Anton’s Weekly Digest of
International Law Scholarship

Vol. 1, No. 2
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I. SSRN Legal Scholarship Network & bepress Legal Repository
(Abstracts in this Bulletin have been significantly edited for brevity)

International Migration and Human Rights
Gordon H. Hanson
University of California, San Diego - Graduate School of International Relations and Pacific Studies (IRPS); National Bureau of Economic Research (NBER)
NBER Working Paper No. w16472

Abstract:
Freedom of movement is considered a basic human right by the majority of countries of the world. As defined in practice, it encompasses the right to move internally within a country, the right to move abroad, and the right to return from abroad. It does not include the right of an individual from one sovereign nation to move to another. In this paper, I examine whether there is an economic rationale for restricting the rights of individuals to move across borders. . . . As an illustrative example, I estimate that migration from Mexico to the United States raises global income by an amount equivalent to roughly one percent of US GDP.

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Principle of Subsidiarity as Principle of Economic Efficiency
Aurélien Portuese
University of Paris 2 Pantheon-Assas

Abstract:
The principle of subsidiarity – whereby a power said to be shared between the European Union and its Member States is exercised at the appropriately lowest level of governance – is a general principle of European Union law whose valence has been widely discussed. . . . In this paper, the kernel of the argument to be developed is that the principle of subsidiarity is better apprehended

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* Donald K. Anton, The Australian National University College of Law. This digest draws on independent research together with information gleaned from the RSS feeds of a host of international law publishers, law libraries, and blogs, especially Jacob Katz Cogan’s International Law Reporter and Lawrence Solum’s Legal Theory Blog.
in its current form when its economic valence is underlined. Precisely, the principle of subsidiarity contains in its core the principle of economic efficiency. Not only does the proposal “subsidiarity-as-efficiency” allows to better comprehend the European Union law on subsidiarity, but also does it reveals that the European case-law on subsidiarity tends to promote the economic efficiency through subsidiarity.

The Ghost in the Global War on Terror: Critical Perspectives and Dangerous Implications for National Security and the Law

**Nick J. Sciullo**

West Virginia University College of Law


Abstract:
In this article, I set out to discuss the dangerous implications the Global War on Terror (GWOT) and, more generally, the attempts of the United States government to address notions of terrorism, and its affect on the safety of U.S. and world citizens. I am primarily concerned with engaging a poststructuralist critique of the GWOT to strengthen legal discussions of terrorism and national security policy the current system is lacking. . . .

Damage Caused by Depleted Uranium between Questions of Jurisdiction and ‘Alchemist Risk’ Associated with Nanoparticles

**Alessandro Mantelero**

Polytechnic University of Turin - Department of Production Systems and Business Economics (DISPEA)

*Nuova Giurisprudenza Civile Commentata, pp. 741-748, 2010*

Abstract:
The essay concerns legal aspects regarding damages to military engaged in peacekeeping missions caused by depleted uranium exposition and the related liability of Italian Defense Minister. The paper also explores the recent theory of so-called nanoparticles showing its critical points.

Struggling for Democracy and Human Rights - Cosmopolitanism in Transitional Democracies

**Lucas Entel**

Yale University - Department of Political Science

Abstract:
Since the Universal Declaration of Human Rights, global society has been characterized by a transition from international law, based on treaties among states, to cosmopolitan law, which endows individuals with rights in a way that challenges established forms of sovereignty. Most debates on the challenges posed by cosmopolitanism have presupposed a stable institutional framework in which the principles of sovereignty and democracy coincide, thus obscuring the role played by the state. In this paper, I analyze these challenges from the point of view of weak, transitional democracies in which sovereignty remains in tension with the demands of both democracy and human rights. . . .
Sanitary, Phytosanitary and Technical Barriers to Trade in the Economic Partnership Agreements between the European Union and the ACP Countries

Denise Prevost
Institute for Globalisation and International Regulation, Maastricht University
ICTSD Programme on EPAs and Regionalism, 2009

Abstract:
The significance of non-traditional barriers to trade has greatly increased in recent years. While certain ACP countries, such as Kenya, have succeeded in adjusting to the regulatory requirements they face on the EU market in important export sectors, many developing countries have encountered serious difficulties in doing so. This has had significant consequences for their trade. The Economic Partnership Agreements (EPAs) currently under negotiation between the EU and ACP countries provide a promising new forum in which such concerns can be addressed. This contribution examines the current provisions in the EPAs on technical barriers to trade and on sanitary and phytosanitary measures to determine whether they effectively increase market access opportunities for ACP exports to the EU.

Thinking from the Ban? Rebellious Third Worlds and Theory

Jayan Nayar
University of Warwick - School of Law
Warwick School of Law Research Paper No. 2010/23

Abstract:
Peoples of the ‘Third World’, from the origins of the colonial encounter to the present, have too long been the objects of theory; thought about, thought against, thought for, as the ‘Other’. But who is this Other? To whom is s/he Other? Implicit in Eurocentric thinking about the Other is a particular assumption of the sovereignty of location. This essay begins from the position that the Other is only Other-ed by theory.

(Book Review) Africa: Mapping New Boundaries in International Law by Jeremy I. Levitt

Makau W. Mutua
State University of New York at Buffalo Law School
Buffalo Legal Studies Research Paper No. 2011-002

Abstract:
This is a review of Jeremy Levitt’s edited collection of chapters in Africa: Mapping the Boundaries of International Law, which is an impressive work to the dearth of scholarship on Africa’s contribution to the normative substance and theory of international law. The book explicitly seeks to counter the racist mythology that Africans were tabula rasa in international law. In his own introduction to the book, Levitt makes it clear that “Africa is a legal marketplace, not a lawless basket case.” The eight contributors to the book are renowned scholars who make the case that Africa is not stuck in pre-history – that the continent has been an active participant in making and humanizing international law in diverse areas such as human rights, women’s rights, international humanitarian law, democracy theory, and international criminal law, among others.
The Dangerous Illusion of International Financial Standards and the Legacy of the Financial Stability Forum

**Cally Jordan**

University of Melbourne - Law School; Duke University School of Law; European Corporate Governance Institute (ECGI)

*San Diego International Law Journal, Forthcoming*

*U of Melbourne Legal Studies Research Paper No. 508*

**Abstract:**

In the aftermath of the Asian Financial Crisis, and the criticism directed towards the International Monetary Fund, in particular, for not having seen it coming, the Financial Stability Forum (FSF) was created in 1999 under a mandate from the G7 ministers of finance and central bank governors. . . . That the FSF was a failure is patently obvious. It has been relegated to the dustbin of history with little ado. This paper will endeavour to identify some of the reasons for the failure of the FSF, with a particular focus on international standard setting and financial sector assessment initiatives, with a view to assessing the prospects of the reincarnation of the FSF, the new Financial Stability Board (FSB).

Private Regulation and Foreign Conduct

**Adam I. Muchmore**

Pennsylvania State University - Dickinson School of Law

*San Diego Law Review, Vol. 47, No. 2, 2010*

*Penn State Legal Studies Research Paper No. 32-2010*

**Abstract:**

Current U.S. policy on safety regulation for imported food is based largely on ex post measures. Several reform proposals seek to strengthen the ex ante component of this regulatory program. These proposals rely on one or more of three basic strategies: direct extraterritorial regulation; delegation of regulatory authority to private entities; and delegation of regulatory authority to foreign government agencies. This paper explores the ability of each strategy to respond to several principal-agent problems relevant to imported-food safety: the regulatory license problem; interest group capture; and the reality of bribery and threats in many food-exporting countries. . . .

Purposeful Ambiguity as International Legal Strategy: The Two China Problem

**Anthony D’Amato**

Northwestern University - School of Law


*Northwestern Public Law Research Paper No. 10-63*

**Abstract:**

For every definable term in international law there are clear cases and fuzzy cases. Everyone accepts that the term “state” applies to Paraguay, Poland, Portugal and over a hundred other clear cases, but does it apply to Puerto Rico, Western Samoa, the Isle of Man, the Channel Islands, Gibraltar, or the Vatican City? The word “treaty” has thousands of clear applications, but does it apply to an exchange of faxes between two governments or a handshake between two diplomats at a cocktail party? In addition to ambiguities of this kind, international law is replete with deliberately created ambiguities. One of the most interesting situations in recent years that illustrates in several important ways the role of deliberate ambiguity in international law is the Two China Problem.
Legal Outlier, Again? U.S. Felon Suffrage Policies - Comparative and International Human Rights Perspectives

Reuven (Ruvi) Ziegler
Lincoln College; University of Oxford - Faculty of Law; Harvard University - Harvard Law School

Abstract:
The judiciousness of American felon suffrage policies has long been the subject of scholarly debate, not least due to the large number of affected Americans: an estimated 5.3 million citizens are ineligible to vote as a result of a criminal conviction. The political implications have brought the issue to the U.S. Congress: On March 16, 2010, the House of Representatives’ Judiciary Committee held hearings on The Democracy Restoration Act of 2009. The act proclaims that the right of ex-convicts to vote in any federal election ‘shall not be denied or abridged’. This article offers comparative and international human rights perspectives . . ..

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General Design Principles for Resilience and Adaptive Capacity in Legal Systems: Applications to Climate Change Adaptation Law

J. B. Ruhl
Florida State University College of Law
FSU College of Law, Public Law Research Paper No. 464

Abstract:
No force has put more pressure on the legal system than is likely to be exerted as climate change begins to disrupt the settled expectations of humans. Demands on the legal system will be intense and long-term, but is the law up to the task? If it is, it will at least in part be because the legal system proves to be resilient and adaptive. The question this Article explores, therefore, is how to think about designing legal instruments and institutions now with confidence they will be resilient and adaptive to looming problems as massive, variable, and long-term in scale as climate change. . . .

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The Internal Dispute Resolution Regime of the United Nations - Has the Creation of the United Nations Dispute Tribunal and United Nations Appeals Tribunal Remedied the Flaws of the United Nations Administrative Tribunal?

Rishi Gulati
University of New South Wales

Abstract:
. . . After years of efforts to reform the internal justice system, a new system of the administration of justice became operational at the UN on 1 July 2009. This paper discusses the establishment and the working of the newly established UN internal dispute resolution machinery. . . .

