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The 25th Annual Fulbright Symposium on International Legal Problems: Adapting to a Rapidly Changing World

Golden Gate University School of Law

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**GOLDEN GATE UNIVERSITY
SCHOOL OF LAW
GRADUATE LAW PROGRAMS**

**Sompong Sucharitkul Center for Advanced International Legal Studies
Presents**

Adapting to a Rapidly Changing World

The 25th Annual Fulbright Symposium on International Legal Problems

Friday, March 27, 2015 9:00 AM to 5:00 PM



Room 2203, 536 Mission Street, San Francisco, CA 94105

Keynote Speaker:

Honorable Justice Dr. Centus Chima Nweze



In Cooperation with:



GOLDEN GATE UNIVERSITY

School of Law

Welcome

to the 25th Annual Fulbright Symposium on International Legal Problems

The theme of the conference – “Adapting to a Rapidly Changing World”- is presented by the Sompong Sucharitkul Center for Advanced International Legal Studies, Golden Gate University School of Law. This annual international academic concourse was inaugurated at the School of Law twenty-five years ago by the pioneer Director of the Center, Professor Dr. Sompong Sucharitkul, Dean, School of Law Rangsit University, Thailand, and Distinguished Professor of International and Comparative Law & Emeritus Associate Dean, Golden Gate University School of Law.

Over the years we have hosted presentations by leading thinkers and experts in international and comparative law, including the late Judge Peter Hendrick Kooijmans and Judge Abdul G. Koroma; former Judges of the International Court of Justice (ICJ) at The Hague. Other past speakers have included Sir Arnold Amet, former Attorney General and Minister of Justice, Republic of Papua New Guinea; Distinguished University Professor and Professor of Law, Dr. Ndiva Kofele Kale, Southern Methodist University Dedman School of Law, Dallas, Texas; Professor Michael Alsuel Ntomy, Enugu State University School of Law, Nigeria; Professor Dr. Sophie Clavier, Chair, International Relations Department, San Francisco State University; and many others. This year, we have with us in person, my predecessor and pioneer Director of the Center and special guest of honor who started it all, Sompong Sucharitkul, as well our distinguished keynote speaker, Honorable Justice Professor Dr. Centus Chima Nweze, Justice of the Supreme Court of Nigeria. We are pleased to present another great line-up of speakers in this twenty-fifth year of the symposium. Our morning and afternoon panels showcase outstanding presenters talking about different cutting edge issues confronting international law in a rapidly changing world.

The Center’s renowned scholarly publication, the Annual Survey of International and Comparative Law Journal, now in its twentieth volume, continues to grow in circulation with great academic recognition and impact across the world. It has had 141,993 total downloads, including over 38,000 downloads in the past year. You are welcome to collect a copy of the latest volume at the registration table for your reading interest. By way of conclusion, the success of the work of the Center will be incomplete without making reference to the Scientiae Juridicae Doctor (SJD) degree program, which has recorded a bounty harvest of eighty-six graduates from thirty-six countries around the world. Lastly, enjoy the conference, and let us know what you think about the program. We constantly look for ways to improve your experience. We thank you for your attendance and support of the Sompong Sucharitkul Center at Golden Gate University School of Law. We wish you very safe travel back to your various destinations.

Sincerely,



Christian Nwachukwu Okeke
Director, Sompong Sucharitkul Center for Advanced International Legal Studies

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J. William Fulbright (1905-1995) was a Senator from Arkansas. Elected to the Senate in 1944, he sponsored the Fulbright Scholars Act, which created Fulbright scholarships for Americans to study abroad, and for foreign scholars to study in the United States. He also holds the record as the longest-serving chairman of the Senate Foreign Relations Committee, from 1959 to 1974. In 1964, as chair of the Foreign Relations Committee, Fulbright managed the Gulf of Tonkin Resolution, which gave President

Lyndon Johnson sweeping powers to respond to military provocation in South Vietnam. Later, troubled over the gradual escalation of the war in Vietnam, Fulbright held nationally televised "educational" hearings on Vietnam, bringing the Arkansas senator to national attention. He publicly challenged the "old myths and new realities" of American foreign policy, and warned against "the arrogance of power." But his Fulbright scholarship program remains his strongest legacy.



GREETINGS FROM THE MAYOR

On behalf of the City and County of San Francisco, it is with great pleasure that I welcome you to Golden Gate University's School of Law's 25th Annual Fulbright Symposium, being held on March 27, 2015. Our City is proud to be the Innovation Capital of the World, and we trust that the City and County of San Francisco will serve as the perfect backdrop for you to gather.

San Francisco has always been a place that fosters research and creativity. The symposium brings together jurists from all around the world to present and deliberate upon challenging contemporary legal issues. This year's Fulbright Symposium at GGU focuses on the theme of "Adapting to a Rapidly Changing World."

Law students at Golden Gate University and their colleagues from neighboring law schools, as well as other members of the San Francisco community benefit from exposure to issues in international law through the medium of the Fulbright Symposium, and the questions you will be asking and answering together have a significant impact on our City.

Congratulations to everyone who has contributed to making this event a success! Best wishes for a productive and fruitful symposium.

Warmest Regards,

A handwritten signature in black ink that reads "Edwin M. Lee". The signature is written in a cursive style.

