

The Global Law School and Human Rights

The Law School's global law school initiative is a vast undertaking, spanning both private and public law and involving the commitment of millions of dollars each year. Increasingly, it touches and redefines fundamentally the life in learning of every faculty member and student at NYU. After six years of pursuing the goal of building the first truly global faculty leading law teachers from around the world now have been integrated fully into the Law School's teaching community – with twenty coming each academic year to teach and work with the Law School's resident faculty in areas as diverse as Business Law, Environmental Law, Criminal Law and Constitutional Law. The student body now reflects this process of globalization, with over 300 full time students representing nearly 40 countries.

In this context, it is not surprising that one area of focus has been the study of human rights. What follows is a description of a panoply of programs representing the most extensive commitment anywhere to research and thinking about human rights. That these opportunities for research and study comprise just a part of the global law school initiative only underscores the depth of commitment at our Law School to the importance of that reform.



NYU Law and Human Rights: New Initiatives Enhance a Preeminent Base

As the new century begins, the human rights paradigm continues to gain normative authority, even as affronts to human rights assume new and often terrible forms. The challenges are evident: the globalization of markets, the increasingly porous nature of the state, the steady growth and concentration of private economic interests, and the proliferation of bloody internal conflicts.



In the face of these developments, the language of human rights allows claims for justice to be articulated with a moral authority, and engenders an environment that can deter, at least to a degree, conflicts based on poverty, social and economic exclusion and discrimination. In short, if properly conceived and implemented, the human rights paradigm supports legal, political, and social institutions that underlie the rule of law.

In keeping with its hallmark commitment to preparing students to use law as an

instrument for good, NYU has invested heavily in integrating national and international perspectives to advance human rights goals. The Law School's faculty includes scholars of the first rank who have contributed significantly to the development of human rights and humanitarian law. Through academic conferences and colloquia, the Law School serves as a center for intellectual discourse among communities of scholars, activists, and policy-makers. With its unique global law initiative, the

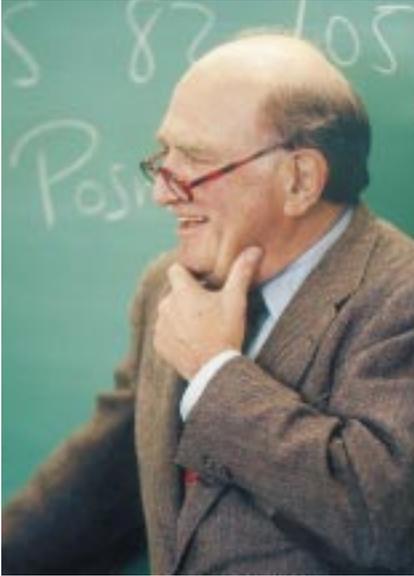
Law School has institutionalized a transnational approach to law. In an unprecedented way, the School has become an important venue for public debate of overriding principles through the historic gatherings of world leaders, first at the day-long dialogue at the Law School in September 1998, "Strengthening Democracy in the Global Economy" and then at the second dialogue held in Florence, Italy, in November 1999, "Progressive Governance in the 21st Century." In short, NYU Law possesses unmatched breadth and depth in the area of human rights; and new programs will enhance the School's preeminence.

Faculty and Curriculum

While the Law School in general has attracted a faculty unsurpassed in intellectual strength and active engagement with current developments in law and policy, it boasts a particularly distinguished international law faculty. Professors Jerome Cohen, Eleanor Fox, Thomas Franck, Benedict Kingsbury, Andreas Lowenfeld, Theodor Meron, and Frank Upham comprise an "All Star" team of scholars and teachers, known around the globe for work on international law. New additions Stephen Holmes (see page 8) and Mattias Kumm (see page 9) provide still more strength. The unique global law faculty enhances these strengths. And, the work of this impressive group is further advanced by the presence of Alex Boraine, whose remarkable work in South Africa gave birth to NYU's Project on Transitional Justice, and Ed Luck, one of the leading experts in international organizations, who directs NYU's joint project with Princeton's Woodrow Wilson School on such institutions (see story on page 64).

Not surprisingly, given such an impressive faculty, the Law School offers an unmatched set of course offerings in the area of international law and human rights. In addition to the introductory course in human rights, the curriculum includes the Advanced Seminar in International Protection of Human Rights; International Protection of Human Rights War Crimes, Crimes Against Humanity and Genocide in Contemporary International Law; and Transitional Society and Retroactive Justice.

