This reviewer is struck by the extent to which the commentaries include information that one might not find in most existing treatises. This comprehensiveness is probably attributable to the contributors being experts in their specific subjects who are able to discuss the latest developments, whereas the treatise writer may be a generalist who is unaware of recent developments. Many of the commentaries explain concepts or terms that are either new or relatively obscure. By relying on the index, a reader of the *Commentary* is likely to find clear explanations of concepts or definitions relating to treaties without needing to turn to other sources.

The success of the 1969 Vienna Convention, the growing importance of treaties, and the development of treaty law over the ensuing decades led to the monumental work of Corten and Klein and the issuance of other commentaries and collected chapters on various aspects of treaty law, some of which were prompted by conferences held in connection with the fortieth anniversary of the adoption of the 1969 Convention. This "second spring" of treaty law scholarship allows comparison of the abundant current practice with the modicum of sources available to the ILC when in 1966 it completed its commentary on what was to become the 1969 Vienna Convention. This Convention has now been ratified by 111 states and is recognized in many respects as customary international law by states that have not ratified it, such as France, Pakistan, and the United States. The commentators discuss relevant available domestic cases, without regard to when a case was decided or whether a state has ratified the Convention. They also consider similar cases decided by a total of nineteen international tribunals or bodies.

Where, as in most cases, the respective diplomatic conferences adopted texts proposed by the ILC, its commentary is likely to clarify any ambiguity in the Conventions. (The *travaux préparatoires*, including the ILC material and the records of the diplomatic conferences, are available on the website of the United Nations.[20]) But where amendments were adopted at the diplomatic conferences, the *travaux* are likely to be limited. Future commentators on those articles and on articles where the drafters and the conferences have left certain issues unaddressed have a responsibility to convey to their readers as much background information as possible and rigorously review any relevant practice, as Theodore Christakis has done in his commentary on Article 56 on denunciation or withdrawal from a treaty containing no provision on the subject.

In his foreword to the *Commentaire*, which is reprinted in the *Commentary*, Sinclair states that the book "displays all the characteristics of what is likely to become an essential tool for all scholars and practitioners of international law, to whom it will provide a detailed and updated analysis of the 1969 and 1986 Vienna Conventions" (p. vi). This reviewer, a long-term practitioner of treaty law, used the *Commentaire* between its publication in 2006 and the publication of the updated and enhanced *Commentary* in 2011. He consistently found the commentaries useful and the bibliographies helpful. He has used the *Commentary* since it became available and found it to be exceptionally valuable in researching treaty questions. Ultimately, the magisterial *Commentary* is an indispensable, authoritative reference source for the scholar, foreign ministry official, or other practitioner of international law seeking to determine the current status of any issue addressed by the Vienna Conventions.

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The Elusive Promise of Indigenous Development: Rights, Culture, Strategy. By Karen Engle. Durham NC, London: Duke University Press, 2010. Pp. xvi, 402. Index. $94.95, cloth; $26.95, paper.

Karen Engle's latest book *The Elusive Promise of Indigenous Development: Rights, Culture, Strategy* offers a comprehensive account of international legal initiatives, policies, and indigenous social movements, primarily in the Americas, that have characterized the past four decades of indigenous advocacy. As the Minerva House Drysdale Regents Chair in Law and as the founder and codirector of the Bernard and Audre Rapoport Center

[20] Information relating to the work of the United Nations is available online at www.un.org.

for Human Rights and Justice at the University of Texas School of Law, Engle is well suited for this undertaking. She sketches a compelling narrative of how, as indigenous policies have changed, indigenous advocates have—with endless ingenuity—resorted to new strategies in their quest to improve the internal and external conditions of indigenous communities. Yet, as she effectively demonstrates, this goal remains persistently beyond the reach of these communities due to the unpredictable and unintended consequences of chosen strategies, as well as the structural oppression to which indigenous peoples have been subjected since the settlement era.

Much of the narrative outlined by Engle is, of course, familiar from the vast literature addressing both historical encounters and contemporary realities of indigenous communities. However, she makes a significant contribution to this scholarship in part because of the diligence with which she connects different advocate strategies to distinct pieces of legislation or policy—Conventions 107 and 169 of the International Labour Organization, and the International Convention on Civil and Political Rights (ICCPR), to mention just a few—given her analytical approach that transgresses narrow disciplinary borders and reveals previously unexplored insights.