Edwin M. Lee
Mayor

Program Schedule

Registration	8:00AM-9:00 AM	<p>Continental Breakfast</p> <p>Master of Ceremonies: Professor Dr. Remiguis Chibueze, Attorney at Law; Adjunct Professor of Law, Golden Gate University School of Law.</p>
Morning Session	9:00 AM-9:30 AM	<p>Opening Remarks: President Dan Angel, Golden Gate University.</p> <p>Welcome: Dean Rachel Van Cleave, Golden Gate University School of Law.</p> <p>Introduction: Professor Dr. Christian N. Okeke, Professor of International & Comparative Law, Director LL.M. / S.J.D. International Legal Studies & Director, Sompong Sucharitkul Center for Advanced International Legal Studies, Golden Gate University School of Law.</p> <p>Keynote Speaker: Hon. Justice Dr. Centus Chima Nweze, Justice of the Supreme Court of Nigeria. <i>Re-Mapping the Contours: Interrogating the Ontology of International Law in a Rapidly Changing World.</i></p> <p>Conference Report: Professor Dr. Christian N. Okeke, Celebrating Our Success: International Law at a Crossroad.</p>
Morning Panel	10:30AM-1:00 PM	<p>Moderator: Professor Helen Chang, Golden Gate University School of Law.</p> <p><i>Evaluating International Law Adaptation to Halting Genocide and Mass Atrocities: A Review of the Responsibility to Protect Doctrine and International Criminal Court.</i> Professor Dr. Remiguis Chibueze, Attorney at Law & Adjunct Professor of Law, Golden Gate University School of Law.</p> <p><i>The Changing Landscape of International Law with Reference to Modern-Style Courts.</i> Professor Dr. Ashmeed Ali, Adjunct Professor of Law, Golden Gate University Law.</p> <p><i>African State's Adaptation to the International Criminal Court.</i> Associate Professor Dr. Gozie Ogbodo, Associate Professor of Law, Faculty of Law, University of Benin, Nigeria.</p> <p><i>Development of the Principle of Permanent Sovereignty Over Natural Resources During the Rapid Process of Globalization: A Study from Developing States' Perspectives.</i> Mr. Hamidreza Mokhtarian, S.J.D. Candidate, Golden Gate University School of Law.</p> <p><i>Changing Attitudes: A Review of Evolving State Practice in Global Health Emergencies.</i> Mrs. Prince – Oparaku Uzoma, S.J.D. Candidate, Golden Gate University School of Law.</p> <p>Rapporteur: Professor Dr. Hamid Adibnatanzi, Attorney at Law & Adjunct Professor of Law, Golden Gate University School of Law.</p>

Lunch	1:00 PM- 2:00 PM	Keynote Speaker: Professor Sompong Sucharitkul, Dean, School of Law, Rangsit University, Thailand; Distinguished Professor of International and Comparative Law & Emeritus Associate Dean, Golden Gate University School of Law. <i>Thailand on the Pacific Rim.</i>
Afternoon Panel	2:00PM - 5:00 PM	<p>Moderator: Professor Dr. Art Gemmell, Adjunct Professor of Law & Senior Fellow, Sompong Sucharitkul Center for Advanced International Studies, Golden Gate University School of Law & Adjunct Professor, Santa Clara University School of Law.</p> <p><i>International Perspectives and Empirical Findings on Child Participation: From Social Exclusion to Child Inclusive Policies.</i> Associate Professor Dr. Benedetta Faedi Duramy, Golden Gate University School of Law.</p> <p><i>Energy Geopolitics, Shale Revolution and International Law.</i> Professor Dr. Emeka Duruigbo, Professor of Energy & Business Law, Texas Southern University, Houston.</p> <p><i>Hybrid Legal Approaches towards Climate Change: Concepts, Mechanisms and Implementation.</i> Dr. Cosmin Corendea, Associate Academic Officer/Legal Expert, Institute for Environmental and Human Security, United Nations University, Bonn, Germany.</p> <p><i>Home-Grown Terror in a Rapidly Changing World.</i> Dr. Elimma C. Ezeani, Robert Gordon University, Aberdeen, Scotland.</p> <p><i>Globalization and Changing Nature of Borders: Is Borderless World Possible or Desirable?</i> Mr. Lantera Anebo, S.J.D. Candidate, Golden Gate University School of Law.</p> <p><i>A Wrench in the Machinery: Applying International Humanitarian Law to the Armed Conflicts Involving Boko Haram and ISIS.</i> Professor Warren Small Attorney at Law Adjunct Professor of Law, Golden Gate University School of Law.</p> <p>Rapporteur: Professor Dr. Zakia Afrin, Adjunct Professor of Law, Golden Gate University School of Law; Legal Program Manager at Maitri (Non-profit serving Domestic Violence Survivors).</p>
Closing Remarks	5:00 PM- 5:05 PM	Professor Dr. Christian N. Okeke.
Reception	5:05 PM- 6:00 PM	<i>Please enjoy some wine and cheese outside GGU Lecture Hall at the end of the Symposium.</i>



Dan Angel was appointed President of Golden Gate University in January 2007. During his presidency, President Angel was the recipient of the Most Admired CEO Award in the Turnaround Category (San Francisco Business Times) in recognition of his outstanding leadership in achieving unprecedented benchmarks for Golden Gate University.

President Angel helped close a multi-million-dollar deficit, balanced the budget and created an operational surplus for the University, which, also under President Angel's strategic direction, has experienced a growth in enrollment after a fifteen-year decline.

President Angel has served as the president at five other institutions of higher education: Marshall University in West Virginia; Stephen F. Austin University in Texas; Austin Community College in Texas; and Citrus and Imperial Valley colleges, both in California. His university teaching experiences include Purdue University, Wayne State University, University of Delaware, Albion College and Queens College in NYC. He represented the 48th District in the Michigan State Legislature from 1973-1978, and has served as a Special Assistant to US Senator Robert P. Griffin in Washington, DC.

A prolific writer, he has written a political biography of former Michigan Governor George Romney, a primer on long-range planning, and a book on management. His most recent book is *RIPTIDE: THE NEW NORMAL IN HIGHER EDUCATION* (2011). He has also published three dozen articles, and has been author, co-author, editor or co-editor of 16 books. In addition, he has written six children's books.

President Angel's educational credentials include a BS and MA in Education from Wayne State University, and a PhD in Communications from Purdue University. Major public-service assignments have included membership on the Federal Reserve Board (Dallas). Career honors include: Distinguished Alumnus at Wayne State University (Michigan), Public Administrator of the Year (Austin, TX) and invitation to the Oxford Roundtable (England).



Rachel Van Cleave is Dean and Professor of the School of Law. She began at Golden Gate University School of Law as a professor in 2004 and served as Associate Dean of Academic Affairs from 2008-2012.

Dean Van Cleave earned her B.A. at Stanford and J.D. at UC Hastings College of the Law. She clerked at Baker and McKenzie and served as a federal clerk for Fifth Circuit Judge Sam Johnson. In addition to early roles as a legal research and writing instructor at Santa Clara and a Teaching Fellow at Stanford Law School, where she also earned her J.S.M., Van Cleave was a Visiting Professor at the University of Richmond School of Law and UC Hastings.

As a Fulbright Fellow, she conducted research at the Italian Constitutional Court on changes to the Italian criminal justice system, and later returned to Italy to research reforms in Italian rape law. She has published 15 law review articles and four book chapters.

Dean Van Cleave has taught both core courses and original seminars that integrate research and writing with real world problems—courses like her Katrina and Disaster Law Seminar. Through the Law and Leadership program, she has helped students to develop and exhibit leadership through meaningful projects. In addition to her scholarship and teaching, Dean Van Cleave has spearheaded substantive curricular reforms to enhance GGU Law's focus on skills training and to prepare our students for successful practice.



