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Foreword

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FOREWORD

It is with great pride that the Editorial Board of the *Emory International Law Review* presents the first issue of Volume 31. In this volume, we continue the tradition of publishing pieces in four smaller, more frequently published issues. With Volume 31, the *Emory International Law Review* also starts a new tradition—for the first time, *Emory International Law Review* will publish the annual David J. Bederman Lecture. The David J. Bederman Lecture was established in honor of David J. Bederman, professor in Private International Law at Emory School of Law. Professor Bederman was a beloved and admired professor, and we are honored to showcase the lectures given in his honor. Issue 4 will feature the text of the April 2016 Bederman Lecture, entitled “The Past, Present, and Future of Refugee Protection: Camps, Global Compacts, and Cyber-Communities,” which was delivered by Professor T. Alexander Aleinikoff. In addition to the Bederman Lecture, our board has selected and prepared seven full-length professional articles, one professional essay, and ten noteworthy student comments for our print publication. Volume 31 showcases a wide variety of ever-evolving topics, from transnational corporate accountability to treaty language interpretation, and from the status of asylum-seekers in the United States to the Israeli Right of Return. We also continue to feature short essays online in our Recent Developments section, which cover topics as they are currently developing in the field of international law.

Issue 1 of Volume 31 features two articles and three student comments. Professor Juan J. Cruces of the Universidad Torcuato Di Tella Business School and Professor Tim R Samples of the University of Georgia Terry College of Business revisit *NML v. Argentina*, sovereign debt’s “trial of the century.” The authors focus on the post-litigation stage of sovereign finance, analyzing a subset of key economic and legal factors underlying Argentina’s sovereign debt litigation. In light of recent developments surrounding the conclusion of the Trans-Pacific Partnership, Professor Julien Chaisse and Mr. Lloyd Meng, both of the Chinese University of Hong Kong, evaluate the current transnational regulatory framework that governs international economic migration. By critically examining how those frameworks have manifested in Preferential Trade Agreements between the United States, Canada, and Chile, the authors show that the Trans-Pacific Partnership can be a meaningful step in the right direction as the world develops international economic migration regulation. The three student comments of Issue 1 each call on the United

States to take action, albeit for very different purposes. These comments call on the United States to ratify the Convention on Biological Diversity, to work with Russia and international organizations to eradicate the official stockpiles of the smallpox virus, and to look to both international law and vulnerability theory in reforming prison systems to respond to the needs of the children of incarcerated mothers.

The Editorial Board is also excited to continue the tradition of publishing a Themed Issue. Issue 2, entitled “The Promise of Universal Justice: A Look Back at Ad Hoc Tribunals, a Look Forward to the Future of the International Criminal Court,” features two articles that address key topics in international criminal prosecutions in this period of transition as the last of the ad hoc international criminal tribunals completes its work and the ICC forges ahead as the standard-bearer in international criminal justice. Professor Leila Sadat of Washington University School of Law and Professor Milena Sterio of Cleveland-Marshall College of Law provide the centerpieces of this issue. In her article, Professor Sadat brings attention to the challenges that confront the ICC on issues related to crimes against humanity, particularly in light of the differing definitions of crimes against humanity in the ICC and the ICTY. She proposes a resolution by suggesting that the words “any civilian population” in Article 7 of the Rome Statute be re-interpreted to “put peacetime first.” Professor Milena Sterio calls for a redefinition of “genocide” through her examination of the March 2016 conviction of Bosnian Serb Leader, Radovan Karadžić, by the ICTY. The two student comments published in Issue 2 chart different paths. The first student comment engages in a comparative analysis between Norwegian and U.S. prison systems to recommend that the United States look to Norwegian practices to reduce its high crime and recidivism rates. The second comment proposes that the EU integrate a standard procedure for language analysis into the Common European Asylum System so that member nations can come to accurate, consistent conclusions when considering asylum applications.

Issues 3 and 4 highlight a balanced range of legal issues across the globe and in the United States. *Emory International Law Review* is delighted to publish an essay in Issue 3 based off of the inaugural Glenn P. Hendrix lecture given by Christopher R. Drahozal, John M. Rounds Professor of Law at the University of Kansas School of Law. In his essay, Professor Drahozal discusses the benefits of greater diversity in the legal rules that govern international arbitration. Professor Mark Goldfeder of Emory University School of Law and Professor Gideon Sapir of Bar-Ilan University in Israel

analyze both the fundamental arguments against and the contextual arguments in favor of the Israeli Law of Return. Professor Steven S. Nam, Distinguished Practitioner at the Center for East Asian Studies at Stanford University, encourages the United States to engage in multilateral cooperation on transnational corporate accountability, as opposed to extraterritorial unilateralism. Issue 3 also features two student comments: one revisits the Trans-Pacific Partnership through the lens of its intellectual property chapter, and the other provides recommendations for Thailand as it continues to fight against human trafficking in its fishing industry.

The Editorial Board is pleased to publish in Issue 4 an article by two practitioners, Ms. Azadeh Shahshahani and Ms. Kathryn Madison. The authors analyze the problem of public utility providers who require Social Security Numbers as a pretext to deny water and electricity service to undocumented immigrants. Using the city of LaGrange, Georgia, as a case study, the authors provide legal arguments and strategic advice for advocates to challenge these policies under both U.S. and international human rights law. The three student comments featured in Issue 4 delve into the threat posed by the U.S. Foreign Account Tax Compliance Act to financial privacy, the extraterritorial application of U.S. antitrust laws, and the decision-making processes employed by EU institutions in foreign policy matters.

The Editorial Board would like to thank all of the individuals whose hard work, support, and dedication allowed this issue to become a reality. We would like to thank our faculty advisors, Dean Robert Ahdieh, Professor Laurie Blank, and Professor Johan D. van der Vyver, for their invaluable advice and assistance as the Editorial Board worked to collect and prepare articles for publication. From the professors who served as student comment advisors, to the sixty-two students who worked indefatigably to pull sources, check citations, and edit these pieces, *Emory International Law Review* boasts a strong and vibrant community of individuals working together to publish first-rate international legal scholarship. The Editorial Board would also like to

thank the authors who have contributed their scholarship to Volume 31—we are grateful that you chose to share your important and insightful scholarship with our readers. We hope you will enjoy this issue of the *Emory International Law Review*.

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