

THE CICL LECTURE ON INTERNATIONAL AND COMPARATIVE LAW

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The University of Baltimore Center for International And Comparative Law (CICL) was extremely pleased to celebrate the fifteenth CICL Lecture on International and Comparative Law on October 26, 2010, by welcoming Juan E. Méndez as the 2010 speaker. He is the latest of a very distinguished group of CICL lecturers, leaders who have changed the course of international law and built a more just international legal order. We are honored to be able to publish his remarks in the University of Baltimore Law Review.

Conrad Harper, the Legal Adviser to the United States Department of State, delivered the first CICL lecture on International and Comparative Law on March 7, 1996. Subsequent speakers include Senator Paul Sarbanes (1997), Professor Lori Fisler Damrosch (1998), Professor Richard Falk (1999), Judge Stephen Schwebel (2000), Judge S. Sandile Ngcobo (2001), Dr. Lael Brainard (2002), Judge Thomas Buergenthal (2003), Professor Anne-Marie Slaughter (2004), Professor Mark Tushnet (2005), Professor David Kennedy (2006), Dr. Bisera Turković (2007), Professor Jan Klabbers (2008), and Professor Edith Brown Weiss (2009). The CICL lectures have played an important role in advancing the rule of law in international affairs and in honoring the leaders of that effort.

The career of Juan E. Méndez in Argentina, the United States, and throughout the world, exemplifies the best ideals of the international

[†] Director, Center for International and Comparative Law, University of Baltimore School of Law. A.B., J.D., Harvard University; B.C.L., D.Phil, Oxford University. Professor Sellers's publications include *Republican Principles in International Law* (2006), *Universal Human Rights* (ed. with David Reidy, 2005), *Republican Legal Theory* (2003), *The Sacred Fire of Liberty* (1998), *The New World Order* (ed.) (1996), *American Republicanism* (1994), and *Ethical Education* (ed.) (1994). He clerked for the honorable James Hunter, III, of the United States Court of Appeals for the Third Circuit and is a former Frank Knox Fellow and Rhodes Scholar at University College, Oxford. He also edits the Springer Verlag book series *Ius Gentium: Comparative Perspectives on Law and Justice* and *International Legal Theory*, and is an associate editor of *The American Journal of Comparative Law* and *Notícia do Direito Brasileiro*

legal order and the vital contribution that transnational comparisons and cooperation can make to greater justice in all nations. As United Nations Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, his mandate extends to all Member and Observer States of the United Nations. He addresses violations directly with the countries in question, but also with the United Nations Human Rights Council, giving reports that can shape advance protections against torture throughout the world.

Mr. Méndez's assertion of universal human rights against the military dictatorship in his native Argentina led to his arrest and torture as a young man. His subsequent career as a lawyer and, ultimately, as General Counsel to Human Rights Watch exposed and prevented similar atrocities throughout the Americas. He has served the cause of human rights and justice as Executive Director of the Inter-American Institute of Human Rights in Costa Rica, as Director of the Center for Civil and Human Rights at the University of Notre Dame, and as a member and President of the Inter-American Commission on Human Rights of the Organization of American States. Mr. Méndez served UN Secretary-General Kofi Annan as Special Advisor on the Prevention of Genocide.

What Juan Méndez has shown us by example he has also explained and developed in his writings and speeches, including his CICL Lecture on "Transitional Justice, Peace, and Prevention." To be protected, justice and peace must be understood, and Mr. Méndez has led us to that understanding. Too often international law suffers in the absence of clear exposition, or through the vagueness of unsupported and contradictory assertions of authority. The honest scholarship of studies such as this offers order and inspiration to the dangerously degraded public discourse of international law.

This raises the question of how to bring justice to nations within which rulers have overstepped the boundaries of international law to brutalize their own populations. Mr. Méndez shows that there can be no lasting peace without justice, but that the instruments of justice will be most successful when they too are international, measured, and restrained. The field now known as "transitional justice" concerns the advance from situations of institutionalized injustice within states to a more just legal order. Experience has yielded a set of specific norms to govern this delicate transformation.

Mr. Méndez rests his template for better transitional justice on the recognition that peace and justice are not just policy objectives, but fundamental human values that should be fulfilled for their own sake. Protection, relief, accountability, and peace talks will all be necessary to achieve a successful transition, but perhaps the most important element is the vision of a just global order that leads us towards a

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better world. Juan Méndez has given us that vision. We are very fortunate that he has been the 2010 CICL Lecturer on International and Comparative Law.

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