Christian Nwachukwu Okeke is a Professor of International and Comparative Law and Director of the Sompong Sucharitkul Center for Advanced International Legal Studies at the Golden Gate University School of Law. He is also the Director of LL.M. & S.J.D. International Legal Studies at Golden Gate University School of Law. Professor Okeke earned his Master of Laws (LL.M.) with honor (magna cum laude) from Kiev State University, Ukraine and Doctor in de Rechtsgeleerdheid (Ph.D.) from the Free University of Amsterdam, The Netherlands. Professor Okeke has taught law courses in international and comparative law at various Universities in Africa, Europe and North America for about three decades. He is a Visiting Professor of Law at Mount Crest University, Accra Ghana.

Currently at Golden Gate University School of Law, he teaches courses on International and Comparative Law, specifically on International Law, Comparative Legal Systems, International Investment Law, International Organizations, Air, Space and Telecommunications Law. He is the Editor-in-Chief of the Annual Survey of International and Comparative Law. Before joining Golden Gate University School of Law, Professor Okeke practiced law in the Law firm of Ilegbune, Okeke & Co. as a Solicitor and Advocate of the Supreme Court of Nigeria. He was an Emeritus Pioneer Dean and Professor of Law of two Nigerian accredited Faculties of Law, namely: Nnamdi Azikiwe University, Awka (formerly Anambra State University of Technology), and Enugu State University of Science and Technology, Enugu, Nigeria. He was also a Deputy Vice Chancellor of the Enugu State University.

Professor Okeke has widely published books and articles on international and comparative law. A 786-page book titled, "Contemporary Issues on International and Comparative Law: Essays in honor of Professor Dr. Christian Nwachukwu Okeke," was published by Vandephas Publishing Company in 2009. In 2012 he was awarded the Cross Ecclesia et Pontifice ("Cross of Honor"), the highest medal of honor conferred by the Papacy on the laity by Pope Benedict XVI for his outstanding services to the Catholic Church and humanity at large. He is the Pioneer Pro Chancellor and Chairman of the Governing Council, Godfrey Okoye University, Enugu (2009- to date), the first Diocesan Catholic University in Africa.



C.C. Nweze is currently a Justice of the Supreme Court of Nigeria. Before his appointment to Nigeria Supreme Court, he distinguished himself in the legal profession, as a successful legal practitioner, an erudite Judge, and a notable academic.

Justice Nweze holds LL.B., LL.M., Ph.D., from the University of Nigeria, Nsukka. He was the Legal Adviser to Governor Dr. Okwesilieze Nwodo, former Governor of Enugu State. He served as a Judge of the High Court of Enugu State, and later, Justice, Court of Appeal. He was the Chairman, Second Robbery and Firearms Tribunal, Nsukka.

Justice Nweze was an Adjunct Professor in International Law and International Human Rights at the Faculty of Law, University of Nigeria, Enugu Campus, and the Faculty of Law, Enugu State University of Science and Technology, Enugu.

He has for many years been a member of the Advisory Board, of GGU's Annual Survey of International & Comparative Law. Besides, he has extensively published in various fields of international legal studies in national international journals of all continents.



Remigius Chibueze is an adjunct professor and also is in private practice in Oakland, California specializing in civil litigation involving contract, real estate, business as well as labor and employment disputes. Dr. Chibueze also advises clients on immigration laws and regulations. Additionally, he serves as a consultant to Nigerian companies with business interests in the United States.

Dr. Chibueze teaches Jessup International Law Moot Court Competition, SJD Dissertation Seminar, International Investment Law, and International Organizations at Golden Gate University School of Law. Dr. Chibueze has also taught Intellectual Property Survey at John F. Kennedy University School of Law. He has published academic works in International Law, International Commercial Arbitration and International Criminal Law. His research areas include International Law, International Trade, International Criminal Law, Human Rights Law, Arbitration, Business Associations, and Intellectual Property Law. Also, Dr. Chibueze serves as Special Rapporteur and a regular presenter at the Regional Meeting of the American Society of International Law held concurrently with the Annual Fulbright Symposium on Current International Legal Issues at Golden Gate University School of Law. Professor Chibueze also sits on several S.J.D. students' Dissertation Committees.

Professor Chibueze holds an LL.B (J.D. equivalent) from University of Benin, Benin City, Nigeria, LL.M. from University of Alberta, Edmonton, Canada, and LL.M. in Intellectual Property Law and S.J.D. in International Legal Studies from Golden Gate University School of Law. Professor Chibueze is a solicitor and advocate of the Supreme Court of Nigeria and a member of the State Bar of California.

Title: Evaluating International Law Adaptation to Halting Genocide and Mass Atrocities: A Review of the Responsibility to Protect Doctrine and the International Criminal Court

Presenter: Professor Dr. Remigius Chibueze

Abstract

The Traditional concept of the International Legal System was devoted mainly to setting rules and regulations concerning the conducts and relationships between states. The legal system was also circumscribed in scope due to primordial international law principles which states were unwilling to give up. Principles such as territorial integrity and non-violability ensure that international community will not intervene in purely domestic affairs of a state. Although there is the exception that the intervention will be warranted if such conduct affects international peace and security. However, in many situations, it is difficult to make a case of threat to international peace and security based entirely on domestic conducts contained within the territory of a state. Yet results of such conducts are inimical to the aspirations of the international legal community.

The overall aim of this paper is to highlight the efforts of the international legal system in adapting itself to the changing world beyond the contemplation of the originators of the legal system. It recognizes that the efforts may not have been enough and may sometimes come very slow, but argues that the system is making efforts to adapt within the available mechanisms.



Helen Chang is a Professor of Law at Golden Gate University School of Law, where she teaches Advanced Torts, Civil Procedure, Community Property, Criminal Law, Health Law, International Criminal Law, and Property. She served as the Interim Dean of Law Student Services and also taught in Golden Gate University School of Law summer program in Bangkok, Thailand. Her areas of research are Family Law, Community Property, and Criminal Law, and she has published articles and a book

chapter on these issues. Before coming to Golden Gate, she gained extensive experience in federal court, arbitration, mediation, and complex litigation. She earned her JD from Southern Methodist University Law School and her BA from the University of Texas.



Ashmeed Ali is employed with a Law Firm in Oakland that specializes in the area of defense Workers' Compensation law. Prior to this, he worked with the State-owned Electricity Commission in the island of Trinidad and Tobago, located in the Caribbean.

