

Interest Group on

# INTERNATIONAL ORGANIZATIONS

THE AMERICAN SOCIETY OF INTERNATIONAL LAW

FALL 1999 NEWSLETTER

## A MESSAGE FROM THE CHAIR

It is a pleasure to present the Fall 1999 Issue of the Newsletter of the ASIL International Organizations Interest Group. Over the past few years, we have made an effort to increase the substantive content of the Newsletter. This issue contains articles about the Campaign to End Genocide, the World Civil Society Conference, and the legal justification for the NATO airstrikes. It also contains a guide for obtaining conventions involving international organizations from the internet. Special thanks go to our Committee Chairs (listed on page 9) and especially our Newsletter editor, Bryan MacPherson, for making this publication possible.

Going back to 1997, our interest group's newsletters have been available to world-wide viewing at the internet website of the New England School of Law's Center for International Law and Policy. The ASIL has established a hyperlink between the Interest Group page of the ASIL Website (<http://www.asil.org>) and our Interest Group Website (<http://www.nesl.edu>) to make it easier for our members and others to find our newsletters.

During the ASIL Annual Meeting in March, our interest group sponsored a very successful panel on the U.N. Funding Crisis. Professor John Knox of Penn State Law School moderated, and Bruce Rashkow of the United Nations Office of Legal Affairs, John Crook of the U.S. Department of State Office of the Legal Adviser, and Alan Gersen of the Council on Foreign Relations participated as panelists.

At the International Organizations Interest Group's Business Meeting held during the 1999 ASIL Annual Meeting, I agreed to stay

on as Chair of the Interest Group for a third one-year term. John Washburn of the Washington Working Group on the International Criminal Court was elected Vice-Chair, and will take over as Chair of the interest group next spring. We also created a new subcommittee concerning issues related to the Security Council, which will be chaired by Perry Pickert of the Joint Military Intelligence College. During the remainder of the Business Meeting, the two-dozen interest group members in attendance engaged in a provocative round-table discussion of the legality of the NATO airstrikes in Yugoslavia. An article on this question appears on page 2 of this issue of the newsletter.

I hope you find the information and articles contained in this newsletter to be of interest, and I encourage you to submit a short article for publication in our Spring Issue of the Newsletter.

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## LEGAL JUSTIFICATION FOR THE NATO AIRSTRIKES AGAINST YUGOSLAVIA

Paul Williams & Michael Scharf

The United States and its NATO allies have defended the airstrikes against Yugoslavia on moral grounds — to stop atrocities — and security grounds — to prevent the conflict from spilling over to neighboring European countries — but they have never articulated a legal justification for the intervention. The closest they have come has been to cite various resolutions of the Security Council, in which the Council has determined that the actions of Yugoslavia in Kosovo constitute a threat to peace and security in the region and, pursuant to Chapter VII of the U.N. Charter, demanded a halt to such actions. Yet, these resolutions do not employ the talismanic phrase — "States may take all necessary means ..." — which signals that use of force has been authorized by the Security Council.

There are in fact several compelling legal arguments that could be made to justify the Kosovo intervention. But each possible legal underpinning carries with it the specter of a practical consequence that the NATO countries were hoping to avoid. Now, the NATO countries are paying the price for their silence on this question. On May 11, 1999, the International Court of Justice heard oral arguments in a case brought by the Federal Republic of Yugoslavia against the United States and nine other NATO countries.<sup>1</sup> Representing Yugoslavia, the British international law expert Ian Brownlie argued that the NATO intervention was an unlawful use of force in violation of Article 2(4) of the U.N. Charter, that the members of NATO have breached the 1949 Geneva Conventions by targeting civilians and using depleted uranium weapons, and that the attack against the Serbs constitutes a form of genocide in violation of the Genocide Convention. In response, the United States and its NATO allies challenged the Court's jurisdiction on technical grounds, presumably leaving their arguments on the legality of the intervention to await a later stage of the proceedings if necessary.

While their technical arguments ultimately carried the day, what the NATO countries failed to grasp was that Yugoslavia was seeking a victory not in the courtroom in The Hague, but in the court of public opinion. By airing his allegations before the World Court (and the world media), Yugoslav President Slobodan Milosevic took another step in his quest to level the moral playing field between Yugoslavia and NATO. Coming amidst reports that NATO bombs had gone astray — destroying hospitals, civilian convoys, and even the Chinese Embassy in Belgrade — the case before the World Court further eroded public support for the NATO policy of continuing airstrikes and made the prospects of deploying ground forces more remote. While Milosevic ultimately agreed to a peace deal, the terms of the agreement were not as strong as many had hoped — leaving Milosevic in power and his army intact.

Milosevic's strategy could have been blunted if the NATO countries had outlined the legal case for the airstrikes early in the campaign. They could have, for example, argued that the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, obliges those countries which have ratified it, including the NATO countries, to "undertake to prevent and to punish" genocide.<sup>2</sup> The duty to cooperate in the prevention of genocide has attained the level of a preemptory norm of international law (*jus cogens*).<sup>3</sup> Such norms supersede other treaty rights and obligations. Further, as a party to the Genocide Convention, the Federal Republic of Yugoslavia has impliedly waived its right to invoke territorial integrity to shield it from international action to halt genocide.

This argument would have been particularly compelling had the International Criminal Tribunal for the Former Yugoslavia issued an indictment for Milosevic charging him with genocide prior to the launch of airstrikes. But initially, Western officials reportedly opposed an indictment of Milosevic because they feared it would frustrate the

possibility of attaining a negotiated peace settlement. In addition, the NATO countries scrupulously avoided the genocide justification for fear that it would open the door for Yugoslavia to bring a case against the NATO countries before the World Court using Article 9 of the Genocide Convention. That Article requires the parties to settle any dispute about the interpretation of the Convention before the International Court of Justice. Had the NATO countries relied on the Genocide Convention as justification for the intervention, they would not be able to now argue that the International Court of Justice lacks jurisdiction to decide the legality of their position.

