate change process, while they acknowledged it is a weak treaty only able to marginally impact greenhouse gas emissions. Even the International Criminal Court, which I have spent the last decade and a half working to help create, has loopholes in it large enough to drive a genocide through.

At the same time, most progressives have supported the status quo at the United Nations. They have refused to acknowledge the realistic conservative complaint that some of the governments who are represented at the United Nations are, to quote a self- confessed neo-conservative friend, little more than a band of gangsters with a "state" to call their own.

On the other hand, conservative internationalists are too willing to criticize and tear down, rather than build institutions that actually work. They negotiate toothless treaties and abhor enforcement regimes. The result is a UN system with little resources or clout. Their basic distrust of governments — which resonates with many Americans — puts the brakes on the creation of the New World Order envisioned by Bush Sr. after the end of the Cold War. Most importantly, conservative internationalists should acknowledge that the extreme neo-conservative vision of U.S. security, based on a technologically-enabled military utilized to spread democracy through a series of preemptive wars, is dangerously flawed. As well-intentioned as some of their efforts might be, it is good to remember the dictum about absolute power, corrupting absolutely.

American internationalists should develop and promote a shared vision of a new generation of international institutions that could prevent war, protect human rights, provide international justice, and promote a sustainable standard of living with free and fair trade. We can do this by applying the social engineering skills of the American founders -- the ability to create a just system of governance with appropriate checks and balances -- to the United Nations systems. Domestically, we are very good at this. The time is ripe for a conversation on how we apply this skill to the global arena.

Perhaps Secretary Holmes, in remarks he made last week before the prestigious German American Conference in Berlin was following a similar path of reasoning when he said that "the UN has never worked out the contradiction between respect for national sovereignty and belief in universal membership on the one hand, and the Charter principles of democracy and human rights on the other ... we must do what we can to overcome these contradictions."

Moving forward would require answering some very fundamental questions:

- Should there be criteria for United Nations membership that takes into account a national government's ability to fulfill its responsibilities as a sovereign state?
- What exactly are those responsibilities?
- What is the responsibility of the UN and the international community when a state fails to protect its citizens?
- What criteria should the Security Council use to authorize the use of force?
- Does the Permanent 5 reflect the world's power structure as accurately as it did when it was conceived in 1945?
- If not, then how should the Security Council's membership be determined?
- What about membership in other UN bodies?
- What is the role of democracy in the UN system?

- Should citizens, in addition to states, be represented at the global level?

And what about UN peace operations? My organization, the Campaign for UN Reform, has worked for years to establish a core UN capacity to rapidly deploy professionally trained peacekeepers and UN civilian police to prevent conflicts and help to restore law and order in their aftermath. Under what circumstance should the UN be given the capacity and personnel to do what only states have had the right to do in the past, that is, to project lethal force in order to protect the public? What systems of checks and balances, of accountability, must be in place before the UN can have the basic tools that it has always needed to complete its core mission of ending the scourge of war?

A consensus answer to these questions must be determined. In fact, the tough job of establishing a left/right American consensus on the UN has already had a small start. The US International Leadership Act, HR 1590, is a bipartisan bill sponsored Reps. Tom Lantos and David Drier. It has been supported by a broad coalition led by Freedom House - with participants from across the political spectrum. The legislation supports the creation of a democracy group or caucus that would promote democratic values and leadership within the UN system. The bill also calls for a UN policy that prohibits nations under Security Council sanction from chairing UN bodies. And this is not a pie-in-the-sky bill. It has already been included in its entirety as part of the House version of the State Department Authorization bill that will come to a vote after the 4th of July recess.

Although these are small steps, they could be the beginning of a process that will transform the United Nations, as long as we can do the hard work of agreeing on the architecture for a new UN system. My organization over the coming year intends to convene a series of roundtables in different locations around the country to facilitate this conversation. I hope others will do the same. We must develop a vision that will benefit all of humanity, that will raise all of our hopes. Think of how powerful a shared American consensus on how our world should be governed would be. The rest of the world might not like all of the aspects of an "American" solution, but at least having such an American consensus would advance the debate.

Those of us in this room know that United Nations is not irrelevant. It is indispensable. Our world is too interconnected to thrive without it. Nuclear proliferation, SARS, global warming and yet-to-be-discovered threats bind us together. Wise Americans who understand the perils and opportunities of an increasingly globalized world must take this occasion to look anew at the UN and envision what it must become for humanity to survive and prosper.

