
Volume 44 | Issue 1

2011

Volume 44 Issue 1 (2011)

CWRU Journal of International Law

Follow this and additional works at: <https://scholarlycommons.law.case.edu/jil>



Part of the [International Law Commons](#)

Recommended Citation

CWRU Journal of International Law, *Volume 44 Issue 1 (2011)*, 44 Case W. Res. J. Int'l L. Iss. 1 (2011)

Available at: <https://scholarlycommons.law.case.edu/jil/vol44/iss1/25>

This Front Matter is brought to you for free and open access by the Student Journals at Case Western Reserve University School of Law Scholarly Commons. It has been accepted for inclusion in Case Western Reserve Journal of International Law by an authorized administrator of Case Western Reserve University School of Law Scholarly Commons.



SCHOOL OF LAW

CASE WESTERN RESERVE
UNIVERSITY

Volume 44 Nos. 1 & 2 2011

CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW

INTERNATIONAL LAW IN CRISIS

FOREWORD: INTERNATIONAL LAW IN CRISIS *Michael P. Scharf, Adam Centner & Kara McClain*

IS INTERNATIONAL LAW IN CRISIS?

"THE CRISIS IN THE IMPLEMENTATION OF INTERNATIONAL LAW" *Honorable Richard Goldstone*

THE EVOLUTION OF INTERNATIONAL LAW: ARCS AND CYCLES *Michael J. Kelly*

AN AGE OF EXTREMES: INTERNATIONAL LAW IN CRISIS: EIGHT CHALLENGES *David M. Crane*

"ROUNDTABLE DISCUSSION: IS THE PRESIDENT BOUND BY INTERNATIONAL LAW IN THE WAR AGAINST TERRORISM? A TEN-YEAR RETROSPECTIVE"

INTERNATIONAL LAW IN CRISIS: CHALLENGES POSED BY THE
NEW TERRORISM AND THE CHANGING NATURE OF WAR *John F. Murphy*

AFTER OSAMA BIN LADEN: ASSASSINATION, TERRORISM, WAR,
AND INTERNATIONAL LAW *Louis René Beres*

A TEN-YEAR RETROSPECTIVE ON THE LAW AND THE
WAR ON TERRORISM: THE ROLE OF ARMY RESERVE
CITIZEN-LAWYERS *Major General Gill P. Beck, United States Army Reserve*

INTERNATIONAL LAW IN DOMESTIC COURTS

THE IMPACT OF THIRD-PARTY FINANCING ON
TRANSNATIONAL LITIGATION *Cassandra Burke Robertson*

WHAT IS THIS CASE DOING HERE? HUMAN RIGHTS
LITIGATION IN THE COURTS OF THE UNITED STATES *Steven M. Schneebaum*

Continued on Back Cover

**Case Western Reserve
Journal of
International Law**

Volume 44, Nos. 1 & 2
2011



SCHOOL OF LAW

CASE WESTERN RESERVE
UNIVERSITY

CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW

2011-2012 Editorial Board

EDITOR-IN-CHIEF

Philippe Benard

MANAGING EDITOR

Adam Centner

EXECUTIVE ARTICLES EDITORS

Mark Silvaggio
Ryan Voorhees

Racheal Clarke
Lindsay Gans
Gregory Gipson

Katelin Anderbery
Britney Bennett
Jeffrey Bieszczak
Jessica Feil
Noah Fowle
Danielle Fritz

FACULTY ADVISORS

Michael P. Scharf
David R. Kocan

SYMPOSIUM EDITOR

Kara McClain

PRODUCTION EDITOR

Benjamin Oster

SENIOR EDITORS

Katherine Jacob
Jamie Madriaga
Justin McNeil

ASSOCIATE EDITORS

Matthew Grashoff
Steven Gregorio
Kevin Hartman
Rebecka Hawkins
Taylor Karam
Hillary Kistenbroker
Jessica Lordi

TECHNOLOGY EDITORS

Rizwan Chowdhry
Erica Belden

EXECUTIVE NOTES EDITORS

Cameron MacLeod
Helena Traner

Kathleen Sanz
Rebecca Stanger
Jaclyn Vary

Joy Morgen
Sarah Murphy
Lisa Okasinski
Brittany Pizor
Yolanda Rondon
Nicholas Weiss

INTERNATIONAL RESEARCH LIBRARIAN

Andrew Dorchak

The *Case Western Reserve Journal of International Law* is published at the Case Western Reserve University School of Law. Current subscriptions are priced at \$27.00 per volume for domestic subscriptions and \$29.00 per volume for foreign subscriptions. Subscriptions are renewed automatically unless timely notice of cancellation is received. Single issues can be purchased by contacting the *Case Western Reserve Journal of International Law*.

Darby Printing Company, Atlanta 30336
Copyright © 2011 Case Western Reserve Journal of International Law
All rights reserved. Printed in the United States of America.

ISSN 0008-7524

The *Case Western Reserve Journal of International Law* is indexed in the *Index to Legal Periodicals* and is available on Westlaw®, LexisNexis®, and EBSCO. Back issues are also available in PDF format through HeinOnline <http://heinonline.org/>.

Address all correspondence to:

Case Western Reserve Journal of International Law
11075 East Boulevard
Cleveland, Ohio 44106

For all photocopy or republication requests, contact:

Copyright Clearance Center, Inc.
222 Rosewood Drive
Danvers, MA 01923
info@copyright.com
www.copyright.com

The opinions expressed herein are those of the respective authors and do not necessarily reflect the opinion of the *Case Western Reserve Journal of International Law*.