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Right to Environment, Right to Life and Exposure to a Carcinogenic Work Environment

Rohan Price
University of Tasmania - Faculty of Law

Abstract:
This article explores the likelihood of a national government being held liable under international human rights law for not taking legislative steps to prevent a worker from becoming
contaminated by exposure to a toxic work environment. The analysis has a particular focus on whether such failures infringe the right to life under Article 2 of the European Convention on Human Rights. Of implicit relevance is the breadth of the Art. 2 right to life in ECHR jurisprudence and what a national government would need to prove to argue successfully that it took appropriate legal steps to protect employees from an occupational toxicity. Using asbestos as an example, the article argues that there is a need for a human right better adapted to global occupational toxicity: to a working environment with surfaces and air which is free of contamination.

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### On Genocide

**Anthony D’Amato**

Northwestern University - School of Law

*Naval War College International Law Studies (Blue Book), Vol. 75, pp. 119-130, 2010*

*Northwestern Public Law Research Paper No. 10-62*

**Abstract:**
The crime of genocide is the newest international crime. It must be kept as a separate, distinct, and coherent concept. It is the first truly subjective crime; all other crime, though requiring mens rea, require only that the defendant consciously committed the criminal acts. In the case of genocide, however, the underlying criminal acts are no different from the acts required to prove ordinary crimes. The difference is one of motive. What is being punished by the crime of genocide is the selection of victims according to their involuntary membership in four kinds of groups: national, ethnic, racial, or religious. The distinctiveness of this new crime turns on how seriously prosecutors, defense counsel, and judges in future cases take and examine evidence of a defendant’s motives.

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### The Coerciveness of International Law

**Anthony D’Amato**

Northwestern University - School of Law

*German Yearbook of International Law, Vol. 52, p. 437, 2009*

*Northwestern Public Law Research Paper No. 10-60*

**Abstract:**
This article shows that an important part of the deep structure of international law is its self-referential strategy of employing its own rules to protect its rules. International law tolerates a principled violation of its own rules when necessary to keep other rules from being broken. It extends a legal privilege to states to use coercion against any state that has selfishly attempted to transgress its international obligations. International law thus protects itself through the opportunistic deployment of its own rules.

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### The Illegality of a Contract Contrary to Fundamental Principles of International Law

**Zdenek Novy**

European University Institute - Department of Law (LAW)

**Abstract:**
This draft examines the recent developments in the work on the new chapter of UNIDROIT Principles on Illegality. The paper based on this draft then will focus on the genuine link between international commercial law (i.e. basically private law) and public international law via contracts contrary to fundamental principles of international law.

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Regulation of Transborder Data Flows Under Data Protection and Privacy Law: Past, Present, and Future
Christopher Kuner
Tilburg Institute for Law, Technology, and Society; Centre for Information and Innovation Law, University of Copenhagen
TILT Law & Technology Working Paper No. 016/2010

Abstract:
Transborder data flows have become increasingly important in economic, political, and social terms over the thirty years since adoption in 1980 of the OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data. . . . This study is designed to describe the present status of transborder data flow regulation, and to provoke reflection about its aims, operation, and effectiveness, now and in the future. An Annex lists data protection and privacy law instruments from around the world regulating transborder data flows.

Meaningful Participation in a Global Climate Regime
Bryant Walker Smith
affiliation not provided to SSRN

Abstract:
An effective climate regime must be global rather than merely international and must recognize the significant involvement of actors other than states. This Article first examines the role of statism in the existing international climate regime and challenges several assumptions that underlie the demand for the global South's "meaningful participation" in that regime. It then demonstrates how the global South is already participating in a global climate regime through the activities of private economic actors from around the world. It finally proposes approaches for reconciling these two important regimes in the agreement that succeeds the Kyoto Protocol.

Holding Multinational Corporations Accountable? Achilles Heels in Alien Tort Claims Act Litigation
Douglas M. Branson
University of Pittsburgh School of Law
Santa Clara Journal of International Law, Fall 2010
U. of Pittsburgh Legal Studies Research Paper No. 2010-30

Abstract:
For over 30 years, human rights, environmental and other plaintiffs’ attorneys have hailed foreign nationals and, in the last 15-20 years, multinational corporations, into U.S. District Courts to answer ATS claims against them, for torts wherever they have occurred, often in remote corners of the world. In cases such as Unocal, Royal Dutch and Blackwater, to name a few, attorneys have procured large settlements. With those multinationals as defendants and with larger settlements, however, have come more sophisticated and better equipped defense lawyers who have raised ancillary and adjective issues that have not been raised before, or at least inquired into in detail. This article discusses a few of them, such as choice of law, piercing the corporate veil, secondary liability, agency, and partnership or joint venture. . . .
Book Review of David Weissbrodt’s ‘The Human Rights of Non-Citizens’

Caroline Bettinger-Lopez
University of Miami - School of Law

Bassina Farbenblum
University of New South Wales (UNSW)

American Journal of International Law, October 2010
UNSW Law Research Paper No. 2010-46
Miami Law Research Paper Series No. 2010-26

Abstract:
. . . The review concludes that the Human Rights of Non-citizens provides a useful starting point for thinking about noncitizens’ rights issues in the post-9/11 world -- an area of legal scholarship that, like the advocacy community itself, is siloed into the same categories as the diverse groups of noncitizens that populate Weissbrodt’s discussion. But despite its strengths, the book stops short of offering the reader a nuanced analysis of the law or of possible solutions to the most difficult law and policy quandaries related to noncitizens’ human rights in our contemporary world . . .

The Future of Corporate Aiding and Abetting Liability Under the Alien Tort Statute: A Roadmap

Andrei Mamolea
Duke University School of Law


Abstract:
This Article offers a roadmap for the Supreme Court to follow in resolving the most pressing issues in Alien Tort Statute litigation. Are corporations liable under the Alien Tort Statute? Does corporate liability under the ATS conflict with international law? What body of substantive law should courts apply, especially when adjudicating alien tort claims arising under the aiding and abetting theory of liability? What are the policy implications of ATS litigation? . . .

Searching for Intergenerational Green Solutions: The Relevance of the Public Trust Doctrine to Environmental Preservation

Lucas Velozo de Melo Bento
Affiliation not provided to SSRN

Common Law Review, No. 11, pp. 7-13, 2009

Abstract:
. . . The purpose of this article is to assess the relevance of the PTD to environmental protection.

The Rights of Nature: Reconsidered

Peter D. Burdon
University of Adelaide, School of Law

Australian Humanities Review, Vol. 49, p. 69, 2010

Abstract:
This paper considers some of the recent legislative developments concerning the rights of nature and argues that the environmental rights movement would benefit from more strenuous critical engagement with the question of nature’s potential legal ‘rights’.
The Crisis of American Legal Thought and the Transformation of Sovereignty

**Eric Engle**  
Universität Bremen; Pericles  
November 12, 2010

**Abstract:**  
In the late 20th Century U.S. legal theory splintered due to a crisis of interpretation into competing antithetical views, often defined around personal identity: on the one side, critical legal studies, around which or out of which were marshalled critical race theory, lat/crit, feminist legal theory and even law and literature as opposing economic analyses of law (law and economics). This conflict was not resolvable by recourse to European Kelsenian legal theory due to the principle of value neutrality found in the work of Weber and influencing Kelsen and (ironically) Duncan Kennedy. This paper outlines the roots of that conflict and explains why Kelsen could provide no solution.

Understanding the new ASEAN Intergovernmental Commission on Human Rights: the Limits and Potential of Theory  
Catherine Renshaw, University of New South Wales  
This paper may be referenced as [2010] UNSWLRS 53.

**Abstract** (Download the Paper)  
In 2007, to the surprise of many, leaders of ASEAN states (including Myanmar, Cambodia and Vietnam), agreed to establish a 'regional human rights mechanism.' Commentators from inside and outside the ASEAN region have made overwhelmingly negative assessments of the ability of this new body to further the implementation of human rights. This paper explores the various theoretical approaches which have been taken to studying developments in the region.

Knights of the Court: The State Coalition Behind the International Criminal Court  
Lawrence R. Atkinson, New York University School of Law

**Abstract**  
In its first years of operation, both the caseload and global role of the International Criminal Court (ICC) have steadily increased. The Court owes much of its success to a coalition of states that has championed a strong, independent judiciary to try heinous international crimes. These states have repeatedly clashed with the United States over a number of issues involving the ICC’s jurisdiction. This article examines the pro-ICC coalition and its strategies during these disputes.

The Role of Ex Aequo et Bono in International Border Settlement: A Critique of the Sudanese Abyei Arbitration  
Josephine K. Mason, University of California Hastings College of Law

**Abstract**  
...With so much at stake in the Sudanese border arbitration, the methods employed by the arbitrators were crucial, and in this case, they may have failed: violence has re-emerged in the Sudan despite the border arbitration. I will argue that parts of the Sudanese border were in fact determined on an ex aequo et bono basis, but that other parts were not; and that it was the Tribunal’s haphazard, ad hoc approach that risked undermining the success of peace in the Sudan. I also argue that in some cases, it will be preferable for international border arbitrations to be decided on a patently ex aequo et bono basis rather than merely by based on black-letter
law because of the special need for fairness and equitability in this type of conflict resolution, but that parties to the arbitration as well as tribunals need to be forthcoming about their approach.

All Human Rights are Equal, But Some are More Equal than Others: The Extraordinary Rendition of a Terror Suspect in Italy, the NATO Sofa, and Human Rights

Chris Jenks
Government of the United States of America - Judge Advocate General's Corps

Eric Talbot Jensen
Fordham University School of Law


**Abstract:**
On November 4, 2009, an Italian court found a group of Italian military intelligence agents, operatives from the Central Intelligence Agency and a U.S. Air Force (USAF) officer guilty of the 2003 kidnapping of terror suspect Abu Omar. . . . This essay posits that lost amidst politically charged rhetoric about Bush administration impunity and the “war on terror” is that the Italian Court did not have jurisdiction over the USAF officer and violated the human rights of the other U.S. defendants. . . . Ultimately this essay concludes that while Italy may have spoken out against extraordinary rendition, the price for doing so was Italy’s own commitment to the rule of law and human rights.

Diamonds on the Souls of Her Shoes: The Kimberley Process and the Morality Exception to WTO Restrictions

Karen E. Woody
affiliation not provided to SSRN


**Abstract:**
This Article analyzes the events predicing the Kimberley Process and examines the validity of the Kimberley Process in relation to international trade obligations. . . .

