

Washington University Law

Whitney R. Harris World Law Institute



Director's Letter



FAST FACTS

74 Percentage of Washington University Law students who enroll in at least one comparative or international course

70 Number of countries represented among our graduates

78 Number of students who studied or worked abroad in 2010–11

Momentous Developments

As I write this letter, momentous changes are taking place in the world. The Arab spring has shifted dynamics across the Middle East and is inspiring talk of change in Africa. China continues to grow in strength and influence; natural disasters have afflicted Japan, New Zealand, Somalia, and Pakistan; and the economic crises burdening the United States and Europe have led to intensive discussions about the future of the international monetary system. There could seemingly be no better time to study, teach, and research international legal problems, and the Whitney R. Harris World Law Institute's speakers, conferences, and programs reflect these changing realities.

We have invited scholars, jurists, distinguished international legal practitioners, ambassadors, and diplomats to join us as we discuss the events currently roiling the world and the international legal system. We also are continuing our regular programming for students and our faculty scholarship roundtables. Finally, efforts continue on behalf of the Crimes Against Humanity (CAH) Initiative, the first three phases of which were completed with the publication of *Forging a Convention for Crimes Against Humanity* by Cambridge University Press in March 2011.

The 550-page volume includes first-class scholarly papers and essays, a comprehensive history of the *Proposed International Convention on the Prevention and Punishment of Crimes Against Humanity*, and the text of the instrument itself in English and in French. The CAH Initiative's work has been featured at conferences, meetings, and seminars across the globe and in national and international media. The situations in Libya and Syria have demonstrated how critical the prosecution of crimes against humanity is to the prevention of genocide and how important it is for this gap in international law to be filled. Look for new developments as the year evolves, or join us at one or more of our upcoming events.

Sincerely,

LEILA NADYA SADAT

Henry H. Oberschelp Professor of Law and
Director, Whitney R. Harris World Law Institute

Crimes Against Humanity Initiative

In spring 2008, under the direction of Professor Leila Nadya Sadat, Washington University School of Law's Whitney R. Harris World Law Institute embarked on an unprecedented project to study the need for a comprehensive convention on crimes against humanity, analyze the necessary elements of such a convention, and draft a proposed treaty. Having successfully completed three major phases, the Crimes Against Humanity (CAH) Initiative is now in its fourth and final phase—seeking international support.

The text of the *Proposed International Convention on the Prevention and Punishment of Crimes Against Humanity*—the first such draft ever produced—can be found in English and in French at the CAH Initiative's website: <http://crimesagainsthumanity.wustl.edu/>. It is now being translated into Spanish and Arabic.



The text also appears in *Forging a Convention for Crimes Against Humanity*, published by Cambridge University Press in spring 2011.

This book contains a comprehensive history chronicling the drafting process of the *Proposed Convention*, as well as essays from 15 distinguished experts in international criminal law.

During the three-year process of elaborating the *Proposed Convention*, nearly 250 experts from around the world were consulted. Experts' meetings were held in St. Louis and The Hague, followed by a capstone conference at the Brookings Institution in Washington, D.C. In the current final phase, meetings, dialogs, and debates have been held in Paris, France; Uppsala, Sweden; New York City, New York; Chautauqua, New York; London, England; Brussels, Belgium; and Galway, Ireland.

While serving as the Alexis de Tocqueville Distinguished Fulbright Chair at the University of Cergy-Pontoise in spring 2011, Sadat gave numerous presentations on the initiative, including at Dag Hammarskjöld Foundation, Uppsala, Sweden; French National Consultative Commission on

Human Rights, Paris, France; International Criminal Court, The Hague, the Netherlands; COJUR working group on the ICC, Brussels, Belgium; and Irish Centre for Human Rights, Galway, Ireland.

In addition to Sadat, CAH Initiative Steering Committee members are M. Cherif Bassiouni, the Distinguished Research Professor of Law at DePaul University College of Law, and founder and president emeritus of the International Human Rights Law Institute; Hans Corell, former Under-Secretary-General for Legal Affairs and legal counsel of the United Nations; Richard J. Goldstone, former chief prosecutor of the International Criminal Tribunals for the former Yugoslavia and for Rwanda; Juan E. Méndez, visiting professor, Washington College of Law, American University, and U.N. Rapporteur on Torture; William A. Schabas, director of the Irish Centre for Human Rights, National University of Ireland, Galway; and Judge Christine Van den Wyngaert of the International Criminal Court. In conjunction with the final phase, an advisory council is also being created with broad regional representation from various sectors of society.

The CAH Initiative has been generously supported by alumnus Steven Cash Nickerson, JD '85, MBA '93; by the United States Institute of Peace; and by Humanity United.



