

Editors' Note

International law is part of our law, and must be ascertained and administered by the courts of justice of appropriate jurisdiction as often as questions of right depending upon it are duly presented for their determination. For this purpose, where there is no treaty and no controlling executive or legislative act or judicial decision, resort must be had to . . . the works of jurists and commentators who by years of labor, research, and experience have made themselves peculiarly well acquainted with the subjects of which they treat.
—The Paquete Habana, 175 U.S. 677, 700 (1900)

It is admittedly hard not to be pessimistic about the supposed advance of human rights and freedom around the world. In the past two decades, the post-Holocaust promise of “never again” has given way to genocides in Rwanda and Burundi, the former Yugoslavia, and now Darfur. Atrocities unfolded right before our eyes, on our television sets, in our living rooms, and many of us felt powerless to stop them. It is important to remember, though, that we knew what was happening because more people than ever are involved in international human rights activism, and that these brave people have been willing to fly, ride, and sometimes walk through war zones in order to let the world know what is happening. The tireless efforts of human rights advocates have let the world know that the basic rights of millions of people around the world are violated every day—and in doing so, they raise awareness and a willingness to try to stop these trespasses against humanity. In turn, this increased awareness has led to even more demand for timely information and legal analysis of human rights violations and deprivations. In a world where human rights reporting has gone digital and immediate, our journal is making a small effort to increase scholarship, activism, and reporting on human rights around the world. We are therefore proud to announce that starting with Volume 21 this year, the Human Rights Journal will now be published biannually. We will also continue to digitally publish all of our material, as well as videos from our annual Human Rights Conference at Harvard Law School. Additional human rights scholarship will be made available on our website.

The first issue of Volume 21 begins with an introduction from former U.S. presidential candidate Governor Bill Richardson. During his campaign for the Democratic nomination, Governor Richardson’s voice was the most prominent in calling for human rights as a guiding principle of U.S. foreign policy. The issue also features two excellent scholarly articles. Dr. Eric Heinze critically examines the reporting on human rights abuses by nongovernmental organizations. His article proposes a universal framework for evaluating the legitimacy of NGOs and advocacy groups claiming a human rights mandate. Our second article, by Professor Lorie M. Graham, turns the spotlight away from the world and into the lives of the indigenous peoples of North America. With the thirtieth anniversary of the passage of the Indian Child Welfare Act of 1978, Professor Graham examines the historic abuses of the rights of Native Americans and proposes a system of domestic reparations in accordance with international human rights law. The issue also features outstanding student writing in our Note, Recent Developments, and Book Note. Former Harvard Human Rights Journal editor Stacy Humes-Schulz proposes

to pierce the state veil of legal immunity for human rights abuses in her Note. She responds to the recent House of Lords ruling in *Jones v. Saudi Arabia* affirming state immunity from a civil suit for torture, and reasons that the historical arguments for sovereign immunity should not protect governments that commit *jus cogens* violations. Our Recent Developments include a report on recent efforts to hold former Khmer Rouge officials responsible for human rights abuses in Cambodia, and some firsthand human rights reporting on juvenile justice in India. We would like to dedicate this first issue of Volume 21 to the former and current editorial staff of the *Harvard Human Rights Journal*. Their unwavering commitment to human rights and boundless efforts have made it possible for our journal to become a biannual publication.

—Dina Awerbuch and Laura Fontaine
Editors-in-Chief, Volume 21