1-1-2010

Newsletter, Spring/Summer 2010, vol. 5, issue 1

The Dean Rusk International Law Center

Repository Citation
The Dean Rusk International Law Center, "Newsletter, Spring/Summer 2010, vol. 5, issue 1" (2010). Newsletters. 7.
https://digitalcommons.law.uga.edu/rusk_newsletters/7

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International experts convened in Vienna, Austria, in January to discuss ways to reduce the risk of nuclear terrorism and ensure the security of nuclear materials and facilities worldwide. Co-sponsored by the Dean Rusk Center and the Center for International Trade and Security, and funded in part by NATO, the workshop was designed to address current gaps and inconsistencies in nuclear security and to yield specific recommendations for improvement. More than 100 international experts in the fields of nuclear law, antiterrorism and nuclear security participated.

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President of India Presents Award to Rusk Center Director

The University of Georgia School of Law’s Dean Rusk Center was recently honored in India for its work in the area of international legal education and outreach with an International Jurists Award.

The award was presented to Rusk Center Director C. Donald Johnson on Nov. 21 during the International Conference of Jurists in New Delhi, India, by the President of India Pratibha Devisingh Patil. Also presenting the award were the Chief Justice of India K.G. Balakrishnan and the Union Minister for Law and Justice M. Veerappa Moily.

"Chief Justice Balakrishnan nominated the Rusk Center for this award after his visit to campus this past spring, and we were deeply honored when we were selected," Johnson said. "It is significant for the work of the Rusk Center to be recognized at this level." While in India to receive the award, Johnson met with the Chief Justice of the Supreme Court of India, the Minister of Law and Justice, and officials from the Indian Law Institute to discuss the potential for future collaboration in international legal education. He also presented a talk at the conference along with Rusk Center Associate Director María E. Giménez on new challenges regarding intellectual property aspects of international trade and the challenges of providing a world class legal education, respectively. Four others were also recognized at the conference with an International Jurists Award including the Chief Justice of Singapore Chan Sek Keong, International Court of Justice Judge Awn S. Al-Khasawneh, retired judge of the English High Court of Justice Sir Gavin Lightman and prosecutor at the International Criminal Court Fatou Bensouda.

— Assistant Director Communications and Public Relations Cindy Rice
The International Law Colloquium Series brings leading international law scholars to the University of Georgia School of Law to present substantial works-in-progress to faculty and upper-level students. This year’s featured international scholars, their home institution and paper title are listed below.

**Anu Bradford**, University of Chicago, “Universal Exceptionalism in International Law”

**Jutta Brunnée**, University of Toronto, “An Interactional Theory of International Legal Obligation”


**Barbara Koremenos**, University of Michigan, “An Economic Analysis of International Rulemaking”

**Julian G. Ku**, Hofstra University, “The Curious Case of Corporate Liability Under the Alien Tort Statute”

**Christiana Ochoa**, Indiana University at Bloomington, “Harnessing the Potential of Sovereign Wealth for Sustainable Development”

Director’s Note

Over the past year, the Rusk Center has continued to build on its mission of providing relevant international law programming that illuminates issues of international importance and helps solve challenges of global significance.

In addition to the continued success of our summer study and global internship programs (which have attracted participation from nearly 20 percent of the first year class for two years running); our semester-long Oxford program; our restructured LL.M. program (which now offers an All-courses track or an LL.M.-essay track, and currently has 56 applicants for the 2010/2011 program); and our visiting scholars program (which hosted two researchers from China and a visiting professor from Brussels), we have continued to seek ways of both bringing the work of the Rusk Center to a wider community at the local, national and international levels, as well as attract national and international scholars, practitioners and government officials to the law school, where they participate in lectures, conferences and other forms of dialogue by which they bring their expertise to bear on issues of international concern.

In September, we began a series of six lectures for which the inaugural address featured Dr. Han Park, UGA Professor and Director of the Center for the Study of Global Issues, speaking for the first time publicly about his key role in the release of American journalists from North Korea (see page 4). In November, the Rusk Center’s International Judicial Training Program (IJTP) embarked on an ambitious new initiative to provide on-site training in the Middle East (see page 11), and the Rusk Center also received an International Jurists Award, presented by the President of India, for work in the area of international legal education and outreach (see cover).

2010 began on a very positive note for the Rusk Center as well, as we partnered with UGA’s Center for International Trade and Security on an advanced NATO research workshop—in Vienna, Austria—dealing with the legal framework governing nuclear security and leading to a set of recommendations for the April 2010 Nuclear Security Summit in Washington (see cover). On the heels of this important initiative, we collaborated in February with the student-run Georgia Journal of International and Comparative Law on a cutting edge approach to the issue of climate change in the form of a conference: “International Human Rights and Climate Change” (see page 6).