Fixing Failed States

John C. Yoo, University of California, Berkeley

**Abstract**
. . . Academics who see in failed states the rise of alternatives to the nation-state have no practical solutions that do not depend on the political, economic, and military resources of strong nation-states. Without them, supra-national governments, trusteedships, or non-governmental organizations have shown little ability to fix failed states. This paper argues that powerful nations can help by performing the more modest role of promoting and guaranteeing power-sharing agreements between competing groups within failed states. It concludes by illustrating the thesis with the outcome of the surge in Iraq.

**David Banisar**
ARTICLE 19; Stanford University - Center for Internet and Society
Privacy International, 2006

**Abstract:**
. . . FOI is now becoming widely recognized in international law. Numerous treaties, agreements and statements by international and regional bodies oblige or encourage governments to adopt laws. Cases are starting to emerge in international forums. Nearly 70 countries around the world have now adopted comprehensive Freedom of Information Acts to facilitate access to records held by government bodies and another fifty have pending efforts. . . . However, there is much work to be done to reach truly transparent government.

**Extreme Measures: Does the United States Need Preventive Detention to Combat Domestic Terrorism?**

**Diane Webber**, Georgetown University Law Center

**Abstract**
The paper examines current methods of preventive detention in the United States, that is the detaining of a suspect on home soil to prevent a terrorist attack. This paper looks at two recent events: the Fort Hood shootings and a preventive arrest in France, to consider problems in combating terrorist crimes on U.S. soil. . . .

**The Transnational Law Market, Regulatory Competition, and Transnational Corporations**

**Horst Eidenmueller**
University of Munich

**Abstract:**
In many regions of the world and across various fields law has become a product. . . . This article investigates the causes of this development and discusses these changes with respect to company law, contract law, the law of dispute resolution, and insolvency law. It assesses the market for legal rules and its practical consequences, and it provides legal policy recommendations for an efficient framework of the transnational law market. . . .

**Evolving Equality: The Development of the International Defense Bar**

**Michael A. Newton**
Vanderbilt Law School
Vanderbilt Public Law Research Paper No. 10-42

**Abstract:**
. . . This article will discuss the jurisprudence associated with the basic precept of equality of arms between the prosecution and defense. Highlighting the key challenges encountered by the defense that impair perfect equality of arms, this article will describe the organizational responses that have facilitated the maturation of the International Defense Bar. This article will document the empirical indications supporting the assertion that defendants receive assistance from a mature international defense bar in litigating an extensive range of trial issues. . . . This article will conclude, perhaps controversially, that while a perfect equality of arms is a structural
impossibility in the modern system of international justice, the modern defense bar has nevertheless evolved to provide its functional equivalent.

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**Governing Environmental Change in International River Basins - The Role of River Basin Organizations**

*Susanne Schmeier*
Hertie School of Governance

*Sabine Schulze*
Institut für Afrikanistik

*Paper presented at the 2010 Berlin Conference on the Human Dimensions of Global Environmental Change, 8-9 October 2010, Berlin, Germany*

**Abstract:**
Hydrological changes such as variability in water availability, extreme events like floods and droughts or water pollution pose a serious challenge to effective management of internationally shared water resources – no matter whether they are induced by climate change, large infrastructure projects in the river basin or other forms of environmental change. To address these management challenges, many states have established transboundary River Basin Organization (RBOs). The purpose of this paper is to investigate the ability of such RBOs to respond to exogenous environmental and man-made changes by identifying institutional mechanisms and management practices that have been established by the respective institutions or their member states to react to transformations in the basins’ environment. . . .

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**Capping Deforestation Emissions in Developing Countries Equitably and Effectively**

*Daniel Benjamin Watts*

affiliation not provided to SSRN

*The Seattle Journal for Social Justice, Forthcoming*

**Abstract:**
This article proposes an emissions market design intended to address the shortcomings of existing proposals. . . . I conclude that, despite many challenges, a just and effective consensus-based, international solution to climate change can be reached.

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**Why do Authoritarian Regimes Sign the Convention Against Torture? Signaling, Domestic Politics and Non-Compliance**

*James R. Hollyer*
New York University – Wilf Family Department of Politics

*B. Peter Rosendorff*
New York University – Wilf Family Department of Politics

**Abstract:**
Traditional international relations theory holds that states will join only those international institutions with which they generally intend to comply (eg. Downs, Rocke and Barsoom 1996). Here we show when this claim might not hold. . . .
Human Rights, the Laws of War, and Reciprocity

Eric A. Posner
University of Chicago - Law School
September 27, 2010
University of Chicago Law & Economics, Olin Working Paper No. 537

Abstract:
Human rights law does not appear to enjoy as high a level of compliance as the laws of war, yet is institutionalized to a greater degree. This paper argues that the reason for this difference is related to the strategic structure of international law. . . .

Domestic Courts as the ‘Natural Judge’ of International Law: A Change in Physiognomy

Antonios Tzanakopoulos
University of Glasgow School of Law
4th Biennial Conference of the European Society of International Law, September 2010

Abstract:
This paper examines whether domestic courts can be cast as the ‘natural judges’ of international law. ‘Natural judge’ is meant here in the sense of the ‘immediate,’ ‘ordinary’ judge of international law, who can only be removed through a centrally instituted judge. . .

Climate Change Litigation: A Social Movement Perspective

Chris Hilson
University of Reading - School of Law

Abstract:
Climate change litigation has been the subject of intense academic debate in recent years, but there has been little research carried out on it in the UK or from a social movement perspective. The aim of this article is to use developing UK litigation associated, in particular, with coal fired power stations and airport expansion as case studies for examining the way in which the climate change movement and the state authorities and media have engaged in a subtle ‘framing’ war. . . .

Conflicts of Competence Norms in EU Law and the Legal Reasoning of the ECJ

Gerard Conway
Brunel Law School - Brunel University (Lecturer and PhD-candidate)
German Law Journal, Vol. 11, No. 9, pp. 966-1005, 2010

Abstract:
Defining competences in EU law has always been problematic, notwithstanding the inclusion since the Treaty of Maastrict of the principle of conferred powers as central to the constitutional character of the EU. Under the principle of conferral, the Union only has those powers actually conferred by the Treaties. However, the concepts of a common market or of ‘ever closer Union’ have a conceptual scope that potentially, in effect, negates the principle of conferral. This article argues that the framework of norm conflict offers conceptual insight into the dynamics of determining and limiting EU competence. . . .
**Military Lawyers, Private Contractors, and the Problem of International Law Compliance**

Laura Dickinson  
Arizona State University - Sandra Day O'Connor College of Law  
*New York University Journal of International Law & Politics, Vol. 42, p. 355, 2010*

**Abstract:**
It is by now no secret that the United States government depends on private contractors to guard military facilities, escort convoys, conduct interrogations, train soldiers, and provide logistical support. And though private military contractors have been implicated in multiple instances of human rights violations, corruption, and waste, they are likely to become a permanent part of the military landscape. The key question, therefore, is not, should there be contractors but rather, how can we make it more likely that contractors will respect core human rights norms? . . . This article draws on qualitative empirical data to begin addressing this issue.

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**Free Speech and International Obligations to Protect Trademarks**

Lisa P. Ramsey  
University of San Diego School of Law  
*Yale Journal of International Law, Vol. 35, No. 405, 2010*  
*San Diego Legal Studies Paper No. 10-040*

**Abstract:**
There is an increasing global recognition that certain trademark laws may harm the free flow of information and ideas. Yet if a state reduces trademark rights to protect speech interests, this may raise concerns regarding that country’s compliance with its international obligations to protect trademarks. This Article argues that the trademark provisions of the Paris Convention for the Protection of Industrial Property (Paris Convention) and Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) contain sufficient flexibility to allow member states to protect expression in their domestic trademark laws. . . .

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**The Role of the Territoriality Principle in Modern Intellectual Property Regimes:**  
Institutional Lessons from Japan

Paulius Jurcys  
Kyushu University - Graduate School of Law  
February 22, 2010

**Abstract:**
The principle of territoriality of IP rights has been subject to much criticism recently. It is often argued that the territoriality principle does no longer fit to the needs of cross-border exploitation of intellectual property products. Therefore, in order to facilitate international trade, increasing support is given in favour of extraterritoriality. This article introduces the debate concerning the territoriality principle and presents two recent cases decided by the Japanese Supreme Court where the territoriality principle was at stake. Based on this analysis, it is argued that the territoriality principle should not be phrased as “either-or” question; instead it is submitted that one should view territoriality in a broader institutional perspective. . . .
The Creation of States Before the International Court of Justice: Which (Il)Legality?

Jean D’Aspremont
University of Amsterdam
The Hague Justice Portal, October 1, 2010

Abstract:
On 22 September, the Amsterdam Center for International Law held a discussion on some of the controversies triggered by the International Court of Justice’s Kosovo advisory opinion. This commentary is part of a series discussing the opinion and its possible implications for Kosovo’s legal status as well as the added value of the opinion for the development of international law and the settlement of international disputes.

Identifying Synergies between the Right to the Truth and International/Domestic Criminal Law in Combating Impunity

Dermot Groome
Office of the Prosecutor, ICTY; Pennsylvania State University - Dickinson School of Law
Berkeley Journal of International Law (BJIL), Forthcoming

Abstract:
The concept of a “right to the truth” gives the families of victims of serious human rights violations an independent enforceable right to learn the truth about what happened to their relatives. The right is rooted in those provisions of international human rights conventions that prohibit inhuman treatment and guarantee effective access to justice. This article traces the evolution of this concept, considers whether it has a correlation in international criminal law and considers some of the synergies that are created as the concept of the right to know continues to evolve as a principle of international law.

Between Statism and Cosmopolitanism: Hegel and the Possibility of Global Justice

Thom Brooks
Newcastle University - Newcastle Law School
HEGEL AND GLOBAL JUSTICE, Andre Buchwalter, ed., Dordrecht: Springer, Forthcoming

Abstract:
Strictly speaking, Hegel pays relatively scant attention to the subject of global justice. Our duties as citizens extend to our state, but not to citizens in other states. There is reason to believe that Hegel’s stated views on international affairs offer little help to those of us interested in developing theories of global justice. In this essay, I argue that while Hegel’s stated views on this subject may be problematic, there are resources within his philosophy for developing a compelling understanding of global justice located in an interesting space between statist and cosmopolitan theories of global justice.

The Right to Habeas Corpus in the Inter-American Human Rights System

Brian Richard Farrell
University of Iowa - College of Law; National University of Ireland, Galway (NUIG) - Irish Centre for Human Rights

Abstract:
The right to habeas corpus holds a unique place in the development of the Inter-American
human rights system. This article examines the habeas corpus provisions of the American Declaration and American Convention, and the manner in which the right has been interpreted and applied in this system.

