FROM THE DIRECTOR

International Law Cannot Stand Alone

People are dying every day in Darfur. Can’t the International Criminal Court do something about it now?

The frustration was palpable in the voice of the Brandeis undergraduate who posed the question, and it rippled through the room of students, faculty, and members of the community who had gathered to hear about pressing questions on international justice.

Yes, I explained, the Security Council of the United Nations has referred the case of Darfur to the prosecutor of the International Criminal Court. Luis Moreno Ocampo and his staff are conducting an investigation. However, I continued, no defendant will be brought before the bar in Darfur for at least months, and more likely years.

The student’s shoulders visibly sagged. Yet another international institution seemed to be failing the vulnerable people of the Sudan, and disappointing people around the world who were outraged by the senseless loss of human life.

We have become accustomed to attacks on the ICC and other institutions of international law from those who believe that Americans should not be accountable to international standards and institutions. But the Brandeis student’s frustration represents a different source of skepticism about international criminal justice: the frustration of activists committed to peace, justice, and human rights, who are concerned that international courts cannot make significant inroads on the world’s cycles of violence.

The irony is that this complaint is coming at a monumental historical moment, when international criminal justice is just beginning to reach its promise. In March 2006, Thomas Lubanga of the Democratic Republic of the Congo was the first defendant to be arrested and brought before the ICC, on charges that his rebel army coerced the participation of children as soldiers. Later that month, the former leader of Liberia, Charles Taylor, was arrested in Nigeria and brought before the Special Court for Sierra Leone to answer for the violence he wreaked in Liberia, Sierra Leone, and neighboring countries. After years of preparation, continued on page 7

The Center Welcomes New Advisory Board Members

The Center welcomes Jamie Metzl, Michael Ratner ’66, and Norbert Weissberg as the newest members of its International Advisory Board.

Metzl (top), the Executive Vice President of the Asia Society in New York City, has held staff appointments in the Senate Foreign Relations Committee, Department of State, and the National Security Council. From 1991 to 1993, he was a Human Rights Officer for the U.N. Transitional Authority in Cambodia.

Ratner ’66 (center) is the President of the Center for Constitutional Rights in New York City. He was co-counsel in representing the Guantánamo Bay detainees before the U.S. Supreme Court in June 2004, and he and his office have challenged the Patriot Act and sued private contractors in Iraq over the abuses at Abu Ghraib.

Weissberg (bottom) is the Chairman of both the Package Research Laboratory and the Stapling Machines Company. From 1998 to 2002, he was Chairman of the Israel division of the Coca Cola Bottling Company, and he was formerly President of Equilease Corporation, a national equipment leasing company that was later purchased by leading aerospace manufacturer Allied-Signal Corporation.

David M. Malone, the Assistant Deputy Minister (Global Issues) of the Canadian Foreign Affairs Department, and former Senator Nancy Kassebaum Baker (R-Kansas) have agreed to begin their terms on the International Advisory Board in 2007.

For more information on the Center’s board, go to www.brandeis.edu/ethics/about/board.html.
The International Center for Ethics, Justice and Public Life

The mission of the International Center for Ethics, Justice and Public Life is to develop effective responses to conflict and injustice by offering innovative approaches to coexistence, strengthening the work of international courts, and encouraging ethical practice in civic and professional life.

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Michael Ratner ’66
Joshua L. Steiner
Shirane Tilakawardane
Norbert Weissberg

IN THE NEWS

Staff Highlights
Leigh Swigart and former Center communications specialist Melissa Blanchard produced a report on the U.N. Colloquium of Prosecutors of International Criminal Tribunals, held November 2004 in Arusha, Tanzania.

In December, Greenwood Press published The Psychology of Resolving Global Conflicts, a three-volume set co-edited by Mari Fitzduff. In November, Cynthia Cohen was joined in Australia by Brandeis International Fellow Bev Hosking in leading a two-day seminar titled “Peace through Music, Art and Poetry,” sponsored by the Australian Center for Peace and Conflict Studies and the University of Queensland.

