

**FALL 2015**

**ISSUE No. 8**

**INSIDE:**

**Global Perspectives on Colorism Conference**

**Recap of Speakers from Spring 2015**

**Summer Public Interest Students and Dagen-Legomsky Fellows Abroad**

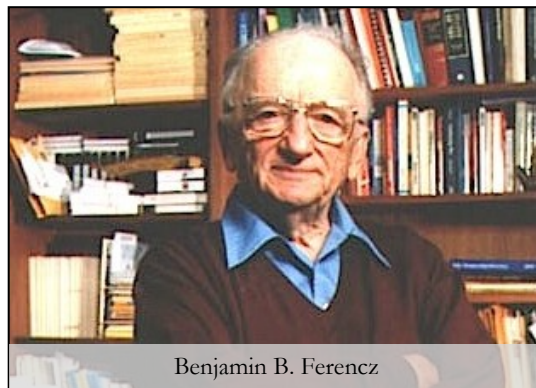
**2015 Philip C. Jessup International Moot Court Team Results**

**Farewell to Harris Institute Fellow Madaline George**

## International Experts' Meeting on the Illegal Use of Force: Reconceptualizing the Laws of War

The Harris Institute and the Planethood Foundation will host an International Experts' Meeting titled *The Illegal Use of Force: Reconceptualizing the Laws of War* on September 11-12, 2015 at Washington University School of Law in St. Louis. Attendance is by invitation only.

This Experts' Meeting will consider whether the international community would be better served by a reconceptualization of the laws of war that does not reflect a sharp distinction between the *jus ad bellum* and the *jus in bello*.



Benjamin B. Ferencz



**International Experts' Meeting on  
The Illegal Use of Force:  
Reconceptualizing the Laws of War  
September 11-12, 2015**

**Session 1: Historic and Sociological Approaches to the Illegal Use of Force**

- Nuremberg and Aggressive War
- When is War Just?

**Session 2: The Illegal Use of Force and Its Impact on Other Legal Categories**

- Erring for Peace: Illegal War, Human Rights, and Humanitarian Law
- 21st Century Paradigms on Military Force for Humane Purposes
- Convergence v. Divergence, the Case of *Hassan v. the United Kingdom*
- The Other Enemy: Transnational Terrorists, Armed Attacks and Armed Conflict

**Session 3: The Illegal Use of Force and the Prosecution of International Crimes**

- Prosecuting Aggression as an Integral Part of Crimes Against Humanity
- Definitions of Aggression as Harbingers of International Change
- Commissions of Inquiry and Questions of *Jus ad Bellum*

**Session 4: Imagining a Better World**

- Aligning International Humanitarian Law with the *Jus ad Bellum*: *Jus in Bello* Need Not Suffer as a Result

In conjunction with this Experts' Meeting, the 2015 World Peace Through Law Award will be bestowed upon former Nuremberg Prosecutor Benjamin B. Ferencz. This award recognizes individuals who have achieved great distinction in the field of international law and have considerably advanced the rule of law and thereby contributed to world peace.

## Alumnus Douglas Pivnichny Selected for the Prestigious International Court of Justice University Traineeship Program

Former Harris Institute Fellow Douglas Pivnichny, JD '13, has been selected as an International Court of Justice University Trainee for 2015-2016. He has been assigned to Judge James Crawford (Australia) and will be responsible for assisting Members of the Court by carrying out research, preparing case files, and drafting various types of documents. Participation in the ICJ Traineeship Program is open only to a select group of universities around the world.

Pivnichny says that this opportunity would not have been possible without the tremendous assistance of Washington University School of Law and the Harris Institute. As a law student, Pivnichny was on the Jessup Moot Court team from 2011 to 2013 and served as a research assistant to



Leila Sadat, Anna Harris, Douglas Pivnichny and Madaline George

Professor Sadat. He also received the 2012 Dagen-Legomsky Hague Academy Fellowship award to study public international law at The Hague Academy. After graduating from Washington University, Pivnichny enrolled in the master's degree program at the Graduate Institute for International and Development Studies (IHEID), in Geneva, Switzerland.

