

LIEBER NOTES

Quarterly Newsletter of the Lieber Society on the Law of Armed Conflict
Interest Group of the American Society of International Law

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Lieber Notes is the quarterly newsletter of the Lieber Society. Any views expressed in this newsletter are those of the authors in their private capacities and do not purport to represent the official view of the Society or any government or organisation.

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60th Anniversary of the Tokyo Judgment

By Chris Griggs

On November 12, 1948, seven Class-A war criminals were sentenced to death by hanging by the International Military Tribunal for the Far East, popularly known as the Tokyo War Crimes Tribunal. On the 60th anniversary of this judgment, a conference is to be held at the University of Melbourne in Australia to examine the questions which these proceedings raise in the minds of scholars of international humanitarian and criminal law.

As the conference organizers put it:

“In contemporary international law and relations, the war crimes trials at Nuremberg and Tokyo are regarded as landmarks in the field of international criminal law. Regrettably, and until recently, there has been an almost exclusive focus on the trial in Germany. This conference, a significant feature of which is the involvement of eminent Japanese, Korean, and Chinese speakers, aims to redress this imbalance, and

place the Tokyo Trials at the centre of a wide-ranging discussion about the future of international law and the law of war crimes.

The Conference will be important as a way of enhancing the prospects of global justice, understanding a neglect-



ed aspect of Australasian history and continuing to promote friendship and reconciliation among Asian neighbours and Australia. This is not a project designed to re-examine Japan's conduct during the war; rather the intention is to learn lessons from the Tokyo Trials with a view to applying these lessons to future proceedings.”

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The conference is being organized by the Asia Pacific Centre for Military Law (APCML) at the University of Melbourne Law School in collaboration with the Lieber Society, the Hiroshima Peace Institute and the London School of Economics International Humanitarian Law Project.

It represents an important example of the Lieber Society's outreach into the Asia Pacific region.

The conference will take place at the University of Melbourne Law School, 185 Pelham Street, Carlton, Melbourne, Australia from November 10 - 12, 2008. Registration packs are available from Cathy Hutton at APCML, telephone +61 3 8344 4775, fax +61 3 8344 0054, e-mail law-apcml@unimelb.edu.au.

Lieber Military Prize

Our members around the world are reminded that our annual military writing competition continues. We are seeking your assistance in passing the word about our 2009 Prize that will award a \$500 prize and a certificate at the ASIL Annual meeting in Washington, DC in April. Up to two Certificates of Merit may also be awarded for other outstanding papers.

This competition is open to active, reserve, and retired members of the armed forces of any nation, regardless of membership in ASIL. We seek papers concerning international humanitarian law or the law of war. Practical writings on any subject involving the regulation of armed conflict are encouraged.

Papers should be no more than 35 pages in length and may be previously published.

This is the third year for our competition. We received 25 excellent papers from members of the armed forces of six nations in our 2007 competition and 20 equally noteworthy papers from members of the armed forces of seven nations in our 2008 competition.

For more information about the competition write Colonel Charles Keever, USMC (Ret.) at ckeever@hawaii.rr.com or read the 2009 Call for Papers, available at <http://asil.org/callforpapers>.

Law and the Law of War.

Professor Mary Ellen O'Connor reports that she has a new book just out: *The Power and Purpose of International Law, Insights from the Theory and Practice of Enforcement* (OUP 2008). It concerns how we have controlled force through law in international relations from the time of Augustine until today: <http://www.amazon.com/Power-Purpose-International-Law/dp/0195368940>

She also notes that the International Law Association's Committee on the

Comings and goings...

Professor Michael Schmitt:

Executive Board Member Michael Schmitt has returned to the George C. Marshall Center in Garmisch-Partenkirchen, Germany, as Dean of the College of International and Security Studies, after having served as the 2007-2008 Charles H. Stockton Professor at the United States Naval War College.



Professor Michael F. Noone reports that Volume 12 of *International Peacekeeping: the Yearbook of International Peace Operations* ed. Harvey Langholtz, Boris Kondoch, and Alan Wells (Leiden & Boston: Martinus Nijhoff, 2008) contains "Maritime Security Operations: Law and Practice at the Beginning of the 21st Century," a report by Michael together with Kathleen Reardon, and Julia Whitlock of a symposium on the topic, sponsored by the Columbus School of Law of the Catholic University of America and the US National Group of the International Society for Military

Use of Force presented its Initial Report on the Meaning of Armed Conflict in International Law at the biennial meeting in Rio de Janeiro, August 17-22. It is available at http://www.ila-hq.org/html/layout_committee.htm.

Judith Gardam was the rapporteur. Mary Ellen chaired the committee. Wolff Hentschel von Heinegg, Christine Gray, Michael Wood, Georg Nolte, among others, were members.

Post doctoral research at the University of Helsinki

The Centre of Excellence in Global Governance Research will open five positions for post doctoral researchers for the period 1 January 2009 to 31 December 2011 or as otherwise agreed.

The Centre of Excellence in Global Governance Research is a research unit financed by the Academy of Finland, the University of Helsinki, and the University of Turku. The Centre is administered by the Erik Castrén Institute of International Law and Human Rights at the Faculty of Law of the University of Helsinki. The work of the Centre is structured by six research ventures which combine the methods of law, world politics theory, and social and cultural anthropology. In addition to a leader, all ventures consist

of senior and post doctoral researchers, as well as doctoral students. The Centre was established in 2006. It is directed by Professors Jan Klabbers and Heikki Patomäki.

