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Editor's Note

Editor

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EDITOR'S NOTE

This issue of the *Case Western Reserve Journal of International Law* contains five sections, each encompassing and addressing a variety of issues in international law. The first three sections are a collection of speeches from prominent practitioners in the field of international law. The fourth contains an article on a potential new war crimes tribunal in Sri Lanka, and the fifth features four student notes.

The first section contains a speech from Judge Kimberly Prost, given through the Institute for Global Security Law and Policy at Case Western Reserve University School of Law, entitled *A Reflection on Innovations in the Security Council: The International Tribunals, Counterterrorism and the Office of the Ombudsperson*. Judge Prost first discusses the importance of the U.N. Security Council and the innovative use of its powers in broadening international humanitarian and criminal law. She further describes her complicated role as Ombudsperson in the ongoing battle in counterterrorism efforts, and how her office works to ensure fair process against those individuals who have received targeted sanctions against them. The Frederick K. Cox International Law Center Speaker Series begins with a speech from Brigadier General Mark Martins, *A Conversation with the Chief Prosecutor of United States Military Commissions*, which relays General Martins' observations on the reformed military commissions system, describes their procedures, clarifies misconceptions about the process, and emphasizes their importance in combating some of the unique global threats the world faces.

Next, Colonel Morris Davis provides insight on the changing legal climate in a post-9/11 world in *Eroding the Foundations of International Humanitarian Law: The United States Post-9/11*. He discusses the problems with the evolving counterterrorism paradigm, including torture, rendition, and detention at Guantanamo Bay. He calls for the U.S. to return to its roots and the rule of law that it helped shape. Kenneth Feinberg provides the fourth speech, *Unconventional Responses to Unique Catastrophes: Tailoring the Law to Meet the Challenges*, where he recounts his experience of the difficulty in managing various victim compensation funds following grave tragedies such as 9/11 and the Boston Marathon attack. The third section is the Klatsky Seminar in Human Rights speech given by Harold Hongju Koh, titled *Twenty-First-Century Problems—Twentieth-Century International Law*. Professor Koh lends his expertise to the challenge of responding to modern, unprecedented global conflicts when international law has not yet adapted to apply to such situations. He argues that using a smart power approach by engaging allies, adapting the spirit of international law to modern problems, and leveraging these are the key to dealing with current challenges.

The following section contains one article, *A War Crimes Tribunal for Sri Lanka? Examining the Options Under International Law*, written by Nihal Jayasinghe and Daley J. Birkett. The authors shed light on the various options open to Sri Lanka and the international community to ensure that perpetrators of war crimes and human rights violations that occurred during the twenty-six year armed conflict in Sri Lanka are held accountable. They evaluate the viability of jurisdiction in the International Criminal Court, while also contemplating the possibility of a special tribunal.

The last section comprises four student notes written on a wide range of topics. The first, *After Artyom: How Efforts to Reform U.S.-Russia Adoption Failed, and What Russia Must Do Now to Ensure the Welfare of Her Orphans*, is written by Sarah Gatti and addresses Russia's ban on U.S. adoptions. She argues that the ban is a signal for Russia to reform its child welfare laws, from creating a juvenile court system, to tackling the predominance of fetal alcoholism disorders. The next note is my own, *Foreign Assistance at Home, Increasing USAID Accountability Through Victim Participation Rights in the Foreign Assistance Act*, which argues for the recognition of a legal injury stemming from violations of the Foreign Assistance Act. I propose creating a cause of action to allow vindication of victims' rights when they have suffered abuse enabled by misappropriated USAID funds in their respective countries. The third note is from JoAnn Vrabel, *Tourism at UNESCO World Heritage Sites: Protecting Global Treasures and the Travelers Who Seek Them*, which recognizes the ongoing problem of tourist and visitor safety at UNESCO World Heritage sites. She propounds that the World Heritage Program should revise its guidelines by including visitor safety regulations, ranging from a security system infrastructure to baseline tourist protection measures. The section concludes with a note from Meena Miriam Yust, called *Wings Without Borders: The Case for a Migratory Insect Treaty to Aid Monarch Butterflies*. Ms. Yust advocates and proposes draft language for the adoption of a Migratory Insects Treaty that would protect the populations of Monarch butterflies and other migratory insects.

This issue covers a wide span of areas in international law, and all pieces provide unique insight and solutions to some of the most pressing problems the international community faces today. I hope you will find it informative, interesting, and illuminating.