The Elusive Promise of Indigenous Development matches the expectations raised by Engle's earlier scholarship. Her scholarly roots are in critical legal studies, which in this book are reflected particularly in her emphasis of the "dark sides" of advocate strategies, an expression that she borrows from her long-term mentor David Kennedy.[1] Her longstanding research interests have been situated within human rights, especially on their cross-cultural applicability.[2] These interests have led to her continued engagement with anthropological scholarship,[3] which in this book has led her to consider the kinds of roles that anthropologists assume as they become engaged in indigenous activism. She considers, in particular, how they could escape—what she sees in part as imagined—demands for essentialist cultural representations and concludes the book by suggesting an answer.

Engle's text is packed with details, and her accessible writing style is paired up with her sharp but empathetic gaze, a combination that makes the book a rewarding read for both the beginner and the expert. As this book's reviewer, perhaps due to my own background in anthropology, critical legal studies, indigenous affairs, and human rights, I find that the book's most fascinating elements are the questions that it raises implicitly. I will address them by focusing on the central themes in Engle's analysis: the invisible asterisk, the romanticizing of indigenous communities, the relationship of advocates and indigenous communities, and the advocates' motivations for international advocacy. I will mirror these themes against Gayatri Spivak's famous question: "Can the subaltern speak?"[4] a question to which Engle repeatedly returns. Finally, I will assess whether, despite the gloomy predicaments of indigenous advocacy, Engle is fundamentally an optimist or a pessimist in her engagement.

As she demonstrates, contemporary indigenous activism is still largely a response to the historic oppression of indigenous peoples. The origins of this oppression are, particularly in the Americas, primarily assigned to the concept of *terra nullius*, on which settlers relied as they sought control over indigenous lands, first through military invasion,

[1] DAVID KENNEDY, THE DARK SIDES OF VIRTUE: REASSESSING INTERNATIONAL HUMANITARIANISM (2004).

[2] *E.g.*, Karen Engle, *Culture and Human Rights: The Asian Values Debate in Context*, 32 N.Y.U. J. INT'L L. & POL. 291 (2000).

[3] *See, e.g.*, Karen Engle, *From Skepticism to Embrace: Human Rights and the American Anthropological Association from 1947–1999*, 23 HUM. RTS. Q. 536 (2001) (noting the changed attitude of the American Anthropological Association (AAA) from its 1947 Statement on Human Rights—a critical document toward to the eventual Universal Declaration of Human Rights from 1948—to the AAA's 1999 Declaration, which showed clear alliance with the human rights discourse); American Anthropological Ass'n, *Statement on Human Rights*, 49 AM. ANTHROPOLOGIST 539 (1947); American Anthropological Ass'n Committee for Human Rights, Declaration on Anthropology and Human Rights (1999) [hereinafter 1999 Declaration], *available at* http://www.aaanet.org/stmts/humanrts.htm.

[4] Gayatri Chakravorty Spivak, *Can the Subaltern Speak?*, *in* MARXISM AND THE INTERPRETATION OF CULTURE 271, 296–97 (Cary Nelson & Lawrence Grossberg eds., 1988).

then by the "trail of broken treaties" (p. 53).[5] Engle nuances this familiar narrative by introducing scholarship on how the acquisition of land and resources was the primary goal for English and French settlers in North America, whereas for the Spanish and Portuguese settlers in Latin America, conquest became defined in cultural terms, primarily by the extent to which certain indigenous practices departed from the "universal norms—which in effect are Spanish practices" (p. 20).[6] She draws an interesting continuum of this difference to contemporary indigenous strategies that have focused, on the one hand, on internal and/or external self-determination, and, on the other, on the rights to culture.

According to Engle, although the previously predominant self-determination claims may be resurfacing, culture arguments have dominated the past two decades of international indigenous advocacy. This time frame coincides with the general advance of concern for international human rights: although human rights began their rise as the defining global ideology in the 1970s, compellingly demonstrated by Samuel Moyn,[7] their final breakthrough into ideological trump cards occurred merely at the end of the Cold War.[8] Consequently, alongside indigenous claims, a vast array of concerns has in the past few decades become translated into the language of human rights, including environmental issues, as well as the concerns of lesbian, gay, transsexual, bisexual, and intrasexual (LGTBI) groups, and people with disabilities, to mention merely a few.[9]