Jessica Berns presented Coexistence International’s approach to conflict resolution and peace building in March at a Georgetown University conference titled “The Elements of Peace.”

Master’s Student Wins Award and Scholarship
Olawode Olajumọ, one of 10 students in the 2005-06 class of the Coexistence and Conflict master’s program, received a Karpf Peace Award from the Peace, Conflict and Coexistence Studies program for his ongoing series of leadership peacebuilding workshops. The workshops, which are free and open to the public, are designed to provide participants with basic conflict resolution skills and strategies, based on case studies from several continents. Olajumọ was also awarded an MIT-Mellon Fellowship to conduct field research documenting the challenges faced by the Nigerian government and NGO agencies in addressing the problems of Internally Displaced Persons arising from the violent Hausa-Kataf ethno-religious conflict in Kaduna, Northern Nigeria, in 2000.

Introducing the 2006 Ethics Center Student Fellows
Six students were selected in January as recipients of the newly redesigned Ethics Center Student Fellowship, in which undergraduates develop internship projects of their own and implement them in international organizations of their choosing. The 2006 Fellows are currently completing academic courses in preparation for their internships. This summer, they will engage in projects that encourage education, communication, and healing in the following cities around the world: New Paltz, New York; Brisbane, Australia; Chiapas, Mexico; Athens and Olympia, Greece; Sofia, Bulgaria; Johannesburg, South Africa; and Dakar, Senegal.

Coexistence International Launches Website
With the launch of www.coexistence.net, CI is establishing a common virtual space for all those individuals and institutions that work to build sustainable and just peace. Serving as a resource and a gathering place for ideas and knowledge sharing, CI’s site offers publications, links, news, events, and opinions that touch on and integrate all facets of the coexistence field.

The Center Welcomes Jennifer Burke and Lynn Weisel
Jennifer Burke joins the Silika Program in Intercommunal Coexistence as the program administrator, responsible for the efficient operation of the Coexistence Program, including Research and Collaborations (outreach) and the Master’s Program. She holds a B.A. in Political Science from Northeastern University and a M.B.A. in Mission-Driven Management from the Heller School of Social Policy and Management. Lynn Weisel is the new department coordinator for the International Center for Ethics, Justice and Public Life. She holds a B.A. in Social Work and Sociology from Gordon College and comes to the Center from Germaine Lawrence, a girls’ residential treatment center.

The 2006 Ethics Center Student Fellows (left to right): William Chalmus ’07, Daniel Duffy ’07, Naomi Safra-Hon ’08, Joshua Rosenthal ’07, Dana Sawitz ’08, and Kosmas Kaprinis ’07.
The Long View: Distinguished Leaders Focus on World Problems We Ignore at Our Peril

“The Long View” was conceived as an open invitation to consider the current state of global affairs not as a static picture but as a single frame in a larger story. On March 9, 2006, through a day-long series of events culminating in an open dialogue about the future, members of the Ethics Center International Advisory Board urged the entire Brandeis community to reflect on the wheels already in motion around the world. As internationally renowned judges, authors, educators, and diplomats, the Board members provided their own historical insights and encouraged students to act now, rather than react later, to secure the future they envision.

Board members participated in nine separate talks or class visits during the day, discussing issues as varied as the U.S. Congress, the detainees at Guantanamo Bay, human rights in South Africa and Sri Lanka, democracy in Latin America, and the intersections of journalism, public policy, and religion. Students from the Justice, Service, & Change Thematic Learning Community assisted the Center in coordinating the Board members’ schedules and organizing their appearances.

At 4 pm, the Board members assembled for the headlining panel discussion: a consideration of world problems of today that threaten to become the crises of tomorrow. Chairman Theodore Sorensen, former policy advisor, legal counsel, and speechwriter to President John F. Kennedy, set the tone for the conversation with a sharp critique of the Bush administration over its policies of indefinite detention at Guantanamo Bay and unauthorized wiretaps, both of which he considered violations of law.

Sorensen also expressed dismay over the ever-growing gap between rich and poor in America, and the fact that the United States has never ratified the 1997 Kyoto Protocol to the U.N. Framework Convention on Climate Change, intended to stave off environmental degradation.

