



Worldview

A bi-annual newsletter edited and published by the Center on International Cooperation

From the Director

New Threats to International Cooperation

We write this newsletter at a moment when effective multilateral cooperation has never been more needed or more challenged. Nation-states are struggling to control the domestic impacts of a startling range of transnational problems even as they seek multilateral assistance in responding to them. Even the United States seems caught in this dual attitude towards multilaterals. Its policy towards the UN fluctuates between threatening the institution with irrelevance over Iraq and using it to meet an evolving threat in North Korea. The two cases illustrate the twin and often conflicting realities of the concentration of military and diplomatic power in the hands of the United States, and the diffusion of other forms of power through a fractious, globalized world. The UN is caught between the two, between the Scylla of American power, without which it cannot be relevant, and the Charybdis of international legitimacy, without which it has no function.

With the UN so much in the spotlight, less attention is being paid to an important new phenomenon in the multilateral system, namely a tremendous diffusion and evolution of both form and function. Existing institutions are extending their sphere into new issue areas (e.g., expansion of the G8 into the political arena), while new actors are tackling a range of issues sometimes in collaboration with traditional agencies, sometimes in innovative partnerships with individuals, corporations, and foundations. For example, the Bill and Melinda Gates Foundation's support to the global network

IAVI (International AIDS Vaccine Initiative) takes the concept of partnership between institutions and foundations to a new scale. The Center for Humanitarian Dialogue, a private institution, brokered a political agreement between the Government of Indonesia and Aceh. Microsoft played a critical role in facilitating China's decision to join the World Trade Organization. And in many other instances, multilateral approaches to transnational problems are emerging in innovative and creative ways.

This innovation is cause for optimism at a time when the traditional institutions of the multilateral system are under challenge. But there are important, unanswered questions about these new forms of multilateralism. Does their proliferation constitute a creative response to the limitations of more formal multilateral bodies, or is it a source of competition, or both? What is the comparative advantage of public-private partnerships in the provision of international public goods? What are the appropriate roles of private actors in shaping global public policies? And most important: are these new approaches sustainable? And to whom are they accountable?

At the Center on International Cooperation, the evolution of the multilateral system is at the core of our agenda. The recent publication of our newest book, *Unilateralism and U.S. Foreign Policy*, a companion piece to our earlier volume *Multilateralism and U.S. Foreign Policy*, (see page 7) gives voice to foreign perspectives on the capacity of the U.S. for constructive or destructive global engagement. And we continue our efforts to understand the sources of change in the mul-

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New
from CIC's
Series,
Studies in
Multilateralism,
and Lynne
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Publishers

"...Most of the contributors to this book implicitly or explicitly accept, and welcome, U.S. leadership in international affairs. Yet a central finding...is that in exercising that leadership the United States seems increasingly disinclined to act in concert with its allies. Our main thesis is that there has been a discernible trend in United States foreign policy in the last decade: The United States has been increasingly prone to adopting unilateral strategies across a wide variety of issues, with potentially negative consequences for itself..."

-From *Unilateralism and U.S. Foreign Policy: International Perspectives*

See page 6 for details.

tilateral system. Because so much of our focus is on new dimensions of the multilateral system, we've asked our new staff members and visiting scholars to describe their work and contribute their perspectives to these issues.

- Shepard Forman

Transformations in Multilateral Security Arrangements and Institutions

The new challenges to the traditional institutions are substantial. Bruce Jones, our new Deputy Director, is exploring the way in which multilateral security institutions are grappling with shifts in US policy and priorities.

Throughout the 1990s, international, regional and sub-regional security institutions were reformed and retooled to address the challenges of a new focus on internal conflict and its humanitarian implications. Institutions such as the United Nations, North Atlantic Treaty Organization, the Organization of African Unity, and the Organization of American States, which had been designed primarily to ensure stable relations between their member states, found themselves engaged in less familiar activities such as responding to complex emergencies, multidimensional peace operations, and humanitarian intervention.

The terrorist attacks on the United States on September 11, 2001 may come to be seen as an event analogous to the collapse of the Soviet Union in terms of shifting the focus of the international community and multilateral security institutions towards new priorities and new threats. In particular, the new U.S. emphasis on the prevention of global terrorism as well as the proliferation of weapons of mass destruction, including potentially through the use of force, signals the beginning of a new era in the post World War II evolution of multilateral security arrangements and institutions.