While pursuing his LLM degree (International Legal Studies) at the Golden Gate University School of Law, Dr. Ali had the privilege of studying under Dr. Sompong Sucharitkul, Distinguished Professor Emeritus, of International and Comparative Law. Dr. Ali then proceeded to obtain his SJD (Scientiae Juridicae Doctor) also at this same Law School, on this occasion, studying under Professor Dr. Christian N. Okeke, the Director of LLM and SJD International Legal Studies Program. Dr. Ali's dissertation was focused on the law and practices of the Caribbean Court of Justice, a recently formed Transnational Regional Court.

Based on the extensive research of comparable regional courts during his doctoral studies, Dr. Ali was able to develop and formulate an innovative new Law Course, Transnational Regional Courts (LLM366D), which was added to the LLM International Law Degree Program. This Course was approved for Dr. Ali to begin teaching at the Golden Gate University School of Law. Dr. Ali also lectures in International Law and Comparative Legal Systems Law Courses at Golden Gate University School of Law. He also serves as a member on SJD students Dissertation Committees.

Title: The Changing Landscape of International Law with reference to Modern-Style International Courts.

Presenter: Professor Dr. Ashmeed Ali

Abstract

International Law and by extension, International Courts are being affected by the changing world around us. A dramatic transformation of the International Judiciary has rapidly unfolded before our eyes.

During the past few years, the world has witnessed a proliferation of Modern-Style international courts, which represents one of the most remarkable changes in international law. While there previously existed only six international judicial systems at the end of the Cold War, thereafter a rapid global spread of these Modern-Style courts occurred, resulting in the creation of an additional eighteen new courts over the period 1992-2006. Not only do we have a dramatic increase in the number of such courts, but what we are seeing is the creation of a fundamentally different type of international court from the existing Traditional Old-Style international court. The Modern-Style judicial design is quietly reshaping international law and is a modern historical phenomenon. The significance of their design features should not be passed over lightly. While in the past, Traditional Old-Style courts lacked compulsory jurisdiction, these Modern-Style courts now provide for compulsory jurisdiction and allow for non-state actors, like private litigants and community organs, to initiate litigation involving states. These Modern-Style courts now deal with a broad range of issues that previously fell primarily within the national domain. These include economic, human rights and war crime issues. As the substantive nature of international law has changed, the designs of these newer courts have been altered to facilitate their functional objectives.

These modern courts are seen as enhancing the durability of international law by transplanting it into domestic politics. Increasingly, states are now more willing to subject themselves to international judicial oversight by self-binding to these modern courts. This modern trend of courts has transformed domestic and international relations and shifted the political balance to policies more in line with international law. These courts are actually influencing and reshaping states behavior. It can now be reasoned that states are increasingly showing a fundamental respect for the rule of law, including international law. The implications for this latest development for national sovereignty are critically important from an international relations standpoint. Modern-Style courts can now in fact, effect legal change by overriding domestic hurdles. These courts have suddenly become political actors, as states do not control them in the same manner as before. Simply put, the creation of these courts involves a sovereignty risk for states.



Sunday Gozie Ogbodo obtained his LLM as well as his SJD, in law from Golden Gate University School of Law. Upon his graduation, he lectured for Golden Gate as an Adjunct Professor. In 2008 he returned to Nigeria, and is currently an Associate Professor of Law at the Faculty of Law, University of Benin, where he teaches both undergraduate and graduate law students. He is also the Deputy Coordinator of the Post-Graduate program.

A renowned and internationally acclaimed scholar, Dr. Ogbodo has written on many areas of law and development with special emphasis on the legal and social factors hampering the development of developing countries, particularly, Nigeria. Dr. Ogbodo has also appeared in international and local media to discuss and analyze contemporary issues of national and international implications. Dr. Ogbodo's area of expertise is developmental law, which fuels his passion for the endless inquiry of the role of both national and international law in enhancing development in developing countries. In the course of this academic voyage, Dr. Ogbodo has on several occasions examined the roles of the government as well as the international financial institutions in enhancing the growth of the developing states. Of particular concern to Dr. Ogbodo is the paradoxical state of development of Nigeria. He is of the view that it is unacceptable in law and equity for a country blessed with such enormous human and natural resources to be at such a poor state of development. He believes that such an economic aberration must be rectified with the sustainable aid of the law.

Title: African States' Adaptation to the International Criminal Court

Presenter: Dr. Sunday Gozie Ogbodo

Abstract

Since the Rome Statute established the International Criminal Court in 1988, cases from African states had dominated the judicial docket of the court. Recently, there have been protests from some African commentators that the court was biased against African states. This paper will examine the relationship between the court and African states with a view to determining whether, indeed, the court has been biased against African states. More importantly, we shall proffer some recommendations on how best African states can adapt to a fast changing world which includes the International Criminal Court.



Hamidreza Mokhtarian achieved his LLB and Masters in law (LLM) in criminal law & criminology in 2001 from Iran. He also holds two international practice Diploma from the International Bar Association in International Commercial Law (2007) and International Business Organization (2008). In 2011, he achieved his LLM in U.S. Legal studies from Golden Gate

University and soon after attended Hague Academy of International Law (summer 2012) in private international law session and was admitted to the special seminar and workshop, which was designated to the small number of international lawyers under the Secretariat supervision. He is now a SJD Candidate in International Legal Studies at Golden Gate University. He started his law career once graduated from law school with LLB degree in Iran as an articling student. He is called to the Central Iranian Bar Association in 1999 and after two years of training became a first class Attorney at law in 2001 in Iran.

He established his own law firm in 2004 in Iran. He also cooperated with two law firms in Canada on immigration, international commercial law, and real estate transactions fields.

During his candidacy at Golden Gate University, he successfully complete two internship jobs; one at International Law Institute in Washington, DC and the other at the United Nations Dispute Tribunal (UNDT) in New York. Mr. Mokhtarian is in the close relationship with the World Bank Group (Global Indicators Group) especially to prepare the “ 2015 Annual Report on Doing Business” regarding business startup around the Globe.

Title: Development of the Principle of Permanent Sovereignty Over Natural Resources in the Rapidly Process of Globalization (A Study from the Developing States' Perspective)

Presenter: Mr. Hamidreza Mokhtarian

Abstract

From the point of view of all States, permanent sovereignty over their natural resources has been as substantial as their right to self-determination. This paper aims to examine the evolution, development, and the current status of the notion of sovereignty over natural resources in the era of globalization. The main question to which this paper is about to answer is to survey whether the permanent sovereignty over natural resources is a peremptory norm of general international law in today's world. To answer the question, this paper first provides a brief study regarding the history of the Principle's evolution in 20th century. In further, the important role of principle in the area of international investment law will be examined. Ultimately, considering the rapidly process of globalization, we examine what the contemporary status of the Principle is or should be.