“Some of that will never be reversed,” said Sorensen. “You in the student generation will have to climb uphill to try to make up for what has been done. But I don’t know anyone better equipped to do it than you, and that’s why I’m here today.”

Hans Corell, former U.N. Legal Counsel and Under-Secretary-General for Legal Affairs, foretold a shift in the economics of power in the next 50 years, citing a prediction made in Business Week magazine in August 2005: by 2050, the combined economy of India and China will represent 45 percent of the world’s GDP, outstripping that of the United States and European Union, which will total 40 percent. Japan will have roughly another 4 percent — leaving the rest of the world to compete over the remaining 10 percent.

“What does it mean for disgruntled young men without a job in areas of the world on which we depend?” asked Corell. “What happens when someone says to the United States, ‘You now expect us to deliver on what you did not deliver when you were in power?’ The judgment of history will be very harsh.”

Author James Carroll eloquently captured the thrust of the conversation and the hope that Board members have for the generations to come. Reflecting on the history of the United Nations, Carroll marveled at how the countries of the world in 1945 seemed to be united in their desire to find an alternative to the horrors of war and genocide.

“What strikes me is how rare that sentiment is today,” said Carroll. “War is once again taken for granted as a way in which nations should conduct themselves. The world is desperate for a movement away from the culture of war, fully into the culture of law. It has been desperate since 1945, and it still is.”

(Top) Members of the Ethics Center International Advisory Board (back row, left to right): Hans Corell, Norbert Weissberg, Shiranee Tilakawardane, Stephen Solarz ’62, James Carroll, Kerry Kennedy, Diego Arria, Jamie Metzl, Richard Goldstone, Michael Ratner ’66, Morton Abramowitz; (front row): Ahmedou Ould-Abdallah, former Board member Judith Schneider, Chair Theodore Sorensen, Center Director Daniel Terris. (Bottom left) Brandeis University President Jehuda Reinharz talks with Diego Arria, Richard Goldstone, and Stephen Solarz ’62 at the Long View forum. (Bottom right) Stephen Solarz ’62 and Shiranee Tilakawardane discuss the U.S. influence on the rest of the world with one of Professor Stephen Whitfield’s American Studies classes.
Brandeis Institute for International Judges 2006

Complementarity and Cooperation: Challenges for International Justice

The International Center for Ethics, Justice and Public Life recently hosted its fourth Brandeis Institute for International Judges (BIJ) in Dakar, Senegal. Held from January 4 to 8, 2006, the Institute assembled 17 participants from nine international courts and commissions for confidential dialogue and debate about issues and challenges that arise in the course of their work.

The BIJ is the only program of its kind, focusing its attention on the needs and concerns of members of the international judiciary. The number of international judges has increased drastically in the last decade, with the creation of many new courts of regional or international jurisdiction. These include the International Tribunal for the Law of the Sea, the International Criminal Tribunals for the former Yugoslavia and Rwanda, and the International Criminal Court, as well as so-called “hybrid” tribunals, whose benches are comprised of both local and international judges, like those created to investigate and try criminals in Sierra Leone, East Timor, and, soon, Cambodia. Dan Terris and Leigh Swigart of the Center, along with Cesare Romano of the Project on International Courts and Tribunals, are currently completing a book that describes the profession of international judge and those who serve in this capacity.

BIJ 2006 was co-directed by Center board member Richard Goldstone, former Chief Prosecutor of the U.N. International Criminal Tribunals for Rwanda and the former Yugoslavia and former Justice of the Constitutional Court of South Africa, and by Linda Carter, professor of law at the University of the Pacific McGeorge School of Law.

Board member Hans Corell, former U.N. Under-Secretary General for Legal Affairs, gave the Institute’s opening presentation, addressing the ways in which international courts can cooperate and complement each other’s work.