## FALL EVENTS

**AUGUST 31-SEPTEMBER 1, 2015**

**2015 INTERNATIONAL  
HUMANITARIAN LAW DIALOGS:  
THE WRONGS WE SEEK  
CHAUTAUQUA, NY**

**SEPTEMBER 11-12, 2015**

**INTERNATIONAL EXPERTS'  
MEETING ON THE ILLEGAL USE  
OF FORCE: RECONCEPTUALIZING  
THE LAWS OF WAR**

**SEPTEMBER 11, 2015**

**2015 WORLD PEACE THROUGH  
LAW AWARD TO BE PRESENTED  
TO BENJAMIN B. FERENCZ**



Dean Nancy Staudt

## Global Perspectives on Colorism Conference

Colorism, the practice of discrimination based on skin tone even among people of color, is rarely addressed publicly and is uniquely different from racism. On April 2-3, 2015 the Harris Institute addressed this growing international phenomenon in what organizers believe was the first international colorism conference in the United States.

Participants included internationally and nationally renowned scholars and practitioners who represented a wide range of academic disciplines including law, social work, sociology, developmental psychology, history, economics, political theory, media and communications. Attended by more than 200 people, the two-day conference addressed the economic, social and psychological harms of colorism. Panel topics ranged from *Human Rights Protections for Color under International Law* to *The Effects of Color on Native Americans, Latin Americans and Immigrants of Color*. Dr. Carlos Moore, a Cuban writer, researcher, and social scientist internationally known for combating racism and defending pan-Africanism, delivered the keynote address *Humankind Against Itself*.

Professor Vinay Harpalani, a participant from Savannah Law

School, noted that “while the presentations were truly informative, enlightening, and inspiring, there was also an appropriate level of tension, frustration, and dissent—which particularly came out during the international human rights panel, as we became immediately cognizant of the fact that the legal frameworks to address these important issues are sorely lacking. It was a healthy critical discourse, with intense but civil exchange, all in a manner that reminded us how much work there is to do.”

The Conference was organized by Professor Kimberly Norwood and Harris Institute Director Leila Sadat. Professor Norwood's *Color Matters: Skin Tone Bias and the Myth of a Post-Racial America* is a collection of the most up-to-date research on this insidious form of discrimination and includes perspectives from the disciplines of history, law, sociology and psychology.



Kimberly Norwood

The Conference was also supported by the Office of the Provost and co-sponsored by the Gephardt Institute for Public Service.



Colorism Conference Participants



**RECENT BLOG POSTINGS**  
*on Lex lata,  
lex ferenda*

**Comments on Preliminary Draft 3, Restatement of the Law Fourth: The Foreign Relations Law of the United States: Treaties**, Leila Sadat

**Observations from the ILC's Debate on Crimes Against Humanity**, Madaline George

**A Global Survey on the Study of International Law**, Ryan Scoville

**Rule of Law Projects in Somalia: Education is Key to Somalia's Success**, Abadir Barre

**A Fight for Basic Human Rights: The Uphill Battle for the LGBTQ Community in Ghana**, Zachery Smith

**Returning to Nepal after the Earthquake**, Marla Borkson

**Read more and subscribe at:**  
[law.wustl.edu/harris/lexlata/](http://law.wustl.edu/harris/lexlata/)

**Recap of Spring 2015 Speakers and Events**

Chief Prosecutor Serge Brammertz of the International Criminal Tribunal for the former Yugoslavia (ICTY) delivered a lecture titled *International Justice: Beginning of the End or End of the Beginning?* on March 3rd. He observed that modern international criminal law began two decades ago with the establishment of the ICTY in 1993, discussed lessons learned from the ICTY experience, and shared his predictions for future developments in international justice.



Prosecutor Serge Brammertz



Professor Curtis Milhaupt

Professor Curtis Milhaupt, Columbia Law School, delivered the 8th Annual William C. Jones Lecture on February 17th, jointly sponsored by the Department of East Asian Languages and Cultures. His lecture, *Party-State Inc.: Chinese Corporate Capitalism in the 21st Century*, asserted that the Chinese economy is a kind of corporate capitalism, which he calls a "State-Oriented Economy." He argued that the global economic regulatory regime is not designed for this type of economic structure.

Professor Laurence R. Helfer, Duke Law School, delivered a lecture entitled *LGBT Rights in International and Comparative Law: Progress and Contestation* on February 20th in conjunction with the Public Interest Law and Policy Speakers Series (PILPSS). His talk opened the 10th LGBT Midwest Conference hosted annually by Washington University School of Law's OUTLaw student group.



