

Pace University School of Law

Remembrance of F. Blaine Sloan
Professor Emeritus of International Law & Organization
1920-2012

Delivered at the

Annual Blaine Sloan Lecture

October 4, 2012

Twenty-four years ago Pace students, faculty, and former colleagues from the United Nations listened to Blaine Sloan inaugurate today's distinguished lecture series. The Sloan lectures have presented insightful and wise assessments of public international law, by renowned scholars and practitioners, such as Ian Brownlie, Philippe Kirsch, and Richard Goldstone. Addresses from this rostrum have probed the challenges that retard advances in international organization and explored the opportunities for the progressive development of international law, just as Prof. Blaine Sloan expected that they would.

Our friend and colleague, Emeritus Professor Blaine Sloan passed away April 12, 2012. He had been living in Colorado, where his lungs enjoyed the clean air and his family enjoyed having him at home. Let us pause to pay tribute the man who also founded the study of international public law at Pace University and its School of Law. His career ably advanced the great tradition of scholarly and professional publicists, who have had the privilege and duty to shape international law, from Hugo Grotius to Ambassador Ibrahim A. Gambari. Our international law students here today will recall that the Statute of the International Court of Justice authorizes the Court to rely upon the learned writings of these publicists as a source of international law. When Blaine Sloan worked with Pace law students to establish the Pace International Law Review, he consciously enlisted Pace students and faculty in this shared endeavor to progressively develop international law. PILR is a source for international law.

Blaine Sloan's own scholarship and career in public international law are exemplary. In 1948, as a young legal officer in the newly minted secretariat of the United Nations, he published a seminal article in the British Yearbook of International Law, entitled "*The Binding Force of a 'Recommendation' of the General Assembly of the United Nations.*" He foresaw that declarations by the State Members of the UN General Assembly had, and would come to be recognized as having, a new legal stature in international law, whether as declaratory "soft law," decisions directing the affairs of the UN itself, or as expressions of norms that have a "hard" force equivalent to treaty law. Serving in the United Nations Secretariat for three decades, he both shaped and studied the maturation of the United Nations Organization. At Pace, he researched and authored a profound book, General Assembly Resolutions in Our Changing World, published in 1991, that applied, refined, and elaborated a

methodology for assessing the role of UN Resolutions in international law. This mature work complemented his youthful 1948 British Yearbook article. They were intellectual “books ends” for his career as an international law publicist. We remain indebted to him for this fine work.

When Blaine Sloan joined the Pace Law Faculty in 1979 as one of our founding faculty members, he understood the unique role law schools have in sustaining international law. He inaugurated our first courses on international law. He recruited colleagues from the UN Legal Office, such as Prof. Roy S. Lee, to teach law of the sea, or Prof. Ben Ferencz to teach the law of war crimes. He defined our initial curriculum, and worked with Pace’s then acting Law Librarian, Joseph Vamberry, to assemble Pace’s initial international legal research collection. Prof. Marie Newman, following on the late Prof. Nicholas Triffin, has sustained and enriched that research collection. Beyond teaching and mentoring students, Blaine made time for his own scholarship, reflecting on how the making of international law had evolved in the UN system. He lectured and wrote about how to assess the relative binding force of a UN General Assembly Resolutions, testing his ideas that led to his 1991 book with its elegant analytic methodology for assessing how General Assembly decisions shape the progressive development of international law. His own 1988 inaugural lecture in this Lecture series, examined “The United Nations Charter as a Constitution,” suggesting an analytic framework to assess the institution’s halting progress from confederation to a union of States with common ends, accomplishing objectives no one of them could independently.

A diligent and quiet professional, Blaine was a role model for his students – and indeed for all his colleagues. Since his legal studies in law school at the University of Nebraska (1946) and Columbia Law School (LL.M., 1947), his work at the United Nations had shaped his skills. He was a focused listener, absorbing what others had to say and only offering his own assessments after long reflection. A lawyer in the UN Secretariat plays close attention to the positions of Member States and others, and is attuned to find the niche in which common ground may be found or forged. He spoke deliberately, some felt overly slowly, but his style was purposely thoughtful so that he could weight each word. He never said what he did not mean. In difficult faculty debates, he often found a word to deflect or defuse a problem. His gentle humor and ever present goodwill were anchors for a fledgling new faculty. He and I shared adjacent offices in the second floor of the then new Glass Law Center and we often discussed UN peacekeeping efforts and other innovations, such as the establishment of the UN Environment Programme after the 1972 UN Stockholm Conference on the Human Environment. Initially, he and I were the only international law colleagues at Pace, and few believed then that international environmental law even existed. I was grateful Blaine did.