As the U.S. Administration increasingly asserts its post-September 11th policies—for example in the 2002 U.S. National Security Strategy, and with respect to Iraq—it appears ever more likely that these policies will have a significant impact on existing

multilateral security institutions and arrangements. However, the precise dimensions of that impact, and its regional variation, remains to be explored. In order to give substance to debates about appropriate responses to new and emerging security threats, CIC's project "Transformations in Multilateral Security" will seek to clarify, through a series of regional studies, the following questions: What threats do regional actors face?; How have perceptions of those threats changed since September 11, 2001?; What is the capacity of existing institutions to meet new political and security challenges?; What shifts in U.S. policy are relevant to those regional institutions?; and What options for reform are available to those actors and institutions?

The project's emphasis will be on the way in which multilateral security institutions are used or not used by the U.S. to shape regional responses, or conversely by regional and international actors to shape—or attempt to shape—U.S. security policy. Through a series of regional meetings, the project will examine the commonalities and differences between regions, as well as the challenges faced by institutions that act at the global level (particularly the UN but potentially NATO and the European Union) as they seek to manage challenges that transcend specific regions. With partner institutions, the project will explore: the evolution of the European security institutions, focusing on NATO, the EU and the Organization for Security and Co-operation in Europe; the new challenges facing the Association of Southeast Asian Nations and the ASEAN Regional Forum; the capacity of the Inter-American Defense Treaty and the Organization of American States to develop coherent responses to the spread of the Colombian conflict to the Amazon basin; and the impact of new US deployments in Djibouti and Kenya on the roles played by Intergovernmental Authority on Development and the African Union in the search for peace in the Horn of Africa. A workshop drawing on these and other regional examples will set out the challenges for global actors and institutions, including the UN.

- Bruce Jones

"The UN is caught between the Scylla of American power, without which it cannot be relevant, and the Charybdis of international legitimacy, without which it has no function."

Lessons From NPT Conferences: New Perspectives on Multilateral Security Regimes

Among the gravest challenges facing the multilateral system is finding a way to contain the proliferation of weapons of mass destruction. Most studies of this issue focus on the role of the major powers. Brine-Fulbright Fellow Jean Mathieu Essoh Essis, visiting from the Cote d'Ivoire, takes a different approach.

The end of the Cold War caused the resurrection of worldwide optimism for peace, collective security and cooperation among nations. The resulting international context prompted renewed interest in the study of multilateral security institutions and arrangements, including the Treaty on the Non-Proliferation of Nuclear Weapons.

Signed in 1968, entered into force in 1970, and indefinitely extended in 1995, the NPT is the cornerstone of an ambitious global collective security regime seeking to achieve the total elimination of nuclear weapons as well as "general and complete disarmament." Its membership grew steadily from 43 states in 1970 to 91 in 1975, and 187 by 1998. It is regarded, therefore, as the most universal of all arms-limitation and disarmament agreements in history.

Moreover, the 1995 NPT Conference, which decided the indefinite extension of the treaty, also adopted a series of measures for strengthening its five-year review process and a set of principles and objectives for assessing achievements and shortcomings in its operation. The 2000 conference registered a commitment by all the nuclear weapon states to a 13-step program for progress on nuclear disarmament. The NPT now stands as one of the most successful arms control and disarmament agreements in history and, therefore, as a good model of multilateral cooperation in global security policymaking.

Most existing studies explain the success of the NPT as a result of: (1) Northern nuclear powers' ability to induce reluctant Southern states to comply with their treaty obligations; (2) effective implementation of technical safeguards and verification systems by the International Atomic Energy Agency; and (3) effective enforcement of technical export-controls by the small group of nuclear-supplier states. Although neither the historical evidence nor the statistical data available on

revealed state preferences support such claims, such studies provide justifications for unilateralist national security policies because they are rooted in autocratic theories of international politics.