A second argument that could have been made is that intervention to prevent grave human rights abuses is not prohibited by Article 2(4) of the U.N. Charter. That Article prohibits use of force against the territorial integrity or political independence of a state unless such force is authorized by the Security Council or is taken in self-defense. Because the NATO countries have been careful not to support claims of independence for Kosovo, they could claim that the purpose of the airstrikes was neither to impair territorial integrity nor to challenge political independence.<sup>4</sup>

NATO's reluctance to rely on this legal rationale reflects fears that the precedent would encourage other countries to intervene in less altruistic circumstances. It was for this reason that the Western countries condemned the Indian invasion of Bangladesh in 1971 and the Tanzanian invasion of Uganda in 1979.<sup>5</sup> While these invasions put an end to mass slaughters, in each case the self-interest of the invading state was clearly present.<sup>6</sup> In this context, even NATO's motives may seem questionable to a future historian given that the airstrikes have accelerated rather than stemmed the flow of refugees from Kosovo. The NATO strategy appears calculated more to punish and de-claw the Milosevic regime for its past atrocities than to halt the human rights abuses currently being committed. Yet, fears of abusive invocation of the doctrine of humanitarian intervention must be balanced against compelling need for a contemporary and realistic interpretation of article 2(4) in

light of the re-emergence of Security Council paralysis in the face of mass atrocities.

A third argument could be based on the dissolution of the former Yugoslavia and the failure of Serbia/Montenegro to be recognized as a state under international law. When Croatia, Slovenia, Bosnia, and Macedonia achieved their independence, the Security Council declared in Resolution 777 of 1992 that Serbia/Montenegro was not entitled to continue the U.N. membership of the former Yugoslavia, a position that was confirmed by the General Assembly in Resolution 47/1.<sup>7</sup> Given Kosovo's claim for independence and Montenegro's indication that it might seek to secede as well, the legal process of dissolution may legitimately be considered to be continuing. Thus, an argument could be made that Serbia/Montenegro does not possess full rights of sovereignty and territorial integrity as protected by Article 2(4) of the U.N. Charter.

Several of the NATO countries referenced S.C. Res. 777 and G.A. Res. 47/1 in their statements to the World Court, but they argued only that Serbia/Montenegro does not have a right to bring a case since it is not a party to the UN Charter. The problem with taking the argument to the next level is that if Serbia/Montenegro were not deemed a sovereign state, it could not be held responsible for failing to abide by the treaties of the former Yugoslavia including the Geneva Conventions and the Genocide Convention. This concern should not be overblown, however, since even non-state actors can be held personally responsible for war crimes, crimes against humanity, and genocide under customary international law.

A final argument is that the people of Kosovo are entitled to self-determination and thus to exercise their right of collective self-defense. Even Ian Brownlie, the distinguished counsel for Yugoslavia, has recognized that self-determination has become a peremptory norm of international law.<sup>8</sup> The Kosovo Albanians represent a clearly defined group of people with a distinct identity who have been systematically denied fundamental human rights and the opportunity to engage in collective democratic self-governance. In such circumstances, the internationally recognized right of

self-determination includes the right to resort to force (other than by terrorism) and to seek independence.<sup>9</sup>

The difficult question is whether the right of self-determination includes the right to call upon other states to engage in collective self-defense against the aggression of a totalitarian regime. The International Court of Justice forcefully rejected the Reagan Administration's attempt to assert such a rationale for intervening in Nicaragua in 1985, stating "[t]he Court cannot contemplate the creation of a new rule opening up a right of intervention by one State against another on the ground that the latter has opted for some particular ideology or political system."<sup>10</sup> But the situation in Kosovo is different in that NATO is not intervening to impose democratic government in Yugoslavia, but to protect the Kosovo Albanians, a people forcibly denied of their right to self-determination. Of course, making this argument would require the United States to recognize Kosovo's independence, which would frustrate current plans for an eventual settlement to the conflict. On the other hand, once NATO found it necessary to go to war with Yugoslavia, it is hard to envision the return of the Kosovo Albanians to a territory which continues under the domination of the repressive Milosevic regime.

Given their potential downsides, NATO's reluctance to embrace one or more of these legal justifications is perhaps understandable, though misconceived. The lack of an articulated legal stance has played right into Milosevic's hands. It has not only weakened world-wide and domestic support for the intervention, it has undermined the authority of the Security Council and diminished international respect for the rule of law.

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#### Notes

1. Case Concerning Legality of Use of Force (Yugoslavia v. United States). The transcript of the oral arguments are available at <http://jurist.law.pitt.edu/kosovo.htm>.
2. Case Concerning Legality of Use of Force (Yugoslavia v. United States). The transcript of the oral arguments are available at <http://jurist.law.pitt.edu/kosovo.htm>.
3. OPPENHEIM'S INTERNATIONAL LAW 7-8 (9th ed., 1992). On the other hand, the rule against the use of force has also been recognized as "a conspicuous example of a rule of international law having the character of jus cogens." Case

Concerning Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v. United States), ICJ Reports 1986, at 100 [¶ 190].

4. For the modern debate among scholars on the legality of unilateral humanitarian intervention under the U.N. Charter, see I. Brownlie, *Humanitarian Intervention*, in LAW AND CIVIL WAR IN THE MODERN WORLD 218-10 (Moore, ed. 1974); R. Lillich, *Humanitarian Intervention: A Reply to Dr. Brownlie and a Plea for Constructive Alternatives*, in LAW AND CIVIL WAR IN THE MODERN WORLD 229, 247-48 (Moore, ed. 1975).

