

The law as a path to social justice

New Wing-Tat Lee chair brings wide expertise in international law, with an emphasis on Africa

When James Gathii was growing up in Kenya, he thought about a career that focused on social justice. As events unfolded, he decided the best place to accomplish that goal was the law.

"I was very interested in what was going on in the national arena, but politics and politicians didn't seem that promising at that time. It seemed lawyers were doing the really interesting things," says Loyola's new Wing-Tat Lee Chair in International Law. Now, he's made a lasting impact on law and policy not only in Kenya, but across Africa and the globe.

Gathii's research is in the areas of public international law, international economic law, international trade law, and law and development, as well as on issues of good governance and legal reform as they relate to the third world and sub-Saharan Africa in particular.

Multifaceted involvement

His varied expertise in African and international law is much in demand on several continents, and he has several major projects under way. Gathii is an independent expert of the Working Group on Extractive Industries, Environment, and Human Rights Violations in Africa formed by the African Commission on Human and Peoples' Rights. This group is investigating the "blood diamond" trade and hopes to develop a set of

industry guidelines that will minimize negative impact on humans and the environment. Gathii's work in this area will be the topic of the *Loyola University Chicago International Law Journal* conference on February 8, 2013, at the law school (all are welcome).

In another initiative, Gathii is narrowing his past work on international trade in developing countries to focus on the costs and benefits of small, less wealthy countries complying with international trade law. "I'm looking for empirical evidence that if these countries implement the changes required for international trade, large development and overall benefits will necessarily follow," Gathii explains. For instance, he's examining the costs to citizens' health from changes in traditional production systems, such as the rise of diabetes in the South Pacific that may be traceable to the import of cheaper, less healthy foodstuffs.

Yet another project has Gathii analyzing reasons for the transformation of the Kenyan judiciary to a more transparent and progressive institution. "I'm exploring what led the judiciary to wake up from its very quiescent, executive-friendly nature to being very vibrant and responsive to pressure from the people," explains Gathii, adding that he considers Willy Mutunga, a former political prisoner and now chief justice of Kenya, a mentor and inspiration. "I think it's less about external influences or institutional changes than about the judiciary trying to redeem itself from a repressive past.

Pressure from the people has put the Kenyan judiciary in the driver's seat while other branches of government have lagged behind."

Gathii is a founding member of the Third World Approaches to International Law network. He serves as co-chair of the African Interest Group of the American Society of International Law, and is a member of two International Law Association Study Committees: The Study Group on the Meaning of War and the Study Group on the Principles on the Engagement of Domestic Courts in the Application of International Law. He also is on the Global Faculty of the Trade Policy Training Institute in Arusha, Tanzania.

Choosing Loyola

"Being happy in my job is a top priority for me, and I sensed I would be at Loyola," says Gathii of his decision to accept the Wing-Tat chair. "The things I write and care about have to do with social justice, and I've been very impressed with Loyola students' and faculty's commitment there. Loyola has a very strong focus on international law, and I saw ways I could contribute to that. And Chicago is a very good location for someone interested in international law."

It's an imperfect venue for someone who doesn't care for cold weather, however. Gathii and his wife, Caroline, center their family activities on their two soccer-loving sons and their daughter, who was born November 6. The family is getting to know its new neighborhood in

Evanston. "My sons love winter, but my wife and I are not fans," Gathii says wryly. "But we're outdoors people, so we're going to be up, out, and moving."

Before coming to Loyola, Gathii was associate dean for research and scholarship and the Governor George E. Pataki Professor of International Commercial Law at Albany Law School, New York. He has published more than 60 articles and book chapters, some in leading journals in his field such as the *Harvard, American, and European journals of international law*, and two books, *African Regional Trade Agreements As Legal Regimes* (Cambridge University Press, 2011) and *War, Commerce, and International Law* (Oxford University Press, 2010). Gathii holds an LLB degree from the University of Nairobi, Kenya; an SJD degree from Harvard Law School; and a diploma in the practice of law (admitted as an advocate of the High Court of Kenya) from Kenya School of Law.

At Loyola, he'll teach courses in International Trade Law, International Organizations, and International Business Transactions, and an International Law Seminar on Human Rights and the Global Economy.

"I like the student interaction; it makes what I care about have more meaning beyond research," Gathii says. "A lot of the work I do has immediate relevance to what students are learning, and they're really intrigued by real-world problems and how to resolve them. The kind of experience and background I have is often very useful in making students understand that these are not just abstract ideas." ■

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