Editors' Introduction

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On 19th and 20th of May 2012, the *Cambridge Journal of International and Comparative Law* (CJICL) launched its first two issues at its inaugural conference on the theme 'Agents of Change: The Individual as a Participant in the Legal Process'. The conference provided a platform for discussion between both young and senior international, comparative and domestic lawyers on a number of important issues relating to the role of individuals in law. This special conference issue serves as a record of the engaging, stimulating and constructive discussion that took place.

The conference was held at the Faculty of Law and the University Centre at the University of Cambridge. It attracted around 120 participants from across the globe: Europe, the Americas, Asia, Africa and Australia—and at all stages of their academic career: from graduate students and young academics to established professors and practitioners. HE Judge Cançado Trindade of the International Court of Justice and Professor James Crawford SC gave keynote addresses before engaging in a spirited and now legendary debate. Professor Philippe Sands Q.C. gave a special address and Dr Roger O'Keefe delivered a convivial after-dinner speech. The conference also provided the backdrop for a reunion of many Cambridge alumni and academics, including the aforementioned speakers and Professor Sir Elihu Lauterpacht CBE QC LL.D., Dr Lorand Bartels, Dr Freya Baetens, Dr John Barker, Dr Matthew Dyson, Dr Douglas Guilfoyle, Dr Jessie Hohmann, Professor Joshua Karton, Dr Alex Mills, Dr Sarah Nouwen, Dr Kate Parlett, Ms Zena Prodromou, Mr Dan Saxon, Dr Kimberley Trapp and Dr Michael Waibel.

The main program consisted of eight panels with four speakers and a chair, each of which examined the role of the individual from various international and comparative law perspectives. The theme allowed speakers to assess the individual participant in the legal process from several distinct vantage points:

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as a lawyer, a scholar, a judge, a peacemaker, a terrorist or a pirate; as a woman, a child or a corporation: all, ultimately, as 'agents of change'.

This special conference issue contains a selection of articles that expand on the initial conference papers and that further the debate on the place, role and influence of individuals in the legal process. The issue begins with Judge Cançado Trindade's article, which examines the place of the individual in international law. For Judge Cançado Trindade, individuals were central within the early conception of the law of nations, only to be excluded from the international legal order by the subsequent distortions of legal positivism. His argument takes us from this point of departure and explains how the individual was eventually rejected as a subject of international law, and then re-established as an object, and in some cases, a subject of international law. He further discusses the rights and obligations now conferred and incumbent upon and the individual in international law. Finally, he examines the individual in the context of dispute resolution. First by offering an insight into the erosion of the inter-state framework of adjudication as a consequence of the International Court of Justice's efforts and second, by examining the individual's personality, capacity, and access to justice.

Kate Parlett then provides a conceptual analysis of the individual in international law, adopting a contrasting historical position to Judge Cançado Trindade, before discussing the individual as a force for structural change in international law, and offering normative critiques for the perceived conceptual move away from the state. Douglas Guilfoyle gives a historical and contextual perspective on the contemporary pirate as an agent of change in international law-making and in transnational cooperation, concluding that a two-track response to piracy is called for: one targeted at the high seas and the other ashore. Cindy Daase assesses the role of the peacemaker in the negotiation and mediation of peace agreements. She chooses as a case study the Dayton Peace Agreement for Bosnia and Herzegovina and analyses the role of the US Special Envoy Richard Holbrooke as the agent of change, comparing his role with that of the UN Secretary-General Special Envoy in the Kosovo status negotiations. She concludes that mediators have become less like peace facilitators and more like agents of change, setting standards and promoting norms in the making of peace agreements. Michael Peil analyses the role of the scholar as a subsidiary source of international law in judgments of the International Court of Justice. He surveys references to the most highly qualified publicists in over 600 judgments and orders of the ICJ to find only 22 instances of reliance, with the most influential being Shabtai Rosenne, Hersch Lauterpacht and Sir Gerald Fitzmaurice.

The article by Bashir and Janaby focuses on the right of individuals to make claims against international persons for the wrongs they have committed. As their case study, they examine the crimes allegedly committed by NATO during its intervention in Libya, and whether a civil or criminal action can be pursued. Gleider Hernandez also looks at individuals as agents of change in the context of international adjudication. He undertakes a critical assessment of the role the judges on the bench of the ICJ by reference to the notion of impartiality, analysed from the perspective of their legal training and of institutional propriety. Lucas Bastin focuses on the individual as an agent of change capable of enhancing the legitimacy, transparency and accountability in investment treaty arbitration. In particular, he assesses the increasing pressure exerted by NGOs and industry bodies to be allowed to participate as *amicus curiae* in investment proceedings and the corresponding shift of practice resulting in expanded access of individuals, as well as growing pressure to develop guidelines and procedures for this purpose.

Fowkes then examines public interest litigation from a comparative perspective. He asks whether traditional rules continue to be adequate or whether new procedural rules have become necessary. She takes India as a case study and argues that some of the fundamental problems affecting India's model of public interest litigation are problems of procedure, even if they are not necessarily recognised as such. She invites us to question the substantive ends we seek to achieve with procedure and whether more procedure—potentially drawn from 'rich comparative law resources'—might be better for meeting those ends than less procedure. Khan takes Bangladesh as a case study and examines how NGOs, as agents of change, have played a leading role in using the Bangladesh Supreme Court as a political forum. She focuses on two landmark decisions: one shortly after Bangladesh became democratic and the other, during the emergency declared by the government in 2007. Both decisions allow Khan to make interesting observations about the nature of the Court's decision-making process, the effect of surrounding political pressure and the Court's reliance on public international law.

Finally, Aoife O'Donoghue gives a witty overview of the wide array of ideas about the individual discussed during the conference, adding not only her insights on the conference papers, but also on the wider role of the academic conference participants as agents of change in the international academic system and the legal order as a whole. She emphasizes the importance of the open dialogue between the agents of change themselves in the context of academic conferences. The issue finishes with Bart Smit Duijzentkunst's book review of Judge Cançado Trindade's topical study on *The Access of Individuals*

to International Justice, which was both launched during, and inspired the theme of, the conference.

The organizers of the conference would like to profoundly thank all the conference participants and contributors, as well as the dedicated Editorial team that brought these papers to print: this issue is a testament to the high quality and engaging level of debate that took place at the CJICL's inaugural conference.