

ASIL



THE AMERICAN SOCIETY OF INTERNATIONAL LAW

Proceedings *of the* 90th Annual Meeting

ARE
INTERNATIONAL
INSTITUTIONS
DOING THEIR
JOB?

March 27-30, 1996
Washington, D.C.

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The American Society of International Law

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Founded in 1906, the Society serves as a meeting place, forum and collegial research center, hospitable to all viewpoints in its meetings, publications and other activities. Publications include the *American Journal of International Law*, *International Legal Materials*, *Studies in Transnational Legal Policy*, the *ASIL Newsletter*, and reports and books produced by its programs of research, study and outreach.

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INTRODUCTION

In announcing the Society's 1996 Annual Meeting, the Meeting's planners invited participants to address a "theme question": "*Are International Institutions Doing Their Job?*" Elaborating, they asked:

*In the late twentieth century, what are international institutions?
If not limited to permanent, intergovernmental institutions like the United Nations, then what others exist? Do they complement, compete with or supplant each other?
What is demanded or expected of international institutions today?
Are they equipped to respond? Where are financing questions particularly difficult?
What is the political and social context within which international institutions must operate today?
Are there structural weaknesses built into existing institutions which create obstacles to effective performance? What are the expectations raised by sovereignty?
What factors help or hinder effective performance by international institutions—cultural factors and diversity? leadership? law?*

Not all of the Meeting's panels were intended to be "theme panels" charged with responding explicitly to some or all of these inquiries. Fully two-thirds did so, in respect of a widely diverse set of international tasks and concerns and the strikingly varied institutions set up to address them. Of these panels, fully a half-dozen, in keeping with the roiling global milieu of the nineties, dealt with various aspects of collective response to localized crises—security, economic or social (in addition to a somewhat adversarial examination of the Middle East "peace process"). Other panels tackled, with varying degrees of comprehensiveness, big pieces of the international community's continuing agenda such as control of nuclear and conventional weaponry; environmental protection; trade, economic integration, and human rights. Others took on more specialized areas of international community business, such as control of transnational crime, the regulation of international capital flows, the evolving role of China in international economic institutions, protection of intellectual property in information technology, coping with official corruption particularly in aspiring democratic societies. And one panel tackles the question of the effectiveness of "non-binding" international rules and principles, institutionally generated with public or private participation.

In the end the best of these discussions turn out to be less concerned with drawing up an explicit job evaluation for the international organizations and other arrangements concerned, than simply with describing—unsentimentally and intelligibly—what they do, how they do it, and the mission they seek to fulfill, and in prescribing new modes of operation better designed to meet newly emerging needs. They offer an abundance of useful information and insight. Collectively they tend to reaffirm and give substance to the notion that international organizations—their policymaking and authorizing procedures, their cadre of experienced bureaucrats, their supporting professional cadres in national political and administrative apparatuses, their capacity for political legitimization—are an indispensable, relatively cost-effective resource for any country with substantial international interests and for the community as a whole.

Of the remaining panels, not obviously intended to fit the "theme," it is perhaps a sign of the pervasiveness of the institutional dimension of contemporary international affairs that scarcely any is devoid of some significant institutional content. But a number are of considerable interest in their own right. To mention only a sample: One panel turns attention to the twentieth century experience of lawyer-statesmen in the United States. A pair of dispute settlement discussions focuses on current developments in international arbitration and adjudication. For those willing to dig for them, a panel on "Cultural Dominance" will yield some suggestive and stimulating nuggets of insight into problems of multiculturalism and political organization. Many will find a discussion of the implications of elec-

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tronic information technology for the discipline and practice of international law informative and exciting. Finally, a similarly informative two-person discussion-cum-debate on the U.S. Helms-Burton sanctions legislation on Cuba draws issues clearly in this sharply controverted matter.

The *Proceedings* Assistant Editor and I express special thanks to Patricia Allen, who proofread the text with typical competence, and to the Reporters for their indispensable role in producing this volume. Our thanks go also to ASIL interns Kara Zivin and Ryan Whitacre, and to the ASIL Library staff for their assistance.

JOHN LAWRENCE HARGROVE

Editor

December 1996

PROCEEDINGS OF THE NINETIETH ANNUAL MEETING
OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW

ARE INTERNATIONAL INSTITUTIONS DOING THEIR JOB?

CO-CHAIRS OF THE COMMITTEE
ON THE ANNUAL MEETING
Arthur Rovine
Ruth Wedgwood

EDITOR OF THE PROCEEDINGS
John Lawrence Hargrove
ASSISTANT EDITOR
Amy Joyce Berks

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