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**The Status of Private Military Contractors Under International Humanitarian Law**

Won Kidane
Seattle University School of Law

*Denver Journal of International Law and Policy, Vol. 38, p. 361, 2010*

**Abstract:**
One of the serious problems that the new administration faces is undoubtedly the regulation and use of private military contractors in "the war on terror." The private military industry is largely unregulated at the national level. Its status under international law is also poorly understood. This article assesses the legal status of this industry, characterizes the various functions, demonstrates the difficulty of regulating the industry as a unitary entity, and identifies the appropriate set of international standards that the new administration and Congress as well as the larger international legal community could employ in evaluating regulatory options.

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**Continental Drift: Agricultural Trade & the Widening Gap Between U.S. and E.U. Animal Welfare Laws**

Pamela A. Vesilind

Vermont Law School

*Vermont Journal of Environmental Law, Forthcoming*

*Vermont Law School Research Paper No. 10-50*

**Abstract:**
... This article posits that the E.U. will ultimately prevail in a prolonged trade conflict borne of the diametrically-opposed policies, and that U.S. corporations desiring access to E.U. markets will have no choice but to initiate good faith animal welfare and food safety reforms, in the absence of legislative reform. ... The article concludes that, irrespective of inevitable diplomatic and economic pressure from the U.S., existing trade agreements do not foreclose the use of trade bans to preserve E.U. reform directives.

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**International Management of the Atlantic Bluefin: Political and Property-Rights Solutions**

Seth Korman

University of California, Los Angeles (UCLA) - School of Law

*Virginia Journal of International Law, Forthcoming*

**Abstract:**
A single Atlantic bluefin, weighing no more than three-hundred pounds, can sell at Japanese auction for over $100,000. It is no wonder, then, that the fish is on its way to extinction. This article discusses the international failure to manage the fishing of the Atlantic bluefin, one of the largest and most profitable fish in the ocean. ...
The Recognition of Indigenous Customary Law in Water Resource Management

Donna Craig
affiliation not provided to SSRN

Elizabeth Gachenga
affiliation not provided to SSRN

Water Law, Vol. 20, Nos. 5/6, p. 278, 2010

Abstract:
There is an inextricable link between indigenous rights, human rights and sustainable development. In this paper we consider the role of indigenous customary law in the sustainable management of water resources. We propose legal pluralism as the more effective context for recognition of indigenous customary law for sustainable water resource management as opposed to functional recognition or other minimalist forms of recognition.

Legal Needs of Vulnerable People: A Study in Azerbaijan, Mali, Rwanda, Egypt and Bangladesh

Martin Gramatikov
Tilburg University - Tilburg Institute for Interdisciplinary Studies of Civil Law and Conflict Resolution Systems (TISCO); Tilburg University - Private Law Department and Faculty of Law

Jin Ho Verdonschot
Tilburg University - TISCO; Tilburg University - Faculty of Law

October 12, 2010

Abstract:
In this paper we study the legal needs of groups of vulnerable people in five developing countries: Azerbaijan, Mali, Rwanda, Egypt and Bangladesh. Our first objective is to explore the legal problems which are encountered by vulnerable people in these societies. Second, our study looks at the impact of these problems on the lives of the disadvantaged groups. Third, we aim to find out how the vulnerable people respond to existing legal problems. . . .

Accession of the EU to the ECHR: Who Would Be Responsible in Strasbourg?

Tobias Lock
University College London

October 1, 2010

Abstract:
Chief among the many issues, which an accession of the EU to the ECHR, will raise, is the question of the appropriate respondent before the European Court of Human Rights in cases involving EU law. EU law is typically implemented by the Member States. Against whom should an individual address their individual complaint in a case where they argue that a violation of the ECHR can be found in EU law: the EU or the Member State? This paper discusses various options and proposals made in the wake of the negotiations, which started in July 2010. Both actions and omissions will be dealt with. It is argued that a solution must not only protect the autonomy of EU law but at the same time offer an effective remedy for the individual.
Customary Non-Refoulement of Refugees and Automatic Incorporation into the Common Law: A Hong Kong Perspective

Oliver Jones
Faculty of Law, University of Hong Kong

Abstract:
The judgment of Hartmann J of the Hong Kong Court of First Instance in C v Director of Immigration [2008] 2 HKC 165 ("C") was ground-breaking. For the first time, a common law court unequivocally recognized a customary norm of non-refoulement of refugees. However, Hartmann J denied that the norm had attained the status of jus cogens and found Hong Kong, always guarded about asylum seekers, to be a persistent objector. His Lordship proceeded to deny the applicants any relief. They had invoked the norm to overcome the Hong Kong government's practice of leaving the assessment of refugee status to the UNHCR. Hartmann J refused to give the norm any such procedural reach. His Lordship also refused to apply the doctrine of automatic incorporation. Through the prism of C, this article seeks to clarify the application of that doctrine, in the context of persistent objection, a constitutionally prescribed separation of powers, inconsistency between custom and statute, as well as administrative law and tortious liability. The author concludes that C should be reversed on appeal.

The Unsolved Riddle of International Constitutionalism
Ignacio de la Rasilla del Moral
Harvard Law School; Royal Complutense College in Harvard

Abstract:
...This article, which confronts "in fine" the "international community school" with its critics, does not aim to provide a complete deconstructed genealogy of each converging strand of doctrine that one might locate behind the current appeal of constitutionalist talk at the dawn of a post-hegemonic era. Yet it is hoped that it might serve as a reminder of the multifaceted factors that lie behind the contemporary renewal of the international constitutionalist arena and, thus, help to strengthen the latter's potential as a benchmark for diagnosing the legitimacy deficit(s) of international law.

Linking Corruption and Human Rights: An Unwelcome Addition to the Development Discourse
Sarah Kathleen Rose-Sender
Maastricht University - Department of International and European Law
Morag Goodwin
Tilburg Institute for Law, Technology and Society; Tilburg University
Revised Nov. 2, 2010
CORRUPTION AND HUMAN RIGHTS, Forthcoming
Tilburg Law School Research Paper No. 012/2010

Abstract:
As the call for a human rights approach to corruption from within the human rights world is implicitly directed at the developing world, it is necessary to consider it by reference to the development industry. We see two elements to this story. The first is the rise of anticorruptionism. Instead of simply lamenting the existence of corruption and the harm that it does, we wish to consider why it is that corruption suddenly became the central issue of concern within development – why it became, in the words of one scholar, "the new star of the
development scene” in the second half of the 1990s. This paper will suggest that the anti-corruption drive – what this paper will term ‘anti-corruptionism,’ denoting a narrative that places corruption at the centre of development concerns – is tightly bound up with the ‘good governance’ turn within the development discourse and, further, with the shift towards legal formalization.

Law and the Mekong River Basin: A Social-Legal Research Agenda on the Role of Hard and Soft Law in Regulating Transboundary Water Resources

Fleur E. Johns  
Sydney Law School

Ben Saul  
University of Sydney - Faculty of Law

Philip Hirsch  
University of Sydney

Tim Stephens  
University of Sydney - Faculty of Law

Ben Boer  
University of Sydney - Faculty of Law

Melbourne Journal of International Law, Vol. 11, No. 1, pp. 154-174, 2010

Sydney Law School Research Paper No. 10/97

Abstract:  
This commentary sketches a research agenda for mapping the normative networks through which debates concerning transboundary water resources in the Mekong River Basin are being conducted, particularly those networks’ transnational legal dimensions. It argues that traditional ‘hard versus soft law’ analyses of the Mekong River Basin have to date paid too little attention to the role that legal vocabularies, institutions and actors are in fact playing on this highly contested terrain.

TRIPS and Human Rights: The Case of India

Subramanya Sirish Tamvada  
American University - Washington College of Law


Abstract:  
The Twenty-first century has seen a rapid growth of two regimes: the intellectual property rights regime and the human rights regime. On one hand, growth of multinational corporations has led to a stronger and stricter intellectual property rights regime. On the other hand, human rights have gained primacy in public as well as political debates. Developing countries have argued that intellectual property rights and Human Rights often come into conflict, particularly when implementing their international obligations under TRIPS. Nevertheless, developing countries are forced to provide better intellectual property protection. There is a need to give heed to the voices of developing countries. This article seeks to understand and bring clarity to this debate. It suggests that intellectual property should be seen through a human rights lens and analyzes various approaches.
**A Framework Convention on Global Health: Social Justice Lite, or a Light on Social Justice?**

**Scott Burris**
Temple University - James E. Beasley School of Law

**Evan D. Anderson**
Temple University - James E. Beasley School of Law

*Journal of Law, Medicine and Ethics, Vol. 38, No. 3, 2010*

**Abstract:**
With the publication of the final report of the WHO Commission on the Social Determinants of Health, it becomes clear that there is considerable convergence between a policy agenda rooted on social epidemiology and one rooted in a concern for human rights. As commentators like Jonathan Mann have argued, concern for human rights and the achievement of social justice can inform and improve public health. In this article, we ask a different question: what does a health perspective add to the enduring fight for a more just world? . . .

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**The Failure of International Global Warming Regulation to Promote Needed Renewable Energy**

**Steven Ferrey**
Suffolk University Law School

*Boston College Environmental Affairs Law Review, Vol. 37, p. 67, 2010*

Suffolk University Law School Research Paper No. 10-57

**Abstract:**
Renewable power generation technologies exist today and comprise the foundation for the bridge to a sustainable international power generation infrastructure. However, the Kyoto Protocol (Kyoto) has failed to utilize these technologies. Kyoto also missed the forest for the trees: it disallowed forest preservation to count in its carbon currency. It also missed including the correct chemical base in developing countries. This Article examines what led international law not to focus on development in renewable power alternatives where they are most required in the international order: developing nations. . . .