Claire L’Heureux Dubé, retired justice of the Supreme Court of Canada, further explored the interconnectedness of judicial systems by leading a discussion on the blending of civil law and common law practices within a single court, while Linda Carter discussed the role of alternative processes, such as the gacaca courts in Rwanda, in bringing about justice and reconciliation in post-conflict situations. Jane Hale, professor of French and Comparative Literature at Brandeis University, asked the participants to approach their work from the perspective of the humanities, drawing parallels between the interpretation of literature and the interpretation of law. Other session topics included the place of local cultures in an international legal order, the interplay between peace and justice, and a range of ethical issues confronting the international judiciary.

Some of these questions were revisited the following week at the West African Judicial Colloquium, held from January 9 to 11, 2006, and organized around the theme of “Connecting International and National Justice.” Organized through a partnership with the West African Research Center in Dakar, the Colloquium was directed by Richard Goldstone and Babacar Kante, professor of law at the Université Gaston Berger de St. Louis, Senegal and vice-president of the Senegalese Constitutional Council (see opposing page for keynote address of Colloquium).

Both the Brandeis Institute for International Judges and the West African Judicial Colloquium provided participants with a chance to share their expertise and learn from others in a spirit of open exchange and exploration. The conversations begun will no doubt continue well into the future, serving to enhance further cooperation and dialogue across courts, both domestic and international, and among those who serve on them. Such collaboration will ultimately contribute to the promotion of justice and human rights across the globe.

Funding for the BIJ and the West African Judicial Colloquium was generously provided by the JEHT Foundation, the Ford Foundation-West Africa, the Rice Family Foundation, and the David Berg Foundation. If you are interested in receiving a copy of the forthcoming BIJ 2006 report, please contact biij@courier.brandeis.edu.
No More Justice Behind Closed Doors
A Top U.N. Official Addresses the Obstacles to Justice on the African Continent

The following is an excerpt of the keynote address from the West African Judicial Colloquium in Dakar, Senegal, delivered on January 9, 2006, by Ambassador Ahmedou Ould-Abdallah, Representative of the United Nations Secretary General in West Africa. The text has been translated from French. For the full text of Ambassador Ould-Abdallah’s remarks, please visit: brandeis.edu/ethics/international_justice/colloq06_keynote_en.html.

Ladies and Gentlemen,

The choice of Dakar to host this meeting is appropriate. It is a symbol of support for the recent efforts made in Africa in judicial matters, especially with the establishment of the African Court for Human and Peoples’ Rights and the sustained actions of international tribunals such as those in Rwanda and Sierra Leone.

There is much work to do on the continent in the field of justice: the independence of judicial systems; their capacity building; their credibility, etc. Finding ways to address these challenges is very important for both populations and governments.

The main theme of this colloquium is the relation between national and international justice. In order to fully understand this theme, I think we should consider what lies at the heart of our daily concerns about justice: impunity, the lack of respect of human rights, and the violation of humanitarian law in times of armed conflicts. The violation of those rights dangerously hampers the development of a credible justice and, with it, a peaceful society as well as a balanced socioeconomic development.

Real justice implies first of all the credibility of the judiciary. It is important to ensure the independence of the judiciary across the continent because, otherwise, it would be difficult to think about genuine collaboration at the international level. But priority should be given to justice at the national level, in order to make sure that governments practice at home what they preach at the continental level.

Obstacles to the independence of justice are found everywhere in the world, but especially in Africa. Your colloquium will certainly address the development of mechanisms aimed at strengthening that independence and enhancing efficiency in the administration of justice in Africa.

Judicial cooperation between states and the complementarity of national justice systems present a challenge but are absolutely necessary. Such cooperation implies that states strictly respect principles of professionalism, support, training, de-politicization, regulation, compliance, and enforcement where the judiciary is concerned. Furthermore, for more effective cooperation, states should be on the same wavelength. They should therefore make sure that both texts and treaties are harmonized and that mutual assistance is forthcoming, both at the African regional and international levels.

West and Central Africa have already made important progress in harmonizing business law. One of those achievements is the OHADA treaty (Organization for the Harmonization of Business Law in Africa), which has succeeded in establishing the supremacy of community law over national law and creating a single institution for control and conflict resolution. But justice is a work in progress. Tremendous efforts should be made to harmonize national legislations — on the traffic of children, the proliferation of light arms, the fight against corruption, etc. — and to unify jurisprudences. Such efforts should be made between African states as well as between African states and the rest of the world.