This project on the NPT takes a different approach. Its working hypothesis is that the consensus decision-making norm/rule on which NPT conferences operate enables an informal, ad hoc alliance of smaller states and NGOs to pressure the nuclear powers for progress on non-proliferation and disarmament. In return, this coalition of state and non-state actors has significantly reinforced the norm-sustaining and law-creating capacity of NPT conferences after 1990.

In other words, the success of the NPT regime is better explained by the mutually reinforcing effects of the following factors:

- sustained political pressure exerted on nuclear-weapon states by a majority of non-nuclear states led by the "Group of non-aligned and neutral states" for the universal adherence and effective implementation of the treaty;
- growing influence of non-governmental organizations (NGOs) and other non-state actors on the NPT decision-making system; and
- the use of consensus as a preferred decision-making rule by NPT conferences.

This research study suggests that an effective analysis of international peace and security dynamics after the Cold War requires an alternative perspective on global security regimes, one that is based on a "democratic theory of international politics."

- Jean-Mathieu Essoh Essis

Friends Indeed: The United Nations, "Groups of Friends" and the Resolution of Conflict

Though the issues of terrorism and controlling the proliferation of weapons of mass destruction have been thrust to the forefront of the UN's agenda, as an institution it remains actively involved in promoting peace in civil conflicts. Teresa Whitfield, formerly of the UN's Department of Political Affairs, explores one of the innovative peace-making tools developed at the UN during the 1990s.

"September 11, 2001 may come to be seen as an event analogous to the collapse of the Soviet Union in terms of shifting the focus of the international community and multilateral security institutions towards new priorities and new threats."

From the Project on Afghanistan

CIC's Afghanistan Reconstruction Project is working closely with the UN Assistance Mission in Afghanistan (UNAMA) and the Asia Foundation to support the work of Afghanistan's constitutional commission. CIC has commissioned short options papers from leading world scholars in response to questions from the commission, relayed via UNAMA. These papers include the role of different schools (Sunni Hanafi and Shi'a Ja'fari) of Islamic jurisprudence, a constitutional court and judicial review, structure of the government including president versus parliamentary systems and electoral systems, women's rights, fundamental rights, relations of the central government to other levels of government, states of emergency, and provisions to combat corruption.

Barnett Rubin delivered the first Anthony Hyman memorial lecture at the School of Oriental and African Studies, University College, London, on March 3, 2003. His lecture was entitled, "Transitional Justice in Afghanistan."

Since the early 1990s a number of informal groups of member states have been established to support the peace-related efforts of the United Nations. Such groups, most commonly known as the "friends" of the Secretary-General or of a particular process, vary in origin, size and composition. They also maintain differing relationships to the conflict in question and with both the Secretary-General and the Security Council. In cases as varied as El Salvador and East Timor "friends" or analogous groups have increased the legitimacy of the peace process; enhanced the leverage of the Secretary-General; harnessed the competing interests of would-be rival negotiators; aided coordination among members of the international community; and facilitated the work of the Security Council. But in other instances such groups represent a layer of interests and positions to be managed, massaged, and negotiated in addition to those of the parties to the conflict. Difficulties involved in reaching agreement within the "group of friends" engaged in the Georgia-Abkhaz process, for example, have proved a serious impediment to progress in the negotiation of this issue.

"Friends" groups have at times assumed an identity of their own that may be at cross purposes to the Secretary-General; they have also led members of the Security Council to fear that their authority and influence may be undermined. In other instances, the numbers of states represented within a "friends" group, or the lack of a clear sense of purpose, have rendered the group virtually inoperable.

The "friends" mechanism has been little studied, in part because the activities of these groups are rarely reported. The literature generally acknowledges "friends" or other informal groups—for example the Extended P-5 in Cambodia and the Core Groups in Mozambique and East Timor—as innovative and flexible additions to the UN diplomat's tool kit. However, little research has been conducted to tease out the complex web of interests-of the members of the "friends" groups, of the United Nations itself, as well as of the various parties to the conflict-at stake in each particular situation. It is to this task that I will be applying myself at the Center on International Cooperation.