The answer is in our hands.

Thank you.

From: Kathleen Wilson [mailto:kwilson@asil.org]
Sent: Friday, August 15, 2003 8:48 AM
To: 'igs@listserve.asil.org'
Subject: **Publicizing International Law Events**

Dear IG leaders:
A reminder from the ASIL webmasters--

As you set up or co-sponsor meetings, seminars, workshops, lectures or any kinds of events through your interest groups, you can now add them directly to the ASIL online calendar.

To submit an event to the international law calendar, go to <http://asil.intracommunities.org/calendar> and choose to "Add a record". First time users will need to register their names and email addresses, and to create passwords for themselves. Then just follow the onscreen instructions to add the event. You can add to or edit your calendar items at any time.

The ASIL has published its calendar of international events for many years both in print and online. We appreciate your help in expanding it as a tool to communicate activities to the broadest possible audience in the international legal community.

Kathleen A. Wilson
Director of Research and Outreach
American Society of International Law
(202)939-5364

6/11/03 message from Charlotte Ku [**Interest Group Redesignation Process**]:

Dear IG Leaders:

Thank you for getting back to us with names of current officers, whose names have been posted to the ASIL website and added to this listserve. Now that we have a full complement of IG officers on the listserv, there are several administrative items plus one substantive item to discuss.

1. Redesignation process Section X, paragraph 5 of the ASIL regulations (available at <http://www.asil.org/regulati.htm>) provides that "[t]he activities of each Interest Group will be evaluated by the Executive Council in 1999 and at five-year intervals thereafter. Any group that is not sufficiently active to justify its continuation may be terminated by the Executive Council." Thus, in 2004, the Executive Council will be formally evaluating each Interest Group and determining whether that group should continue or be terminated. In preparation for this process, at the ASIL Executive Council meeting in April 2003, President Anne-Marie Slaughter asked John King Gamble (Counsellor) and Lucinda Low (Vice President), along with Kathleen Wilson (Director of Research and Outreach) and Charlotte Ku to form a working group to help prepare the Council for receiving applications for Interest Group redesignation. A

redesignation application will be circulated later this year which will ask IG leaders to provide information such as group mission, membership, leadership, past activities, future plans, etc. in order to assist the Council in its evaluation. Further discussion of evaluation process and of the role of IGs more generally is expected to take place at the next Council meeting in November 2003.

* * *

[Chair's response to ASIL, on behalf of UN21 section:]

This is part of the process whereby ASIL will be deciding, next year, whether we--and other IGs--are entitled to continue. I have characterized this as a great opportunity to rethink what we do. My responses are in blue (for those of you whose systems can read such enhancements). Let me know if you disagree with anything I reported to ASIL. *[Editor's Note: No responses from UN21 members.]*

Best,
Bill

Date: Sat, 14 Jun 2003 12:33:11 -0700

To: Charlotte Ku <CKu@asil.org>, igs@listserve.asil.org

From: William Slomanson <slomansonb@worldnet.att.net>

Subject: Re: Interest Group redesignation, 2004 Annual Meeting submissions and Discussion of Best Practices

Hi, Charlotte/IG chairs:

I will submit my remarks separately to my UN21 group, requesting that they respond to me, should I leave something out of this report/survey response to you and all IG Chairs.

Day-to-Day Activities: UN21 (formerly UN Decade of Int'l Law) has a newsletter, listserv, and website. For us, an electronic environment has served several purposes: (1) providing all member access to all group activities; (2) extraordinary cost savings, compared to our former print environment--where, for example, we had to pay photocopying and mailing costs for each newsletter--resulting in a sizeable budget surplus; (3) and instant global contact/info sharing.

Ann Mtg Activities: We've done some annual meeting panels, and are currently in the process of working with several other groups re a Genocide panel for the 2004 Ann Mtg in DC, in anticipation of Monday's deadline for IG panel proposals. I'll be meeting with a key UN staffer next week in NYC, to hopefully make a UN21 contribution to this inter-group activity.

* Interest Group Leadership and Governance (this includes leadership structure and tenure, processes for selection, frequency of elections, etc.)