As we continue to perform our mission this year we will be seeking to find more ways to involve our law students in Rusk Center projects. We have worked closely with the managing board of the Georgia Journal of International and Comparative Law and the members of the Georgia Society for International Law on our conferences and lecture series. We will be involving more students in future programs of the Rusk Center, including research projects.

“the Rusk Center has continued to build on its mission of providing relevant international law programming that illuminates issues of international importance...”
The Dean Rusk Center plays an active role in the international arena by hosting conferences and lectures that bring scholars, practitioners, government officials, business leaders, students and alumni together to discuss relevant international law and policy issues. These Rusk Center events seek to increase the understanding of international law and policy decisions, as well as explore solutions to challenges of global significance. Past meetings have been comprised of a wide array of national and international panelists and participants, including ambassadors, congressmen, senior-level government officials, United Nations representatives and military officers.

Selected events are published by the Rusk Center in the *Occasional Papers Series* or in the *Georgia Journal of International and Comparative Law*. To access select *Occasional Papers* online, please visit: [www.uga.edu/ruskcenter/publications.html](http://www.uga.edu/ruskcenter/publications.html). To order hard copies of *Occasional Papers*, please contact April Macákóva at macakova@uga.edu or (706) 542-7875.

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**Park Kicks off Year of Notable Speakers for Rusk Center**

Each year, the Dean Rusk Center hosts a variety of distinguished guest lecturers offering new insights on a plethora of international issues.

Among this year’s speakers was Dr. Han S. Park, director of the UGA Center for the Study of Global Issues, who shared his experience as a key negotiator during a showdown with the North Korean government last year over the detainment of two U.S. journalists.
“The management of conflict is what politics is all about,” Park explained. However, according to Park, today’s global conflicts are unprecedented in the sense that “if we fail, we may be doomed.” He said this seriousness is due to the proliferation of weapons of mass destruction and the dehumanization of killing as well as a lack of world order.

“Today’s world is a world where there is no hierarchy of nations,” Park said. “Small nations are not accepting their secondary status anymore. They are not submitting themselves to larger military or economic powers.”

As a result, he feels that mediation has become imperative.

Park elaborated that North Korea is a prime example of what he considers to be “an environment requiring the intervention of mediation.” That is why he got involved when American journalists Laura Ling and Euna Lee were captured and charged with crossing the North Korean border illegally and committing “hostile” acts such as interviewing and filming North Korean defectors.

As a mediator, Park advised the North Korean government and helped discover what it would take for them to release the journalists. Park worked with the United States government as well, and helped to facilitate former President Bill Clinton’s travel to North Korea for negotiations. The reporters were eventually allowed to return to America in August, after 140 days of captivity.

Also a professor at UGA’s School of Public and International Affairs, Park is considered an expert on North Korea and has made more than 40 trips to the country since 1981. He has been referred to as “the architect of US-[North Korean] relations” for his significant role in diplomatic efforts between the two countries.

The Rusk Center also hosted former Solicitor General of Hong Kong Daniel R. Fung, University of Utah Professor of Law Amos N. Guiora, Assistant Surgeon General and Acting Deputy Director of the National Center for Emerging and Zoonotic Infectious Diseases at the Centers for Disease Control and Prevention Dr. Ali S. Khan.

—Assistant Director Communications and Public Relations Cindy Rice
Human Rights Perspective Adds Value to Climate Change Discussion

On the forefront of advancements in the climate change discussion, the Dean Rusk Center, in cooperation with the Georgia Journal of International and Comparative Law, hosted the 2010 conference on International Human Rights and Climate Change. Leading scholars and practitioners in the fields of international human rights, climate change, and philosophy attended to address the fairly recent movement to further incorporate a human rights perspective into talks about climate change. The purpose of the conference was to advance this discussion and provide policy makers with the necessary tools to make the right decisions. Professor Thomas Pogge, the Leitner Professor of Philosophy and International Affairs at Yale University, was featured as the keynote speaker and the University of Georgia School of Law’s own Emily and Ernest Woodruff Chair in International Law, Professor Dan Bodansky, was a featured panelist.

Bodansky presented an overview of the issues, noting that “the main analytical frameworks with which to analyze climate change have focused on a political perspective, economic perspective, and an ethical perspective,” and framing the purpose of the conference as a discussion of whether “there [is] a fourth way of thinking about climate change which adds something to what has already been put out there?” The three issues Bodansky saw as fundamental were: 1) "How would we analyze climate change from a human rights perspective?"; 2) “What does a human rights perspective add?”; and 3) “What are the limits or problems—the costs to analyzing climate change from a human rights perspective?"