Blaine joined the Legal Advisor’s Office in the UN Secretariat, just at a time when the UN itself was being established. It was an extraordinary calling. Blaine had the unique privilege to pioneer the administrative and policy for all manner of UN undertakings. What a wonderful time, to work closely with the likes of Ralph Bunche and the initial UN Secretariat leadership! He served as Director of General Legal Division and Deputy to the Legal Advisor as Under Secretary General of the UN. He served in peacekeeping missions in the Middle East and Korea, relief missions for Palestinian refugees, contributed to the 1978 UN Conference on the Carriage of Goods by Sea. He

was the Secretary General's representative and legal advisor from 1969-78 of the UN Commission on International Trade Law (UNCITRAL), and from 1966-78 to the sessions of the UNGA Legal Subcommittee on the Peaceful Uses of Outer Space. He was legal advisor to sessions of the UN Security Council held in Africa and Latin America. As this account illustrates, the range of his professional duties was vast. He addressed issues and framed innovative legal solutions that were unimaginable in his law school days.

When Blaine answered Dean Robert Fleming's invitation to join the recently launched Pace Law School, he relished moving from the firing lines of practicing public international law, to the scholarly academy where he could educate others to do as he had done, and critique international order. At Pace, he shared his deep experience with me, with our students, and continued to network with colleagues from the UN and its Member State Missions. He and his students organized the *Pace International Law Society* and participated vigorously in the Jessup Regional and final International law Moot Court Competitions. Blaine enjoyed mentoring successive generations of Pace law students. In 1986, he was voted Pace Law School's Outstanding Professor of the Year.

Pace faculty admired Blaine. For example, last April, on learning of Blaine's death, Prof. Ralph Stein reflected that "Blaine was an imposing moral and ethical presence at a time early in our history when things were very different than they are now. ... His contribution to making our school a collegial place is only known to the old timers." Alumni from those years echo this theme. Prof. Darren Rosenblum recalled that he had "corresponded and spoke with Prof. Sloan around the Sloan lecture in the fall of 2010...He was very sweet and honored by our lecture and continued to have fond memories of his time at Pace." Prof. Jay Carlisle recalled that "when we hired him, Blaine was a 'Huge' player at the United Nations. He was always a gentleman and a diplomat who will be missed by many. We were fortunate to have him full time and as an emeritus professor."

Blaine came to Pace both to build a new law school and to further the tradition of scholarship essential to the progressive development of international law and world order based on the rule of law. In the 3rd year of Pace's operations, Blaine invested his substantial reputation to help Pace build ours; these were the earliest days of a then not yet accredited law school. It was perhaps not unlike his taking a job with the new and untested UN Organization in its third year of existence. His networks enhanced ours. While I chaired the Faculty Appointments Committee, Blaine introduced me to Dr. Willem Vis, one of the world's leading experts in private international law, working in the UN Legal Office. Pace successfully recruited Prof. Vis to join our ranks. Without Blaine's networking then, Pace today would not have the celebrated Vis International Commercial Arbitration Moot Competition in Vienna, based on the UNCITRAL rules. Prof. Vicky Rodgers and Prof. Eric Bergsten continue our Pace leadership, at the helm of the Vis Competition. Blaine would have been pleased with Pace Law School's program in environmental diplomacy, where Pace law students serve as attachés in the missions of UN Member States, and our Haub Diplomacy Award recognizes diplomats for the accomplishments in building environmental dimensions of international order.

When Blaine retired from teaching, he passed his teaching of international public law on to Prof. Gayl Westerman and the late Prof. Surya Prakash Sinha, as Gayle and Prakash have since passed the baton on to Professors Darren Roseblum, Tom McDonnell, and Mark Shulman. But note well: while Pace names fine professors to teach international law, Pace has only once appointed a *professor of international law and organization*, the title of Blaine's appointment. Our faculty in 1978 was aware that his was a unique experience, the shaping of international organization itself. He alone has held that title at Pace.

Blaine Sloan advocated the creation of the International Criminal Court, and this lecture series has illuminated the work and promise of the ICC. An American, Blaine prodded the US government to reach its potential as a leader of world order. America is not yet a member of the ICC. The USA has strayed from its 20th century promise, evident when establishing the UN 1945, or ensuring the due process of the Nuremberg war crime Tribunals. Initially some 65% of nations adhered to the Statute of the International Court of Justice, but today only some 35% of States do, and the USA is not among them. Perhaps we in America should restore the focus of our teaching on the theme of *international organization*, which so centrally occupied Blain Sloan's work and scholarship. He would have wanted to us to ask such questions, and to ask the tough questions that today our Blaine Sloan 2012 Lecture will present to us.

Blaine lives on in the institutions that he created here at Pace, as he does in his scholarship. We at Pace are eternally honored to share in the tradition of Pace's annual Blain Sloan Lecture.

Thank you. While his modesty would not have let him show it in a public way, I am confident that Blaine would have been pleased with your thoughtful attention to my remembrance on behalf of the Pace community, and would especially have been grateful for your attendance today at this lecture.

Nicholas A. Robinson