Just this year, for the April 2003 elections, we shifted to a process which members really liked: The Vice Chair solicited listserv nominations for that election, during a two month

(Jan & Feb) *nominating* period. She then supervised the one month *voting* period (Mar). Thus, our election was effectively conducted online, so that the fraction of UN21 section members at the Annual Meeting were not required to be present for the purpose of conducting an in-person election "of the few."

* Communication with Interest Group members (how often and by what means do IG leaders communicate with members? is member input solicited on IG activities, and how?)

I think my prior introductory remarks cover this point adequately. I could add that the exchange & input is w/o rival. Submitting this "e" response to UN21—which all members in the world will have access to, 5 minutes after I've finished typing this response to ASIL—will confirm this report to you.

* Promoting Interest Group Membership (what steps have IGs undertaken to attract new members?)

Our messages and Newsletters, go out to a number of "cc" addressees (at no cost to the IG or ASIL). We have had a number of people subscribe to our listserv—which is informational only, b/c of the ASIL Forum & 16 ABA Int'l Section substantive discussion groups. There of course are other ways, which the various IGs will hopefully be describing, to provide more food for thought about member solicitation. FWIW, we did attempt to condition membership in UN21 on each member's giving a talk before a non-law group, once per year. However, that program cost us some members, and we thus abandoned it.

* Interest Group Contributions to ASIL as a whole and/or to International Law more generally (apart from benefits to individual IG members, in what ways do, or can, Interest Groups benefit the Society as a whole-e.g., by recruiting members to ASIL? by raising ASIL profile through public activities? what role can or do Interest Groups play in the larger international legal community?)

We believe that IGs can enhance the ASIL presence—via online listservs, webpages, and newsletters. This mode of communication has been incredibly cost-effective for UN21, while drawing people to subscribe to our informational listserv and view our online Newsletters. Since ASIL will of course want to contribute to its IGs, this communication mode might be the basis for the Society to help us help it. One way could be the addition to the ASIL Newsletter, either in *What's Online*, or elsewhere, referencing the various IG cyberpresences.

OP-ED

Editor's Note: This reprint was provided in .pdf format. Reprinted in this 29th edition of the American Society of International Law's UN21 Newsletter (Sept. 2003), with permission of the Santa Clara Law Review.

This book review first appeared in 43 SANTA CLARA L. REV. 319 (2002).

Congratulations to a charter UN21 charter member, for both the publication of his book, and also this complimentary review (double click .pdf document below):

BOOK REVIEW

The World Court in Action: Judging Among the Nations. By Howard N. Meyer, 2002. Lanham, Maryland: Rowman & Littlefield Publishers, 2002, Pp. 309. Softcover. \$26.95. *Reviewed by Jennifer R. Johnson* & Ami Mudd***

* Editor-in-Chief, Santa Clara Law Review, Volume 43; J.D. Candidate, Santa Clara University School of Law; B.A., University of California, Santa Barbara.

** Book Review Editor, Santa Clara Law Review, Volume 43; J.D. Candidate, Santa Clara University School of Law; B.A., University of California, Los Angeles.



READER'S CORNER

Courts	Data Privacy (EU)	Environment
Globalization	Human Rights	Law of the Sea
Organizations	Peacekeeping	Religion
States	Treatises: Int'l Law	<i>Publisher Contact Info</i>

Notes: “Bullet” entries signified by the symbol “•” indicate those books which publishers forward to the Editor, or otherwise came to his attention, which were not reviewed but merited special mention. (Alternatively: not reviewed because a book with similar theme had been recently reviewed in this Newsletter.) These entries are included at the *end* of each relevant subsection in this *Reader's Corner* compilation. Price: EUR = Euro; GBP = pounds; USD = US Dollars.

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.

Courts

Yuval Shany, **THE COMPETING JURISDICTIONS OF INTERNATIONAL COURTS AND TRIBUNALS** (Oxford: 2003) [348] 0-19-925857-0. Price: None given.

The growing number of international courts, and related treaty bases for individuals coming under their respective jurisdictions, has created overlaps—which are the subject of this welcome problem description and analytical assessment. The author traces the uncoordinated evolution of these various courts, providing an unparalleled panorama for anyone desiring both a bird's-eye view as well as notable detail about the potential concurrent exercises of subject matter jurisdiction. He thus provides a work product that is indispensable for any library collection housing literature on international courts.