Among the questions I will be seeking to answer are: What are groups of "friends" and how are they formed? How do they differ from other international groupings

of states, such as the Contact Group in the former Yugoslavia, or the "Six plus Two" in Afghanistan? Do "friends" groups work better in some circumstances than in others, or at some phases of peace processes than others? Do different configurations of interested actors lead to more predictable outcomes? How can lessons learned from past experiences with "friends" groups be applied in the future? Answers to these questions will be neither simple nor uniform. But it is my hope that they will help elucidate the risks and benefits to be derived by the United Nations from the informal cooperation that "friends" group represent.

- Teresa Whitfield

Refugee Policy and Management in Tanzania

While the study of "friends" groups highlights innovation in the UN's evolving capacity to manage civil conflicts, and CIC's new projects explore new actors' roles in this effort, international capacity for conflict prevention and resolution remains sharply limited. Thus, humanitarian assistance continues to be a issue of tremendous importance for millions of people and for the international community. Brine-Fulbright Fellow Sifuni Mchome, visiting from Tanzania, highlights the challenges that country has faced in maintaining its traditional commitments to the international refugee regime in the face of mounting costs from the ongoing conflict in the Great Lakes Region of Africa.

The past few decades have witnessed significant global transformations, which pose serious challenges to the capacity and ability of states to respond adequately to the contemporary refugee problem. Weaknesses in national governance structures, among other factors, have caused a spiral of conflicts and human rights abuses in some parts of the world and have been the source of numerous people crossing borders to other countries in search of refuge. Similarly, the changing nature and patterns of conflicts in the world have created new problems for refugee host communities, thereby creating serious apprehensions about uncontrolled migration.

Until now, nations, international organizations and other actors have looked for answers to refugee questions in the 1951

Convention on the Status of Refugees and its 1967 protocol. These instruments are the legal, political and ethical springboards from which principled action can be based. They provide a universal framework within which states can cooperate and share responsibility for refugee protection and assistance. Yet for states to fully cooperate, their national systems must also be developed and upgraded regularly. It is in this regard that most countries have been engaged for the past few years in reviewing and reforming their policy, legal and administrative systems.

The project on "Refugee Policy and Management in Tanzania" is designed to evaluate the reform process and review the evolving systems governing refugee management, with a view to understanding the nature of the changes made so far and gauging to what extent these systems might need further reform. The operating assumption is that a sound and objective domestic policy, in addition to a capable legislative and administrative framework, is conducive to effective and efficient burden- and responsibility-sharing between states. Moreover, a country-by-country and regional analysis, resulting in the establishment of comprehensive refugee policy frameworks, could also point to certain priority areas and, in particular, to long-term options in resolving the refugee issue.

Tanzania, which for many years has welcomed refugees through its acknowledged open-door policy, started the review process about ten years ago and picked up momentum after the 1994 refugee influx from Rwanda. This and subsequent influxes have posed a number of challenges. These include security, law and order, refugee rights to education, employment and healthcare, refugee impact on the infrastructure and environment, and the option of local integration and naturalization. The government argues that the international community is not doing enough to help Tanzania in its efforts to host and protect large influxes of refugees and at the same time protect and take care of its own nationals. These and other developments around the Great Lakes Region of East Africa put the open-door policy in limbo.

The project will thus seek to (a) take stock and review the development of the refugee regime in Tanzania, (b) assess the current challenges Tanzania is facing with regard to hosting and protecting refugees, (c) assess the efforts which have so far been taken to reform the regime and address its challenges and (d) offer recommendations on how best

the identified issues can be addressed so as to facilitate bilateral and multilateral dialogue on the refugee issue.

- Sifuni Mchome

In this and other projects, CIC continues to work with humanitarian partners to understand the challenges they face and to assist them in developing practical new policies to enhance their operations.

* * *

CIC's effort to understand the evolution of the multilateral system continues with several new projects that explore emerging challenges to traditional security institutions, chart new forms and dimensions of multilateralism, and examine the growing role of multinational corporations in the international public arena.