5. See Oscar Schachter, *The Right of States to Use Armed Force*, 82 MICH. L. REV. 1620, 1628-33 (1984).

6. *Id.*

7. See Michael P. Scharf, *Musical Chairs: The Dissolution of States and Membership in the United Nations*, 28 CORNELL INT'L L. J. 29, 57 (1995).

8. IAN BROWNLIE, PRINCIPLES OF PUBLIC INTERNATIONAL LAW, 513, 515.

9. ANTONIO CASSESE, SELF DETERMINATION OF PEOPLES 151 (1995). The United States, for example, has taken the position that the resort to force, other than by terrorism, by liberation movements is not unlawful. *Id.* at n.151.

10. Case Concerning Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v. United States), 1986, I.C.J. 14, 133.

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## NEWS FROM MEMBERS

**Michael G. Schechter** — Publications: *Historical Dictionary of International Organizations* (Lanham: Scarecrow Press, 1998); *Future Multilateralism: The Political and Social Framework* (London: Macmillan for the United Nations University Press, 1999) (editor); *Innovation in Multilateralism* (London: Macmillan for the U.N. University Press, 1999) (editor).

**Maria Papaconstantinoll** — Ministry of Foreign Affairs, Athens. Publication: *Rape as a Crime Under Int'l Humanitarian Law*, *The Hellenic Rev. of Int'l Law*, #2 (1998).

**Juan Carlos M. Beltramino** — Prof. of Int'l Negotiation, Argentine Foreign Service Institute; Director, Committee on Int'l Orgs., Argentine Council for Int'l Relations (from 1997). Publications: *La Aparente Aeticidad de la Negociacion Internacional* (The Apparent Lack of Ethics n Int'l Negotiation) (to be published); *Negociacion de un Proyecto de Resolucion sobre el Empleo en la Comision Desarrollo Social de las Naciones Unidas*, Analisis, Evaluacion y Ensenanzas

(Negotiation of Draft Resolution on Employment and the U.N. Commission for Social Development, Analysis, Evaluation, and Lessons (1997).

**Bryan F. MacPherson** — Presentation: "A Critical Look at the International Criminal Court," Michigan State University Law School, March 27, 1999,

## FINDING TREATIES INVOLVING INTERNATIONAL ORGANIZATIONS ON THE INTERNET

Edward Grosek\*

International organizations can conclude treaties. This treaty-making power is confined to the purposes for which the international organization exists and is usually specified in the organization's constituent instrument. In addition, international organizations sponsor conferences (which may result in conventions), adopt conventions, monitor the implementation of conventions, and perform depositary functions for conventions. The legal affairs offices of such IO's are direct sources of treaty information. This article concerns sixteen international organizations whose secretariats or legal bureaus avail at least most of their treaties in full text on the Internet.

The rules for treaty making by international organizations are the substance of the Convention on the Law of Treaties Between States and International Organizations or Between International Organizations (UN call no. A Conf. 129 15, 25 *ILM* 543 (1986)).

### 1. Council of Europe, Strasbourg

<http://www.coe.fr/eng/legaltxt/treaties.htm>

Begun in 1949, the *European Treaty Series* (ETS) contains the conventions and protocols of the forty-one members of the Council of Europe. The index of the ratification status is the Council of Europe's bimonthly *Chart of Signatures and Ratifications of European Treaties*.

The Council of Europe's Internet site has links to treaties and protocols from the ETS in full text arranged by subject category. It has links to lists of each member state's signatures and ratifications. One advantage of this website is that whenever, within the text of any ETS treaty, another convention or agreement is mentioned, a link is furnished to the latter's text or to information about it.

### 2. European Union (EU), Brussels

<http://europa.eu.int/abc/obj/treaties/en/entoc.htm>

<http://europa.eu.int/eur-lex/en/index.html>

The European Union was begun in 1951. As of 1999, it is based upon eight essential treaties. The objective for its fifteen member

states is a Europe without internal frontiers wherein there are common policies for social, economic, legal, monetary, tariff, citizenship, and transportation matters and eventually for foreign policy and defense.

The European Union Commission of Brussels maintains *Selected Instruments Taken from Treaties* and *Treaties* at the above addresses. These two sites have the updated versions in full text of the major treaties upon which the European Union is based. They also contain some Council directives and European Parliament declarations.

### 3. Food and Agriculture Organization of the United Nations (FAO), Rome

<http://www.fao.org/legal/>

The purposes of the FAO, since 1945, are to raise nutrition levels and living standards of people, especially those in rural areas of its member states, to improve food production, to provide opportunities for government officials and food experts to meet and discuss food related problems, and to compile and disseminate statistics on food production, trade, and consumption, forestry, fisheries, nutrition, etc. FAO has 175 member states.

On its website, *Treaties Deposited with FAO*, the Food and Agriculture Organization posts thirteen treaties concluded under its own auspices and fourteen treaties for which the Director-General of FAO exercises depositary functions. The treaties are all multilateral; and their texts, status information (the states which have signed or ratified the treaties), and reservations are included.

### 4. Hague Conference on Private International Law, The Hague

<http://www.hcch.net/e/conventions/index.html#convlist>

The Hague Conference on Private International Law meets quadrennially to consider civil legal issues, such as matrimonial property, intercountry adoption, consumer sales law, choice of court, and will-making, and to draft and adopt international conventions on these issues. The Ministry of Foreign Affairs of the Netherlands performs

the depositary duties for the conventions.

*Collection of Conventions* is the Hague Conference's handbook for the texts of the statute of the Hague Conference and of the thirty-three conventions adopted by it from 1951 to 1996. The thirty-four instruments plus a status chart are available on-line from the Hague Conference's website. The full text, in English and French, and the "date of first signature" are given for each of the instruments.

#### **5. International Atomic Energy Agency (IAEA), Vienna**

<http://www.iaea.org/worldatom/infcircs/>

The International Atomic Energy Agency was established in 1957 to advance atomic technology for peaceful benefits. It publishes standards for atomic research, the operation of atomic reactors, and the safe handling of nuclear fuel; and it avails direct help in nuclear emergencies. Most of its legal relations with nations and other international organizations are through signed agreements. A large number of IAEA agreements are trilateral.

The IAEA's *Information Circulars* began in 1959 and concern nuclear safety and nuclear non-proliferation. Each has an INFCIRC number. The *Information Circulars* include treaties, treaty updates, declarations, and agreement modifications among the Agency and countries or other international organizations. The International Atomic Energy Agency maintains a web subsite for its *Information Circulars* at the above URL. You can search for the *Circulars* by INFCIRC number and subject category. In many cases, there are links to the INFCIRC texts, that you can call up and print out copies that look exactly like IAEA's mimeographed records.

#### **6. International Committee of the Red Cross (ICRC), Geneva**

<http://www.icrc.org/> (click on "International Humanitarian Law")

The International Committee of the Red Cross was founded in 1863. It is not an intergovernmental organization, but it reviews and advises on revisions to the Geneva Conventions and on drafts of new humanitarian treaties. It monitors armed conflicts for violations of humanitarian

agreements and publicizes such violations to create public pressure against the violators.

ICRC's website lists ninety treaties and documents concerning "international humanitarian law" during armed conflicts. Each entry contains a summary or a significant part of a treaty or declaration plus its title, how and when it was adopted, whether it is in force and if so, the name of the depositary, a source for the original treaty or document, and pertinent keywords. In most instances, full texts are not included but can be found easily in *United Nations Treaty Collection* (see no. 12 below) with the identifying information that the website gives. There are also links to the states signatories and states parties to those agreements.

#### **7. International Institute for the Unification of Private Law (UNIDROIT), Rome**

<http://www.unidroit.org/>

The International Institute for the Unification of Private Law, or UNIDROIT, was formed originally in 1926 and reconstituted in 1940. It has fifty-eight member states. UNIDROIT convenes study groups and conferences to draw up and help nations to implement uniform laws and codes of conduct in such areas as franchising, wills, international commercial contracts, civil liability, travel agency practices, and stolen cultural objects. Currently, there are eight UNIDROIT conventions, as well as a number of conventions adopted by other organizations based on work initially done by UNIDROIT. It does not perform depositary duties. Rather the government of the country which hosts the diplomatic conference for the adoption of the UNIDROIT convention becomes its depositary.

UNIDROIT's website has the full texts and the status sheets for its conventions. In addition, it lists ten other international agreements which it initiated but which other international organizations adopted and became responsible for. Upon request, the International Institute for the Unification of Private Law will send, free of charge and in English or French, copies of its eight conventions and a report of their current status.

#### **8. International Labor Organization (ILO),**

Geneva

<http://www.ilo.org/> (click on "ILO Conventions")

The International Labor Organization establishes standards intended to improve wages and conditions for workers through surveys and recommendations and through multilateral labor conventions. The recommendations provide guidance; the conventions create obligations.

The ILO's website furnishes information on its Constitution, structure, policies, membership, and labor standards, announces upcoming conferences and employment and internship opportunities, and has links to all 181 ILO conventions, including those that never entered into force and those superseded by later agreements. For each convention, the website gives a full title, the convention number, the city where adopted, the dates of adoption and of entry into force, a link to the ratifications, the full text, and any important cross-reference, such as whether it was replaced by a later convention (and the later convention's serial number).

#### **9. International Maritime Organization (IMO), London**

<http://www.imo.org/imo/convent/index.htm>

The International Maritime Organization, one of the smallest of the U.N.'s agencies, has adopted more than forty conventions and protocols since 1948 on issues like search and rescue at sea, oil pollution, salvage, tonnage measurement. Its website describes these agreements and their amendments, and furnishes two summaries of their status: a general summary, which denotes the date of entry into force, the number of contracting states, and the percent of world merchant marine tonnage covered by each agreement; and a detailed status, which lists each party and its signatory date. The texts, including all amendments and ensuing protocols, are available. Dates of adoption and entry into operation are given, but no citations are made.

#### **10. North Atlantic Treaty Organization (NATO), Brussels**

<http://www.nato.int/docu/basics.htm>

The North Atlantic Treaty Organization was formed on April 4, 1949 with the signing of the North Atlantic Treaty, a defense pact aimed at

the Soviet Union and its allies. NATO's Internet site has the texts of the North Atlantic Treaty and twelve supplementary agreements and protocols. Dates and cities of signature, but no cites or status data are provided for each supplementary agreement. (*Treaties in Force* has, in part two under "North Atlantic Treaty Organization," entries for most of the NATO agreements and does provide citations and status for them.)

#### **11. Organization of American States (OAS), Washington**

<http://www.oas.org/EN/PROG/JURIDICO/english/treaties.html>

The Organization of American States began its *Treaty Series* report booklets in 1948. They contain multiparty agreements concluded among OAS members and are in both Spanish and English. Most of the booklets contain texts of treaties, though some booklets (for example no. 9) are cumulations or indexes. The United States is not a signatory to many OAS treaties and agreements, and so, they are not published in *United States Treaties and Other International Agreements*. The OAS General Secretariat produced an index and status update for this series, *Status of Inter-American Treaties and Conventions*; but it was issued for the last time in paper in 1993.