The *raison d'être* of this work is to illustrate the general problems with the overlap(s). After an informative introduction of the essentials, the author presents

the specifics of these overlaps in Part I of the book. For example, what constitutes a competing proceeding? Does any potential conflict actually occur in practice? Part II then presents the legal and policy issues associated with the systemic nature of the individual tribunals, as well as the collective horizon depicted on this terrain. The final Part portrays the governing law regarding any resulting competition—both *lex lata* and *lex ferenda*.

Data Privacy

Christopher Kuner, **DATA PRIVACY AND ONLINE BUSINESS** (Oxford: 2003) [322] 0-19-924423-5. Price: None given.

This is a useful addition to the literature on the European data privacy debate, which has *huge* repercussions for any global or cross-border enterprise failing to accord sufficient attention to the issues. This book traces the four general corners of this debate, while providing specific guidance for corporate decision-makers who are, or deal with, European companies. It provides succinct guidance for both the corporate decision-maker, and anyone researching this increasingly critical feature of contemporary corporate governance.

The author is well-versed in his subject—being a practitioner in Germany, Belgium, and the USA. His numerous examples succinctly expose the complex laws, regulations, and the associated policy web encompassing the essentials of this debate: notification regarding existing databases, processing employee information, codes of conduct, website compliance, and the standardization regime.

The five subparts analyze, in a smooth and well-documented style, the following components: the European Data Protection Law and its related institutions; basic legal concepts; the relevant governing law and jurisdictional principles; the international data transfer blueprint; and finally, compliance challenges and strategies. Five supporting appendixes include: the specific authorities; forms and sample policies; Directive on Privacy and Electronic Communications; US safe harbor principles; and sample contractual clauses.

Environment

PCOA (ed.), **RESOLUTION OF INTERNATIONAL WATER DISPUTES** (Kluwer: 2003) [paper: 454] 90-411-2029-6. Price: EUR 90

This volume in the PCOA Peace Palace Papers series fortunately preserves access to the valuable collection of papers presented at the Court's sixth International Law Seminar in 2002. An informative keynote address conveniently introduces the commanding hydrological problems which too often escape our attention, in an era when we tend to focus on what may very likely be comparatively short-term problems—such as the war on terrorism, and peace in the Middle East. This work is cast in terms of resolution dispute mechanisms, including the various faces of diplomacy, judicial, and other third-party dispute

resolution mechanisms. It wisely takes into account the impact of non-State actors.

Fourteen assessments by knowledgeable experts in the field are thus collated between two covers. Their diverse array of analyses navigate the underlying problem of the scarcity of useable water in the most affected regions in the world. They illustrate how the search for peace necessitates more attention to a “win-win” solution, as zero-sum gamesmanship can lead only to the utter devastation of agriculture, human life, and ultimately, the planet. A noticeable degree of what is said relates to the encompassing 1997 UN Convention on the Law of the Non-Navigational Uses of International Watercourses—the contemporary multilateral framework for controlling the fresh water supply.

Brian Groombridge & Martin Jenkins, **WORLD ATLAS OF BIODIVERSITY: EARTH’S LIVING RESOURCES IN THE 21ST CENTURY** (UNEP: 2002) [340] 0-520-23668-8. Price: USD 54.95

There is no shortage of contemporary environmental analyses. This particular work, however, yields an invaluable report card on available resources—and their importance—at daybreak in the 21st century. Summarizing the chapter-by-chapter subject matter illustrates the richness of its content: the biosphere; the diversity of organisms; biodiversity through time; humans, food, and diversity; terrestrial biodiversity; marine biodiversity; inland water biodiversity; and global diversity. The appendices likewise provide an array of significant detail regarding food crops, livestock, contemporary vertebrate extinctions, country-by-country biodiversity, and freshwater biodiversity.

This resource is richly adorned with charts, graphs, maps, and bibliographic references. These all combine to provide both novice and veteran with a veritable research dream, in terms of a succinct but sufficiently comprehensive overview of the critical significance of biodiversity to our current and future existence.

Globalization

Keith Suter, **GLOBAL ORDER AND GLOBAL DISORDER: GLOBALIZATION AND THE NATION-STATE** (Praeger, 2003) [206] 0-275-97388-3. Price: USD 59.95.

The author tenders a compelling description of, and concern with, the weaknesses of the nation-State system, vis-a-vis the growing power of non-State actors: transnational corporations, intergovernmental organizations, and NGOs. These entities pose a structural order dilemma for the traditionally state-centric analysts of what may no longer be the primary State actor on the international stage.