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**The Role of Soft Law in the International Legal System: The Case of the United Nations Declaration on the Rights of Indigenous Peoples**

**Mauro Barelli**
affiliation not provided to SSRN

*International and Comparative Law Quarterly, Vol. 58, pp. 957-983, October 2009*

**Abstract:**
The 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) represents the culmination of an extraordinary process which has fundamentally transformed the status of indigenous peoples under international law. However, whereas the historic and symbolic importance of the instrument is indisputable, its overall value remains controversial. More precisely, since the UNDRIP does not per se create legally binding obligations, some doubts exist with regard to its legal significance and capacity to affect State behaviour. This article discusses these two intertwined issues in conjunction with an analysis of the evolving indigenous rights regime at the international level, with a view to establishing the overall potential impact of the UNDRIP. . . .
**United States - China WTO Litigation (2001-2010): Active & Aggressive Litigants**

Stuart Malawer  
George Mason University - School of Public Policy  
November 02, 2010

**Abstract:**  
This is an assessment of China and U.S. litigation against each other in the WTO from 2001 through 2010. It discloses the active and aggressive nature of litigation between these two countries. It identifies the implications for U.S. - China bilateral trade relations as well as those for the global trading system generally. This study presents a detailed chart of U.S - China litigation in the dispute resolution system from 2001 - 2010.

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James Harrison  
University of Warwick - School of Law  
*Warwick School of Law Research Paper No. 2010/26*

**Abstract:**  
This paper comprehensively maps out existing practice in human rights impact assessment (HRIA) in a wide variety of different fields including, health, business, trade, child rights and development. It emphasizes the potential of HRIAs for engaging in policy fields where human rights have traditionally had significant barriers to meaningful engagement. But it also highlights some fundamental methodological issues which are undermining current practice. The paper argues that the increasing number of business and governmental actors undertaking assessments also creates the need for increased shared understanding of what constitutes a valid HRIA process.

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**Social Justice in International Investment Treaty Arbitration: The Value of Human Rights Interventions**

James Harrison  
University of Warwick - School of Law  
*Warwick School of Law Research Paper*

**Abstract:**
This paper analyses the human rights interventions of various civil society organisations in international investment arbitration through the submission of amicus curiae briefs. It asks what value these interventions have had in promoting social justice issues in the arbitration process.

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**Global Health Governance and the Challenge of Chronic, Non-Communicable Disease**

Roger Magnusson  
University of Sydney - Faculty of Law  
*Journal of Law, Medicine and Ethics, Vol. 38, No. 3, pp. 490-507, 2010*

**Abstract:**
This paper considers how we can conceptualize a “global response” to chronic, non-
communicable diseases (NCDs) - including cardiovascular disease, cancer, diabetes and tobacco-related diseases. These diseases are the leading cause of death and disability in developed countries, and also in developing countries outside sub-Saharan Africa. The paper reviews emerging and proposed initiatives for global NCD governance, explains why NCDs merit a global response, and the ways in which global initiatives ultimately benefit national health outcomes. As the global response to NCDs matures, and the number of initiatives and partnerships increases, it will become increasingly important to map their respective contributions, and to evaluate progress overall.

Contractual Perspective of Climate Change Issues

Elisabeth Peden
University of Sydney - Faculty of Law

*IN THE WILDS OF CLIMATE LAW, pp. 143-154, R. Lyster, ed., Australian Academic Press, 2010*

*Sydney Law School Research Paper No. 10/125*

**Abstract:**
This paper first seeks to provide a perspective of how contract law has fared when given the role of protecting rights relating to environmental issues through the case example of Tito v. Waddell (No. 2) [1977] 1 Ch. 106. This case highlights that often contract law cannot provide a remedy that is ideal in situations that do not concern purely commercial issues, because contract law is designed to allocate risks in markets, rather than ensure important concerns such as slowing climate change or protecting forests or flora are achieved.

The Relevance of National and International Laws for the Protection of the Rights of Women and Children in Ghana: A Critical Look at the Trokosi System in Ghana

Nicholas A. Bastine
York University, Canada - Osgoode Hall Law School

*OIDA International Journal of Sustainable Development, Vol. 1, No. 10, pp. 81-90, 2010*

**Abstract:**
This paper demonstrates that the rights of women and children are not being protected effectively in Ghana. It argues that although Ghana has laws such as the 1992 Constitution, a number of international human rights laws that Ghana had ratified to protect the rights of women and children, and the Criminal Code (Amendment) Act, 1998, trokosi which discriminates against women and children is being practiced in the country.

Present International Penal Policies on Protecting Human Genetic Information

Moien Montazeri
affiliation not provided to SSRN

**Abstract:**
The genetic science is one of the various branches of human science, having prominent progress during the recent two decades. Although these advances have had advantages for the human, but he had been faced with challenges which both threaten the public norms and also endanger the man's status among these challenges are the abuses from the man's genetic information by natural or legal persons. Such abuses result in severe damages to the psych health and family relations of the information owners.
**Do Victims of War Need International Law? Human Rights Education Programs in Authoritarian Sudan**  
Mark Fathi Massoud, University of California - Santa Cruz

**Abstract**  
Drawing on ethnographic fieldwork in Sudan, this article illuminates the consequences of human rights educational workshops as a form of humanitarian assistance in war-ravaged areas. These projects are built on flawed assumptions about Sudanese politics and about the likelihood that human rights education empowers the war-ravaged poor. The beneficial impacts of human rights discourse stem from its side effects, which fulfill urgent and symbolic needs, and not from the core content of human rights. The case of an authoritarian regime exposes an alternative site of rights promotion, outside the established or struggling democracies where most literature on rights resides. Bridging the literature on rights in Western, democratic contexts and on human rights in Africa, this article argues that law is not enough – and potentially dangerous – in the insecure and impoverished areas where the international aid community has been encouraging it to flourish. . . .

**International Law and Disappearing States: Utilising Maritime Entitlements to Overcome the Statehood Dilemma**  
Rosemary Rayfuse, University of New South Wales  
This paper may be referenced as [2010] UNSWLRS 52

**Abstract**  
This paper examines the rules of international law relating to the establishment of maritime zones and their application in the case of sea level rise with particular reference to ‘disappearing states’. Substantive and procedural options for overcoming the presumption of the ambulatory nature of baselines are examined and the analysis applied to situations of inundation of island states by sea level encroachment. It is argued that it would be both inequitable and inconsistent with the objectives of the law of the sea for disappearing states to lose their maritime zones. A solution to the ‘disappearing state’ dilemma is suggested through adoption of a positive rule freezing baselines and through recognition of the category of ‘deterritorialised state’. It is concluded that the articulation of new rules of international law may be needed to provide stability, certainty and a future to disappearing states.

**Defining Nanomaterials for the Purpose of Regulation within the European Union**  
Diana Megan Bowman  
Monash University - Faculty of Law  
Joel D’Silva  
Faculty of Law - KU Leuven  
Geert Van Calster  
K.U. Leuven

*European Journal of Risk Regulation, Vol. 1, No. 2, pp. 115-122, 2010*

**Abstract:**  
Consumer desire for superior and/or new products has provided industry with the opportunity and market demand to incorporate and experiment with new technologies, including nanotechnologies. While these products and processes have fallen under the scope of existing regulatory frameworks, potential health and safety concerns has prompted some stakeholders to call for new, nano-specific regulations. Until now, governments have been hesitant to respond to such demands given the evolving state of the scientific art and limited international agreement as to what nanotechnologies or nanomaterials ‘are’. Despite these challenges, in November 2009
the European Union formally embraced the idea of specifically regulating the use of nanomaterials in cosmetic production. To achieve this objective, the Parliament and Council had to define what they meant by nanomaterials within the context of the adopted text in order to regulate them. It appears likely that other instruments will be similarly amended so as to include nano-specific provisions, including definitions. This article explores this policy shift within the European Union and the implications of the Parliament and Council’s stance at this stage due to the absence of a generally accepted definition within the international community.

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**Consumer Protection in Transnational Contexts**

*Jacques L. Delisle*

*affiliation not provided to SSRN*

*Elizabeth Trujillo*

Suffolk University Law School

*American Journal of Comparative Law, Vol. 58, p. 135, 2010*

_Suffolk University Law School Research Paper No. 10-45_

**Abstract:**

This Article provides an overview of United States consumer protection law in the growing number cases with an international dimension that arise with economic globalization, expanding transnational corporations, worldwide production chains, manufacturing outsourcing and more efficient international communication. . . .

**II. Books**

*International Human Rights Law: Six Decades after the UDHR and Beyond*

Edited by Mashood Baderin, SOAS, University of London, UK and Manisuli Ssenyonjo, Brunel University, UK (Ashgate, Nov. 2010)

**Contents:** Foreword, David Harris; Part I Introduction: Development of international human rights law before and after the UDHR, Mashood A. Baderin and Manisuli Ssenyonjo. Part II Concepts and Norms: International human rights: universal, relative or relatively universal?, Jack Donnelly; Economic, social and cultural rights, Manisuli Ssenyonjo; Civil and political rights, Sarah Joseph; Simple analytics of the right to development, Arjun Sengupta; Rights to a healthy environment in human rights law, Jona Razzaque; Rights to a peaceful world order, Nsongurua J. Udombana; Minority rights 60 years after the UDHR: limits on the preservation of identity?, Tawhida Ahmed and Anastasia Vakulenko; Intellectural property rights, the right to health and the UDHR: is reconciliation possible?, Robert L. Ostergard Jr and Shawna E. Sweeney; Brave new world? Human rights in the era of globalization, Paul O’Connell. Part III Mechanisms and Implementation: The United Nations human rights system, Rhona K.M. Smith; The African regional human rights system, Olufemi Amao; The inter-American human rights system, Jo M. Pasqualucci; The European Convention on Human Rights, Alastair Mowbray; Human rights in the International Court of Justice, Gentian Zyberi; The role of national human rights institutions, Rachel Murray; Institutional partnership or critical seepages? The role of human rights NGOs in the United Nations, Dianne Otto; Islamic law and the implementation of international human rights law: a case study of the International Covenant on Civil and Political Rights, Mashood A. Baderin; Towards an international court of human rights?, Gerd Oberleitner; Multi-state responsibility for extraterritorial violation of economic, social and cultural rights, Todd Howland. Part IV Responsibilities and Remedies: State responsibility for human rights, Danwood Mzikenge Chinwa; State compliance with the recommendations of the African Commission on Human and Peoples’ Rights, Frans Viljoen; Individual responsibility and the evolving legal status of the
physical person in international human rights law, Ilias Bantekas; The International Criminal Court and individual responsibility of senior state officials for international crimes, Manisuli Ssenyonjo; The right to an effective remedy: balancing realism and aspiration, Sonja B. Starr; Protecting human rights in emergency situations: the example of the right to education, Vernor Muñoz Villalobos; Protect, respect, and remedy: the UN framework for business and human rights, John Gerard Ruggie. Part V 'And Beyond': A future for human rights, Robert McCorquodale; Index.