One such project will begin fall 2003 when the Center will initiate a seminar series, "New Forms, New Dimensions of Multilateralism," to explore innovative forms for dealing with major global problems in the areas of health, peace and security, trade and finance, international law, and development. The goal will be to explore the efficacy, sustainability and accountability of innovative approaches such as:

- *new public-private partnerships;*
- *hybrid intergovernmental organizations;*
- *and extra-organizational "coalitions."*

The project will assess whether there are evidence of weaknesses and gaps in the existing multilateral system, or a sign of responsiveness of that system to new challenges—or both. The seminar series will provide a vehicle for assessing the contribution of these innovative programs, the potential for reform of the existing institutions, and fresh thinking about the Center's core subject: multilateral responses to transnational challenges.

The Inter-University Consortium on Humanitarian Action

The Inter-University Consortium on Security and Humanitarian Action (IUCSHA) provides fellowships of up to \$10,000 for graduate students and recent Ph.D.'s from participating universities to facilitate research and policy analysis. These fellowships, which are made possible by a grant from the Andrew W. Mellon Foundation, address the need to understand better the complexities of humanitarian operations in the context of armed conflicts. The intention of the consortium is to include proposals from a wide variety of disciplines and perspectives and thereby to strengthen research, policy-making, and practice in this critical area.

CIC and NYU are pleased to join its fellow participating New York City universities: The Graduate Center of the City University of New York (Ralph Bunche Institute for International Studies), Columbia University and the New School University (International Center on Migration, Ethnicity, and Citizenship) in this collaborative endeavor.

Recipients for the 2003 fellowships will be announced on April 1.

For further information contact the secretariat of the IUCSHA.

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In Search of Citizenship

The Commission on Human Security, chaired by Sadako Ogata and Amartya Sen, commissioned the Center on International Cooperation to examine the human security implications of the denial of citizenship and to recommend policies for the Commission to consider. The project team, advised by Frederick Barton of the Center for Strategic and International Studies (CSIS), examined the relationship between the denial of citizenship and conflict, migration and poverty in sub-Saharan Africa, South/Southeast Asia, Central/Eastern Europe and Central Asia/Caucasus. The team, which included CIC's Andrea Armstrong, presented its main findings and policy recommendations to Sadako Ogata and Commission staff in November 2002.

Unilateralism and U.S. Foreign Policy: International Perspectives

As the U.S. contemplates a war with Iraq, CIC launches a comprehensive account of foreign objections to the perceived U.S. tendency to "go it alone" in international affairs.

Co-edited by David Malone, President of the International Peace Academy, and former Canadian diplomat at the UN and Yuen Foong Khong, Winant University Lecturer in U.S. Foreign Policy and a fellow of Nuffield College, Oxford University the book explores recent decisions by the U.S. to opt out of multilateral agreements such as the Kyoto Protocol, and the International Criminal Court.

The contributors, who write from their home countries including in Latin America, Europe and Asia, offer their perceptions of U.S. conduct in today's globalized world, and discuss the consequences of U.S. action for its leadership role.



(Boulder, Colorado, Lynne Rienner Publishers, 2002)

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Includes Chapters by:

Lucas Assunção (Brazil);
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David Malone (Canada);
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Mónica Serrano (Mexico);
Ekaterina Stepanova (Russia);
Ramesh Thakur (India);
Per Magnus Wijkman (Sweden)

From The Project on International Courts and Tribunals

The first election of judges to the International Criminal Court has yielded an unprecedented result: seven of the 18 judges chosen are women. That makes the ICC the international judicial body with the highest female to male ratio ever. The women who have been elected are:

Maureen Harding Clark (Ireland), Fatoumata Dembele Diarra (Mali), Sylvia Helena de Figueiredo Steiner (Brazil), Akua Kuenyehia (Ghana), Elizabeth Odio Benito (Costa Rica), and Navanethem Pillay (South Africa), Anita Usacka (Latvia).

This is, of course, great news for those who believe in building a truly representative international judiciary and thus a more just international society. It is also a great reward for PICT staff who have dedicated considerable time and resources to addressing the inadequate representation of women on international judicial bodies. In the past two years, we are proud to have participated in bringing this issue to the forefront of international debate by actively taking part to the ICC preparatory process; providing discussion papers; and organizing panel debates. Our efforts include:

Discussion Papers

Jan Linehan, "Women and Public International Litigation." Background Paper prepared for the seminar held by the Project on International Courts and Tribunals and Matrix Chambers on the same subject on 13 July 2001, London

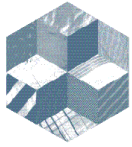
Thordis Ingadottir, "International Criminal Court. Nomination and Election of Judges. Discussion Paper" (ICC Discussion Paper #4, June 2002)

Panel Discussions

Fair Representation: The ICC Elections And Women (January 22 and 29, 2003), organized by PICT and Women's Caucus for Gender Justice with the women judicial candidates for the International Criminal Court.

