



EMORY  
LAW

Emory International Law Review

---

Volume 30 | Issue 1

---

2015

## Foreword

Lauren Ulrich

Follow this and additional works at: <https://scholarlycommons.law.emory.edu/eilr>

---

### Recommended Citation

Lauren Ulrich, *Foreword*, 30 Emory Int'l L. Rev. 1 (2015).

Available at: <https://scholarlycommons.law.emory.edu/eilr/vol30/iss1/1>

This Foreword is brought to you for free and open access by the Journals at Emory Law Scholarly Commons. It has been accepted for inclusion in Emory International Law Review by an authorized editor of Emory Law Scholarly Commons. For more information, please contact [law-scholarly-commons@emory.edu](mailto:law-scholarly-commons@emory.edu).

## FOREWORD

The Editorial Board of the *Emory International Law Review* is proud to present the first issue of Volume 30. With Volume 30, the *Emory International Law Review* carries on the vision cast in Volume 29 for publishing smaller and more frequent issues and Recent Developments pieces. Volume 30 highlights a keynote address, eight professional articles and ten noteworthy student pieces that span a wide range of subjects in international law from investor-state dispute settlement to peace and conflict resolution in Syria, and from Supreme Court international law jurisprudence to the unwilling or unable paradigm in international humanitarian law.

For the first time, the *Emory International Law Review* highlights scholarship presented at the Atlanta International Arbitration Society's (AtlAS) conference, *Enhancing Business Opportunities in Africa*, in November 2014. The first issue of Volume 30 will feature a keynote address delivered at the AtlAS conference on November 3, 2014 by the Honorable Judge Charles N. Brower of the Iran-United States Claims Tribunal, the International Court of Justice, and 20 Essex Street Chambers. With this issue, *EILR* has committed to increasing discourse in the academic literature on international arbitration. Also highlighted in Issue 1 is an essay by Professor Becky L. Jacobs of the University of Tennessee, which is based on a presentation given at the AtlAS conference in November 2014. Professor Jacobs reviews critiques of, and reforms to, existing investor-state dispute settlement systems, and exposes a potential "diversity deficit" in African state involvement in international investment arbitrations. Issue 1 features three student comments on topics ranging from evaluating the legal rights of non-Arctic states to participate in the economic development and governance of the Arctic, to utilizing compulsory licensing flexibilities in the Agreement on Trade-Related Aspects of Intellectual Property Rights to increase access to HIV medicines in developing countries, and to creating a Centralized Data Protection Agency in the European Union to implement the "right to be forgotten."

Volume 30 continues the tradition started in Volume 29 of publishing one themed issue per volume. The themed issue in Volume 30 focuses on the current conflict in Syria, with the purpose of publishing articles advocating methods for peace and conflict resolution in Syria. Issue 2 will begin with an introduction by Stephen Rapp, who served for six years as the Ambassador-at-

Large for War Crimes Issues of the Office of Global Criminal Justice. Prior to joining the U.S. Department of State, Ambassador Rapp served as Prosecutor of the Special Court for Sierra Leone and Chief of Prosecutions at the International Criminal Tribunal for Rwanda. In his introduction, Ambassador Rapp will focus on the current push for universal jurisdiction to prosecute those responsible for the atrocities committed during the Syrian conflict. Topics for articles in the themed issue range from addressing the role of women in conflict resolution and peace negotiations to examining the role of social media in prosecuting those responsible for crimes committed during the Syrian conflict and advocating for the application of mitigated universal jurisdiction during and after the Syrian conflict. In the words of Ben Ferencz, Chief Prosecutor for the United States in the *Einsatzgruppen* case of the Nuremberg trials, “law, not war, is the solution to most of our problems.”<sup>1</sup> With no clear end in sight to the war in Syria, Issue 2 provides insight into how a path forward to peace can be paved under international law.

Issue 3 charts a different path, highlighting international legal scholarship in a variety of fields. Professor S. Ernie Walton of Regent University School of Law analyzes United States Supreme Court Chief Justice John Roberts’s judicial philosophy through the lens of international law. Professor Walton considers especially five issues in international law and reviews international law-related majority opinions penned by Chief Justice Roberts to conclude that confining the judicial branch to a minor role in American democracy is not necessarily a good thing. In his article, Professor Christopher Rossi of the University of Iowa College of Law investigates states’ invocation of unique circumstances as a justification for circumventing international law relating to the use of force and state secession. Professor Rossi reviews the NATO interventions in Kosovo and Russia’s annexation of Crimea to expose tensions within the United Nations Charter system. Issue 3 is rounded out by three student comments addressing the possibility of NATO intervention or collective self-defense in Ukraine, the current legal framework for determining lesbian, gay, and bisexual asylum applicants’ sexual identities in the European Union, and working models for reforming the right to education in developing countries.

---

<sup>1</sup> Heana Najjarro, *French Honors for an American Veteran of the ‘Monuments Men’*, N.Y. TIMES (July 3, 2015), <http://www.nytimes.com/2015/07/04/nyregion/french-honors-for-an-american-veteran-of-the-monuments-men.html>.

As Issue 4 continues to develop, the Editorial Board is excited to publish an article by Professor Johan D. van der Vyver of the Emory University School of Law. Professor van der Vyver writes on the unwilling or unable paradigm, which has been used to justify airstrikes by military forces of the United States against selected targets in Iraq and Syria. Professor van der Vyver concludes that the unwilling or unable paradigm could be considered a new norm of customary international law. In addition to scholarship on international humanitarian law, Issue 4 features three student comments on Pakistani rape laws and redress for victims, international standards for regulating commercial space travel, and recent efforts in Myanmar to expand compulsory free education to address its child labor epidemic.

The Editorial Board would like to thank the advisors, staff, and students who have worked tirelessly to edit and refine each piece in Volume 30. The Editorial Board would also like to thank the Volume 30 authors who worked with us to bring important legal scholarship to our readers across all corners of the globe. With Volume 30, we continue to refine our publication and expand our vision. Thank you for your readership. We hope you will enjoy this issue of the *Emory International Law Review*.

LAUREN ULRICH  
EDITOR-IN-CHIEF, *EMORY INTERNATIONAL LAW REVIEW*  
ATLANTA, GEORGIA