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**International Financial Institutions and International Law**

Edited by: Daniel D. Bradlow, David Hunter

(Kluwer Law International, September 2010)

Chapter 1 International Law and the Operations of the International Financial Institutions
Daniel D. Bradlow

Chapter 2 International Financial Institutions and International Law: A Third World Perspective
B.S. Chimni

Chapter 3 Responsibility of International Financial Institutions under International Law
Eisuke Suzuki

Chapter 4 International Financial Institutions before National Courts
August Reinisch and Jakob Wurm

Chapter 5 Rethinking International Financial Institution Immunity
Steven Herz

Chapter 6 Regulation and Resource Dependency: The Legal and Political Aspects of Structural Adjustment Programmes
Celine Tan

Chapter 7 International Law and Public Participation in Policy-Making at the International Financial Institutions
David B. Hunter

Chapter 8 International Financial Institutions and Human Rights: Select Perspectives on Legal Obligations
Siobhán McInerney-Lankford

Chapter 9 Indigenous Peoples and International Financial Institutions
Fergus MacKay

Chapter 10 Worker Rights and the International Financial Institutions
Jerome I. Levinson

Chapter 11 International Environmental Law, the World Bank, and International Financial Institutions
Charles E. Di Leva

Conclusion: The Future of International Law and International Financial Institutions
Science and Risk Regulation in International Law
Jacqueline Peel
(Cambridge Univ. Press 2010)

The regulation of risk is a preoccupation of contemporary global society and an increasingly important part of international law in areas ranging from environmental protection to international trade. This book examines a key aspect of international risk regulation - the way in which science and technical expertise are used in reaching decisions about how to assess and manage global risks. An interdisciplinary analysis is employed to illuminate how science has been used in international legal processes and global institutions such as the World Trade Organization. Case studies of risk regulation in international law are drawn from diverse fields including environmental treaty law, international trade law, food safety regulation and standard-setting, biosafety and chemicals regulation. The book also addresses the important question of the most appropriate balance between science and non-scientific inputs in different areas of international risk regulation.

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Legitimacy in European Administrative Law: Reform and Reconstruction
Matthias Ruffert
(Europa Law Publishing, Jan. 2011)

Administrative Law has been the object of thorough reforms in the various European jurisdictions. This process of transformation has considerable impacts on administrative legal scholarship in the respective countries. Profound changes in administrative activity have established new forms of administrative institutions which raise issues of legitimacy. Besides the consensus that administrative law, administrative activities and administrative institutions have to be legitimate, the concept of legitimacy with respect to a common European framework is more than ambiguous. An analysis of the concept of legitimacy in the different national legal systems promises valuable results for a discussion on the European Union level. Although the respective jurisdictions have different starting points with respect to issues of legitimacy, common sources can be detected. This is necessary in shaping and analyzing administrative law in European Union. This volume comprises the results of the third workshop of the Dornburg Research Group of New Administrative Law which took place in Paris in October 2009.

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The Public International Law Theory of Hans Kelsen: Believing in Universal Law
(Cambridge Univ. Press, October 2010)
Jochen von Bernstorff

Table of Contents

1. Method and construction of international law in nineteenth-century German scholarship
2. Kelsenian formalism as critical methodology in international law
3. An 'objective' architecture of international law: Kelsen, Kunz, and Verdross
4. The new actors of universal law
5. Legal sources as universal instruments of law creation
6. The international judiciary as the functional center of universal law
7. The role of the international legal scholar in Kelsen - a concluding reflection
Epilogue. On Kelsenian formalism in international law.

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The Rome Statute for the International Criminal Court: Analysis of the Statute, the Rules of Procedure and Evidence, the Regulations of the Court and Supplementary Instruments (Brill, November 2010)
Georghios M. Pikis

The Rome Statute and sequential establishment of the ICC is a milestone in the history of man. It inaugurates a new era of the supremacy of the law as the goal of humanity rendering everyone, independently of rank or position, liable for the commission of the heinous crimes within the jurisdiction of the Court; genocide, crimes against humanity, war crimes and aggression. The object is to end immunity and leave no quarter to people committing crimes that have scarred and defaced humanity. The book analyses every aspect of the Statute and supplementary instruments, eliciting the framework of its enforcement. Alongside the case law of the Court is reviewed. The book is particularly useful to practitioners of international criminal law and of great interest to practitioners of criminal law as well as students of the history of mankind and the establishment of institutions crucial to the future of humanity.

Edited by Tanja L. Masson-Zwaan and Stephan Hobe

It is a remarkable achievement to write a book that almost four decades after its publication has lost virtually none of its relevance. Manfred Lachs’ famous treatise on the Law of Outer Space was originally published in 1972, yet it is still a classic and must-read text for space law students today, even though copies can nowadays be rarely found. The reissue of this remarkable work is therefore timely indeed. Its aim is to make the brilliance, foresight and clarity of Lachs’ thinking once more easily accessible to a new generation of scholars. Issued on the occasion of the 50th anniversary of the International Institute of Space Law, of which Lachs was President, this volume reproduces the original text of Lachs’ work in full, with a new preface, introduction and index supplied by the editors.

Bertie G. Ramcharan

This book has a simple objective: to present the fundamentals of international human rights treaty law in a way that can be helpful to the national leader, official, or legal adviser whose duty it is to help put a human rights treaty regime into the law and practice in his or her country. It is a book of international law, as provided for in the principal international and regional human rights treaties and draws upon in the jurisprudence and practice of their monitoring organs. Chapter I discusses the nature and characteristics of international human rights law. Chapter II discusses the concept of a national protection system which must be in place if a human rights treaty is to be adequately implemented. Chapter III discusses the jurisprudence and practice of treaty bodies on the foundation issues of democracy and the rule of law. Chapter IV discusses human rights in times of crises and emergencies. Chapter V discusses preventive strategies. Chapter VI discusses the duty of Governments to respect, to protect and to ensure human rights. Chapter VII discusses the duty of Governments to provide redress for violations that might take place. Chapter VIII discusses the essence of supervision in reporting systems. Chapter IX discusses the essence of petitions and fact-finding procedures. Chapter X concludes with a discussion of the bedrock principles of universality, equality and justice as they emerge from the jurisprudence and practice of human rights treaty bodies.
The New International Law: An Anthology (Brill, Nov. 2010)
Edited by Marius Emberland and Christoffer C. Eriksen

This volume contains revised versions of a select number of research papers presented at a conference in Oslo, Norway, entitled "The New International Law". The conference was subtitled "Polycentric Decision-making Structures and Fragmented Spheres of Law: What Implications for the New Generation of International Legal Discourse?" This subtitle signals the most important elements of the conference's main purpose which was to be a project in line with certain strands of contemporary scholarship on international law; scholarship that bases itself on certain assumptions regarding what are important and changing preconditions for the field of international law research. Such assumptions include the transformation of sovereignty, the horizontal and vertical dispersal of governmental authority, the incompleteness of municipal law for legal regulation of individuals and private entities, states' acceptance of treaty regimes whereby international authorities exercise regulatory power that interferes with domestic authority, and the proliferation of new dispute-settling bodies on the international plane. The volume aims to display the diversity within the new generation of international legal scholarship and to bring the analyses and arguments of this research to a wider audience. Topics addressed include environmental regulation, human rights and humanitarian protection, criminal law, and international security and development.

Global Justice and Sustainable Development (Brill, Nov. 2010)
Edited by Duncan French

In recognising the significant role international law can play in supporting the objectives of justice and sustainable development, Global Justice and Sustainable Development provides a wide-ranging analysis of some of the most fundamental challenges facing global society. In particular, the volume seeks to consider the synergies between sustainable development and global justice – two notions that are simultaneously hugely important and, in equal measure, enormously contentious within both international law and international relations. Organized in a three-part structure, Global Justice and Sustainable Development revisits some of the basic assumptions on which the general principles are built, considers the implications for differing aspects of international law, and focuses on national and regional approaches.

Sustainable Development: Towards a Judicial Interpretation (Brill, Nov. 2010)
Rajendra Ramlogan

Sustainable development is the contemporary philosophy that is dominating the environmental protection movement. At a United Nations Conference in Johannesburg in 2002, sustainable development was defined as development that “promote[s] the integration of economic development, social development and environmental protection—as interdependent and mutually reinforcing pillars.” Sustainable Development: Towards a Judicial Interpretation examines the contribution of certain key aspects of environmental protection associated with the philosophy of sustainable development that has emerged in international, regional and national law including the right to a healthy environment. Topics include inter-generational equity, intra-generational equity, public participation in the developmental process, proper assessment of economic activities, the need for proper information, the precautionary principle, the polluter-pays-principle, and access to justice. Presenting a succinct examination of international, regional and national legal regimes that provide a basis for supporting environmental protection in the global community through sustainable development, this book will be indispensable to legal practitioners, scholars and students interested in environmental law.
The Environment, Risk and Liability in International Law (Brill, Nov. 2010)
Julio Barboza

Risk has always been an element of life. Yet modern technology continues to spread environmentally hazardous activity beyond State boundaries. These hazardous—yet socially useful—activities exist in a grey area between legality and wrongfulness. The Environment, Risk and Liability in International Law explains the important role liability plays in risk management and environmental protection, within the realm of International Law. The text explores questions such as the lawfulness of acts which negatively affect the environment, as well as who should be liable for transfrontier damages. From private to public interest, from individual to common concern, activities involving risk are a growing preoccupation of our societies.

International Relations Theory and International Law: A Critical Approach
(Cambridge Univ. Press 2010)
Adriana Sinclair (Univ. of East Anglia - Political, Social and International Studies)

International law is playing an increasingly important role in international politics. However, international relations theorists have thus far failed to conceptualise adequately the role that law plays in politics. Instead, IR theorists have tended to operate with a limited conception of law. An understanding of jurisprudence and legal methodology is a crucial step towards achieving a better account of international law in IR theory. But many of the flaws in IR's idea of law stem also from the theoretical foundations of constructivism – the school of thought which engages most frequently with law. Adriana Sinclair rehabilitates IR theory's understanding of law, using cases studies from American, English and international law to critically examine contemporary constructivist approaches to IR and show how a gap in their understanding of law has led to inadequate theorisation.

Jihad and Just War in the War on Terror
Alia Brahimi
(Oxford Univ. Press, 28 Oct. 2010)

Jihad and Just War in the War on Terror explores the cases for war put forward by George W. Bush and Osama bin Laden. It systematically lays out how violence has been justified on both 'sides', and how these justifications have been criticised within the West and the Muslim world.

