

Preface

Multiculturalism in international law has been with us since the dawning of modern international relations. Its importance has been appreciated to different degrees during different periods in history. Efforts to explore it as a factor in the formation of international law and its implementation have also varied. Since the end of the Cold War in the late 1980s and the collapse of the old, bipolar, East-West balance-of-power and mutual, inter-bloc accommodation on which it was predicated in its later Coexistence and Détente phases, these efforts have intensified, particularly against a background of the problems of the unilateral, unipolar model of world public order in the post-Iraq war period and the mounting failure of the United Nations to provide adequate alternative, multilateral arenas for decision-making on international tension-issues such as the use of force and counter-terrorism.

The contributions presented in this collection are the result of part of these efforts. Almost 40 leading-edge legal thinkers and scholars, drawn from all main legal-cultures and civilization-areas, have come together from every continent to honor Professor Edward McWhinney, who is known as Ted to his friends, by examining multiculturalism and international law. This is a most fitting celebration of his life and achievements. “Mr Peaceful Coexistence” to friends (below, 33), Ted has been working for the greater part of his life to promote exchanges between the East and the West and multiculturalism in international law. The role he has played in bringing new ideas into the debate (below, *xiii*), new projects and new scholars into the academic circle, the voluminous books and articles he has produced, and the advisory services he has rendered, as described in the preliminary matters and elsewhere in this collection, all contribute to paint a vivid intellectual portrait of this distinguished and vigorous thinker and scholar in international law and relations. Indeed, he is Mr. Multiculturalism. We are most grateful to Ted’s longtime friends Dr. Boutros Boutros-Ghali and Judge Shigeru Oda for their generous support for

this project and their forewords to this book.

We have designed the collection to be a monograph on multiculturalism and international law. We invited the Contributors to focus on the role that multiculturalism has played in international law regarding its formation and implementation or in an international organization regarding its composition and decision-making and work product. The result is a fine collection with 36 rigorous and focused contributions on important aspects of multiculturalism and international law. These are readily placed into three parts. Part I, “Multiculturalism and General Theories of International Law”, consists of 11 contributions examining the role of multiculturalism in general theories and framework issues of international law regarding the juridical and ethical order of globalization, the Harmonious World, civilizational paradigm, ideology, cultural pluralism, universalism and particularism, democracy and the values of diversity. Part II, “Multiculturalism and International Organizations and Courts”, consists of 11 contributions representing efforts to examine how multiculturalism figures in the composition, decision-making and work product of all the major international organizations of today, including the United Nations, the International Court of Justice, the International Law Commission, the International Criminal Court, the Human Rights Committee, the Bretton Woods Institutions and the European Union. Issues on non-governmental organizations are also addressed. Part III, “Multiculturalism and the Progressive Development in Substantive International Law”, consists of 14 contributions addressing the role multiculturalism plays in aspects of substantive international law, including counter-terrorism, the use of force, human rights, cultural identity, conflicts between freedom of speech and freedom of religion, self-determination, minorities and indigenous peoples, international humanitarian and criminal law, cultural diversity and trade, church and state, and federalism.

Rather than giving a detailed introduction to these substantial contributions, we will leave them to the appreciation of the readers now and in the future. We are hopeful that our efforts, undertaken from late 2005 to 2008, will be of value for some time to come. We are content to note that even when tensions flare up in the world, political leaders are saying that they are not going back to the Cold War and that multilateralism and multiculturalism are the key to solving problems in the world.

Some of the contributions were presented at the Silk Road Institute

Seminar on Multiculturalism and International Law organized in April 2007 at the Silk Road Institute of International Law, Xi'an Jiaotong University, when Sienho Yee acted as the Director of the Institute. Ted and a dozen Contributors came all the way from around the world to Xi'an and were engaged in vigorous debate for several days. The Seminar was opened by Dr. QIU Jin, vice-president of Xi'an Jiaotong University. Mr. DUAN Jielong, the Director-General of the Department of Treaty and Law of the Chinese Ministry for Foreign Affairs came from Beijing to participate in the Seminar. In editing the contributions, Sienho Yee received valuable assistance from SU Jinyuan, Wuhan University Institute of International Law, where Sienho Yee now acts as University Professor and Chair of the Academic Committee, excused him from administrative and teaching duties for the autumn semester of 2008 so that he could concentrate on this collection. Professor HUANG Jin, Vice-President of the University and Director of the Institute, made this arrangement possible. For all this, Sienho Yee is most grateful.

The Editors and the Contributors have decided to undertake this project as a token of our appreciation for our friendship. We have all given our best efforts to the collection, despite the various difficulties and competing demands on our time. We hope that Ted and our colleagues at large will appreciate it.

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