One of the author’s key points is that, while the Westphalian order is in decline, there is not necessarily a replacement in the current evolution of the

“globalization” phenomenon. Others include a focus on the new global era being global, rather than international—the latter terms referring to the nation-State concept for maintaining world order. Further, globalization is not limited to just economics. The author illustrates that global change is outdistancing governmental efforts to manage it. Nor is globalization necessarily “evil.” It is described as more chaotic than conspiratorial—hence, the term “global disorder.” Any vacuum in traditional government power or control is not being filled by any particular non-State actor (i.e., international organization). The author convincingly asserts that the process of globalization is not reversible, in a way which would redefine the Westphalian concept of nation-State.

Given all that has been written in the press, and other venues, about “globalization,” this book is a must read for any one interested in a well-written and documented look into its past, present, and future.

Human Rights

Nicholas Wheeler, **SAVING STRANGERS: HUMANITARIAN INTERVENTION IN INTERNATIONAL SOCIETY** (Oxford: 2000) [paper: 336] 0-19-925310-2. Price: None given.

The emerging literature on humanitarian intervention has been enriched by this exquisitely written and argued thesis in support of what has historically been a theoretical norm. A balanced assessment is indicated by the author’s ability to simultaneously show how this “norm” both enables and restricts the actor who would rely on its content as a justification for violating state sovereignty in the name of a moral imperative.

There has been a proliferation of articulations in support of humanitarian intervention—from an almost global reaction to UN inaction in cases like those of Iraq’s Kurds and Rwanda’s Tutsi, to the NATO action in Kosovo. The author makes a compelling argument that the post-Cold War nobility does not carry with it a necessary contradiction in terms, as is suggested by the US operation (seeking General Aidid) in Somalia. He has drawn from a host of original sources regarding India, Viet Nam, Tanzania-Uganda, and Cambodia. He has also incorporated post-Cold War scenarios, so as to provide the needed context for digesting any distinctions.

Part One presents the varied theories underlying humanitarian intervention. Part Two addresses its Cold War context, followed by Part Three’s post-Cold War discourse and examples. The well-conceived bibliographical and index end matter promote ready access to both the content of this book, and others in the field.

UN, **WOMEN, PEACE AND SECURITY** (UN, 2002) [paper: 179] 92-1-13022-6. Price: USD 25

This is a Secretary-General’s study prepared under auspices of UNSC

resolution 1325 (2000). That unique resolution called for “increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict.”

The S-G first notes a tragic common denominator for conflict, poverty, struggle for scarce resources, and human rights violations: the disproportionate impact on adult women and younger girls. This Kofi Annan study acknowledges that the root causes will not be resolved without the requisite attention to better empowering these victims. He states that this is a central strategy of the UN, within its own culture—as well as for conflict and post-conflict societies.

While outlining the steps that have been taken to implement Resolution 1325, women still form a minority of those who actually participate in peace and security negotiations. The challenge is thus to fully implement it, by employing the study’s call for a “more systematic way forward.”

Law of the Sea

Simon Marr, **THE PRECAUTIONARY PRINCIPLE IN THE LAW OF THE SEA: MODERN DECISION MAKING IN INTERNATIONAL LAW** (Martinus Nijhoff: 2003) [253] 90-411-2015-7. Price: EUR 80

The author notes that the precautionary principle, while not uniformly defined, is conveniently articulated in Principle 15 of the 1992 Rio Treaty: “Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.” Now, there is an authoritative description of its content in a law of the sea context. Put another way, a State has an obligation to prevent foreseeable environmental harm outside of its territory. The precautionary principle requires environmental decision-making at an earlier stage. Thus, even in the absence of a scientifically proven risk, protective measures must be taken—while acknowledging that the ocean has the capacity to absorb a certain degree of pollution.

This book provides guidance for both environmental and law of the sea researchers. Its balanced approach acknowledges the question about whether this “principle” has merged into the corpus of customary law. The author wisely points out that a legal rule contains comparatively specific expectations. A principle, cast more in terms of a standard of achievement, does not. The author also incorporates the views of other writers in the field. The reader may thus draw from a single source, between two book covers, which provides reliable guidance for those in search of the substantive content of the emerging precautionary principle.

It is refreshing to read an analysis that does not purport to provide all the answers, but certainly asks the right questions.