Prince-Oparaku Uzoma is a Research Fellow and Faculty member of the Nigerian Institute of Advanced Legal Studies, a parastatal under the Federal Ministry of Justice Nigeria (NIALS), with research interest in Health Law and Policy, Intellectual Property, Criminal Justice and criminology.

Mrs. Prince-Oparaku Uzoma as a faculty member of Nigerian Institute of Advanced Legal Studies has contributed to a number of peer reviewed journals, served as a Rapporteur in Round Tables, has been involved in field research and desk reviews, law review, annotation of laws and teaching postgraduate students alongside eminent professors.

Mrs. Prince-Oparaku Uzoma holds an LL.B (J.D equivalent) from the University of Calabar, Calabar Cross River State Nigeria, LLM from the University of Lagos, Lagos Nigeria, a certificate on Bioethics from the University of Witwatersrand, Johannesburg South Africa, and is currently an SJD Candidate of the Golden Gate University School of Law, San Francisco, California. Mrs Prince-Oparaku Uzoma is a solicitor and advocate of the Supreme Court of Nigeria and a bioethicist.

Title: Changing Attitudes: A Review of Evolving State Practice in Global Public Health Emergencies

Presenter: Mrs. Prince-Oparaku Uzoma

Abstract

The International Community has not always been concerned with outbreaks of communicable diseases within States. Disease was a national burden to be addressed or contained by individual States in keeping with the doctrine of territorial integrity and equality of States. However, at the end of World War II it became apparent that there was need for a global approach to the eradication of diseases. Even so, at that time, global response to public health emergencies was not necessarily developed. It was not until the outbreak of the Avian Flu and subsequently, Severe Acute Respiratory Syndrome (SARS) that the international community began to take the issue of globalized efforts to the eradication of communicable diseases seriously.

These outbreaks of communicable diseases and the need for globalized efforts to combat them necessitated the renegotiation of International Health Regulations 2005 (IHR) and other ancillary Regulations and Recommendations for member States of the WHO. As a result, a pattern of response and adaptation began to emerge in the international community.

This paper examines what the disposition of the international community has been towards the outbreak of contagious diseases in different regions of the World prior to the IHR. It will trace the emergence of global legal governance of communicable diseases and the compliance or otherwise of members of the international community to extant global legal governance on public health. The paper will highlight the shifts that have been made by the international community in their attitudes to healthcare emergencies and the changes made in response to particular communicable disease outbreaks. The paper proposes recommendations on what the trend may very well be in future situations in particular regions of the world.



Hamed Adib represents international and domestic corporations in commercial and real estate transactions, acquisitions, and legal governance matters. After completing his undergraduate studies at UC Berkeley, Hamed Adibnatanzi received his JD (Juris Doctor), an LLM (Masters of Law) in International Legal Studies (with Honors), and an SJD (Science of Jurisprudence Doctorate) in International Legal Studies studying under Professor Dr. Christian Okeke. His dissertation examined

legal issues arising from the use of economic sanctions. Hamed has taught courses in International Trade Law, International Contracts, Business Contracts and International Comparative Legal Systems, as well as lectured on International Dispute Resolution, International Investment Law, and Islamic Law topics. Dr. Adib currently serves as an attorney in San Francisco, advising companies on all matters relating to business & real estate transactions, manufacturing, trade regulations, and economic sanctions.



Dr. Sompong Sucharitkul is currently Dean Emeritus of Faculty of Law at Rangsit University in Thailand as well as Emeritus Associate Dean and Distinguished Professor of International and Comparative Law at Golden Gate University School of Law, San Francisco, U.S.A. He also directed Golden Gate Center for Advanced International Legal Studies and the LL.M. and S.J.D. International Programs, as well as the summer law program in Bangkok, Thailand. Professor Dr. Sucharitkul holds B.A. (Honours), B.C.L., M.A., D.Phil and D.C.L., from Oxford University, United Kingdom; Docteur en Droit from the University of Paris, France; LL.M. from Harvard University. He also holds a Diploma

from The Hague Academy of International Law; and is a member of the Middle Temple, Barrister-at-Law, United Kingdom. Professor Dr. Sucharitkul holds a B.A (Honours), B.C.L. M.A., D. Phil and D.C.L, from Oxford University, United Kingdom; Docteur en Droit from the University of Paris, France; LL.M from Harvard University. He also holds a Diploma from The Hague Academy of International Law; and is a member of the Middle Temple, Barrister-at-Law, United Kingdom.

Professor Sucharitkul holds B.A. (Honours), B.C.L., M.A., D.Phil and D.C.L., from Oxford University, United Kingdom; Docteur en Droit from the University of Paris, France; LL.M. from Harvard University. He also holds a Diploma from The Hague Academy of International Law; and is a member of the Middle Temple, Barrister-at-Law, United Kingdom.

He served as Director-General of the Economic Department and of the Treaties and Legal Department, and Principal Legal Advisor to the Government of Thailand. Professor Sucharitkul was the first ASEAN Secretary-General for Thailand during the years 1967-1970. He also served as Thailand's Ambassador to Belgium, Netherlands and Luxemburg (BENELUX), and the European Economic Community (EEC); Japan; France, Portugal, and UNESCO; Italy, Greece, Israel, and FAO.

Professor Sucharitkul represented Thailand in the United Nations General Assembly for almost thirty years and served as Member and Special Rapporteur of the International Law Commission for ten years. In 2001, he was appointed by the President of the International Court of Justice to serve as one of three members on the first ASEAN Investment Dispute Arbitral Tribunal; and was subsequently elected President of the Tribunal. Professor Sucharitkul also serves as Expert Consultant of UNESCO and UNCTAD. He serves more than fifteen years as Member of ICSID Panels of Arbitrators and of Conciliators; and seven years as United Nations Commissioner on Panel E3 of UNCC in connection with claims against Iraq for the invasion and occupation of Kuwait. He is also an active Member of the Institut de Droit International since 1973.

Before joining Golden Gate University Faculty in 1990, Professor Sucharitkul held the Cleveringa Endowed Chair in International Law and Relations at Leiden University, the Netherlands. He was also Robert Short Chair Professor in International Law and International Human Rights at Notre Dame Law School, Notre Dame; and the First Fulbright Professor of International Law and Relations at UNCC, North Carolina at Charlotte. He was also Visiting Professor of International Economic Law

at National University of Singapore (N.U.S.); and Professor of International Law and Business Relations at Lewis and Clark College of Law, Portland. Professor Sucharitkul is also Editor and three-time National Reporter of the American Society of Comparative Law. He is Regional Coordinator of the American Society of International Law for the Western Region and is Editor of the International Legal Materials (ASIL) for the Asian Pacific Region and has extensively published in various fields of international legal studies in national and international journals of all continents.