This translation process induces distinct foreseen and unforeseen consequences that for indigenous affairs embody themselves in what Engle calls the "invisible asterisk" (p. 7). She borrows this term from Elizabeth Povinelli's analysis on how acceptance of Aboriginal customs within the Australian multicultural society is modified by an invisible asterisk, embodied in the clause "*provided [they] . . . are not so repugnant*" (p. 133, emphasis added).[10] Engle reminds readers of how, in the past, the not-so-invisible asterisk was reflected in overt attempts to Christianize, civilize, or assimilate indigenous populations and thus save them from their "barbaric" customs.[11]

In the contemporary era, the asterisk has become less conspicuous, but, as Engle shows, it continually hovers over indigenous claims for self-determination, especially in instances where collective (land) rights might be seen as conflicting with the human rights of individual indigenous community members. She highlights the 1999 Declaration on Anthropology and Human Rights by the American Anthropological Association's Committee for Human Rights as an example of a context in which the asterisk might appear. Whereas the declaration begins with an open meaning of culture, it closes with a restrictive clause emphasizing that cultural practices may not "diminish the same capacities of others" (p. 134).[12]

Engle interprets this statement to allow for the possibility that group rights might prevail in the case of conflict, yet she considers this prospect less likely for the international legal institutions that she examines. These institutions include the International Labour Organization, which shows firm reliance on individualistic liberal rights discourse, and the Human Rights Committee of the Office of the United Nations High Commissioner for Human Rights, which has directly emphasized

[5] Quoting VINE DELORIA JR., BEHIND THE TRAIL OF BROKEN TREATIES: AN INDIAN DECLARATION OF INDEPENDENCE (1974).

[6] Quoting ANTONY ANGHIE, IMPERIALISM, SOVEREIGNTY AND THE MAKING OF INTERNATIONAL LAW 22 (2005).

[7] SAMUEL MOYN, THE LAST UTOPIA: HUMAN RIGHTS IN HISTORY (2010).

[8] The triumph of human rights as well as this translation process is the topic of vast scholarship. *E.g.*, MIIA HALME-TUOMISAARI, HUMAN RIGHTS IN ACTION: LEARNING EXPERT KNOWLEDGE (2010).

[9] *Id.* at 57–74.

[10] Quoting ELIZABETH A. POVINELLI, THE CUNNING OF RECOGNITION: INDIGENOUS ALTERITIES AND THE MAKING OF AUSTRALIAN MULTICULTURALISM 12, 176 (2002). Engle adds that this "repugnant" language comes from the Australian High Court decision *Mabo v. Queensland (No. 2)* (1992) 175 CLR 1, para. 68 (Austl.).

[11] As Engle demonstrates, behind assimilation policies were, of course, also other desires such as hopes to incorporate indigenous communities into economically productive parts of liberal societies.

[12] 1999 Declaration, *supra* note 3.

that the protection of culture does not trump the individual rights protected by the ICCPR.

In particular, the asterisk emerges in contexts relating to the position of indigenous women. Engle illustrates this outcome with the 1993 decision of the Inter-American Court of Human Rights, which addressed polygamy among the Saramaka people in Suriname.[13] In addition to restricting tribal customs to conform to the individual rights recognized by the American Convention of Human Rights, the court insisted that, in referring to "ascendants," no distinctions be made on the basis of sex, "even if that might be contrary to Saramaka custom" (p. 136).[14] Engle connects this ruling to recent scholarship on multiculturalism—some of the most extreme works questioning whether subversive communities are even justified to continue existing[15]—and shows how this scholarship embodies Spivak's characterization where white men (and women) seek to "sav[e] brown women from brown men" (p. 137).[16]

The traps set by the invisible asterisk embody some of the gravest dark sides that indigenous advocates need to avoid while they labor on behalf of indigenous peoples in various international and national contexts. However, as Engle illustrates, avoidance is complicated by their fluidity: the dark sides will inevitably find new incarnations to match the altered strategies that advocates create. Engle illustrates this outcome with three different articulations of culture that she assigns to recent indigenous advocacy: culture as heritage, culture as land, and culture as development.

Of these approaches, the notion of culture as heritage is most interesting due to its innate contradiction: instead of conceptualizing indigenous communities through the denigrating "invisible asterisk," this approach emphasizes cultural restoration and rejuvenation by romanticizing indigenous cultures and elevating them to symbols of national pride. Engle describes how this arrangement manifested itself, for example, in the "performance of harmony" in the opening ceremony of the Sydney Olympics in 2000: despite being fraught with internal debates about who would represent the country, the opening ceremony showcased Aboriginal dance and rituals as prided national assets (p. 152).