Wake Forest University School of Law Professor John Knox addressed both the international human rights intersection with the environment and how that interaction will produce an unprecedented number of refugees. Knox noted that the United Nations made a finding that climate change has serious implications for human rights, but that it does not necessarily violate human rights. Nonetheless, there are obligations on the part of states to respond to these implications to human rights. This is particularly important when “climate change is expected to cause millions of people to leave their homes in coming decades,” Knox stated.
Professor Naomi Roht-Arriaza, of the University of California, Hastings College of Law, spoke about the potential human rights impacts of the responses to climate change. “Those choices will in themselves affect rights,” Roht-Arriaza explained. Without the incorporation of a human rights perspective at the onset of the response to climate change, human rights impacts may potentially be worse than previously anticipated.

CUNY School of Law Professor Rebecca Bratspies proposed that a human rights approach to climate change would offer a more robust means of regulation, noting that “there are legal venues other than a courtroom in which human rights might make a difference.” Bratspies went on to state that human rights analyses “are substantively more appropriate, they are more legitimate in the eyes of the public, and more likely to achieve identified environmental goals.”

“No people should bear a disproportionately large impact on poor and vulnerable populations through drought, heat, flooding, and other environmental catastrophes. Despite this, O’Sullivan believes that “climate change presents an opportunity to get equal justice right.”

Pogge’s keynote address focused on the interrelation between poverty, overpopulation, and climate change. Pogge told the audience that, unfortunately, inequality has been on the rise, even in developed countries. Under the current structure, he noted, corporations have perverse incentives to undermine efforts to fix this problem and to increase inequality by influencing the regulatory system. Pogge contends that this is inefficient and not in the best interests of any parties involved. The suggestion Pogge put forward was structural reform of the reward system for innovation, i.e. patents, into a system that “offer[s] an alternative reward that is conditioned on the ecological impact, the ecological benefit, of the invention.” Such reform would, according to Pogge, realign interests of innovators and corporations with the solutions to these social problems.

Professors John Bonine and Svitlana Kravchenko, of the University of Oregon School of Law, addressed the need for procedural rights in the climate change context, recognizing that access to information and citizen suits, which are provided for in the human rights context, offer an effective solution to the current lack of such rights. Kravchenko commented that “public access to clear and full information must be viewed as a human right.” “We need to open up citizen enforcement,” was the imperative Bonnine stressed at the conference.

Having elicited a number of novel ideas from some of the experts on the subject, the question of whether a human rights perspective will be incorporated into the climate change discussion remains uncertain. Several panelists noted that while a human rights perspective may not be the perfect answer to an approach to climate change, it offers several benefits that other approaches lack, and decision makers would be well advised to take these ideas into account.

—Third-year law student and GJICL Conference Editor Christopher Blake McDaniel
The proposed changes that came out of the workshop focused on critical areas in the existing international legal framework designed to strengthen nuclear security and combat nuclear terrorism. Included was a call for the accelerated ratification of the 2005 Amendment to the Convention on Physical Protection of Nuclear Materials, which would create a legally-binding international standard for securing and transporting nuclear materials and safeguarding nuclear facilities.

The participants’ findings were then submitted to a three-day meeting held at The Hague in preparation for April’s Nuclear Security Summit in Washington, D.C.

“Although elimination of nuclear weapons and materials for their development remains a long-term goal, ensuring the security of nuclear materials and facilities remains the only means we have to prevent a possible nuclear catastrophe,” CITS interim director Igor Khripunov said in a press release.

The executive report from the workshop is available at: www.uga.edu/cits/Events/ViennaWorkshop/Vienna%20Executive%20Report_03Mar2010.pdf

The workshop also spurred a follow-up conference in Athens, GA: April 2010 Nuclear Security Summit: Expectations and Realities. This symposium focused on the role of the United Nations Security Council Resolution 1540 in providing an umbrella mechanism for further developing a legal framework designed to reduce the risk of nuclear terrorism and strengthen overall nuclear security. The current role of the International Atomic Energy Agency (IAEA), as well as proposals to expand and further support the organization’s mandate and resources, were also discussed. This event was sponsored by the Center for International Trade and Security and the Dean Rusk Center.
Panel Examines Foreign Investments in the U.S.

The Dean Rusk Center and the German American Law Society, a student group at Georgia Law, sponsored a panel discussion on the potential impacts of foreign investments in the United States. The event, “America For Sale? Foreign Investments in the U.S.—a German perspective,” took place on February 16, 2010 at Dean Rusk Hall. About 70 students, faculty and staff from the UGA community attended the panel discussion.

Panelists included Dr. Peter Huber, visiting professor at Georgia Law from Johannes-Gutenburg-University Mainz; Martina Stegmeier, vice president and director of the German American Chamber of Commerce (GACC) in Atlanta; Mona P. Maerz, senior counsel with Chamberlain Hrdlicka; and Teri A. Simmons, partner with Arnall Golden Gregory.