As for the United Nations, it can play an important role in the establishment of basic humanitarian standards, the resolution of conflicts, and the creation of special international criminal courts. The fundamental issue of impunity and its role in cycles of violence should be stressed here.

Ladies and gentlemen, the need for justice becomes indispensable in the context of globalization. It has become a precious consumer good for all citizens. The need to protect populations and individuals, especially against the misuse of power by governments, is a necessity for these modern times.

There will be no more justice behind closed doors. It is more than ever accepted that, as Martin Luther King once said, “Injustice anywhere is a threat to justice everywhere.” As a result, it is our responsibility to protect everybody by recalling their rights and by defending them whenever there is an injustice. This is not about giving up national sovereignty, but rather about strengthening the constitutional state so that it can serve the most vulnerable.

“The need for justice becomes indispensable in the context of globalization. It has become a precious consumer good for all citizens. The need to protect populations and individuals, especially against the misuse of power by governments, is a necessity for these modern times.”
OCTOBER
The Yuval Ron Ensemble spent four days in residence at Brandeis, performing concerts, giving lectures, and conducting workshops for all members of the Brandeis community. The ensemble brings together the musical traditions of Judaism, Sufism, and the Christian Armenian Church. The residency was presented by MusicUnitsUS and the Slifka Program in Intercommunal Coexistence.

NOVEMBER
Ayala Proccaccia, a justice of the Supreme Court of Israel, spoke at Brandeis during her visit to the United States. Proccaccia’s remarks addressed issues relating to the Israeli security fence and the challenges in balancing public safety with personal freedoms, including the illegality of physical interrogation and indefinite detention of suspects.

DECEMBER
Coexistence International hosted a meeting of 15 leading international coexistence scholars and practitioners at Brandeis House in New York City. The meeting served as a forum to consider the state of the coexistence field, and to engage in a dialogue about a more integrated approach to peacebuilding.

JANUARY
Professor Kanan Makiya, a human rights activist and former Iraqi exile, returned to Brandeis after spending most of the last four years in Iraq, gathering evidence and accounts of human rights abuses committed under Saddam Hussein’s Ba’th Party regime. Makiya is a professor in the Near East and Judaic Studies department.

FEBRUARY
The Arts of Building Peace, a course taught by Professor Cynthia Cohen, featured the first of three public events that examined the role that ritual and the arts can play in facilitating healing after a conflict. The events continued through April, bringing to campus an installation/sculpture artist, a playwright, and a professor of peacebuilding.

MARCH
Al-Quds University, a Palestinian university in Jerusalem, sent four American Studies graduate students and a member of the faculty to Brandeis for a 10-day visit. Their stay included academic research as well as three public events that allowed them to share their perspective with the wider Brandeis community.

Slifka Program Celebrates its First Class of Graduates
The first group of students to enter the Alan B. Slifka Master’s Program in Coexistence and Conflict has successfully completed the 16-month program, taking a full-time course load at Brandeis during the 2004-05 academic year and completing a field project in the fall of 2005. They will receive their diplomas on May 21, 2006.

Below are the titles of the students’ field projects; for complete descriptions, visit www.brandeis.edu/programs/Slifka/events/archive/2006.Feb.02.html.

- Tamara Ambar – Greater than the Sum of its Parts: How the Coexistence Network Can Help Improve the Coexistence Field in Israel
- Mengistu Ayalew, Peter Bauman, and Gazala Paul – A Comparative Analysis of the Impact of Tsunami and Tsunami Interventions on Conflicts in Sri Lanka and Aceh/Indonesia
- Michael Ehrlich – Religion and Conflict Resolution
- Philip Gamaghelyan – The Nagorno-Karabakh Conflict: Strategy for Coexistence Intervention
- Keren Hendin – A Conflict Intervention: Conflict Resolution Skill-Training for the Somali Transitional

