1-1-2010

ASIL Annual Dinner: Reflections on Change in International Law: Remarks

David D. Caron
Berkeley Law

Follow this and additional works at: https://scholarship.law.berkeley.edu/facpubs

Part of the Law Commons

Recommended Citation

This Article is brought to you for free and open access by Berkeley Law Scholarship Repository. It has been accepted for inclusion in Faculty Scholarship by an authorized administrator of Berkeley Law Scholarship Repository. For more information, please contact jcera@law.berkeley.edu.
David, I'm giving you a Society that is in good shape, and, members, I am giving you a very, very good pair of hands.

[Applause]

REMARKS BY DAVID D. CARON*

Thank you, Lucy. I ask that Lucy please to stay near the podium and I draw the audience's attention to a series of images on the screens before you.

In the summer of 2008, Lucy traveled to Malaysia for the second meeting of the Asian Society of International Law where she reports she was treated like royalty. Lucy's Presidency was unusual in that the turn of events dealt not only enjoyable cards like this trip to Malaysia, but the Society also, as you know, dealt an unforeseeable financial difficulty over these past two years, a situation that Lucy and Betsy brought us through admirably.

I bring this up because Lucy we thank you for your service and leadership in addressing that challenge, but we will not remember you for that. We are going to remember you for many more things.

Your constant mentoring of women as reflected in your initiative to mainstream gender issues. A constant focus on mentoring generally that led you to make a point of speaking at every occasion to students as we can see here in this picture at Stanford in a trip to ASIL West and here at Illinois on a trip at ASIL Central.

A focus that is likewise manifest in your vision seven years ago to create and then to constantly support the Arthur Helton Global Human Rights Fellowships for recent graduates.

[Applause]

You have led and have been the voice of our Society at ever-better Annual Meetings, specialized meetings such as Jakarta, regional meetings here in L.A., and meetings abroad as in Helsinki. And in all cases, Lucy has that wonderful quality of being present. She always is opening doors, and gives of her spirit in ways that inspire and energize all of us. And when ways forward were looked for, it was Lucy that placed ASIL as a primary guide, here in this image of the task force on U.S. policy toward the International Criminal Court as well as in this image where she brought together all former legal advisors with Harold Koh.

Why? Because she knows full well that regardless of administration or party, we all share a common language. We have all experienced the difficulty of bringing change and yet also felt the joy of making change a reality.

Lucy, thank you very much. I ask you to come back to the podium. Please join me in thanking Lucy.

[Applause]

LUCY F. REED

Thank you. Thank you. It was fun.

[Applause]

* Professor of Law, University of California at Berkeley School of Law.
DAVID D. CARON

As Lucy said, our dinner is a celebration and I do not wish to keep us from it. But let me just say three things as I move into this job that I'm so excited about, and the three things have to do with Dublin, they have to do with change, and they have to do with the value of being bold.

First, on Dublin, Harold Koh seeking to explain the task before the Administration as it took office told a joke. Two men are walking in the countryside in Ireland. One turns to the other and says, "Do you know the way to Dublin?" and he replies, "Yes, I do, but I wouldn't start from here."

In other words, knowing where you want to go is only a part of a leader's task. The other part is charting a course from where you are. In the case of the Society, Lucy passes the Society to me in great shape, in a good place. It therefore is easier to move forward. Lucy, we are all thankful.

Second, change. The theme of this year's meeting is "International Law in a Time of Change," and we need remember that ASIL itself is also in a time of change. I began with the Society in 1980. It was the place to be in 1980, and today it is the place to be. But the world is dramatically different in many ways than it was in 1980. So to remain the place to be is a neat trick. It requires great foresight to change with the times, to be what you have to be tomorrow, to be where everyone wants you to be tomorrow. I don't know where we're going to be in 20 years, but I will do my best to make sure we keep anticipating the future, keep being courageous, keep matching the times and keep providing that which is necessary to a just world under law.

Third and last, the value of being bold; this is a personal story. When I was a first year law student, I was in a large section of Contracts, hundreds of students; many of you have experienced this. I'm in the fifth row, the third day of class, and the Professor has assigned three cases. I have studied two. He arrives in class, he looks at me and he asks, "Could you recite the facts to the third case?" At that point, I looked down trying to somehow read this case instantaneously, and he mistook my looking down for some kind of shyness. So, at that point, he said, "No, no, no. Please stop. Please stop." He says, "Look, speak up. You need to speak up. In fact, when I was in law school, I stood up. In fact, if you want, come down and teach the case." So, at that point, there's silence in this large classroom. Then I got up to thunderous applause, walked down to the podium, turned to face the class, and I pointed to a woman in the second row and I said, "Can you tell the class the facts of the case?"

[Applause]

Now, there are two things I'll say from that. One, I will be more prepared for ASIL, and second, I will be bold and I will be committed to everything we have stood for. I thank you so much for this challenge. I will work my best to bring the collective excellence in this room to bear on the most pressing problems of our day. Thank you.

[Applause]

Let me describe the remainder of our program tonight. Tonight, in an effort to provide some thought, some provocation for discussion around your dinner table, we have asked our Hudson Medal winners and our three Co-Chairs to make three-minute statements about what
has changed in international law in their time. We are going to do this in two segments. We are going to have a few as dinner is brought out, and then after dinner, we will do a few more.

Lucy, please introduce our first speaker, Stephen Schwebel.

LUCY F. REED

May I introduce Judge Stephen Schwebel?

REMARKS BY STEPHEN SCHWEBEL*

Thank you, Lucy. In 1945 the United Nations was founded, and I as a high school student was very taken with it and became a UN supporter working through the organization that became the American Association for the United Nations, today the UN Association, and I’ve remained a UN supporter, despite all of its faults. Even in the realm of collective security, the United Nations has had noble successes as in Korea and Kuwait.

What has changed in my lifetime in international law, particularly, is access to it, access of the individual, the corporation, and of course many more states to international law, and there has been a proliferation of international courts. That has its problems, but it also has its opportunities for wider enforcement of international law.

I studied international law at Cambridge University in 1950 with Professor Lauterpacht. He had by then written the first two books that had ever been written on human rights and international law, and that of itself shows how much international law has changed in my lifetime. Thank you.

[Applause]

DAVID D. CARON

Edith Brown Weiss, this year’s Hudson medalist.

REMARKS BY EDITH BROWN WEISS†

In 1970 some people still regarded international law as elitist and marginal. Today it is of interest and of concern to peoples of all cultures. Diverse cultures want to be involved in shaping and implementing international law. It’s dynamic, and it reaches nearly everything we do. International environment law captures the changes.

In 1970, there was little international environmental law. Indeed, the first major environmental legislation in the United States was in 1969. Today there are over 400 multilateral environmental agreements and 1100 international legal instruments, including binding and non-binding, concerned with environment. The distinct line that we used to have between private and public has diminished, as ISO 14000 and private codes of conduct have come into play. The strict line between international and domestic has also blurred, as national pollution laws and environmental impact assessments reach across national borders, and international law reaches even the most local land use issues. International environmental law is pioneering in getting NGOs and others involved, including in conferences of States party to an agreement.

* Former Judge and President of the International Court of Justice.
† Professor of Law, Georgetown University Law Center.