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Lead Articles

The Global Evolution of Foreign Relations Law

Kevin L. Cope, Pierre-Hugues Verdier, and Mila Versteeg 1

The constitutional rules that govern how states engage with international law have profound implications for foreign affairs, yet we lack comprehensive data on the choices countries make and their motivations. We draw on an original dataset that covers 108 countries over a nearly two-hundred-year period to map countries' foreign relations law choices and trace their evolution. We find that legal origins and colonial legacies continue to account for most foreign relations law choices. A small number of models emerged in the nineteenth and early twentieth century in Western Europe, subsequently spread through colonial channels, and usually survived decolonization. Departures from received models are rare and usually associated with major political shifts. Prominent political science accounts that emphasize how states design their foreign relations law strategically to enhance their international credibility or entrench democracy or human rights appear to have limited explanatory power over the bulk of foreign relations law today.

Disability, Human Rights Violations, and Crimes Against Humanity

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Persons with disabilities have historically been subjected to egregious human rights violations. Yet despite well-documented and widespread harms, one billion persons with disabilities remain largely neglected by the international laws, legal processes, and institutions that seek to redress those violations, including crimes against humanity (CAH). This Article argues for the propriety of prosecuting egregious and systemic human rights violations against persons with disabilities as a CAH, and, in addition, asserts the necessity of ensuring the accessibility of international criminal processes to those individuals. The UN Security Council's recent acknowledgement of the enhanced risk that persons with disabilities experience during armed conflict, the growing evidence of widespread human rights violations against them, and an ongoing effort to forge a UN convention on the prevention and punishment of CAH make these arguments especially timely.

Complex Designers and Emergent Design: Reforming the Investment Treaty System

Anthea Roberts and Taylor St John

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How do actors undertake institutional design in complex systems? Scholars recognize that many international regimes are becoming increasingly complex. Yet relatively little is known about how actors design or redesign institutions amid this complexity. As participant-observers in the UN negotiations on investment treaty reform, we have watched state officials and other participants grapple with this question for several years. To help explain what we have observed, we conceptualize these participants as complex designers-actors who seek to design and redesign institutions within complex adaptive systems. We then formulate three emergent design principles that seem to guide their approach as they aim to create: flexible structures, balanced content, and adaptive management processes. In a dynamic era marked by unpredictability, division, and complex transnational challenges, we believe these concepts may prove to be increasingly relevant in global governance.

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