The five post doctoral positions are in the themes of the research ventures of the Centre as well as in the new focus areas of the Centre (private property rights and normative pluralism):

- (1) Global Political Economy and especially Regulation and Reform of World Trade
- (2) The Politics of the Internationalization of Criminal Law and the Reconceptualization of Human Rights

(3) Non-State Actors and Authority and/or The Limits of International Law and the Legitimacy of Global Governance

(4) Private Property Rights in International Law and Global Governance

(5) Conflicts between Normative Orders in World Politics

A call for applications has recently been posted on the website of the Centre of Excellence, www.helsinki.fi/oik/global-governance, and on the university website, www.helsinki.fi/jobs. The application period will end on September 30, 2008, at 3.45 pm. Decisions will be announced in November 2008.

New Publications

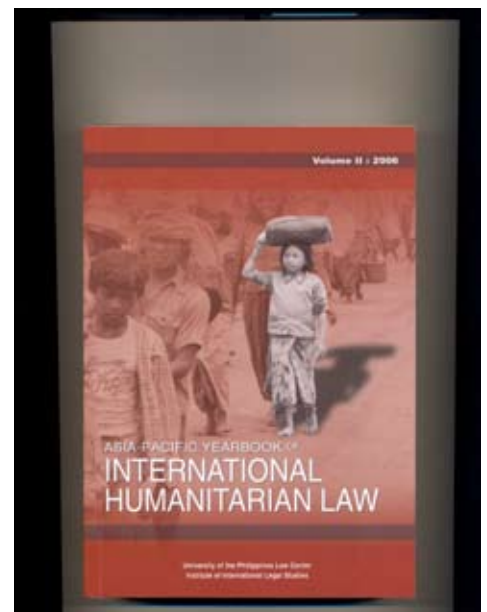
The following new publications have been noted by **Jean-Marie Henckaerts** as of possible interest to Lieber Society members:

Roberta Arnold & Noëlle Quénivet (eds.), *International Humanitarian Law and Human Rights Law: Towards a New Merger in International Law* (Martinus Nijhoff Publishers, Leiden 2008). The table of contents is available here: <http://www.brill.nl/default.aspx?partid=210&pid=28755>

The second volume of the Asia-Pacific Yearbook on IHL (Volume II: 2006) has been published by the University of the Philippines Law Center Institute of International Legal Studies, with the support of the ICRC in

Manila. Professionals, students and journalists will now be able to source up-to-date information, reference materials and cutting-edge views on IHL as experienced, taught and developed in the Asia-Pacific region through this yearbook. The Asia-Pacific Yearbook on IHL primarily seeks to provide a venue for scholarly studies and research in the field of IHL. As it develops, the Asia-Pacific Yearbook on IHL seeks to contribute to the dissemination of IHL in the region and to promote IHL with authorities, armed and security forces, universities, schools and civil society.

Copies can be ordered from Ms Aurelia Tolentino, telephone +63 2 9293654 or +63 2 9205514 loc. 207, e-mail: iils.claw@up.edu.ph.



Convention on Cluster Munitions

By **Jean-Marie Henckaerts**

The Convention on Cluster Munitions (CCM) was adopted on May 30, 2008 at the end of the Diplomatic Conference for the Adoption of a Convention on Cluster Munitions (Dublin May 19 - 30, 2008).

It bans the use, production, stockpiling and transfer of these weapons and establishes deadlines for States Parties to destroy their stockpiles of cluster munitions (8 years) and to clear their affected territory (10 years). The Con-



vention further deals, *inter alia*, with victim assistance (Article 5), international cooperation and assistance (Article 6) and military interoperability (Article 21).

The Convention will be opened for signature in Oslo on December 3, 2008.

The full text of the Convention is available here:

<http://www.clustermunitionsdublin.ie/pdf/ENGLISHfinaltext.pdf>

International Symposium on International Law and Armed Conflict

By **Professor Bill Dunlap**

Bristol Law School at the University of the West of England is hosting an international Symposium in the field of international law and armed conflict. The Symposium will take place September 3 - 5, 2008 in Bristol, England.

The symposium aims to review and examine the challenges facing international law relating to armed conflict and to identify gaps in knowledge, policy and practice. Further, it will provide a unique opportunity to develop the body of knowledge relating to international law and armed conflict.

During the three-day Symposium contributors will be presenting the latest re-

search in their field. Experts in the area of international law and armed conflict will comment on the papers being presented and provide their own thoughts on the issues raised. The experts participating at the symposium will be: Professor William Schabas (University of Galway, Ireland), Professor Nigel White (University of Sheffield, UK), Professor Ademola Abass (Brunel University, UK), Professor Bill Bowring (University of London, UK) and Dr Gerd Hankel (Hamburg Institute for Social Research, Germany).

The full range of panels chaired by the experts will be: Reforming the Laws of War; Environment and Natural Resources; Accountability; Implementation; Privatisation; Children; Means and

Methods of Warfare; Administration of Territories; Peace, Security and Justice.

The symposium will bring together experts, academics and practitioners in an open forum where these issues can be discussed. Presenters and participants are expected from around the world, including, Australia, USA, Canada, Israel, Colombia, France, Georgia, Peru, The Netherlands, Germany, Greece, Switzerland, Austria and Italy.

For further information on the Symposium contact: ilac@uwe.ac.uk or visit the Symposium website: <http://bls.uwe.ac.uk/international-law-armed-conflict/index.cfm>