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Prologue

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PROLOGUE

This issue of the *Florida Journal of International Law* begins with Ashley Feasley's article, *Time for a Tune-Up: Retooling the 2012 TIP Report in Order to Meet International Legal Research Standards*. Feasley, a Legal Program Consultant with ECPAT International, argues that the Trafficking in Persons (TIP) Report can and should be improved in order to increase the U.S. influence regarding human trafficking prevention. The Trafficking Victims Protection Act established the Interagency Task Force to Monitor and Combat Trafficking in order to monitor and report other countries' compliance with the Act's protocol.¹ This task force investigates and reports on human trafficking around the world, and then publishes their observations annually in the TIP Report. Countries are also ranked according to their progress in eliminating human trafficking in the TIP Report.

According to Feasley, the TIP Report should both increase its data collection and documentation efforts, and adapt to international legal norms regarding human trafficking. She compares the TIP Report to other similar publications, such as the International Labor Organization's "Global Estimate of Forced Labour: Results and Methodology" of 2012, the U.N. Office of Drugs and Crime's Global Report on Trafficking in Persons of 2009, and the International Organization for Migration's 2011 Case Date on Human Trafficking: Global Figures and Trends. Specifically, she compares the research and information documentation methodologies employed by each organization, and discusses how the TIP Report can increase its documentation efforts in order to be more reliable. As to her second point, regarding adapting international legal norms, she argues that if the TIP Report were to use the language and definitions provided in the Palermo Protocol, the report would gain greater international credibility. Feasley argues that not only can the TIP Report be improved upon, but it should be in order to maintain and increase U.S. influence with respect to the elimination of human trafficking.

The second article featured in this issue, titled *Bearing Silent Witness: A Grandfather's Secret Attestation to German War Crimes in Occupied France*, is, as the author McKay M. Smith puts it, a "spirited departure from traditional scholarship." Smith, a professor of law at

1. For additional information about the Trafficking Victims Protection Act, see Fletcher N. Baldwin, Jr., *Organized Crime and Money Laundering in the Americas*, 14 FLA. J. INT'L L. 41, 46 (2001).

George Mason University and a former attorney for the Department of Justice and the Department of Homeland Security, tells the story of his grandfather's experience in World War II. By way of a recently-declassified report, Smith learned that his grandfather fought bravely as a B-17 Navigator with the U.S. Army Air Corps before his plane was shot down in occupied France in 1944. In reading the report, Smith also noticed that his grandfather's account illustrated a number of topics related to the international law of war,² including the foundational principles that underlie modern humanitarian law,³ which Smith explores in this unique piece.

But that was not all Smith discovered in the report. In the margin of one page, in barely legible handwriting, his grandfather jotted down a memory that ultimately unveiled a criminal atrocity committed against the innocent civilians of occupied France.⁴ Even though this war crime has thus far gone uninvestigated, all hope is not lost, for Smith points out that there is no statute of limitations on war crimes.⁵ As such, Smith wrote this very special article not only to honor his grandfather's memory, but to also demand justice for the innocent men, women, and children referenced in his grandfather's heartbreaking narrative.

Processes, Standards, and Politics: Drafting Short Titles in the Westminster Parliament, Scottish Parliament, and U.S. Congress is the third article the *Journal* has the honor of publishing in this issue. The author, Brian Christopher Jones, is a law school graduate of the University of Stirling, with a master's degree from George Mason University and bachelor's degree from the University of Missouri-Columbia. Jones compares the short titles of legislation of the Westminster Parliament, the Scottish Parliament, and the U.S. Congress in order to understand the reasons why the language of U.S. legislation is more evocative than that of the United Kingdom. To formulate this understanding, Jones compares and contrasts the common history, and the governmental philosophies and structures of the three legislative bodies. He also discusses the personal observations and opinions of both parliamentarian and congressional employees, particularly those charged with drafting legislation. It is his final opinion that the simple, plain language the United Kingdom employs in short titles is preferable

2. For a discussion of the international law of war as it pertains to torture, see Kate Kovarovic, *Our "Jack Bauer" Culture: Eliminating the Ticking Time Bomb Exception to Torture*, 22 FLA. J. INT'L L. 251 (2010).

3. See generally Johan D. van der Vyver, *Legal Ramifications of the War in Gaza*, 21 FLA. J. INT'L L. 403 (2009) (discussing several facets of modern humanitarian law).

4. See generally Paul J. Magnarella, *Expanding the Frontiers of Humanitarian Law: The International Criminal Tribunal for Rwanda*, 9 FLA. J. INT'L L. 421, 431 (1994) (detailing the Second World War genesis of the concept of crimes against humanity).

5. For a description of U.N. investigative functions, see Lara Talsma, *U.N. Human Rights Fact-Finding: Establishing Individual Criminal Responsibility?*, 24 FLA. J. INT'L L. 383 (2012).

to the evocative language of the United States.⁶ Jones concludes that evocative short titles shroud the true intent of the legislation in question and tend to over-politicize the legislative process.

Finally, the *Journal* is proud to publish Garrick Apollon's article titled *The Importance of an ADR Program for the Effective Enforcement of International Human Rights Under the Free Trade Agreement HOPE II Between the United States and Haiti*. The author, a Canadian native of Haitian descent, argues for significant changes to the Haitian Hemispheric Opportunity through Partnership Encouragement Act (HOPE II), which took effect in 2008 and encourages socioeconomic development in Haiti.⁷ Currently, under HOPE II, the U.S. grants Haitian entities duty-free licenses to export textiles to the United States in exchange for their compliance with international human rights law. The first change urged by Apollon is to shift HOPE II's focus from the textile and garment industries, which are non-sustainable and known for poor working conditions, to the more viable agriculture and tourism industries.⁸ Secondly, and more importantly, Apollon advocates for the incorporation of a mandatory alternative dispute resolution⁹ program to resolve human rights disputes, as well as the creation of a U.N. tribunal to render decisions regarding alleged human rights violations. He argues that, without such institutions, the effective enforcement of human rights under HOPE II remains questionable at best.

As the leadership of the *Journal* changes hands, the Executive Board for the 2012-2013 school year would like to thank all of the *Journal's* members for their hard work and dedication, and to congratulate all of the graduating members on their completion of law school. All of the *Journal* members would also like to thank Mrs. Victoria A. Redd, the *Journal* Director, and Professor Hernandez-Truyol, for their much-appreciated guidance, assistance, and patience.

Kendall Obreza, Editor-in-Chief
Markey Bakas, Managing Editor

6. For a description of the legislative process in the United States as it pertains to trade agreements, see generally Edmund W. Sim, *Derailing the Fast-Track for International Trade Agreements*, 5 FLA. J. INT'L L. 471 (1990).

7. For a comprehensive account of the socioeconomic status of Haiti, see Mario Silva, *Island in Distress: State Failure in Haiti*, 23 FLA. J. INT'L L. 49 (2011).

8. See generally Marisa Anne Pagnatarro, *The "Helping Hand" in Trade Agreements: An Analysis of and Proposal for Labor Provisions in U.S. Free Trade Agreements*, 16 FLA. J. INT'L L. 845 (2004) (noting the responsibility the United States has to eliminate poor working conditions).

9. See Jon Mills, *Principles for Constitutions and Institutions in Promoting the Rule of Law*, 16 FLA. J. INT'L L. 115, 123 (2004) (discussing the importance of alternative dispute resolution).