Moreover, these offerings come in the context of a rich and varied curriculum in all aspects of international law.



Professor Norman Dorsen

Global Law School Program

Founded in 1994, NYU's Global Law School Program (GLSP) represents an extraordinary innovation in legal education that has solidified NYU's position as the leading international program in the United States. The GLSP is premised on the implications for law of an increasingly interdependent world in which major challenges cannot be addressed effectively from purely domestic perspectives. The GLSP goes beyond the study of comparative and international law as adjuncts to domestic law courses, and fosters transnational perspectives on law and society in all aspects of legal study.

The primary components of the GLSP are the Global Law Faculty, Hauser Global Scholars Program, Global Public Law Service Project, and Project on Transitional Justice. A full description of the GLSP is contained in its five year report, which was reprinted in the Autumn 1999 issue of *NYU: The Law School* magazine.

GLOBAL LAW FACULTY

The global law faculty, which supplements and complements NYU's academic and clinical faculties, has included more than fifty of the world's most distinguished and rising foreign scholars, from more than twenty countries. Many global faculty members are long-term members of the Law School community, returning to NYU for several visits in which they develop a commitment to the institution's vision of

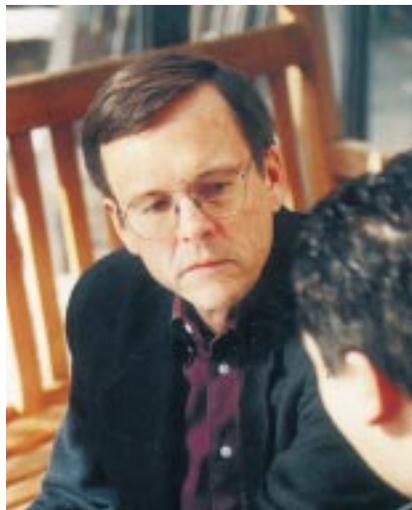
legal education and form ongoing professional relationships with students and members of the full-time faculty. Global law faculty include prominent scholars of public international law and human rights, such as Georges Abi-Saab, Philip Allott, Philip Alston, Upendra Baxi, Hilary Charlesworth, Radhika Coomaraswamy, Richard Goldstone, Martti Koskenniemi, Hisashi Owada, and Philippe Sands. The GLSP also hosts a large number of prominent visiting scholars and researchers from abroad, who spend time at the Law School engaging in research and working with NYU faculty.

HAUSER GLOBAL SCHOLARS AND THE INTERNATIONAL STUDENT BODY

The Hauser Global Scholarship Program for students in the LL.M. program has been termed the Rhodes Scholarship for legal studies. Each year a committee chaired by the president of the International Court of Justice chooses up to 15 of the most outstanding young law graduates from around the world to enter NYU's LL.M. program. In addition, the Hauser Scholarships (and the GLSP as a whole) have encouraged an increasing number of talented foreign students to enter the J.D. and J.S.D. programs as well as the LL.M. NYU boasts more than 300 foreign students from 40 countries and all continents.

GLOBAL PUBLIC LAW SERVICE PROJECT

This new project is designed to train practitioners who work to advance the rule of law and human rights in their home countries. Led by Professor Frank Upham, the Project will build the capacity of practi-



Professor Frank Upham

tioners to defend the rights of indigenous peoples, the poor, women, minorities, workers and other disempowered groups and protect the public interest in such key areas as the environment and trade.

The Project features the first graduate degree in public service law in the U.S. and probably in the world. Beginning this semester, leading public services lawyers will enter the LL.M.-PS program, which includes a year-long seminar on different aspects and models of public service law. In order to facilitate participation from regions with limited resources, financial grants are provided to at least ten carefully selected practitioners each year. Following graduation, four of the LL.M.-PS recipients will receive full year fellowships at public service institutions in the U.S. and abroad. The Project also includes public service grants for J.D. students to work outside the U.S. during the summers after their first and second years of law school.