Organizations

David Fischer, **HISTORY OF THE INTERNATIONAL ATOMIC ENERGY AGENCY: THE FIRST FORTY YEARS** (IAEA: 1997) [paper: 550] 92-0-102397-9. Price: USD 38.50.

Hans Blix's Preface notes that while much has been written about the UN generally, less has appeared on its specialized agencies. Given that the contemporary nuclear weapons inspection regime occupies numerous newspaper column inches, there is no better time to review the history of the IAEA. It is thus fitting that the author is one who spent forty years working within the IAEA, supported by an IAEA staff—many of whom served in a personal capacity, which thus provides some objectivity.

Part I chronicles the creation of the IAEA, starting with US President Eisenhower's 1953 proposal, through the 1957 PrepComm. Part II addresses the 1957-1997 period where the IAEA evolved during a myriad of political regimes. Part III analyzes the agency's *raison d'être*, in terms of future issues and conclusions.

This is a well-written, riveting, comprehensive but succinct account of an agency that has operated somewhat in the shadow of other agencies associated with the UN family. It has nevertheless been a key agency, in terms of understanding the developing nation attention foisted upon it as a means of obtaining practical benefits during the variousness of Cold War politics. One may also learn to appreciate industrial nation concerns about the broadening scope of the IAEA monitoring function, as new nuclear nations joined the international community.

Further commentary is available in *International Atomic Energy Agency: Personal Reflections*. This companion work was written by scientists and diplomats. It is a collection of essays offering perspectives beyond the confines of the full history provided in the above-reviewed work.

Bruno Simma (ed.), **THE CHARTER OF THE UNITED NATIONS: A COMMENTARY** (2nd ed. Oxford: 2002) (two volumes) 0-19-925377-3 (set). Price: None given.

The 1st ed. of this book was quite favorably reviewed in our Newsletter #9 (Sept. 1995), which then stated as follows: "This book is on the 'must list' for any serious researcher who seeks ready access to historical and contemporary applications of the UN Charter." See <<http://www.lawschool.cornell.edu/library/asil/9reader.htm>>. My only regret, which I can now rectify, is that both editions are invaluable resources for all Charter articles, for *anyone* who has either a passing or serious interest in the UN. If the UN Charter is the constitution for contemporary International Law and Relations, then this work is the seminal commentary about the Charter's original and evolving *raison d'être*.

Sixty-one authors have thus combined their expertise to produce “the” book, which has comprehensively incorporated important developments in application during the seven years since the 1st ed. The organization is fortunately the same. The 2nd ed. contains two volumes, which reflects the expanded interpretations and applications between editions.

My only contention with the primary author/editor is his modest statement that every effort was made, in this subsequent edition, to “eliminate the weaknesses of the original work.” Any such weaknesses escaped this reviewer’s eyes. One cannot overstate the utility of *Commentary* to plug any research holes, and to provide fascinating background detail on the drafting, intent, and application of the UN Charter.

Peacekeeping

Michael Smith, with Moreen Dee, **PEACEKEEPING IN EAST TIMOR: THE PATH TO INDEPENDENCE** (Rienner: 2003) [paper: 214] 1-58826-142-5. Price: USD 13.95.

This handy primer presents the UN involvement in East Timor and that country’s ensuing path to independence. It provides a fascinating account, by the former military deputy force commander, of lessons learned for a successful UN intervention. One may herein obtain useful insights about a task that the UN has, and will be undertaking to help resolve regional conflicts in future conflicts. That international organization successfully navigated, more so than in Kosovo (fourteen months, as opposed to more than four years thus far in Kosovo), the management role of an interim government. The author(s) succinctly captures the gist of how an organization did, and should, address the host of practical issues associated with transferring power from the international community to a formerly dependent people.

John MacKinlay & Peter Cross (ed.), **REGIONAL PEACEKEEPERS: THE PARADOX OF RUSSIAN PEACEKEEPING** (UN Univ. Press: 2003) [paper: 224] 92-808-1079-0. Price: USD 26.95.

After the USSR broke down, it continued to maintain its prior peacekeeping role in areas where it has demonstrated strategic interests. This brief but riveting account illustrates this paradox in the Georgia, Moldova, and Tajikistan theaters. One may thus observe Russia’s performance regarding its role as genuine peacekeeper versus post-imperialist nation attempting to exert its control in these former Soviet Union States.