Governing the Bomb
Civilian Control and Democratic Accountability of Nuclear Weapons
Edited by Hans Born, Bates Gill, and Heiner Hänggi
(Oxford Univ. Press, 21 Oct. 2010)

Governing the Bomb illuminates the structures and processes of nuclear weapons governance of eight nuclear-armed states - the USA, Russia, the UK, France, and China as well as Israel, India, and Pakistan - and explores how greater democracy, transparency, and accountability could promote the aims of security governance generally and arms control specifically.
III. Law Journals

Public International Law eJournal
Vol. 5, No. 147, Nov. 17, 2010
Alan O. Sykes, ed.
(Items above in this Digest omitted)

How Does International Law Work: What Empirical Research Shows
Tom Ginsburg, University of Chicago Law School
Gregory Shaffer, University of Minnesota - Twin Cities - School of Law

Ronald McCallum, University of Sydney - Faculty of Law

Impairment, Discrimination, and the Legal Construction of Disability in the European Union and the United States
Vlad Perju, Boston College Law School

The Hague Choice of Court Convention: Magnum Opus or Much Ado About Nothing?
Richard Garnett, University of Melbourne - Law School

Transfer Pricing, Business Restructurings and Intangibles - Case Studies: UPS v. Commissioner; DSG Retail Ltd. v. HMRC
Richard Thompson Ainsworth, Boston University - School of Law

Compromise, Negotiation and Morality
Carrie Menkel-Meadow, Georgetown University Law Center, University of California Irvine, School of Law

Rehabilitating Territoriality in Human Rights
Austen Parrish, Southwestern Law School

Israel’s Seizure of the Gaza-Bound Flotilla: Applicable Laws and Legality
Craig Scott, York University - Osgoode Hall Law School

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Public International Law eJournal
Vol. 5, No. 146, Nov. 15, 2010
Alan O. Sykes, ed.
(Items above in this Digest omitted)

The Modern Common Law of Foreign Official Immunity
Beth Stephens, Rutgers School of Law-Camden

No More Nisour Squares: Legal Control of Private Security Contractors in Iraq and After
Charles Tiefer, University of Baltimore School of Law

Reestablishing Doctrinal Clarity and Correctness: Treaty Exceptions, Necessity, and the CMS, Sempra, and Enron Annulment Decisions
Andreas von Staden, University of Saint Gallen

Moving Beyond Anarchy: A Complex Alternative to a Realist Assumption
Dylan Kissane, Centre d’Etudes Franco-Americain de Management (CEFAM)
A Permanent Hybrid Court for Terrorism
Erin Creegan, affiliation not provided to SSRN

Iraq and the Military Detention Debate: Firsthand Perspectives from the Other War, 2003-2010
Robert Chesney, University of Texas School of Law

The Indonesian Confrontation: Political and Military Magnitudes
Mohd Rizal Yaakop, University Kebangsaan Malaysia

Is the Rome Statute Binding on Individuals? (And Why We Should Care)
Marko Milanovic, University of Nottingham School of Law

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Public International Law eJournal
Vol. 5, No. 145, Nov. 13, 2010
Alan O. Sykes, ed.
(Items above in this Digest omitted)

A Few Steps Toward an Explanatory Theory of International Law
Anthony D’Amato, Northwestern University - School of Law

Joint Intentions to Commit International Crimes
Jens David Ohlin, Cornell Law School

Conflicts of Competence Norms in EU Law and the Legal Reasoning of the ECJ
Gerard Conway, Brunel Law School - Brunel University (Lecturer and PhD-candidate)

The Right to Habeas Corpus in the Inter-American Human Rights System
Brian Richard Farrell, University of Iowa - College of Law, National University of Ireland, Galway (NUIG) - Irish Centre for Human Rights

Disasters, Relief, and Neglect: The Duty to Accept Humanitarian Assistance and the Work of the International Law Commission
J. Benton Heath, affiliation not provided to SSRN

Privatising Sovereign Performance: Regulating in the ‘Gap’ between Security and Rights?
Fiona de Londras, University College Dublin-School of Law

The Treaty of Lisbon: A Second Look at the Institutional Innovations
Piotr Maciej Kaczyński, Centre for European Policy Studies (CEPS)
Franklin Dehousse, University of Liege - School of Law
Peadar ó Broin, affiliation not provided to SSRN
Philippe de Schoutheete, affiliation not provided to SSRN
Tinne Heremans, affiliation not provided to SSRN
Jacques Keller, affiliation not provided to SSRN
Guy Milton, affiliation not provided to SSRN
Nick Witney, affiliation not provided to SSRN
Janis Emmanouilidis, affiliation not provided to SSRN
Antonio Missiroli, affiliation not provided to SSRN
Corina Stratulat, affiliation not provided to SSRN
Budgeting for Social Housing in Northern Ireland: A Human Rights Analysis
Mira Dutschke, Queen's University Belfast
Eoin Rooney, Queen's University Belfast
Aoife Nolan, Durham University Law School
Rory O'Connell, Queen's University Belfast - School of Law - Human Rights Centre
Colin Harvey, Queen's University Belfast - School of Law

Public International Law eJournal
Vol. 5, No. 144, Nov. 12, 2010
Alan O. Sykes, ed.
(Items above in this Digest omitted)

Softness in International Law: A Self-Serving Quest for New Legal Materials: A Reply to Jean D'Aspremont
Anthony D'Amato, Northwestern University - School of Law

And Nothing Else Matters – The ICJ’s Judicial Restraint in its Opinion on Kosovo’s Independence
Giuseppe Bianco, Ecole Normale Supérieure

Mutual Promise: International Labour Law and B.C. Health Services
Adelle Blackett, Faculty of Law, McGill University

The International Court of Justice and Mass Atrocities in the Former Yugoslavia
Marko Milanovic, University of Nottingham School of Law

Localism as a Production Imperative: An Alternative Framework to Promoting Intangible Cultural Heritage and Expressions of Folklore
Jon Garon, Hamline University School of Law

Harmonizing Choice of Law in Article 9 with Emerging International Norms
Kenneth C. Kettering, University of Miami - School of Law

Human Rights as Part of Customary International Law: A Plea for Change of Paradigms
Anthony D'Amato, Northwestern University - School of Law

For Me to Know and You to Find Out? Participatory Mechanisms, the Aarhus Convention and New Technologies
Joel D'Silva, Faculty of Law - KU Leuven
Geert van Calster, K.U. Leuven

The Transnational Law Market, Regulatory Competition, and Transnational Corporations
Horst Eidenmueller, University of Munich

Is Temporary Emigration of Unskilled Workers a Solution to the Child Labor Problem?
Sylvain Dessy, Laval University - Département d'Économique
Tiana Rambeloma, affiliation not provided to SSRN
Domestic Courts as the ‘Natural Judge’ of International Law: A Change in Physiognomy
Antonios Tzanakopoulos, University of Glasgow School of Law

Understanding Market Access: Exploring the Economic Rationality of Different Conceptions of Free Movement Law
Gareth T. Davies, Free University of Amsterdam - Faculty of Law

The Illegality of a Contract Contrary to Fundamental Principles of International Law
Zdenek Novy, European University Institute - Department of Law (LAW)

Public International Law eJournal
Vol. 5, No. 142, Nov. 10, 2010
Alan O. Sykes, ed.

Australian Cases Before International Courts and Tribunals Involving Questions of Public International Law 2007
Chester Brown, University of Sydney - Faculty of Law
Jacqueline Mowbray, University of Sydney - Faculty of Law
Tim Stephens, University of Sydney - Faculty of Law
Brett G. Williams, University of Sydney - Faculty of Law

Drafting International Mediation Clauses
Rahim Moloo, Vale Center at Columbia University, University of Central Asia
Justin M. Jacinto, White & Case LLP

From Bilateral Trade to Multilateral Pressure: A Scenario in the EU Relation with Sudan
Khalid Hassan Ali Siddig, University of Khartoum

Coffee and Chocolate – Can We Help Developing Country Farmers Through Geographical Indications?
Justin Hughes, Benjamin N. Cardozo School of Law

Judging in the Multilevel Legal Order: Exploring the Techniques of ‘Hidden Dialogue’
Giuseppe Martinico, European University Institute - Department of Law (LAW), Centre for Studies on Federalism (CSF)

Begging the Question? The Kosovo Opinion and the Reformulation of Advisory Requests
Jörg Kammerhofer, University of Erlangen-Nuremberg, Department of Law

Subsequent Practice and Evolutive Interpretation: Techniques of Treaty Interpretation over Time and Their Diverse Consequences
Julian Arato, New York University School of Law

Why do Authoritarian Regimes Sign the Convention Against Torture? Signaling, Domestic Politics and Non-Compliance
James R. Hollyer, New York University – Wilf Family Department of Politics
B. Peter Rosendorff, New York University – Wilf Family Department of Politics

Rejecting Refugees: Homeland Security’s Administration of the One-Year Bar to Asylum
Philip G. Schrag, Georgetown University - Law Center
Andrew Schoenholtz, Georgetown University Law Center
In Re South African Apartheid Litigation and Beyond: Corporate Liability for Aiding and Abetting under the Alien Tort Statute
Gunther Handl, Tulane University - Law School

Masculinities and Child Soldiers in Post-Conflict Societies
Fionnuala D. Ni Aolain, University of Minnesota Law School, Transitional Justice Institute (University of Ulster)

Human Rights and Social Justice: The Convention on the Rights of Persons with Disabilities and the Quiet Revolution in International Law
Penelope J. Weller, Monash University - Faculty of Law

Food Law: Challenges and Future Directions
Ian Richard Freckelton, Monash University Law Faculty

Terrorism, Torture, and Refugee Protection in the United States
Maryellen Fullerton, Brooklyn Law School

A Regional Disability Tribunal for Asia and the Pacific: Helping to Change the Conversation?
Terry Carney, University of Sydney - Faculty of Law

Fighting Multiple Tax Havens
May Elsayyad, Max Planck Institute for Intellectual Property, Competition & Tax Law
Kai A. Konrad, Max Planck Institute for Intellectual Property, Competition & Tax Law, Social Science Research Center Berlin (WZB), CESifo (Center for Economic Studies and Ifo Institute for Economic Research), Centre for Economic Policy Research (CEPR), Institute for the Study of Labor (IZA)

Globalization and Multi-Level Governance of Environmental Harm
Michael G. Faure, University of Maastricht - Faculty of Law, Metro, Erasmus University Rotterdam (EUR) - Erasmus School of Law

Environmental Impact Assessment as a Duty Under International Law: The International Court of Justice Judgment on Pulp Mills on the River Uruguay
Cymie R. Payne, Lewis & Clark Law School

Innovations in Governance: A Functional Typology of Private Governance Institutions
Tracey Michelle Roberts, Louis D. Brandeis School of Law
International Legal Regimes to Balance the Protection of Prairies and Grasslands with Their Agricultural Use Part One – Grasslands at Risk
John W. Head, University of Kansas - School of Law

Political Commitment to Climate Policy Integration at EU Level: The Case of Biodiversity Policy
Claire Dupont, Institute for European Studies, Vrije Universiteit Brussels

Coastal Zone Management in India: An Environmental Law Perspective
Aditi Patanjali, National Law University, Jodhpur

International Environmental Law eJournal
Vol. 2, No. 45, Nov. 11, 2010
David D. Caron & Tseming Yang, eds. (Repeats in this Digest omitted)

Stop the Integration Principle?
Jan H. Jans, University of Groningen - Department of Administrative Law and Public Administration, Faculty of Law

Capping Deforestation Emissions in Developing Countries Equitably and Effectively
Daniel Benjamin Watts, affiliation not provided to SSRN

International Environmental Law eJournal
Vol. 2, No. 44, Nov. 09, 2010
David D. Caron & Tseming Yang, eds.