The OAS is continuing its *Treaty Series* and its *Status of Inter-American Treaties and Conventions* on its website, *Organization of American States*. This website contains OAS (or "interamerican") treaties by year from 1948 to the present. For each instrument, it has the full text and a status report. The status report tells where and when the treaty was adopted, the name of the adopting conference or assembly, the date of entry into force, the depositary, the OAS *Treaty Series* number plus the *UNTS* citation (if there is one), and a status chart for declarations and reservations. This site also links to the text of the OAS *Charter* as amended.

#### **12. United Nations (UN), New York**

<http://www.un.org/Depts/Treaty/> (registration required)

The *United Nations Treaty Collection* (UNTC) website is the most valuable source for treaties on the Internet. It has two parts.



The first part, "United Nations Treaty Series," lets you search for bilateral and multilateral treaties by subject, country and subject, international organization, U.N.-related agency, region of the world, popular name, keyword in title, or registration number. It is *not* a duplication of the *UNTS* paper indexes. It includes many treaties signed prior to 1946 (and later registered with the U.N.). Texts for each treaty (and status for most treaties) are furnished, but in lieu of an *UNTS* volume and page citation, the registration (serial) number is given.

Beware that you must click on "new search" before each search. To look up bilateral tax treaties between the United States and France, for example, click "new search," click "bilateral," in "Participants" click "France" and ctrl+click "United States of America," and in "Subject Terms" click "taxation." Then click on "begin search." This yields several hits, each with a registration number, dates, status, and full text. In doing a "words in title" search, you must use "and" between your title keywords (e.g., geneva and convention and wounded), or the search operation will connect them with "or." You can search for treaties with the UNTC's own subject terms. Click on "new search" and scroll down the "Subject Terms" menu. You can find treaties that fall under the terms "animals," "dairy farming," "outer space," "police," "tourism," "wines," etc.

If you scroll down the "Participants" menu, you will reach a section for international organizations and U.N.-related organs and agencies. The lists of treaties that you get for, say, the International Monetary Fund or the Union of Banana Exporting Countries are treaties to which those organizations and agencies are signatories, *not* treaties for which they act as depositaries.

The second part of the UNTC allows you to find multilateral treaties that are deposited with the Secretary-General. With it, you can search by subject category and determine the existence of any deposited agreement or convention on your subject, its date of entry into force, its acceptance status among the parties to it, the texts of each state's reservations and declarations, and an *UNTS* registration number. This database is especially good for treaties involving or

adopted by the International Atomic Energy Agency and the International Labor Organization. If there is no link to the text, return to the search screen of part I and call up the same treaty by its registration number. If you fail to call up an existent multilateral treaty with this index, the treaty is likely deposited, not with the United Nations, but with another international organization. In addition, it contains the titles, dates, citations, and reservations to thirty-three multinational *League of Nations Treaties Series* treaties that are still in effect. By clicking on "Overview of the U.N. Treaty Collection," you can get to a glossary of many key terms used in studying treaties. The website is updated once a week.

The Secretary-General's initial proposal to convert the processing of treaties submitted for the *United Nations Treaty Series* (*UNTS*) from paper to a computer-readable form on November 29, 1973 is reported in UN doc. no. A/C.5/1566.

13. **United Nations Commission on International Trade Law** (UNCITRAL), Vienna <http://www.un.or.at/uncitral/>

The United Nations Commission on International Trade Law was established in 1966 to remove obstacles to international trade and to harmonize international trade laws among nations. The Secretary-General is the depositary for UNCITRAL's conventions, which the latter publishes as pamphlets.

Its website lists the titles and dates of its seven conventions with their dates of entry into force, the states parties, and their reservations and declarations. For some it gives the full text. The status of these seven conventions are also available with UNCITRAL's in *Yearbook* and with *Multilateral Treaties Deposited With the Secretary-General*.

14. **United Nations Educational, Scientific and Cultural Organization** (UNESCO), Paris <http://www.unesco.org/general/eng/legal/convent.html>

United Nations Educational, Scientific and Cultural Organization, a specialized United Nations agency with 186 member states, began its operations in 1946. Its purpose is to promote peace and prosperity among nations

by encouraging collaboration in international education, especially education in each other's sciences, culture, and communications. UNESCO funds studies, publishes statistics, makes awards, and convenes and adopts conventions.

UNESCO publishes and updates the various "conventions and agreements of a standard-setting nature" which it has adopted or for which it is the depositary in *UNESCO Standard-Setting Instruments*. This is a loose-leaf binder of conventions, recommendations, and declarations that is updated periodically with replacement pages. The text of each of the multilateral agreements is available via the UNTC website (see No. 12 above). UNESCO lists its international conventions and protocols on its website. Each of the thirty-two listings has a date of conclusion, and some have links to the texts. Unfortunately, the site gives neither citations to the general compilations nor signatories to the agreements.

15. **Western European Union (WEU)**, Brussels  
<http://www.weu.int/eng/index.html> (click on "Documents")

The Western European Union is an intergovernmental organization composed of twenty-eight nations. Its member nations are structured into four unequal hierarchical groups. The purposes of the WEU are first, to provide a common security and defense policy for Western Europe, including combat facilities and troops, and second, to prepare the lower echelon member states for entry into the European Union and/or the North Atlantic Treaty Organization, the two intergovernmental organizations with which the Western European Union collaborates most closely.

The Western European Union's website has the full texts of the WEU's constitutive agreements: the Brussels Treaty of March 17, 1948, and the Paris Agreement of October 23, 1954, plus its four protocols, and the Agreement on the Status of the Western European Union, signed May 11, 1955. It also has several important official acts, resolutions, messages, and agreements from 1954 to 1955. It does not have the Western European Union's operational agreements with the EU

or with NATO.

