

Interest Group on

International Organizations

The American Society of International Law

Spring 1996 Newsletter

Interest Group News

Annual Business Meeting

The Interest Group will have its annual meeting to elect officers and to conduct other business during the ASIL Annual Meeting in Washington. The meeting will be on Friday, April 11, at 8:00 a.m. Coffee, muffins, breads and other refreshments will be available. Members attending the ASIL meeting are encouraged to attend.

Help Needed

Members having ideas about projects that the interest group can do between annual meetings or having an interest in setting up and helping maintain a Website for the interest group are encouraged to bring their ideas to the business meeting or to contact interest group Chair Prof. Michael G. Schechter, James Madison College, Michigan State University, East Lansing, MI 48825-1210. Phone: (517) 353-8615. E-mail: schechte@pilot.msu.edu, or Bryan MacPherson, 915 S. 19th St., Arlington VA 22202. Phone: (202) 426-1571. E-mail: bryan.macpherson@hq.doe.gov.

Annual Meeting Panel

Members are encouraged to attend the panel sponsored by the Interest Group at the 1997 Annual Meeting. The panel will be Friday at 5:00 p.m. Its subject: Implementing Democratization -- What Role for International Organizations?

In the post-Cold War era, international organizations have taken an increasingly active role in the internal affairs of strife-ridden states, including the supervision of electoral processes, a matter once thought to be "essentially within the domestic jurisdiction". The panel will consider the legal consequences and policy implications of that role. Is there an emerging "right to democratic governance" in international law? What are the pitfalls?

The panel will be chaired by David Wippman (Cornell) and will include Gregory H. Fox (NYU), Susan Marks (Cambridge), Brad R. Roth (Wayne State), and Larry A. Garber (U.S. Agency for Int'l Development).

Newsletter Submissions Needed

This newsletter's success depends upon material being submitted by our membership. I encourage submission of any items of interest to members, including articles, letters to the editor, announcements of events, employment opportunities (paid or volunteer) in international law, positions sought, etc.

Submission by July 31 will ensure full consideration for inclusion in the next issue. Earlier submission is encouraged. Submit material for publication to: Bryan MacPherson, 915 S. 19th St., Arlington VA 22202. Phone: (202) 426-1571. E-mail: bryan.macpherson@hq.doe.gov.

Please contact me before submitting articles. I would prefer that longer works, in particular, be submitted by e-mail or on IBM compatible disk (in ASCII, WordPerfect, or Word). For anything sent by e-mail, do not assume I have received it unless you receive a conformation. Ideas about how to make the newsletter of greater value to members would also be appreciated.

West Coast Members

Judge Bruce J. Einhorn is interested in getting together Interest Group members on the West Coast, especially those with an interest in the idea of an international criminal court. If interested, please contact him directly at 29420 Promontory Pl., Agoura Hills, CA 91031, Tel: (213) 894-3906, FAX: (818) 707-1934

Articles Wanted

Global Governance invites the submission of original, topical manuscripts on the contribution of international institutions to international law, multilateral processes of economic development, maintenance of peace and security, human rights, and the preservation of the environment. The journal's focus is global, not only in substance, but also in the multidisciplinary and multicultural perspectives brought to it by its authors. *Global Governance* welcomes submissions from scholars and practioners in all fields involving international institutions. Perspectives that challenge conventional wisdom are welcome.

Articles, letters, exchanges, and reviews may be of any length up to 7,000 words. The *Chicago Manual of Style* should be used for endnotes. Submit five double spaced copies of the manuscript along with an abstract. Three of the copies only should contain the author(s) name(s) and affiliation(s). The other two should have all self-references removed. The second page of each copy should repeat the title. Abstracts should not exceed 150 words and should be written in vigorous, direct prose, in the author's active voice, avoiding third-person descriptions of the article content.

Submit manuscripts to Managing Editor, *Global Governance*, Institute of International Studies, University of South Carolina, Columbia, SC 29208. Additional details may be found on the inside back cover of any issue.

To the Editor:

Although I am in sympathy with the advances in democratic participation cited by the panelists at last year's interest group program at the annual meeting -- and was, in fact, an election observer in El Salvador in 1994 -- I disagree with many of the assertions advanced by the panelists. First, one must be very cautious about asserting international acceptance of a "right to democratic elections" that overrides traditional norms against intervention in "matters essentially within the domestic jurisdiction." States have been careful to reaffirm non-intervention norms even when praising the spread of "free and fair" electoral processes. For example, General Assembly Res. 45/150 (1990), backed by the Western liberal democracies, reaffirmed the right of each State to choose its own political, economic, social and cultural system without foreign interference, irrespective of the preferences of other States. G.A. Res. 49/180 (1994) further emphasized that U.N. electoral assistance was authorized only by the consent of

sovereign states.

Beyond this doctrinal problem, about which much more could be said, there are serious policy considerations against the purported "right to democratic governance." The international law of peace and security constitutes an overlapping consensus among societies that differ radically on fundamental questions of internal policy. Its value in maintaining international order turns precisely upon its not being captured by a particular ideological perspective. Rules against domestic intervention need to be maintained on an impartial basis.

Moreover, one cannot understand what democracy means until one understands what it is for. Beneath the seeming consensus on democratic procedures lies dissensus about what ends those procedures exist to accomplish. This dissensus emerges regularly, for example, in Russia in 1993 where many asserted "democratic" reasons for endorsing Boris Yeltsin's sending of tanks against the elected parliament in defiance of the constitutional court. A false consensus on the "democratic entitlement" leads itself to manipulation, risking collapse of non-intervention norms and a resulting danger to international peace and security.

For articles exploring these issues see: Democratic Intolerance: Observations on Fox and Nolte, 37 Harv. Int'l L.J. 235 (1996); Evaluating Democratic Process: A Normative Theoretical Perspective, 9 Ethics & Int'l Affairs 55 (1995); Governmental Illegitimacy Revisited: "Pro-Democratic" Armed Intervention in the Post-Bipolar World, 3 Transnat'l L. & Contemp. Probs. 481 (1993).

Brad R. Roth

U.C. Berkley School of Law

Position Sought

An academic position in public international law (either permanent or temporary) is sought by Bryan F. MacPherson, 915 S. 19th St., Arlington VA 22202. Phone: (202) 426-1571. E-mail: bryan.macpherson@hq.doe.gov. He would appreciate hearing of any positions that might be available.