Law and the Mekong River Basin: A Social-Legal Research Agenda on the Role of Hard and Soft Law in Regulating Transboundary Water Resources
Fleur E. Johns, Sydney Law School
Ben Saul, University of Sydney - Faculty of Law
Philip Hirsch, University of Sydney
Tim Stephens, University of Sydney - Faculty of Law
Ben Boer, University of Sydney - Faculty of Law

A New Approach to an Old Problem: Managing Fish Resources in the Beaufort Sea
Andrew Epstein, affiliation not provided to SSRN

Can and Should PR Change the Mass-Mediated Climate Debate? Theoretical Remarks on Risk Perception, Uncertainty and Crisis Communication
Holger Sievert, MHK University for Media and Communication, Zeppelin University (ZU), Technische Universität München (TUM), University of Cambridge, Institute for Public Relations
Markus Rhomberg, Zeppelin University

International, Transnational & Comparative Law eJournal
Vol. 4, No. 74, Nov. 17, 2010
Diane Marie Amann, ed. (select items)

The Extraterritorial Rights of Aliens in the Federal Circuit
Erin Creegan, affiliation not provided to SSRN
Is the Rome Statute Binding on Individuals? (And Why We Should Care)
Marko Milanovic, University of Nottingham School of Law

How Discussion of Funding, Locations, History of Judges and Judicial Systems Complicates International Criminal Law-The International Criminal Court, World Court, and International Court of Justice are Located in a State Involved in Harmful, Problematic Issues
James Timothy Struck, affiliation not provided to SSRN

International, Transnational & Comparative Law eJournal
Vol. 4, No. 73, Nov. 16, 2010
Diane Marie Amann, ed. (select items)

Joint Intentions to Commit International Crimes
Jens David Ohlin, Cornell Law School

Cooperation in Foreign Terrorism Prosecutions
Erin Creegan, affiliation not provided to SSRN

'A Spectre is Haunting Europe': The Constitutionality of the European Arrest Warrant vs. The Principle of Non-Discrimination Based on Nationality
Luisa Marin, University of Twente - School of Management and Governance

Iraq and the Military Detention Debate: Firsthand Perspectives from the Other War, 2003-2010
Robert Chesney, University of Texas School of Law

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Lucas Velozo de Melo Bento, affiliation not provided to SSRN

Prosecuting Torture through the Lens of Boumediene
Usman Ahmed, affiliation not provided to SSRN

Crime Prevention Strategies in Asia
Manu Maheshwari, National Law University, Orissa (NLUO) at Cuttack
Prasidh Raj Singh, National Law University, Orissa

Law & Society: International & Comparative Law eJournal
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Christina Ochoa, ed. (Select items & repeats in this Digest omitted)

Unveiling the Limits of Tolerance: Comparing the Treatment of Majority and Minority Religious Symbols in the Public Sphere
Susanna Mancini, University of Bologna, Johns Hopkins University - Bologna Center
Michel Rosenfeld, Cardozo Law School

Do as I Say (Not as I Did): Putative Intellectual Property Lessons for Emerging Economies from the Not so Long Past of the Developed Nations
Llewellyn Joseph Gibbons, University of Toledo - College of Law, Fellow, Intellectual Property Rights Center

Accession of the EU to the ECHR: Who Would Be Responsible in Strasbourg?
Tobias Lock, University College London

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The Status of Private Military Contractors Under International Humanitarian Law
Won Kidane, Seattle University School of Law

Bilski and the US Software Patent Threat?
Robert J. Harrison, 24IP Law Group
Jordan S. Hatcher, jordanhatcher.com

Law & Society: International & Comparative Law eJournal
Vol. 3, No. 88, Nov. 16, 2010
Christina Ochoa, ed. (Select items & repeats in this Digest omitted)

Role of National Human Rights Commission in Upholding Human Rights in India
Syed Tazkir Inam, affiliation not provided to SSRN

See No Evil? Revisiting Early Visions of the Social Responsibility of Business: Adolf A. Berle’s Contribution to Contemporary Conversations
Erika R. George, University of Utah - S.J. Quinney College of Law

Defining the Battlefield in Contemporary Conflict and Counterterrorism: Understanding the Parameters of the Zone of Combat
Laurie R. Blank, Emory University School of Law

The Child as 'Democratic Citizen' – Challenging the 'Participation Gap'
Aoife Nolan, Durham University Law School

From Province to Protectorate to State: Sovereignty Lost, Sovereignty Gained?
Morag Goodwin, Tilburg Institute for Law, Technology and Society, Tilburg University
Human Rights Education: Methodologies
Syed Tazkir Inam, affiliation not provided to SSRN

Duties of Flag States to Implement and Enforce International Standards and Regulations – And Measures to Counter Their Failure to Do So
Tamo Zwinge, CMS Hasche Sigle

Should China Protect Trademarks against Dilution? A Critical Look at the Experience of the United States and the Prospects for Application in China
Yangyue Chen, Munich Intellectual Property Law Center (MIPLC)

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Eliav Lieblich, Columbia Law School

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Brian Richard Farrell, University of Iowa - College of Law, National University of Ireland, Galway (NUIG) - Irish Centre for Human Rights

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Asian Human Rights Mechanism: Problems and Prospects
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Maria Mercedes Albornoz, Centro de Investigación y Docencia Económicas (CIDE)
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Jonathan David Shaub, Northwestern University - School of Law

The Modern Common Law of Foreign Official Immunity
Beth Stephens, Rutgers School of Law-Camden

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Christina Ochoa, ed. (select items)

Matthew Webster, affiliation not provided to SSRN
Sean Brian Burke, affiliation not provided to SSRN

Whose Responsibility? Responsibility to Protect and the Role of the Security Council
Subramanya Sirish Tamvada, American University - Washington College of Law

Boy-Child Soldiers in the DRC: A Problem and Policy-Oriented Analysis
Jessica Nann Madsen, Saint Thomas University

Paradigms of State-Building: Comparing Bosnia and Kosovo
Matthew Parish, The British Institute of International and Comparative Law

Domestic Violence Asylum Claims and Recent Developments in International Human Rights Law: A Progress Narrative?
Siobhan Mullally, University College Cork

Damage Caused by Depleted Uranium between Questions of Jurisdiction and ‘Alchemist Risk’ Associated with Nanoparticles
Alessandro Mantelero, Polytechnic University of Turin - Department of Production Systems and Business Economics (DISPEA)

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Legal Outlier, Again? U.S. Felon Suffrage Policies - Comparative and International Human Rights Perspectives
Reuven (Ruvi) Ziegler, Lincoln College, University of Oxford - Faculty of Law, Harvard University - Harvard Law School

International Economic Law eJournal
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Hyperbole, Hypocrisy, and Hubris in the Aid-Corruption Dialogue
Bruce W. Bean, Michigan State University - College of Law

Theoretical Basis and Regulatory Framework for Microtrade: Combining Volunteerism with International Trade Towards Poverty Elimination
Y.S. Lee, The Law and Development Institute

Distorting Legal Principles
Steven L. Schwarcz, Duke University - School of Law

Making Rules in the WTO: Is there Methodological Gap in the Doha Round Negotiations?
Surendra Bhandari, Independent

A 'New Trade' Theory of GATT/WTO Negotiations
Ralph Ossa, affiliation not provided to SSRN

The WTO, Carbon Finance, and China: Does International Cooperation in Carbon Financial Regulation Need to Be Strengthened?
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THE INTERNATIONAL COURT OF JUSTICE AND CRIMINAL JUSTICE
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AVOIDANCE FOR FUNDAMENTAL BREACH OF CONTRACT UNDER THE UN CONVENTION ON THE INTERNATIONAL SALE OF GOODS
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PEACE AGREEMENTS OR PIECES OF PAPER? THE IMPACT OF UNSC RESOLUTION 1325 ON PEACE PROCESSES AND THEIR AGREEMENTS
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Dominic McGoldrick
International and Comparative Law Quarterly, Volume 59, Issue 04, pp 981 -1019
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Tom Allen
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Alberto Alvarez-Jiménez
International and Comparative Law Quarterly, Volume 59, Issue 04, pp 1079 -1098
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Bo Yin and Peter Duff
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Suzanne Kingston
International and Comparative Law Quarterly, Volume 59, Issue 04, pp 1129 -1141
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**Asia-Pacific Journal on Human Rights and the Law, Volume 10, Number 2, 2009**

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Asian Journal of International Law, FirstView Articles
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Asian Journal of International Law, FirstView Articles
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Climate Policy
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Authors: Dubash, Navroz K; Rajamani, Lavanya
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How to eat an elephant: a bottom-up approach to climate policy
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Author: Rayner, Steve

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Fair and effective multilateralism in the post-Copenhagen climate negotiations
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Authors: Winkler, Harald; Beaumont, Judy

Financing adaptation in Least Developed Countries in West Africa: is finance the `real deal'?
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Author: Denton, Fatima

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Auctioning of CO2 emission allowances in Phase 3 of the EU Emissions Trading Scheme
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Remembering Stephen Schneider (1945-2010)
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Author: Azar, