

July 2015

## Symposium on Hot Spots in International Law

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### Recommended Citation

Seiberling, John F. (1995) "Symposium on Hot Spots in International Law," *Akron Law Review*: Vol. 28 : Iss. 3 , Article 1.

Available at: <http://ideaexchange.uakron.edu/akronlawreview/vol28/iss3/1>

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## SYMPOSIUM ON HOT SPOTS IN INTERNATIONAL LAW

### INTRODUCTION

by

JOHN F. SEIBERLING<sup>1</sup>

This year we will be celebrating the fiftieth anniversary of two momentous events: the end of World War II and the founding of the United Nations. This is no mere coincidence.

The principle of peacekeeping through an international organization for collective security, on which the U.N. is based, was derived from the bitter experience of two world wars and the resolve to prevent a recurrence. Looking at the fifty-year record as a whole, one can fairly say that the U.N. has been reasonably successful.

Self-styled “unilateralists,” in and out of Congress, point to cases, such as Bosnia and Somalia, where the U.N. did not prevent or resolve local wars, as an excuse for withdrawing support from the world organization and adopting a “go-it-alone” policy for the United States. That such a policy, in today’s interdependent world, would be costly, risky, and self-defeating needs to be pointed out. However, it is also important to recognize the urgent need of specific steps to strengthen the U.N.’s ability to deal more effectively with situations that threaten peace.

Those who believe, as I do, that the best alternative to the rule of force is the rule of law, have long been concerned by the lack of effective judicial institutions to enforce law at the level of the global community. At present, the only court to which all U.N. member states are subject is the International Court of Justice (“World Court”). It only has jurisdiction over disputes between national governments, and then only if they accept its jurisdiction. One way to strengthen the World Court would be to restore United States acceptance of the Court’s jurisdiction, which was withdrawn by President Reagan in 1986.

Worse yet, there is no permanent international court with jurisdiction to apprehend and try individuals accused of war crimes and other violations of

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international criminal law. But, as the panelists whose papers are presented below bring out, things are changing. The U.N. has established special tribunals to prosecute and try persons charged with war crimes in the former Yugoslavia and Rwanda. Even though created “after the fact,” these courts are developing rules, precedents and procedures that can provide a foundation for establishing a permanent international criminal court.

To anyone concerned about deterring future wars and war crimes and strengthening the rule of law, the panelists in this symposium bring fresh insights and encouragement. The University of Akron School of Law, the International Law Society, and the Akron Law Review are to be commended for bringing these experts and their discussion of this important subject to a wide audience at such a crucial time.