Title: Thailand on the Pacific Rim

Presenter: Professor Dr. Sompong SUCHARITKUL

Abstract

I have been specifically asked to tell a story, in my own words, about the thinking of Thailand some fifty years back, facing weather conditions and unseasonal political storms within the seemingly endless ocean that we in the region have chosen to call “PACIFIC” despite its “stormy” propensity.

Amidst the threatening thunder over the width and breadth of this Pacific Ocean, Thailand found herself perched inevitably on one edge of the Pacific Rim. It is difficult to overlook the threat of harm and the risk of danger, lurking behind the back inland on the one hand, and floating or otherwise remaining superficially submerged under water from the Oceanside on the other.

As a free and independent nation and people of Asia, the Thais had to move southwards from the North-Eastern end of Asia to the South-Eastern region of the continent, as we are today, having to live and to co-exist peacefully with our neighbors on this Golden Peninsular (Suvarnabhumi), both on neighboring land and overseas near and far beyond and across the Pacific Ocean. My primary task is to present to you a meaningful picture of Thailand’s vision and perspective as an indigenous occupant of the Pacific Rim.

The Key word is “The Pacific Rim,” meaning the edge of the coast of the continental land that meets the waters of the Pacific Ocean, which, interestingly enough, have served to separate as well as to unite peoples of various races and nationalities across and around as well as alongside the Pacific Basin.

An endeavor will be made to help expose what may have been on the mind of the free people of Thailand and the independent Thai Nation, situated as we are on the ringside of the Pacific Rim, clearly forming an integral part and parcel of the endless distant shores adjoining the Pacific Ocean.

It is not too difficult to imagine some natural and instinctive preoccupations of Thai leaders to use all means at their disposal to preserve and protect the political independence and territorial integrity of their land, the land that they and their ancestors have struggled to retain without losing any more grounds, or else to face the prospect of being pushed into the depth of the Pacific Ocean floor.



Art Gemmell has completed extensive arbitral research in China and has studied International Law at Oxford University, Aberdeen University (Scotland), and at L'Institut International des Droits de L'Homme in Strasbourg, France. He is the recipient of a Practice Diploma in International Arbitration from the College of England and Wales and is a member of the Chartered

Institute of Arbitrators. Dr. Gemmell is an adjunct professor at Golden Gate University and also at the J. William Fulbright Foreign Scholarship Board (FSB), Bureau of Education and Cultural Affairs of the Department of State (ECA), and the Council for International Exchange of Scholars (CIES) has approved Dr. Art Gemmell for candidacy on the Fulbright Senior Specialists Roster.

At the conclusion of his career in international business, Art Gemmell received a J. D. (Valedictorian), an LL.M in Comparative and International Law, and an SJD. in International Legal Studies from Golden Gate University. He currently serves as an International Law Scholar at Santa Clara University School of Law's Center for Global Law and Policy and as a Senior Fellow in Golden Gate University's Sompong Sucharitkul Center for Advanced Int'l Legal Studies.

Dr. Gemmell has lectured on and has authored writings on the subjects of foreign investment and international arbitration. He was recently named a Fellow in the Chartered Institute of Arbitrators. The Chartered Institute of Arbitrators is the world's leading professional body for promoting the settlement of disputes by arbitration, mediation and other alternative dispute resolution (ADR) methods.

His book on Western and Chinese arbitration was published in 2008.



Benedetta Faedi Duramy is an Associate Professor at Golden Gate University School of Law where she teaches International Human Rights, Gender and Children's issues in International Law, Law of Armed Conflict, and Property. She is author of "Gender and Violence in Haiti: Women's Path from Victims to Agents" published by Rutgers University Press in 2014 and several book chapters and articles.

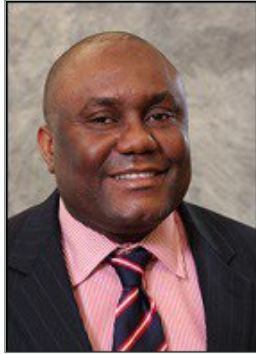
Benedetta completed her JSD (PhD equivalent) at Stanford Law School where she has been the recipient of numerous awards for her extensive research and scholarship on human rights and gender issues, with a special focus on Haiti. Previously she received an LLM from the London School of Economics and Political Sciences, an MA in Political Science from the University of Florence, and an LLB from the University of Rome "La Sapienza" (summa cum laude). She formerly was a researcher for the Child Protection Unit of the United Nations Stabilization Mission in Haiti and worked in private practice in London.

Title: International Perspectives and Empirical Findings on Child Participation From Social Exclusion to Child-Inclusive Policies Tali Gal and Benedetta Duramy

Presenter: Benedetta Faedi Duramy

Abstract

The 1989 UN Convention on the Rights of the Child has inspired advocates and policy makers across the globe, injecting children's rights terminology into various public and private arenas. Children's right to participate in decision-making processes affecting their lives is the acme of the Convention and its central contribution to the children's rights discourse. At the same time the participation right presents enormous challenges in its implementation. Laws, regulations and mechanisms addressing children's right to participate in decision-making processes affecting their lives have been established in many jurisdictions across the globe. Yet these worldwide developments have only rarely been accompanied with empirical investigations. The effectiveness of various policies in achieving meaningful participation for children of different ages, cultures and circumstances have remained largely unproven empirically. Therefore, with the growing awareness of the importance of evidence-based policies, it becomes clear that without empirical investigations on the implementation of children's right to participation it is difficult to promote their effective inclusion in decision making.



Emeka Duruigbo is nationally and internationally recognized as a scholar and advocate, with a focus on Energy Law, Business Law, and International Law and Development. He is a professor of law at Thurgood Marshall School of Law at Texas Southern University where he teaches courses in Business and Oil and Gas Law. Prior to joining the faculty at Thurgood Marshall, Professor Dr. Duruigbo was a senior legal counsel at Natural Heritage

Institute in San Francisco, a resource development associate at LawFinance Group, Inc., and a research fellow at the Program for Energy and Sustainable Development at Stanford University. He has authored a book, several book chapters and numerous articles on various legal subjects ranging from international law and petroleum law to corporate law and finance. His scholarship has been cited in leading law journals across the world and by state and federal courts and in an amicus brief at the United States Supreme Court.