Yet this exposition does not mean that the invisible asterisk disappears. As the celebration of heritage relies on a relatively "thin" notion of culture—emphasizing indigenous dress, custom, and art—heritage claims are commonly separated from indigenous land claims. Consequently, the approach makes few concrete demands on states, simultaneously remaining relatively toothless in establishing real improvements for indigenous communities. Engle explains that "the idea that culture as heritage fits the neoliberal model well, both nationally and internationally. . . . [I]t offers states and international institutions a way both to protect and share in the wealth of indigenous culture" (p. 157).

Further, as heritage becomes defined as an "alienable" entity that is in itself worthy of protection, its conservation may be hijacked from indigenous people. Engle describes the dispute between the government of Peru and Yale University over Machu Picchu items deposited at the university. Peru sought to have the items returned, arguing that its current government represents the descendants of the people who originally crafted the items. When Yale declined, the government of Peru filed suit in 2008 in U.S. federal court, relying on international legal instruments. The university rejected Peru's demands and argued, instead, that it was the most competent representative of universal mankind to protect this common heritage. The disagreement ended finally in February 2011 as Yale agreed to return the objects to Peru.[17]

[13] Aloeboetoe v. Suriname, Reparations and Costs, Inter-Am. Ct. H.R. (ser. C) No. 15 (Sept. 10, 1993).

[14] Quoting *id.*, para. 62.

[15] Engle quotes Susan Muller Okin's controversial argument regarding female members of "more patriarchal societies" according to which these members "*might* be much better off if the culture into which they were born were either to become extinct . . . or preferably, to be encouraged to alter itself so as to reinforce the equality of women." Susan Moller Okin, *Is Multiculturalism Bad for Women?*, *in* IS MULTICULTURALISM BAD FOR WOMEN? 22–23 (Joshua Cohen, Matthew Howard & Martha C. Nussbaum eds., 1999).

[16] Spivak, *supra* note 4, at 296–97.

[17] *Yale Agrees to Return Machu Picchu Artefacts to Peru*, BBC NEWS, Feb. 12, 2011, *available at* http://www.bbc.co.uk/news/world-latin-america-12438695.

Thus, ironically, as Engle points out, culture as heritage leads indigenous peoples into another bind: the extent of their internal autonomy becomes conditioned by an invisible asterisk that questions their capabilities to protect *themselves*, or at least the elements of their cultures that outsiders—as "representatives of humanity"—assess as worthy of protection. Simultaneously, these representatives can suppress the elements of which they do not approve. Curiously, the same outcome characterizes instances where advocates educate indigenous peoples on how to be "proper natives," for example, through their use of environmentally sustainable agricultural practices.

Engle exemplifies this approach with a case where an international nongovernmental organization (NGO) began assisting indigenous peoples to avoid dislocation from the Montes Azules Integral Biosphere Reserve in Mexico by the Mexican government.[18] Whereas, in this instance, education was inspired by such benevolent motivations as assisting indigenous communities to gain title over the lands that they inhabited, the dark sides of education are dire: they create a hierarchy between advocates and indigenous populations, elevating the former as the legitimate guardians of indigenous cultural preservation, not merely in different international and national contexts but also within indigenous communities themselves.

These conditions generate internal conflict as Engle demonstrates with the case of Afro-Descendant land rights in Colombia. When, as proposed by advocates, indigenous peoples seek collective title and fail, community members lose any possibilities for individual land titles. Thus the interests of indigenous peoples may clash with, or at worst be totally undermined by, the strategies supported by advocates. These realizations give rise to the questions: Who are indigenous advocates, and what are their relationships to indigenous communities? Engle refrains from a systematic answer, but her discussion shows how advocate profiles vary; they include "internal" actors such as indigenous leaders, as well as "external" people such as academics, NGO workers, and human rights lawyers.

Often advocate profiles reflect both "inside" and "outside" status; they are *intermediaries* who are both fluent in the practices and languages of international advocacy as well as the practices of local communities.[19] This duality is exemplified by James Anaya, whom Engle sees as "representative of a legal, political, and discursive shift away from . . . self-determination, and toward an invocation of indigenous rights" (p. 99). Anaya is a Harvard-educated law professor, a globally cited authority on indigenous rights, an influential practitioner of indigenous law, and the United Nations Special Rapporteur on the Rights of Indigenous Peoples. His status as a legitimate representative of indigenous concerns appears to be further strengthened by his "inside" status of being of indigenous descent as he is commonly cited an "indigenous scholar" even though he has not emphasized his ancestry.[20]

The ability to speak the languages of international advocacy and lawmaking—both figuratively and concretely—alters the status of intermediaries and introduces yet another twist to the story of indigenous activism: advocates, including those of indigenous ancestry, are no longer subaltern, contrary to the peoples whom they represent. Thus advocates will be less affected by the dark sides of activist strategies than the indigenous community members whose lives their strategies seek to improve.