16. **World Intellectual Property Organization (WIPO)**, Geneva

<http://www.wipo.org/eng/iplex/index.htm>

The World Intellectual Property Organization established in 1883 and a specialized U.N. agency since 1974, is responsible for administering twenty multilateral agreements that protect inventions, trademarks, integrated circuit designs, citations of product origin, and literary, musical, and artistic copyrights. It is not the only international organization that protects intellectual property.

*General Information* is a free handbook that explains all — except four — of the treaties from 1883 through 1996. Given for each treaty are the signature date, the states party, some background information, the depositary (WIPO in almost all instances), whether the treaty resulted in a union, and whether that union publishes a periodical. No citations to *LNTS* or *UNTS* are given. The texts and status of these WIPO's treaties can be obtained from WIPO's website.

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**1999-2000 INTERNATIONAL  
ORGANIZATIONS INTEREST  
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## THE CAMPAIGN TO END GENOCIDE

Gregory H. Stanton

1.5 million Armenians. 3 million Ukrainians. 6 million Jews. 6 million Gypsies and Slavs. 5 million Russians. 5 million Chinese. 1 million Ibos. 1.5 million Bengalis. 1.7 million Cambodians. 250,000 Burundians. 500,000 Ugandans. 1 million Sudanese. 800,000 Rwandans. 1 million North Koreans. Thousands of Kosovars. Genocides and other mass murders have killed more people in this century than all the wars combined. "Never again" has turned into "again and again." Again and again — the response to genocide has been too little and too late.

During the Armenian genocide and the Holocaust, the world's response was denial. In 1994, while 800,000 Tutsis died in Rwanda, State Department lawyers debated whether it was "genocide", and the U.N. Security Council withdrew peacekeeping troops who could have saved hundreds of thousands of lives.

Genocide is the world's worst human rights problem. But it is different from other problems and requires different solutions. Because genocide is almost always carried out by a country's own military and police forces, the usual national forces of law and order cannot stop it. International intervention is usually required. But because the world lacks an international rapid response force, and since the United Nations has so far been either paralyzed or unwilling to act, genocide has gone unchecked.

The Campaign to End Genocide will be an international coalition dedicated to creating the international institutions and the political will to end genocide forever. The Campaign has six goals:

1. The early and effective functioning of the International Criminal Court.
2. Creation of an effective early-warning system to alert the world and especially the U.N. Security Council to potential ethnic conflict and genocide.
3. Reform of the veto in the U.N. Security Council and/or action by the General Assembly under the Uniting for Peace Resolution when essential Security Council

action is blocked by the veto.

4. Establishment of a powerful United Nations rapid response force in accordance with Articles 43-48 of the U.N. Charter.

5. Full payment of U.N. assessments and reliable funding for U.N. peacekeeping.

6. Provide public information on the nature of genocide and its prevention.

This Campaign will be a de-centralized, global effort of many organizations. In addition to its work for institutional reform of the U.N., the coalition will pressure governments to act on early warnings of genocide through the U.N. Security Council. The Campaign will establish its own NGO early warning system and its own website ([www.endgenocide.org](http://www.endgenocide.org)). Bypassing the secrecy of government intelligence services, the Campaign hopes to facilitate establishment of truly confidential communication links that will allow relief and health workers, whistleblowers, and ordinary citizens to create an alternative intelligence network that will warn of ethnic conflict before it turns into genocide.

The Campaign to End Genocide will cover genocide as it is defined in the Genocide Convention: "the intentional destruction, in whole or in part, of a national, ethnic, racial or religious group, as such." It will also cover political mass murder, ethnic cleansing, and other genocide-like crimes against humanity. It will not get bogged down in legal debates during mass killing.

Building the political will for action is the major task. Among the defense mechanisms too often used to justify non-action is denial of the facts. So the first job in preventing and stopping genocide is getting the facts in clear, indisputable form to policy makers. Most of that job is done by the news media. But conveying the information is not enough. It must be interpreted so that policy makers understand that genocidal massacres are systematic, or that the portents of genocide are as compelling as warnings of a hurricane. Then options for action must be suggested to those who make policy, and they must be

lobbied to take action.

The Campaign to End Genocide will work to create political will through:

1. Consciousness raising — maintaining close contact with key policy makers in governments of U.N. Security Council members, providing them with information.

2. Coalition formation — working in coalitions to respond to specific genocidal situations and involving members in campaigns to educate the public about solutions.

3. Policy advocacy — preparing and presenting to policy makers option papers for responses to specific situations.

The Campaign to End Genocide will concentrate on predicting, preventing, stopping, and punishing genocide and other forms of mass murder. It will bring an analytical understanding of the genocidal process to specific situations. It will not simply study genocide or hold conferences, but will attempt to build institutions, such as an international criminal court, that can end genocide forever.

The Campaign will seek to influence U.S. foreign policy, a key to forceful humanitarian

intervention when genocide threatens. But it will also be an international effort that will work with governments of other U.N. Security Council members to create the political will for U.N., rather than unilateral intervention. Organizers of the Campaign include the World Federalist Association (USA), The Leo Kuper Foundation, Physicians for Human Rights—UK, Genocide Watch, Inc., Prevent Genocide International, International Alert, The Genocide Remembrance and Prevention Network, The Committee for Effective International Criminal Law (Germany), and the Campaign for U.N. Reform. The list of participating organizations is expected to grow rapidly. The Campaign Director is Dr. Gregory Stanton, at the World Federalist Association (USA), 418 7th St. SE, Washington, D.C. 20003, U.S.A., telephone 202-546-3950 or 800-WFA-0123, e-mail: endgenocide@wfa.org.