The chapter analyses address, *seriatum*, general Russian peacekeeping policies, and its involvement in Bosnia, Georgia, Chechnya, Moldova, Tajikistan, and peacekeeping under President Putin. The authors also address the Russian “peacekeeping” role in internal areas, such as Chechnya.

The perspective presented is that Russia is theoretically retaining some

controls, but in practice, it is unable to militarily further supposed strategic objectives. It thus conducts its peacekeeping operations “on the cusp of a crude delineation whereby the comparatively rich and safe intervene in the territories of the poor and violent. Russian peacekeeping is thus characterized as introducing military forces into conflict zones, to impose a workable degree of law and order.

Religion

Aref Al-Khattar, **RELIGION AND TERRORISM: AN INTERFAITH PERSPECTIVE** (Praeger: 2003) [125]. 0-275-96923-1. Price: USD 59.95.

The Foreword notes that America finally “woke up” to terrorism on September 11th. Yet this method of waging war had occurred on US soil during other terrorist attacks: the Unabomber’s mail bombing campaign, the Oklahoma City and abortion clinic bombings, and the 1993 attack on the World Trade Center. Like spawners of computer viruses, terrorists in the non-virtual world seek to destroy a way of life, in order to impose their own ideologies.

The author interviewed numerous religious leaders (see Appendix), in his quest to present a theory for dealing with religious-based terrorism. He also served for seventeen years in the Jordanian Department of Intelligence counter-terrorism unit. He thus projects his insightful State intelligence perspective into this feature of the terrorism debate.

Part I summarizes the relationship between terrorism and religion. This part is based primarily on his research on terrorism. Part II provides the relevant religious perspectives, contains the views of various religious leaders he interviewed. This part thus incorporates the perspectives of knowledgeable Jewish, Christian, and Islamic practitioners, thus yielding more insight about definitions, justifications, and policy considerations. Part III applies a criminologist’s perspective to various proposals for neutralization of this regional and global threat.

This work is a must for any collection, public or private, where readers seek a succinct and authoritative overview of the religious undertones associated with the contemporary terrorist threat.

States

Benedetto Conforti, et al. (Ed.), **THE ITALIAN YEARBOOK OF INTERNATIONAL LAW** (Kluwer: 2003) [505]. 90-411-2000-9. Price: EUR 185.

Five prominent judges (European Court of Human Rights), and several prominent Italian academics, have joined forces to edit a superb collection of source material regarding Italy’s practice of, and perceptions about, International Law. In the first part of this book, a dozen articles provide a useful array of such detail, including the following subjects: Italy’s E.U.-driven constitutional amendments; the protection of cultural property; enforcement of human rights by

national judges; treatment of aliens; overlapping dispute resolution mechanisms; law of the sea tribunal; work of the ILC, WTO, and fishing regimes in the Mediterranean.

In the second part of this diverse—and thus richly adorned vein of literature—the actual Italian practice of International Law is illustrated via case notes on actual disputes. This segment of the book thus yields a very comprehensive overview, which thus fills many gaps that would otherwise be unavailable to the non-Italian reader, academician, or legal practitioner. This work thus is an enviable model for members of other national legal systems in need of such transparency.

Ian Martin, **SELF-DETERMINATION IN EAST TIMOR: THE UNITED NATIONS, THE BALLOT, AND INTERNATIONAL INTERVENTION** (Rienner: 2001) [paper: 169] 1-58826-033-X. Price: USD 13.95.

This first-hand account by the former Secretary-General of Amnesty International, is a welcome addition to the growing literature on intervention in conflicted and post-conflict societies. It provides a brief, but authoritative, chronicle of East Timor (ET), colonialism, UN intervention (the book's focus), and ultimate Statehood. Both this book's text and appendices set forth the chronology of the country's history and UN resolutions leading to this long-term, but successful, strategy for regional conflict resolution.

One can profit from digesting the various comparisons with the UN's overlapping Kosovo operation. Unlike Kosovo, where the UN inherited a situation not of its making, there was a comparatively clear UN strategy for ET's ultimate status of independence. The UN's ET operations also served the ancillary objective of regaining some political capital. The successes of ET would ameliorate the UN's inaction in the cases of Rwanda and Srebrenica. On the other hand, the UN did not anticipate the post-ballot violence which marred its overall ET operation.