[18] In the area, a group called the Lacandones was recognized by the government as the main indigenous group of the area, whereas the presence of numerous other groups was challenged.

[19] SALLY ENGLE MERRY, HUMAN RIGHTS & GENDER VIOLENCE: TRANSLATING INTERNATIONAL LAW INTO LOCAL JUSTICE (2006); *see also* Sally Engle Merry, *Transnational Human Rights and Local Activism: Mapping the Middle*, 108 AM. ANTHROPOLOGIST 38 (2006). Merry's work is regrettably absent from Engle's otherwise voluminous bibliography.

[20] Information about James Anaya is available online at http://unsr.jamesanaya.org/sja/biographical-information, and http://unsr.jamesanaya.org/docs/data/sja-cv-01-2011.pdf (curriculum vitae). He is of Apache and Purépecha origin, but neither his online biography nor his online CV makes any mention of ancestral origin. *See* Interview by Michel Martin with James Anaya, in Wash., D.C. (May 9, 2012), *at* http://www.npr.org/2012/05/09/152341530/un-explores-native-american-rights-in-us; *see also* S. JAMES ANAYA, INDIGENOUS PEOPLES IN INTERNATIONAL LAW (2d. ed. 2004).

These insights raise further questions: How can advocates be sure that in their engagement the consequences of their actions avoid the dark sides that Engle outlines? Toward what ends are advocates working? Whereas motivations are again likely diverse, Engle sketches a few possible answers with the help of relevant scholarship. These answers show how advocates—both with and without indigenous origin—often hold romanticized notions of "pure" indigeneity as offering a radical alternative and challenge to predominant (Western) societal and cultural features, most importantly neoliberalism, capitalism, and individualism.[21] Engle recounts how advocates may be surprised, even disappointed, when indigenous people express the need for capitalism and wage labor, rather than the more "traditional" communal economic arrangements favored by advocates "such as small-scale agriculture, whale hunting, reindeer herding, and fishing . . ." (p. 190). This choice offers the final twist to the invisible asterisk: even to advocates, indigenous peoples may ultimately be worthy of protection not because of what and who they actually are, but because of what activists wished they were.

What do indigenous peoples themselves think of the constantly changing advocate strategies accompanied by invisible asterisks and dark sides? Here Engle refrains from attempting an answer as the book primarily maintains a respectful distance from the peoples about whom all the described action relates. She relies, with the notable exception of the situation of Afro-Descendants in Colombia, on secondary accounts of the indigenous experience. The search for an answer is further complicated by her practice of referring to the categories of indigenous peoples and advocates at times by clearly distinguishing the two groups from each other and, at other times, by addressing the groups interchangeably.

Thus a reader is left wondering whether an intensified engagement with international advocacy and standard setting is fully in accordance with the diverse, even conflicting, interests of indigenous peoples at large. To restate Spivak's question, does the subaltern *want* to speak the language of transnational activism? After all, there is always the additional risk that as they "will be heard" collectively and labeled as having lost their distinct indigeneity.[22] Even further, as Engle points out, assuming that only one indigenous "voice" exists ignores the internal dynamics and power struggles both between different indigenous peoples and within communities. Yet, if indigenous peoples choose not to speak for themselves, their issues will be pursued by outside advocates—by individuals whom indigenous peoples may not have chosen as their representatives—and thus indigenous peoples will be subjected to the advocates' conceptions on how to be proper natives.

This outcome reproduces earlier patterns of dependency resting on benevolent paternalism, another legacy of which indigenous peoples may understandably be wary. Intensified engagement with international advocacy also increases the general dependency of indigenous communities on outsiders; certainly, it is an unwelcome corollary to peoples who have historically been insistent on minimizing outside interference in their internal affairs.

What about Engle's own take on indigenous advocacy and its possibilities to improve the conditions of indigenous societies? Here, in spite of her concerns, Engle appears to remain an optimist. This hypothesis is evidenced by her discussion of the constructivist understanding of culture. She sees this conception as offering an alternative to the dominant essentialist understandings relied on by activist academics, and she argues that it offers a possible escape from some of the dark sides that she has described. Simultaneously, Engle sees this avenue as introducing a real promise of indigenous development, although she fully realizes how much this term is contested.