Crimes Against Humanity Initiative Steering Committee members



Conveners of the Healthcare Management Conference

Healthcare Management Conference

On April 14–15, 2011, the Harris Institute convened an international graduate student conference **Creating Healthy Opportunities for Healthcare Management in a Global Context**. The conference was co-hosted by the Ashburn Institute. Keynote speakers were:

KRISTIN KALLA, International Criminal Court, Trust Fund for Victims, “Hope, Empowerment and the Experience of Justice in Northern Uganda and the Democratic Republic of the Congo—Lessons from the International Criminal Court’s Trust Fund for Victims”

LEONARD RUBENSTEIN, Johns Hopkins Bloomberg School of Public Health, Center for Public Health and Human Rights, “Getting Serious about Protection of Health Workers and Facilities in Situations of Conflict”

Other topics included “Care & Efficiency: A Public Health Institute and a Private Initiative: A Case Study from India” (Debjyoti Mukherjee); “Disposable Care: Assessing the Language Training of Filipino and Indonesian Nurse-Trainees in Japan via FTA” (Hansen Enverga); “The Role of Gender-based Violence and Inequalities on Pregnancy Loss during the First Trimester of Pregnancy” (Beatriz Ayala); “Can Certification Improve Safety and Quality for Male Circumcisions in Developing Countries? Three Models of Implementation” (Michael Richards); “Geographical Distribution of Nutritional Status, Haiti” (Andrea Spray); and “Eye Health in Peru and MPH Student Involvement” (Aly

Panelists discuss “Are U.S. Drone Attacks in ‘The War on Terror’ Lawful? Do They Make for Sound Foreign Policy?”

Eisenhardt). Ayala and Anita Alban also led a workshop on gender-based violence; Emily Task, Jee Yeong Witt, Alana Gorman-Knutson, Whitney Key, and Leah Sanchez led a workshop on family health in Santiago, Chile.

Predator Drone Debate

On October 8, 2010, the Harris Institute convened a public debate on **Are U.S. Drone Attacks in the ‘War on Terror’ Lawful? Do They Make for Sound Foreign Policy?** Debate participants were Kenneth Anderson, American University professor of law and Brookings Institution Fellow, and Mary Ellen O’Connell, Notre Dame University’s Robert & Marion Short Professor. Matt Sepic of Minnesota Public Radio moderated the debate, which took place against the backdrop of the media reports of stepped-up drone attacks in Afghanistan.

Key Principles

- Attack drones are playing an increasingly greater role in U.S. counter-insurgent strategy.
- Ambiguity exists related to which international laws govern the use of drones, including whether drones fall under rules applying to armed conflict, human rights law, or both.
- The definition of “success” in the use of drones varies depending upon perspective and necessitates consideration of human rights concerns.
- The existence of terrorist safe havens within borders is affecting views of “necessity” and “proportionality” related to the use of drones.



2010–12 Events and Speakers

2010 FACULTY COLLOQUIUM ON INTERNATIONAL AND TRANSNATIONAL LAW, invited scholars presenting works-in-progress in international law and foreign relations law

CRIMES AGAINST HUMANITY INITIATIVE'S CAPSTONE CONFERENCE, Brookings Institution, Washington, D.C.



Panel discussion at the Crimes Against Humanity Initiative's Capstone Conference in Washington, D.C.



Fatou Bensouda

PRESENTATION OF WORLD PEACE THROUGH LAW AWARD TO FATOU BENSOU DA, Deputy Prosecutor, International Criminal Court

2011 FACULTY COLLOQUIUM ON INTERNATIONAL AND TRANSNATIONAL LAW, invited scholars presenting works-in-progress in international law and foreign relations law

IMMIGRATION & FAMILY REUNIFICATION: COMPARATIVE APPROACHES PANEL, renowned international law experts presenting on immigration and family reunification topics

YAS BANIFATEMI, arbitration partner, Shearman & Sterling LLP (Paris)

DONALD DONOVAN, partner, Debevoise & Plimpton, and current president, American Society of International Law (ASIL)

THE HON. LOUIS B. SUSMAN, JD '62, U.S. Ambassador to the United Kingdom

ANDREAS SCHLOENHARDT, associate professor, University of Queensland TC Beirne School of Law

THE HON. HANQIN XUE, judge, International Court of Justice (William Catron Jones Lecture)

ANDREW CAYLEY, International Co-Prosecutor, Khmer Rouge Tribunal, Cambodia

FOURTH INTERNATIONAL HUMANITARIAN LAW DIALOGS, "Reflections on Crimes Against Peace: Aggression in the 21st Century," Chautauqua, New York

ARSALAN IFTIKHAR, BA '99, JD '03, human rights activist, "Islamic Pacifism"

JON SAWYER, executive director, Pulitzer Center for Crisis Reporting;

SEAN GALLAGHER, photographer; and **PETER SAWYER**, outreach coordinator, "Down-stream: Untold Stories on Water, Sanitation and Wetlands—And Why They Matter"

DAWN JOHNSEN, professor of law, Indiana Law School, "Reflections on Promoting Liberty and the Rule of Law"

REBECCA HAMILTON, journalist, Pulitzer Center for Crisis Reporting, "Sudan Divided: What Next for the People of Africa's Newest Country?"

FIFTH INTERNATIONAL HUMANITARIAN LAW DIALOGS, "Widespread and Systematic! Crimes Against Humanity in the Shadow of Modern International Criminal Law," Chautauqua, New York



Arsalan Iftikhar



Dawn Johnsen



Rebecca Hamilton

For more information on upcoming events and speakers, visit law.wustl.edu/harris.

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