Cite as: **CASE W. RES. J. INT'L L.**

CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW

Volume 44

Numbers 1 & 2

2011

INTERNATIONAL LAW IN CRISIS

FOREWORD: INTERNATIONAL LAW IN CRISIS

Michael P. Scharf, Adam Centner & Kara McClain 1

IS INTERNATIONAL LAW IN CRISIS?

“THE CRISIS IN THE IMPLEMENTATION OF INTERNATIONAL LAW”

Honorable Richard Goldstone 13

THE EVOLUTION OF INTERNATIONAL LAW: ARCS AND CYCLES

Michael J. Kelly 41

AN AGE OF EXTREMES: INTERNATIONAL LAW IN CRISIS: EIGHT CHALLENGES

David M. Crane 47

“ROUNDTABLE DISCUSSION: IS THE PRESIDENT BOUND BY INTERNATIONAL LAW IN THE WAR AGAINST TERRORISM? A TEN-YEAR RETROSPECTIVE”

INTERNATIONAL LAW IN CRISIS: CHALLENGES POSED BY THE NEW TERRORISM
AND THE CHANGING NATURE OF WAR

John F. Murphy 59

AFTER OSAMA BIN LADEN: ASSASSINATION, TERRORISM, WAR, AND
INTERNATIONAL LAW

Louis René Beres 93

A TEN-YEAR RETROSPECTIVE ON THE LAW AND THE WAR ON TERRORISM:
THE ROLE OF ARMY RESERVE CITIZEN-LAWYERS

Major General Gill P. Beck, United States Army Reserve 149

INTERNATIONAL LAW IN DOMESTIC COURTS

THE IMPACT OF THIRD-PARTY FINANCING ON TRANSNATIONAL LITIGATION

Cassandra Burke Robertson 159

| | |
|--|-----|
| WHAT IS THIS CASE DOING HERE? HUMAN RIGHTS LITIGATION IN THE COURTS OF THE UNITED STATES <i>Steven M. Schneebaum</i> | 183 |
|--|-----|

| | |
|--|-----|
| UNDERSTANDING WHEN AND HOW DOMESTIC COURTS APPLY IHL <i>Laurie R. Blank</i> | 205 |
|--|-----|

NORTHERN AFRICA AND THE MIDEAST: TO WHERE?

| | |
|---|-----|
| SECURITY COUNCIL RESOLUTION 1973 ON LIBYA: A MOMENT OF LEGAL & MORAL CLARITY <i>Dr. Paul R. Williams & Colleen "Betsy" Popken</i> | 225 |
|---|-----|

| | |
|---|-----|
| INTERVENTION IN LIBYA, YES; INTERVENTION IN SYRIA, NO: DECIPHERING THE OBAMA ADMINISTRATION <i>Amos N. Guiora</i> | 251 |
|---|-----|

| | |
|---|-----|
| "PRICE TAG": WEST BANK SETTLERS' TERRORIZING OF PALESTINIANS TO DETER ISRAELI GOVERNMENT LAW ENFORCEMENT <i>Ori Nir</i> | 277 |
|---|-----|

PIRACY: NEW THREATS, NEW RESPONSES

| | |
|--|-----|
| INTERNATIONAL LAW IN CRISIS: PIRACY OFF THE COAST OF SOMALIA <i>Milena Sterio</i> | 291 |
|--|-----|

| | |
|--|-----|
| INTERNATIONAL LAW IN CRISIS: SEEKING THE BEST PROSECUTION MODEL FOR SOMALI PIRATES <i>Sandra L. Hodgkinson</i> | 303 |
|--|-----|

| | |
|--|-----|
| ENHANCING INTERNATIONAL EFFORTS TO PROSECUTE SUSPECTED PIRATES <i>Jennifer Landside</i> | 317 |
|--|-----|

INTERNATIONAL ECONOMIC LAW IN CRISIS OR MERELY IN TIMES OF CRISIS?

| | |
|---|-----|
| POVERTY, ISLAMIST EXTREMISM, AND THE DEBACLE OF DOHA ROUND COUNTER-TERRORISM: PART TWO OF A TRILOGY – NON-AGRICULTURAL MARKET ACCESS AND SERVICES TRADE <i>Raj Bhala</i> | 325 |
|---|-----|

| | |
|---|-----|
| THE CRISIS OF INTERNATIONAL LAW <i>Joel P. Trachtman</i> | 407 |
|---|-----|

CLIMATE CHANGE – WHAT DOES HOPE LOOK LIKE?

CLIMATE CHANGE AND CRISES OF INTERNATIONAL LAW:

POSSIBILITIES FOR GEOGRAPHIC REENVISIONING

Hari Osofsky423

THREE CLIMATE CRISES

Deepa Badrinarayana.....435

THE 50TH ANNIVERSARY OF THE EICHMANN TRIAL: ITS CONTEMPORARY RELEVANCE

FIFTY YEARS AFTER: A CRITICAL LOOK AT THE EICHMANN TRIAL

Ruth Bettina Birn443

KLATSKY SEMINAR IN HUMAN RIGHTS – PRESENTED BY THE FREDERICK K. COX INTERNATIONAL LAW CENTER

VICTIMS BEFORE INTERNATIONAL CRIMINAL COURTS:

SOME VIEWS AND CONCERNS OF AN ICC TRIAL JUDGE

Honorable Christine Van den Wyngaert.....475

STUDENT NOTE

RESOLVING ARCTIC SOVEREIGNTY FROM A SCANDINAVIAN PERSPECTIVE

Helena Traner497