[21] Ronald Niezen, *The Indigenous Claim for Recognition in the International Public Sphere*, 17 FLA. J. INT'L L. 583 (2005).

[22] This remark refers to the dynamic compellingly discussed in *At the Risk of Being Heard*. As indigenous peoples make representations in such "nonindigenous" contexts such as the United Nations and succeed, they risk being labeled as being inauthentic and nonindigenous. AT THE RISK OF BEING HEARD: IDENTITY, INDIGENOUS RIGHTS, AND POSTCOLONIAL STATES 1 (Bartholomew Dean & Jerome M. Levi eds., 2003) (addressing the book's primary theme).

A skeptical reader may wonder if Engle's optimism might be unwarranted given that any new cultural understanding will likewise be paired up with the dark sides as long as the patterns of structural oppression remain unaltered, a reality that Engle also recognizes in her multifaceted analysis. Thus perhaps her book will gain unexpected significance here as a guide for future advocates on how to avoid the numerous traps that she has listed. Whether she planned on such a practical role for her book and whether this role could result in concrete (intended) outcomes remain uncertain. Yet this reviewer suspects that the advocate in Engle would be pleased.

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The Slave Trade and the Origins of International Human Rights Law. By Jenny S. Martinez. Oxford, New York: Oxford University Press, 2012. Pp. 254. Index. $29.95.

Should the genealogy of international human rights law predate both the Nuremberg trials and the UN Charter by some 150 years and trace its origins to the nineteenth-century suppression of the slave trade at sea? Jenny S. Martinez, the Warren Christopher Professor in the Practice of International Law and Diplomacy at Stanford Law School, believes so.

In *The Slave Trade and the Origins of International Human Rights Law*, Martinez links the abolition of the slave trade in the nineteenth century to contemporary international human rights. By pushing back the genesis of international human rights law to this earlier period, she shows how the United Kingdom, a dominant state, was able to use selective gunboat diplomacy to create a sea change: what had been considered legitimate commerce at the end of the Napoleonic Wars in 1815 was, by the Brussels Conference of 1890,[1] an odious trafficking of human chattel. Consequently, "close examination of the history of the abolition of the slave trade should cause international legal scholars to rethink the relationship between power, ideas, and international legal institutions" (p. 165).

While Martinez puts forward lessons to be learned and thus provides much food for thought, the main contribution of *The Slave Trade* is its historical research into the courts of mixed commission established to determine the fate of ships seized that were suspected of involvement in the slave trade. In the evocative opening chapter, Martinez uses the tale of the 1822 capture of Portuguese slavers by Captain Henry Leeke of the British Navy and their subsequent two-month journey to be adjudicated in Sierra Leone as a means of setting out the regime of bilateral treaties that allowed naval ships to suppress the slave trade through the "right to visit" ships suspected of involvement in the slave trade and the courts of mixed commission to decide the fate of seized ships and crews. Martinez even shares the story of one of the more than 80,000 slaves who were freed as a result of these bilateral courts. Adjai, a slave boy who was released from the Portuguese slave ship, would be reunited with Leeke some forty-two years later at Canterbury Cathedral when Adjai[2] was ordained as the first African bishop of the Anglican Church.

In the two chapters that follow, *The Slave Trade* charts a course along various legal markers to reach the courts of mixed commission. Chapter 2 describes late eighteenth-century Britain as setting the tone for the abolition of slavery due in great part to its supremacy of the seas, which was confirmed at the Battle of Trafalgar in 1805. As a result of its military might, Britain was able to move its antislavery stance onto the international agenda. During the Napoleonic Wars from 1803 to 1815, with no country able to challenge it at sea, the British Navy not only stepped up its right to visit any ship at sea to search for contraband but also invoked a natural-right-based "right to visit" to suppress the slave trade. Such visits and the resulting seizure of American sailors led, in part,

[1] The Brussels Conference of 1890 produced the Convention Relative to the Slave Trade and Importation into Africa of Firearms, Ammunition and Spirituous Liquors General Act for the Repression of African Slave Trade, July 2, 1890, 27 Stat. 886 [hereinafter Brussels Convention]. The United States was one of the treaty signatories.

[2] At the time of his baptism in 1825, Adjai took the name Samuel (Adjai) Crowther.