Title: Energy Geopolitics, Shale Revolution and International Law

Presenter: Emeka Duruigbo

Abstract

The unlocking of massive quantities of oil and gas resources trapped in shale and other tight rock formations in the United States through a combination of hydraulic fracturing and horizontal drilling has been dubbed the “Shale Revolution.” While still ongoing, this revolution has already produced a number of winners and losers. Individuals have benefited through good paying jobs and lower energy prices while state and local authorities have seen an increase in tax revenues. On the other hand, there are questions that touch on water contamination, environmental degradation and infrastructural damage.

At the international level, the revolution has become a critical component in geopolitical battles that span across the Middle East and Europe. Some countries desire to bring an end to the revolution to prevent displacement in the global energy equation. Other countries see a potential to diversify supply sources and recalibrate their energy alliances for greater security and political leverage. Approaches to combating climate change may also be revisited and refined as we more closely examine the place of natural gas in simultaneously helping and hindering the cause through its impact on use of coal and emergence of renewable energy. At the end of the day, a new set of leaders and losers among countries are likely to emerge. The specter of failed states is becoming real, as oil-dependent countries, especially in Africa, deal with low prices for their natural resources. Multinational corporations would curtail capital investments with attendant consequences for the receiving countries and the global economy.

In the midst of these unprecedented changes, what would be the response of international law? This paper argues that international law has a traditional role in preventing a disruption of world order and international peace. It needs to evolve new tools and deploy existing devices for addressing threats to peaceful international relations and chaotic situations that spill across borders.



Cosmin Corendea holds a SJD in International Legal Studies from Golden Gate University School of Law and he received his LL.M. in Intercultural Human Rights with honours from Saint Thomas University Law School in Miami.

Best known for initiating and developing the concept of “international hybrid law” in 2007 – a legal research tool which uses human rights, environmental and refugee/migration law in climate change-related case analysis – his experience includes field research in the Pacific, Europe and Asia, and consultancies for different universities, organizations and United Nations agencies.

Title: Hybrid Legal Approaches towards Climate Change: Concepts, Mechanisms and Implementation

Presenter: Dr. Cosmin Corendea

Abstract

The International community is already developing solutions and approaches to the impacts of climate change induced migration. In order to make these solutions and approaches sustainable, they must be supported by a legal framework. The rule of law needs to be brought into the climate change process at the local, national and international level in order to protect rights, reduce risk, build resilience and empower people. The issue of hybrid approaches also needs to be addressed in the context of any post-2015 climate change agreement. Based on a hybrid approach, rights must be considered, not just in terms of mitigation but also in terms of adaptation, transfer of technologies, climate finance and capacity building.

This paper uses two methodologies to address these issues: rights-based approach that will emphasize the bottom-up standpoint as imperative in a post-2015 climate agreement (human-oriented analyses, loss and damage, etc.) and the progressive interpretation of law methodology that will underline the need for hybrid approaches in addressing climate change from a legal perspective in particular in relation to human rights (direct effect) and migration as subsidiary effect. The Hybrid approach is based on the (International) Hybrid Law, a legal research tool that concurrently, indivisibly and interrelated analyse a climate change case study from three perspectives: environmental law, human rights and refugee (migration) law.



Elimma C. Ezeani is the Course Leader for the LLM International Commercial Law programme at Robert Gordon University Aberdeen, Scotland, UK. Her core research interests are in the intersections between International law and Political Economy, the latter specifically focusing on issues in the interests of the African continent in general and Nigeria in particular. Her monograph *The WTO and its Development Obligation* (Anthem Press 2010) is a comprehensive analysis of the challenges that

developing countries need to overcome in order to make meaningful gains from participating in global trade. She has published other articles on the WTO, on energy subsidies, economic and development policy, human rights and terrorism. She has also published a student guide book *Success in Law Studies: 10 Keys to Top Grades* (DUP 2013). Her current research includes work in progress on corporate regulation and teaching numerical skills as part of legal education.

Elimma holds an LLB Honours degree from the Obafemi Awolowo University Ife Nigeria where she graduated top of her class, an LLM in International Commercial Law with Distinction, from Robert Gordon University Aberdeen UK, and a Doctor of Philosophy researching International Economic Law (WTO and Development) from King's College London UK. She is a qualified Solicitor and Barrister of the Supreme Court of Nigeria and has worked in both the public and private sectors prior to her present engagement as Lecturer-in-Law at Robert Gordon University.

Title: Home-grown Terror in a Rapidly Changing world

Presenter: Dr. Elimma C. Ezeani

Abstract

Addressing the incidences of extremism and violence which the international community has been forced to confront prior to, but more immediately since, the shocking attacks of 9/11 is crucial to any serious action for social stability and by extension, world peace. The ease of movement of persons, arms and finances, and the innovations in communication and technology have helped to transmit terror from the most far flung destinations to the global stage, yet the common usage of the term 'terrorist' does not help the blurred distinctions on how to approach those who engage in indiscriminate terror attacks within a domestic jurisdiction and those who engage in similar attacks but with such violence and wide reaching cross-border influence. Here we examine the 'Boko Haram' terrorism phenomenon, its ideology and nature, its activities, and the impacts and responses thereof. This paper finds that this group, home grown in the interiors of the northern states of Nigeria but whose activities along with Al-Qaeda, ISIL and others have attracted international attention, have brought to the fore the challenges faced by law and governments in tackling an ideology whose purpose is not understood and whose objectives remain as variant and as indiscriminate as their attacks of terror.



Lantera Anebo has served as a full time lecturer at the Faculty of Law, Ethiopian Civil Service University and part time lecturer at the Faculty of Law, Addis Ababa University and Ethiopian, Police University College. He also lectured at several private colleges and universities in Addis Ababa, Ethiopia, including St. Mary's University and Alpha University College.

Mr. Lantera has published two articles in peer reviewed academic journals in Ethiopia and compiled several conventional teaching and distance learning materials for law schools in Ethiopia. He earned his LL.M. at the University of San Francisco School of Law, and currently is an SJD candidate at the Golden Gate University School of Law.

Title: Globalization and Changing Nature of Borders: Is Borderless world Possible or Desirable?

Presenter: Lantera Anebo

Abstract

In the era of globalization a strong border wall may not necessarily secure a bounded territory. The old maxim, “Good Fences Make Good Neighbors,” seems out of date. While tough border walls may impede some unauthorized border crossings, traditional border walls appear powerless to safeguard against “invisible intruders” that may easily transcend a well-built border wall.