PROJECT ON TRANSITIONAL JUSTICE

The Project on Transitional Justice was launched in fall 1999 under the leadership of Dr. Alex Boraine, Deputy Chair of the South African Truth and Reconciliation Commission. The Project serves as an international forum for analysis of the complex legal, moral and political questions raised by past violations of human rights and demands for retroactive justice. It includes two seminars that examine the approaches taken by transitional societies to retroactive justice and the theoretical debate surrounding these issues. It also establishes post-graduate fellowships and summer internships with government institutions and non-governmental organizations in countries coping with the problems spawned by the human rights abuses of prior regimes. The Project will sponsor an international conference at NYU on all aspects of transitional justice.

FIRST-YEAR CURRICULUM

Another important feature of the GLSP is the program begun in 1999-2000 to introduce into the first year of the J.D. curriculum issues of global law, including human rights. This methodology sensitizes all entering students to these issues as distinguished from the usual practice of delaying their introduction until the upper years of law school when most students will already have formed their interests and priorities.

NYU Student Team Wins Humanitarian Law Competition in Sweden

A team of NYU students won this year's English-language session of the Concours Jean Pictet, an annual competition in international humanitarian law (IHL) sponsored by the Comité pour le Concours Jean Pictet, the Swedish Red Cross, and the U.N. High Commissioner for Refugees. Team members included Michele Ameri ('00), Steven Bartels ('00), and Anna Pomykala ('01). The event took place at the Swedish Red Cross conference center in Mariefred, Sweden.

"NYU was the only American law school to field a team in this year's competition," noted Ameri. Other student teams taking part in the competition represented universities from Belarus, Belgium, France, Greece, Kosovo, Pakistan, Poland, Russia, Sweden, and the United Kingdom.

Issues discussed included inter alia, the overlapping mandates of the United Nations and regional organizations for the promotion of peace and security; conventional protections relating to prisoners of war and cultural property; restrictions on the use of certain weapons and military reprisals; and strategies for diplomatic mediation between hostile states.

The final round was evaluated by a panel of distinguished judges – academics, ambassadors, and representatives from non-governmental organizations – and moderated by Philippe Kirsch, former Canadian ambassador to the United Nations and chairman of the Committee of the Whole at the ICC Diplomatic Conference. NYU shared the top honors with a team from the Catholic University of Leuven, with whose law school NYU has a formal exchange program.

"We are extremely grateful for the support that we received from the Global Law School Program," said Pomykala. "The Pictet was an amazing learning experience – and a lot of hard work."

"The competition gave us a unique opportunity to interact with law students, professors, and professionals from around the world," Bartels added.

The Pictet competition is named after Jean Pictet, the leading commentator on the Geneva Conventions and a renowned expert in the law of armed conflict.



Other Major Initiatives

CENTER FOR INTERNATIONAL STUDIES

The Center for International Studies, a world-respected program headed by Professor Thomas Franck, for many years has promoted comprehensive study of the United Nations in order to advance scholarship in public international law and to prepare students for careers in the U.N. and national foreign ministries. Each year, as many as fifteen second year J.D. students, designated Junior Fellows, prepare thesis-length papers which form the basis of an annual conference attended by diplomats posted to the U.N. and U.N. staff. Topics addressed in recent years have included U.N. institutional reform, monitoring of national elections, and the role of international law and international organizations in internal conflicts. A recent conference, chaired by Supreme Court Justice Sandra Day O'Connor, focused on the critical question of enforceability in U.S. courts of decisions by international tribunals.

DIPLOMATIC SEMINAR ON HUMANITARIAN LAW

In a joint enterprise with the International Committee of the Red Cross, the Law School hosts an annual seminar on humanitarian law for diplomats, other high level officials, and scholars. Organized and led by Professor Theodor Meron, the seminar is aimed at promoting greater awareness of and respect for humanitarian law. The seminar discusses key issues, such as non-international armed

conflicts, and the intersection of humanitarian and human rights law. The seminar is held in conjunction with the public Hauser Lecture on International Humanitarian Law, which is delivered each year by a prominent jurist, scholar or diplomat. The 1999 lecturer was David Scheffer, United States Ambassador-at-Large for War Crimes Issues, and the 2000 lecturer was Lloyd Axworthy, Canada's Minister of Foreign Affairs and International Trade.