Federal Institutions

- Isabella Jean – Youth Focused Coexistence Initiatives in Cyprus: Key Challenges in Program Design, Implementation and Evaluation for Practitioners and Funders
- Priscilla Sara Kankhulungho – The Role of Women in Promoting Coexistence and Political Tolerance as a Prerequisite for Safeguarding their Rights: The Case of Malawi
- Chandan Nandy – Illegal Immigration from Bangladesh to India: The Emerging Conflicts
- Inessa Shishmanyan – Seeds of Peace Experience: Examining the Roots of Peace Activism

Join all of us at the Ethics Center in congratulating the students and wishing them every success in their future endeavors.
Continued from page 1

these two courts
— one permanent,
one temporary
— are making
visible progress
towards fulfilling
their missions.

And yet, the “activist” critiques of
international criminal justice have become
increasingly common. Some complain that the
hundreds of millions of dollars spent annually
on the international courts could be better spent
re-building societies destroyed by conflict. Some
think that the extensive emphasis on punishment
of criminals comes at the expense of more
community-based efforts of “restorative justice.”
Some have little faith that international courts,
lacking police powers, will deter the masterminds
of future crimes against humanity. And some believe,
as in the case of Darfur, that criminal prosecution
will be simply be too little too late.

These disparate critiques add up to a single
lament: why can’t the international criminal courts
deliver on the promise of bringing justice and peace
to regions where people are suffering? And why can’t
it be done more quickly?

Advocates for international justice bear some
of the responsibility for these outsized expectations.
There is a great deal of lofty talk about the “rule of
law,” of the imperative of “justice,” and of the vital
mission of “ending impunity.” These abstractions
are especially attractive to women and men
schooled in the law. Lawyers and judges sometimes
convey the impression that the fulfillment of “the
law” is an end in and of itself, that the pursuit of
justice can stand in splendid isolation as a durable
human achievement.

Both the critics and the proponents of
international criminal justice would do well to
remember that the law does not stand alone.
Courts are relatively small institutions with few
real powers, operating alongside much larger
institutions like governments that have whole

armies at their beck-and-call. They function
best in a larger political and social arena, amid
complementary institutions designed, among other
things, to fight poverty, support coexistence, and
nurture a vibrant cultural life. International courts
need to operate in a climate of cooperation with
governments and with civil society.

The pursuit of criminal justice in Darfur will
indeed be a tragic exercise without more forceful
action by the international community to stop the

killing now. But ending the killing would be futile
without a fair and credible process for holding
the perpetrators of mass violence accountable.
Working together, those with faith in the power of
the law and those who are impatient with the pace
of the courts have a better chance of securing their
common goal of rights, justice, and peace for future
generations.

The Human Barometer Exercise:
An Exploration of Commonalities and Differences
within the Coexistence/Peacebuilding Field

On March 2, 2006, Coexistence International (CI) and the Alliance for Peacebuilding co-sponsored
a workshop at Harvard Law School aimed at exploring the commonalities and differences in the core
values held by scholars, practitioners, activists, and advocates in the coexistence field. The event was
part of a larger CI-led research inquiry that seeks to strengthen the field that includes coexistence,
peacebuilding, and conflict resolution work.

With more than 20 conflict resolution practitioners and researchers participating, Cynthia Cohen
facilitated the Human Barometer exercise, in which participants positioned themselves in different parts
of the room depending on the extent to which they agreed with two differing statements.

CI defined a range of issues to explore, but given time constraints the group prioritized five key
issues that they discussed in their groups along the spectrum and as a whole. A sampling of the issues
explored include: the role that justice and rule of law play in post-conflict situations; affecting change
through economic and political structures versus changes to social and cultural patterns; and the
importance that measurement and evaluation have in conflict work.

The exercise and discussion that followed demonstrated that even within a group of 25 there
was a diversity of opinion and approaches. Participants were eager to hear from colleagues who place
themselves on different ends of the Human Barometer and to explore the underlying values, beliefs, and
assumptions.

Please contact coexistenceintl@brandeis.edu for additional information about this exercise and
the initial findings.
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