David Malone & Yuen Foong Khong (ed.), **UNILATERALISM & U.S. FOREIGN POLICY: INTERNATIONAL PERSPECTIVES** (Reinner: 2003) [paper: 477]. 1-58826-119-0. Price: USD 23.50.

The US has obviously embarked upon an isolationist journey, as opposed to one seeking true collaboration, on sensitive issues including the war on terrorism—e.g., the Iraq campaign, global warming—e.g., rejecting the Kyoto Protocol as being too expensive; missile defense—notwithstanding the rejected ABM treaty; and unilateral sanctions—e.g., its unilateral sanctions on Cuba.

This book's worldwide authors deal with the various reactions in their nineteen individually-authored chapters. Part I analyzes the impact on the Rule of Law, including: the role of International Law in contemporary US policy, its reaction to the new ICC, domestic human rights policy, and its drug interventions in Latin America. Part II addresses security issues, such as: the on-again-off-again

partnership between the US and the UN and US nuclear policy. Part III analyzes the evolving US role in the international political economy. Part IV addresses US regional policy in Latin America, Africa, Asia, and NATO. The editor's joint conclusion presents the need for the US to resist the unilateral impulse, now a prominent feature of its international relations.

Treatises

Ige Dekker & Harry Post (ed.), **ON THE FOUNDATIONS AND SOURCES OF INTERNATIONAL LAW** (TMC Asser: 2003) [199] 90-6704-158-0. Price: Euro 65.

This useful 1998 symposium contributes some unique perspectives to the literature on sources of International Law. It primarily analyzes the essentials of how that branch of law evolves, and is applied. Specific areas of concentration in Part I—on the foundations of International Law—include: the “completeness” of International Law, *inter alia*, in the *Nuclear Weapons Case* context, and a re-examination of the *Nottebohm* “genuine link” concept, in primarily a law of the sea context.

Part II—on the sources of International Law—reassesses traditional approaches, including the following: perspectives in the Netherlands; drawing from State practice regarding the formation of custom; assessment of EU customary law development; and treaty termination under the Vienna Convention on the Law of Treaties.

John O'Brien, **INTERNATIONAL LAW** (Cavendish: 2001) [paper: 861]. 1-85941-630-6. Price: GBP 23.

This treatise makes a quite accessible addition to the host of law school coursebooks for teaching International Law. See global listing at <http://home.att.net/~slomansonb/ResGuide.html>, scroll to Treatises. It is a well-written and documented resource that comprehensively covers the field—without being too portentous an undertaking, as are several of the American-authored casebooks.

One of its many useful features is its genesis via general principles, followed by the ensuing, and more detailed, treatment of the major subject areas. This makes it worthy of inclusion on a list for International Relations and Political Science professors. They may thereby delve into a briefer treatment of International Law, as presented at the outset of this text, without requiring their International Relations students to mine all the crevasses of the related International Law field, in order to extract the gems.

• Tim Hiller, **PRINCIPLES OF PUBLIC INTERNATIONAL LAW** (2nd ed. Cavendish: 1999) [paper: 376]. 1-85941-461-3. Price: GBP 24.95.

Publishers Contact Info

- **Cavendish:** Cavendish Publishing, Ltd., The Glass House, Wharton Street, London WC1X 9PX, United Kingdom.
- **IAEA:** International Atomic Energy Agency, Division of Publications, Wagramerstrasse 5, P.O. Box 100, A-1400 Vienna, Austria.
- **Kluwer:** P.O. Box 85889, 2508 CN, The Hague, The Netherlands.
- **Martinus Nijhoff:** P.O. Box 85889, 2508 CN, The Hague, The Netherlands.
- **Oxford:** Oxford University Press, Great Clarendon Street, Oxford OX2 6DP, England.
- **Praeger:** 88 Post Road West, Westport, CT, 06881, USA.
- **Rienner:** Lynne Rienner Publishers, 1800 30th Street, Boulder, CO 80301, USA.
- **TMC Asser:** P.O. Box 16163, 2500 BD, The Hague, Netherlands.
- **UN:** UN Publications, 2 United Nations Plaza, Room DC20853, New York, NY 10017, USA
- **UNEP:** UNEP World Conservation Monitoring Center, 219 Huntingdon Road, Cambridge CB# ODL, United Kingdom
- **UN Univ. Press:** United Nations University, 53-70, Jingumae 5-chome, Shibuya-ku, Tokyo, 150-8925, Japan.

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