Women And Public International Litigation, (September 9, 2002) a panel discussion organized by PICT held at New York University Law School. Opening remarks by Cherie Booth QC.

Women and Public International Litigation, (July 13, 2001). The event was held in London, and was co-hosted by the Project on International Courts and Tribunals (PICT) and Matrix Chambers.



Books

***Unilateralism and U.S. Foreign Policy:
International Perspectives***

edited by David Malone and Yuen Foong Khong (Boulder, Colorado, Lynne Rienner Publishers, 2002).

***Multilateralism and U.S. Foreign Policy:
Ambivalent Engagement***

edited by Stewart Patrick and Shepard Forman (Boulder, Colorado, Lynne Rienner Publishers, 2001).

***International Organizations and
International Dispute Settlement:
Trends and Prospects***

edited by Laurence Boisson de Chazournes, Cesare Romano, and Ruth Mackenzie (Ardsey, New York, Transnational Publishers, 2002).

***Good Intentions: Pledges of Aid
for Post-Conflict Recovery***

edited by Shepard Forman and Stewart Patrick (Boulder, Colorado, Lynne Rienner Publishers, 2000).

***Promoting Reproductive Health:
Investing in Health for Development***

edited by Shepard Forman and Romita Ghosh (Boulder, Colorado, Lynne Rienner Publishers, 1999).

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Forthcoming:

***Internationalized Criminal Courts and
Tribunals***

edited by Cesare Romano and Andre Nollkaemper

***The International Criminal Courts:
Recommendations on Policy and
Production-Financing, Victims, Judges and
Immunities***

edited by Thordis Ingadottir, with an introduction by Nico Krisch

Newsletter produced by Rachael Brickman, CIC Graduate Assistant

Policy Paper Series

Our periodic policy paper series, *Paying for Essentials*, contains recommendations for improvements in the management and financing of multilateral commitments. These policy papers serve as the basis for international consultations intended to build a constituency in support of innovative ideas for multilateral cooperation.

***The United States in a Global Age:
The Case for Multilateral Engagement***

by Shepard Forman, Princeton Lyman, and Stewart Patrick

***Recovering From Conflict:
Strategy For An International Response***

by Shepard Forman, Stewart Patrick, and Dirk Salomons

***The Reproductive Health Approach
to Population and Development***

by Shepard Forman and Romita Ghosh

Forthcoming:

The Economy of International Justice

by Cesare Romano

***The Cost of International Criminal
Tribunals***

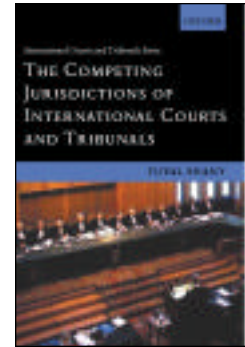
by Thordis Ingadottir

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*Coming Soon...
in April 2003*

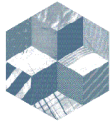


Recent years have witnessed a sharp increase in the number of international courts and tribunals (WTO, NAFTA, ITLOS, ICC, etc.). More courts and a greater willingness on the part of states and other international actors to subject themselves to their adjudicative mechanisms would seem promising to the field of international law, but challenges inevitably arise.

The Competing Jurisdictions of International Courts and Tribunals by Yuval Shany is the first book in our new Oxford University Press series on international courts and tribunals. Edited by Philippe Sands, Ruth MacKenzie and CIC's Cesare Romano, the series explores the theoretical and practical issues (i.e., forum shopping and multiple proceedings) of coordinating between the various jurisdictions. Shany's analysis identifies standards that may alleviate problems associated with the phenomenon, which arguably threatens the unity of international law.

Shany is a full-time Lecturer at the College of Management, Academic Studies Division, Israel, and a CIC/PICT associate.

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