INTERNATIONAL HUMAN RIGHTS CLINIC

Established by Professor Paul Chevigny in 1990, the International Human Rights Clinic draws together NYU's strengths in international law and clinical legal education. Students are introduced to the broad range of strategies used by human rights advocates in national and international contexts, including legal analysis to support established and emerging human rights claims, litigation, lobbying, fact-finding and documentation, standard-setting, and public campaigns. The clinic encourages students to develop intellectual tools for reconceptualizing established theories and existing norms. The clinic is unique in the emphasis it places on economic, social and cultural rights. It also stresses questions of ethical, political and professional accountability particular to international human rights advocacy. A fieldwork component consists of projects undertaken for U.N. agencies

and with human rights organizations in the U.S. and abroad. The joint participation of J.D. and foreign LL.M. students in the clinic serves to stimulate dialogue from diverse legal and cultural perspectives.

INTERNSHIPS AND POST-GRADUATE FELLOWSHIPS

NYU makes it possible for students to put commitment to public service into practice by providing funding that support a large number of internships and post-graduate fellowships in human rights, public international law and public service. For example, the Furman Fellowship and Internship Program places recent graduates with the Lawyers Committee for Human Rights and Human Rights Watch and the summer internship program supports the work of first and second year students with these organizations.

An important new initiative launched by the Law School is the first post-graduate judicial law clerk/internship program with the International Court of Justice. Five graduating J.D. and LL.M. students or recent graduates, from five different countries and both civil and common law legal systems, begin their clerkships in the fall of 2000.

THE PUBLIC INTEREST LAW CENTER

The Public Interest Law Center (PILC) was established at the School of Law in 1992 and immediately became a national model for the promotion of public service opportunities. PILC provides the most comprehensive support for public interest

work of any American law school. It administers most of its public interest programs, including the Root-Tilden-Kern Scholarship Program, the nation's foremost public service scholarship, the annual Public Interest/Public Service Legal Career Symposium, and the Melvyn and Barbara Weiss Loan Repayment Assistance Program, which allows students entering NYU to choose careers in public service free from enormous debt burdens.

Through its public interest committee, PILC awards more than 150 scholarships to first- and second-year students for summer internships with the U.N. International Law Commission and with public interest organizations in the U.S. and abroad. Through this program, students receive training on international human rights law and procedures before embarking on projects with frontline human rights organizations in Latin America, Africa, Asia, Eastern Europe and the Middle East.

Conclusion

For many years NYU School of Law has been a leader both in international law scholarship and teaching in public interest programs and initiatives. These two strengths combined have produced a large, varied, and exciting program in human rights. The Law School is committed to rapidly expanding its human rights efforts in the coming years with the goal of maintaining its preeminence in the field. ■

NYU Law Graduates Named First World Court Law Clerks

In an historic announcement, Dean John Sexton reported that NYU Law, in cooperation with the International Court of Justice (the World Court), has established the first judicial law clerk/intern program in the Court's history. The first phase of the program will send five graduates of NYU's J.D. or LL.M. programs to the Court in each of the next five years.

The clerk/interns will perform research and analytical work to assist with the international disputes on the World Court's docket. They will be available as a pool on behalf of all the justices. As with the judges, no country will have more than one clerk.

The internships were announced in November 1999. A faculty committee reviewed the applications and recommended 12 candidates to the Court, which selected five: Robert Dufresne of Canada (LL.M.'00), Edda Kristjansdottir of Iceland ('98), Wiebke Ruckert of Germany (LL.M.'98), Ludivine Tamiotti of France (LL.M.'00), and Jeremy Zucker of the U.S. ('00). The five interns will have nine-month appointments at the Court, starting in September 2000. (For additional details, see story on page 80).

Courses Offered in International Law and Human Rights

Public International Law

International Law
Constitutional Law of the United Nations
International Arms Control and Arms Limitations
The International Legislative Process
Indigenous People in International Law
International Environmental Law
International Law and International Relations
International Law and Politics
International Law in Japan
Legal Change After Communism

Comparative and Foreign Law

Comparative Constitutional Law
Constitutional Adjudication in Europe
Constitutions, Constitutionalism and Governance in Africa
Contemporary Russian Law in Historical Context
Interface Between German and European Labor Law
Introduction to Civil Law
Introduction to Japanese Law
Islamic Law
Law and Society in China
Law and Society in Eastern Europe
Law and Society in Japan
South Asian Law
Talmudic Legal Studies

International Economic Law

Institutional Dimensions of Development
European Economic Law and the Evolving Structure of the European Union
European Union Law
International Economic Transactions: The Public Side
International Litigation
International Trade Regulation
Legal Aspects of Transnational Corporations
Reforming African Agrarian Systems