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## WORLD CIVIL SOCIETY CONFERENCE 1999

Martha Schweitz\*

A conference will be held in Montreal December 8-11, 1999, entitled, "World Civil Society Conference 1999: Building Global Governance Partnerships." (WOCSOC). It was initiated by the United Nations University (UNU) in Tokyo, largely through the efforts of Prof. Tatsuro Kunugi of International Christian University. The secretariat of WOCSOC is Forum International de Montreal (FIM), and the Chair of the Steering Committee is Cyril Ritchie of Geneva.

**Participation and Purpose:** WOCSOC is being organized largely through existing NGO networks: national, regional and international. Some 350 NGO networks have been invited to participate in the preparatory process. The Steering Committee is insisting on gender balance as well as regional and sectoral balance, with respect to both participants and

speakers. It is expected that about 500 people will attend WOCSOC, principally representing not-for-profit entities, but also academia, the U.N. system and other intergovernmental organizations, governments, the media, and business.

It has been designed to be a result-oriented, working conference. To that end, the program will blend plenary sessions with an array of workshops on specific subjects. The objective of WOCSOC is to help build and strengthen partnerships for global governance. The emphasis will be on partnerships among civil society actors (cross-national, cross-cultural, cross-sectoral and gender balanced) and between the latter and the U.N. system. Portions of the program also address partnership questions involving academia, the media, and business. (While

these three sectors may properly be considered part of civil society, it is simple-minded and potentially dangerous not to give them each the distinct treatment they require.)

As currently planned, the plenary sessions will be addressed by two leading speakers, one from the U.N. system and the other from a sector of civil society. Workshops will develop policy recommendations and concrete proposals based on plenary sub-themes. One goal of this output is to contribute to other upcoming initiatives, including specifically the Millennium Forum (summer 2000) and the U.N. Millennium Assembly (September 2000), as well as other scheduled U.N. conferences and "plus five" reviews.

Two written projects will provide input for discussion at WOCSOC. One is a book to be published in fall 1999 by the UNA in Canada on "Civil Society and the UN," that will focus on the implementation of declarations and programs of action adopted at recent world conferences. The other is a study on codes of conduct for partnership in governance edited by Prof. Kunugi and myself, under the auspices of UNU, compiling and analyzing various codes of conduct developed by and for NGOs, business, and intergovernmental organizations. (I would be very pleased to hear from anyone who has something to contribute to this study.)

**Academia:** The academic side of WOCSOC is not a mere afterthought. It is central to the original purpose of the conference and to retaining UNU support. The initial idea in 1996 was to bring together scholars and practitioners to take up the challenge offered by the Commission on Global Governance (and others) to make concrete progress in developing concepts, mechanisms, and processes for increased formal and informal civil society participation within the U.N. system. Broad brush proposals for new forms of U.N./civil society partnership, such as those advanced by the Commission in *Our Global Neighborhood*, require serious and deep consideration, regarding both their theoretical and practical dimensions and implications. Neither academics nor civil society workers acting alone would seem equipped for this task; working together we could make real

headway.

The details of academic participation in WOCSOC have yet to be decided. To date, discussions have emphasized the need to involve networks and associations of scholars from all regions, and several groups have been identified. Since WOCSOC will be held in Canada, it will be necessary to prevent North American representation from overwhelming that from other regions. Electronic conferencing before, during and after the conference should help to alleviate this problem and enable broader participation.

**International Organizations Interest Group:** Apart from the possibility of attending WOCSOC, in person or electronically, how can this Interest Group contribute to its success? What can we do to help ensure this conference results in consensus building and understanding and in directing future work and action, rather than reinventing the partnership wheel or reiterating blithe rhetoric about the "voice of the people"? A few suggestions follow, others are sought.

1) Members connected with an academic association outside of the U.S. and Canada can publicize WOCSOC and encourage the association to contact FIM about participating.

2) Table space will be available at WOCSOC to display and/or distribute materials of NGOs, academics, and others. At a minimum, we should have a few good bibliographies of relevant academic writing available, newly compiled or reproduced.

3) Copies of articles or abstracts could be made available.

4) Anyone so inclined could write a short, thoughtful, paper on a topic listed in the preliminary program. The papers could be useful to the workshops in developing recommendations and proposals. They could be distributed generally but also provided to the workshop leaders in advance. Also, academics could work with NGO representatives in preparing such a piece.

5) There is a need, for a survey or individual descriptions of parliamentary or governance models from different nations, regions, and times that could serve as food for creative thought on institutionalizing new U.N./NGO relations. It is disturbing that the Commission on Global Governance, after

highly praising the work of civil society actors at the U.N., suggested a parliamentary assembly as a first step towards a people's assembly. While that proposal may have its merits, it would seem to serve a very different purpose than building on current NGO activities at the U.N. The EU Parliament, which began as such a parliamentary assembly, is now directly elected but remains organized along political party lines. Is this suitable for the U.N.? What are other options?

6) Interest Group members can use our International Organizations Chat Room to further develop or implement these ideas or to come up with others.

Of course, NGO workers (professional and volunteer) and academics are overlapping sets of people, and many can be very effective in their dual roles. Nevertheless, a great many NGO workers are wholly unfamiliar (and in some cases uninterested in) academic writing relevant to their concerns. WOCOSOC could contribute significantly to building NGO/academic bridges. Such bridges are essential, I believe, as mandatory reality checks for academics (NGOs report not recognizing themselves in articles published by others), and to assist NGOs in learning from others' experiences and conceptualizing what they are doing, often vital in effective advocacy work. I look forward to exchanging thoughts on any of these ideas and on others anyone may suggest.

For further information on WOCOSOC, see <http://www.wocsoc.org>, or contact FIM at [fim98@cam.org](mailto:fim98@cam.org), tel. in Canada 514-499-9468, or contact me at e-mail: [schweitz@seinan-gu.ac.jp](mailto:schweitz@seinan-gu.ac.jp).