Leila Sadat, Larry Helfer, Joshua Sills, Steven Alagna and Karen Tokarz

On February 6th, the Institute hosted a conference on international commercial arbitration titled *International Dispute Resolution: Protecting Your Client in the Global Economy*, featuring eight panelists.

Professor Stephanie Fariior, Vermont Law School, spoke on *International Human Rights Law in Action: Lessons from the Field* in a lecture jointly sponsored with PILPSS on April 1st. Her lecture highlighted both the cultural competencies required for effective engagement on human rights issues internationally, and ways that individuals can seek relief in international forums when domestic laws fail to provide sufficient protections.



Professor Stephanie Fariior

Topics included international arbitration and the cross border deal and the un-tapped opportunities of mediating international disputes.

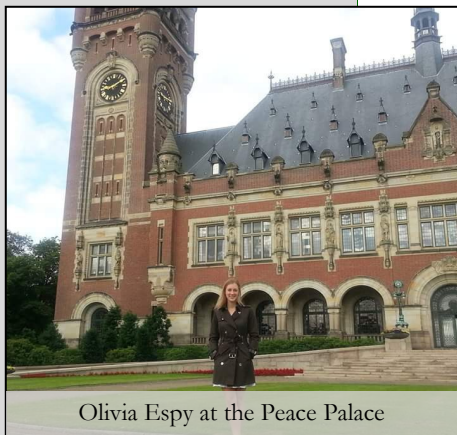


S.I. Strong, Larry Schaner, Karen Tokarz, Ryan Reetz, Suzanne Ulicny, Robert Sills and Leila Sadat



## Law Students Working and Studying Abroad

As part of the Harris Institute and the law school's ongoing efforts to provide students with opportunities to work and study abroad, three students were selected for the 2015 Dagen-Legomsky Fellowship program. Li Chen, JD '16, studied at the Xiamen Academy of International Law in Fujian, China while Olivia Espy, JD '17, attended an intensive three-week course at The Hague Academy of International Law and worked at the ICTY. Abadir Barre, JD '16, worked at the International Development Law Organization in Nairobi, Kenya.



Olivia Espy at the Peace Palace



Marla Borkson in Nepal

University law student to work in Nepal through this program. Having lived and worked in Nepal briefly prior to law school, Borkson arrived in the country just days after the 7.9 magnitude earthquake to work with America Nepal Medical Foundation and volunteer at Legal Aid Advocacy Center, a non-governmental legal resource organization promoting Nepali women's and children's access to justice. Borkson spent the second half of her summer working for the State Department as a Consular Affairs Intern for the U.S. Consulate in Chengdu, China.



Abadir Barre in Kenya

Fifteen students also participated in the Global Public Interest Law Fellowship program this year at NGOs, legal aid organizations and courts in Chile, China, Ghana, Italy, Kenya, Panama, and South Africa. One student, Marla Borkson, JD '17, is the first Washington

## 2015 Philip C. Jessup International Moot Court Team Results

Washington University's Philip C. Jessup International Moot Court Team had another successful year. They won the 2015 South Regional Competition for the third year in a row and advanced to the International Rounds in Washington, D.C. They placed 16th among the 116 teams competing in D.C., out of more than 550 teams competing worldwide, and tied NYU Law School for the U.S. National Championship. The team is coached by Gilbert Sison, JD '00 and Leila Sadat serves as its faculty advisor.



This year's team was truly international in composition and included Ryan Baebler (United States), Ben Cohen (United States), Ashley Hammett (Australia), Alice Quinones (France), and Yifei Yang (Australia/Hong Kong).



SCHOOL OF LAW

Whitney R. Harris  
World Law Institute

Campus Box 1120  
One Brookings Drive  
St. Louis, MO 63130

HarrisInstitute@wustl.edu

Stay Connected!

Visit us on the Web at  
[law.wustl.edu/harris](http://law.wustl.edu/harris)  
[law.wustl.edu/harris/lexlata](http://law.wustl.edu/harris/lexlata)



## Farewell to Harris Institute Fellow Madaline George

The Harris Institute would like to thank Harris Institute Fellow Madaline George for her exemplary service. Madaline is off to South Africa where she will work with legal refugee organizations and assist in the launching of projects to promote human rights and education in Zimbabwe and Malawi. She will be sorely missed by students, staff, and faculty alike. We wish her the utmost success in her future endeavors in international law and policy.