

THE CASE FOR AN INTERNATIONAL COURT OF CIVIL JUSTICE

When multinational corporations cause mass harms to lives, livelihoods, and the environment in developing countries, it is nearly impossible for victims to find a court that can and will issue an enforceable judgment. In this work, Professor Maya Steinitz presents a detailed rationale for the creation of an International Court of Civil Justice (ICCJ) to hear such transnational mass tort cases. The world's legal systems were not designed to solve these kinds of complex transnational disputes, and the absence of mechanisms to ensure coordination means that victims try, but fail, to find justice in country after country, court after court. *The Case for an International Court of Civil Justice* explains how the ICCJ would provide victims with access to justice and corporate defendants with a non-corrupt forum and an end to the cost and uncertainty of unending litigation – more efficiently resolving the most complicated types of civil litigation.

Maya Steinitz is a Professor and Bouma Family Fellow in Law at the University of Iowa College of Law and has taught courses at Harvard Law School, Columbia Law School, Tel Aviv University, and the Hebrew University of Jerusalem. She served as a litigator in one of the nation's top law firms, Latham & Watkins LLP, and clerked for the Hon. E. Hayut, currently Chief Justice of the Israeli Supreme Court. Steinitz led the representation of the government of Southern Sudan in drafting its national and subnational constitutions and regularly serves as an arbitrator, expert, and counsel in international and domestic arbitrations.

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To Nate, Romy and Jonathan

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Abbreviations

ADR	Alternative Dispute Resolution
ATS	Alien Tort Statute
BIT	Bilateral Investment Treaties
CAT	Rules of the Competition Appeals Tribunal
CJEU	Court of Justice of the European Union
ECHR	European Convention on Human Rights
ECtHR	European Court on Human Rights
EDNY	United States District Court for the Eastern District of New York
EEC	European Economic Community
EU	European Union
FDI	Foreign Direct Investment
GATT	General Agreement on Tariffs and Trade
GCCF	Gulf Coast Claims Facility
IACHR	Inter-American Commission on Human Rights
ICC	International Criminal Court
ICCJ	International Court of Civil Justice
ICJ	International Court of Justice
ICSID	International Centre for Settlement of Investment Disputes
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the Former Yugoslavia
IEEPA	International Emergency Economic Powers Act
ILC	International Law Commission
ISDS	Investor-State Dispute Settlement
IUSCT	Iran–United States Claims Tribunal
JAC	Jerusalem Arbitration Center

MSOP	Movement for the Survival of the Ogoni People
MNC	Multinational Corporation
New York Convention	Convention on the Recognition and Enforcement of Foreign Arbitral Awards
NGO	Non-Governmental Organization
OPA	Oil Pollution Act of 1990
OPT	Occupied Palestinian Territories
Rome Statute	Rome Statute of the International Criminal Court
SDNY	United States District Court for the Southern District of New York
Section 1983	Section 1983 of Title 42 of the United States Code
UN	United Nations
UNCC	United Nations Compensation Commission
UNWCC	United Nations War Crimes Commission
WTO	World Trade Organization
WTO DSU	World Trade Organization Dispute Settlement Understanding