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\* Member, WOCOSOC Steering Committee, Professor of International Law, Seinan Gakuin University, Fukuoka, Japan.

In June, President Clinton announced steps America would take to induce the removal of Slobodan Milosevic from power. But the ouster of the Yugoslav leader responsible for crimes against humanity in Bosnia and Kosovo is not enough. He must be brought to justice before the International Criminal Tribunal in The Hague.

Otherwise, Milosevic will follow the example of Bosnian Serb leader Radovan Karadzic, who remains at large in the Serb-dominated portion of Bosnia despite the international warrant for his arrest. Like a puppetmaster, Karadzic still dominates Bosnian Serb politics from behind the scenes. He controls the Serb warlords who continue to thwart the return of Muslim refugees to their homes in the Serb-portion of Bosnia.

Similarly, even if Milosevic is forced to relinquish his official position, he will maintain control of Serbia's massive police and paramilitary network, which represses opposition. He will continue to control Serbia's TV and Radio Stations, which were responsible for spreading the disease of ethnic nationalism to the Serb people. His followers will still command the third largest army in Europe, which poses a continuing threat to Bosnia, Montenegro, and Vojvodina (the other non-Serb semi-autonomous province within Yugoslavia).

The apprehension and trial of these "Most Wanted" indicted war criminals is critical to achieving lasting peace in the Balkans. Without such action, the Dayton and Kosovo accords will constitute nothing more than a temporary pause in the ethnic conflict; NATO and U.S. forces will have to remain indefinitely; democracy will never take root and ethnic nationalism will continue to thrive; there will be revenge killings, once again igniting the cycle of violence in the region. And, future rogue regimes throughout the world will be given reason to believe that they too have nothing to lose by engaging in mass brutalities.

Thus, the lifting of sanctions and provision of economic assistance to Serbia should not merely be conditioned on Milosevic's ouster (as President Clinton has proposed), it should be conditioned on the surrender of Milosevic and Karadzic to the International Tribunal. Only then can peace and justice return to the

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**EDITORIAL**

**OUSTER IS NOT ENOUGH**  
**MILOSEVIC MUST BE BROUGHT TO**  
**JUSTICE**

war-torn region.

— Michael Scharf





## WERNER J. FELD

Dr. Werner J. Feld, founding chair of the Department of Political Science and Distinguished Professor at the University of New Orleans, passed away in September 1998 at his home in Colorado Springs, Colorado. At the time, Werner was working on the 4th edition of our textbook, *International Organizations*, and additionally he had just published the latest of his many scholarly books dealing with aspects of European integration. Werner came to academia relatively late in life, having had careers in U.S. Army Intelligence and in business before entering Tulane University in the 1960s, where he received his doctorate. From the outset of his academic career, he and his late wife Elizabeth were active in the foreign affairs community of New Orleans as well as playing a leading role in the development of the new Louisiana State University in New Orleans, which was subsequently renamed to reflect the city which it served.

In his dealings with many persons from various walks of life over a very long time, Werner displayed a respect for cultural and social diversity and for personal tolerance. Born in Germany to Jewish parents, his family emigrated to the United States in the 1930s, where he became acculturated to American mores and culture while at the same time not losing his love of things European, and especially music. It is no accident, then, when he embarked on a prolific writing career, that he focused on the reconstitution of a shattered Europe devastated by two disastrous wars. He not only studied but fervently believed in the settling of long-time nationalistic animosities through the British theorist David Mitrany's concept of functionalism and the French visionary Jean Monnet's notion of integration — the purpose of both functionalism and integration being to eradicate war.

For most of Werner's career at the University of New Orleans, and later at the Graduate School of International Studies at the University of Denver along with the University of Colorado at Colorado Springs, he never neglected his teaching

responsibilities. He loved to teach and was a reliable mentor and career facilitator. An example of this commitment is his having been the prime mover in obtaining a doctoral program for his Department, the rationale for which was providing opportunities for advanced graduate studies to students coming from minority backgrounds.

He enjoyed the collegiality that comes from participating in professional organizations and societies. He was active in the Foreign Relations Association of New Orleans, in the Episcopal Church in both New Orleans and in Colorado Springs (where he was a warden at the time of his death). He was an active member of the Committee on Atlantic Studies (chair), the International Studies Association (chair of the International Organization Section), the Conference Group on German Politics, and the European Studies Association. He published widely in journals on both sides of the Atlantic.

Unusual in a world of broken promises and unfulfilled aspirations, when Werner obligated himself to write a journal article, a conference paper, a book chapter, or a book, he meticulously stuck to his word. As collaborators over many years in these activities, we never were disappointed by him, although sadly, we sometimes disappointed him. But he never was one to look back at the "might-have-beens; instead he was always looking forward to the next conference paper, book chapter, journal article or book.

We, along with his many other friends and colleagues, will especially miss his unfailing courtesy, his reliability, his candor, and his keen insights.

Robert S. Jordan  
University of New Orleans

## **NEWSLETTER SUBMISSIONS NEEDED**

This newsletter's success depends upon material being submitted by our members. Any items of interest to members are welcome, including articles, letters to the editor, announcements of events, employment opportunities (paid or volunteer) in international law, etc. Submission by February 20 will ensure full consideration for the next issue. Earlier submission is encouraged. Submit material for publication to the address below.

I 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. In addition, please contact me or Interest Group Chair Michael Scharf if you would like to become active in the Interest Group.

In addition, we will publish brief notices of our members' recent activities and publications that are of interest to our membership. Please let us know of your significant activities by completing the following form and sending it to me (or sending me an e-mail message containing the information).

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**Name:**

**Affiliation:**

**Address:**

**Phone:**

**Recent Publications:**

**Professional Presentations & Testimony:**

**Other Relevant Activities:**

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