Nowadays, transnational companies have been building a uniform global culture by offering identical products, services, processes and work culture. The proliferation of supranational organizations and resultant trans-boundary transactions, coupled with other effects of globalization, like global financial services, the emerging digital technology, terrorism, cyber-crime and so forth have been fueling the widespread speculation of the elimination of borders.

A borderless world, in turn means, territorial sovereignty is insignificant, as global actors appear more powerful and rapidly moving toward controlling the whole global phenomena. This increasingly global way of life has potency to penetrate all forms of boundaries thereby making traditional border functions “out-of-date.” Nowadays, it is not impossible to attack vital resources situated in San Francisco without the perpetrator’s physical presence in the United States or in the nearby regions. A terrorist, hiding elsewhere in the globe, can stretch destructive hands that may not easily be detected by border guards or curtailed by border walls. Similarly, a cyber-thief, residing at a far distance, can get access to bank accounts without physically crossing borders, or a terrorist at a remote location can disrupt utility plants at any part of the world. Similarly, the ever-changing communication and transportation technology has avoided barriers of distance thereby making the world reachable to all at a given time. Therefore, it appears logically correct to suppose that traditional border walls are being obsolete as “*bad neighbors*” are emerging despite well-built border walls.

With regard to borders, the world is experiencing two conflicting realities that the modern socio-political system has to tackle. The uncontrollable nature of globalization that appears to overpass traditional border walls easily and the interests of territorial states and governments to protect their subjects against threats of security by closing borders or restricting border contacts and mobility. Now the question is how to reconcile these conflicting realities?

Various research works and the prevailing national and international reality proves the possibility of reconciling the conflicting global scenario by transforming the nature of border from barriers to bridges. This can happen by de-territorizing the old territories and de-bordering the old borders with a view to re-territorize and re-border it to accommodate global actors and the interest of states to safeguard sovereignty and address the quest for security. The new border walls will be designed in such a way it would allow quick and free mobility of friendly (good) people while filtering undesired ones (the enemy, strangers or others) through global cooperation and networking.



Warren Small spent twenty-five years in the U.S. Navy as a commissioned officer. He earned his J.D. from the Golden Gate University School of Law, where he specialized in International Law. He joined the adjunct faculty of the Golden Gate University School of Law in 1996 to complement his private practice in domestic and international intellectual property matters as well as domestic and international business formation and business transactions. Adjunct Professor Small is also a member of the adjunct faculty of the Monterey Institute of International Studies and the Monterey College of Law where he teaches several courses in international law.

Adjunct Professor Small frequently delivers guest lectures on international legal issues arising from operations sponsored by the Department of Defense and has been a regular presenter at the ASIL Regional Meetings on the topic of the Law of Armed Conflict. Professor Small teaches International Legal Studies, and Intellectual Property courses at Golden Gate University School of Law. His course offerings include International Patent Law, Copyright Law of the United States, Intellectual Law for the Solo Practitioner, The Law of International Armed Conflict, Contemporary Issues in International Law, the Law of the Sea, and Pacific Rim Trade Seminar.

Title: A Wrench in the Machinery: Applying International Humanitarian Law to the Armed Conflicts Involving Boko Haram and Isis

Presenter: Warren Small

Abstract

We struggle to evaluate the ability of International Law to provide justice and stability in a rapidly changing and increasingly complex international system. As we speak today, this system continues to experience rapid changes such as dramatic technological advances in all fields, rapidly increasing populations, steadily decreasing and overstressed natural resources, growing gaps between developed and less-developed nations, continuous threats to the human rights of the inhabitants of this system, and a continuous movement toward a multipolar world increasingly influenced by non-state actors.

Since the end of World War II, these changes have given rise to numerous armed conflicts as states and non-state actors try to accommodate these developments or use them to their advantage. The increased involvement of non-state actors has rapidly changed the nature of armed conflict as well as International Law's ability to deal with it. The Law of Armed Conflict no longer focuses exclusively on state versus state (international) armed conflicts; it applies to armed conflicts other than international as well and, of late, has been tasked with accommodating armed conflicts between states and armed opposition groups.

First, this paper argues that the evolution of the nature of armed conflict and the changes to International Humanitarian Law – Law of Armed Conflict (“IHL-LOAC”) that have been introduced to deal with the changing nature of armed conflict have stressed this body of law to its limit. While IHL-LOAC has the inherent structure and flexibility to accommodate this evolution, applying that structure and flexibility has not been consistent or thorough. While the primary instruments of IHL-LOAC have inherent principles that can be applied to these new conflict types, that application tends to be general because those instruments were not drafted to explicitly deal with these newer types or armed conflicts and, more importantly, the participants. The language of these instruments needs some modernization and updating to more adequately bring these new types of armed conflicts and the new categories of participants under the jurisdiction of IHL-LOAC.

Second, this paper will address the adjudication of alleged violations of armed conflicts. It will look at the three-tier system currently in place: *ad hoc* tribunals, the International Criminal Court, and national courts and discuss how the three tiers should be able to adjudicate *all* alleged violations of IHL-LOAC but fails to do so.

Third, this paper will seek to ascertain whether the system discussed in the first two sections will be able to accommodate the introduction of a new type of armed conflict involving a different type of non-state actor: the caliphate. In particular, it will examine the ongoing armed conflicts involving ISIS and Boko Haram to determine if and how those conflicts and the participants therein can be placed under the protections of IHL-LOAC.

This paper recommends bringing armed conflicts involving non-state actors under the protective cover of IHL-LOAC. It discusses the benefits as well as the problems with expanding the coverage of IHL-LOAC. The paper also points out the drawbacks inherent in imposing an international legal norm upon those having no say in its structure. The paper concludes that there must be uniform accountability under IHL-LOAC for the actions of the participants of all armed conflicts.



Zakia Afrin is a consultant and human rights advocate with over 8 years' experience in international and comparative legal research. Dr. Afrin has worked with nonprofit entities around the world in governance research, legal advocacy and promotion of Human Rights' campaigns. She has consulted with Amnesty International (USA), Ain O Shalish Kendra (Bangladesh), Kredha International (The Netherlands) and Maitri (USA) in different capacities. She recently co-founded Southern Governance Reporting Group which aims to contribute to closing the gap between the Global North and the Global South by shining a light on governance issues and practices.

Dr. Afrin is an adjunct professor of Law at Golden Gate University. She teaches Introduction to Islamic Law, Intra-State Conflicts and Peacebuilding, and Comparative Legal Systems. An alumnus of The Hague Academy of International law, Dr. Afrin has an LLB from Dhaka University in Bangladesh (1998), LLM and an SJD specializing in public international law from Golden Gate University (2007).

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