Martina Stegmeier opened the event presenting facts about the presence and activity of German companies in the U.S. She pointed out that RWE, a German based energy concern, just recently decided to build a biomass energy plant in Waycross, GA. Using this example of the most current investment by RWE, Stegmeier explained how the GACC assists German companies of every size in getting started and expanding their U.S. presence.

Mona Maerz and Teri Simmons, both attorneys and Georgia Law graduates, discussed their experiences with German investors such as PORSCHE, a German based specialized luxury car maker that chose Atlanta as the headquarters for their U.S. operations. Simmons said that she noticed a trend toward foreign investors finding the south more attractive than the north in the U.S. The environment, Simmons pointed out, is “just right” down here. For instance, Atlanta has a great German community with German schools, churches and cultural institutions. Maerz discussed her experience with foreign investors that come in with inadequate legal budgets and insufficient knowledge of the procedural legal system. She underscored this statement with examples of German business people who love to take notes about every conversation and phone call, unaware of how detrimental this can be when it comes to litigation because of the U.S. discovery process.

As a specialist in international sales law, German civil law, civil procedure law as well as comparative law, Professor Huber stressed that German entities are afraid of the remedial consequences of punitive damages, especially since it is a legal concept alien to German civil law. He also pointed to several differences in the legal systems of the U.S. and Germany that are sometimes disadvantageous for German investors, and thereby underlining Maerz’s statements from her practical experience.

Andreas Kuntzsch, attorney at law in Germany and LL.M. student at Georgia Law who currently serves as the GALS president, said “it is important, especially in today’s challenging economic climate, to examine the role of foreign investors in the US economy.” Kuntzsch served as moderator of the panel.

—Georgia Law LL.M. student and President of GALS Andreas Kuntzsch
Visiting Scholars

Fall 2009: Chinese scholar Professor Dong Xiaobo from Nanjing Normal University visited and worked primarily with Professor J. Randy Beck on Constitutional Law issues;

Fall 2009: Visiting professor Kim Van der Borght taught a short course on the World Financial Crisis;

Spring 2010: Lecturer Min Zhang of Nanjing Agricultural University in China visited and worked primarily with Rusk Center director, C. Donald Johnson, on research topics, which included: international trade, agriculture subsidies and the Doha Round.

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Newsletter design and illustrations: mPrint Design Studio, mprintdesign.com
Edited by André B. Barbic

Min Zhang from Nanjing Agricultural University in China

Van der Borght
International Judicial Training Program Expands to the Middle East

The Dean Rusk Center’s International Judicial Training Program has partnered with the Dubai Judicial Institute to train judges, lawyers and court officials from the Middle East.

Co-sponsored by the Institute for Continuing Judicial Education in Georgia, this is the first time the IJTP has traveled outside of the United States to conduct on-site instruction. According to Rusk Center Director C. Donald Johnson, the timing could not be better.

“Despite the current recession, Dubai remains the center of international finance in the Middle East,” Johnson said. “The judges there use a unique blend of Sharia and civil law and are trying to mold it to better fit Dubai’s expanding international trade and financial industries. They are also trying to acquire a variety of best practices from the common law system, which is where we come in.”

The IJTP held three days of training in November for 30 members of the United Arab Emirates and the Bahrain judiciary.

The main focus was case management. Session leaders included Chief Judge Doris L. Downs (J.D.’81) of the Superior Court for the Atlanta Circuit and Judge David T. Emerson (J.D.’76) of the Superior Court for the Douglas Circuit.

“The IJTP is planning on returning to Dubai this fall with an expanded program,” Johnson said. “Our hope is that eventually judicial members from the entire Middle East will participate.”

“Our hope is that eventually judicial members from the entire Middle East will participate.”

—Assistant Director Communications and Public Relations Cindy Rice

Left: Aerial view along Sheik Zayed Road, Dubai. Above: (From left to right) Director C. Donald Johnson, Dr. Jamal H. Alsumaiti (Director of the Dubai Judicial Institute), Associate Director Maria E. Gimenez.
The Dean Rusk Center’s International Judicial Training Program, co-sponsored by the Institute for Continuing Judicial Education in Georgia, hit the road for the first time and provided training in Dubai for members of the United Arab Emirates and the Bahrain judiciary. Front center (l. to r.) in Western style clothing are Chief Judge Doris L. Downs (J.D.’81) of the Superior Court for the Atlanta Circuit, IJTP Co-Director María E. Giménez (LL.M.’89) and Judge David T. Emerson (J.D.’76) of the Superior Court for the Douglas Circuit.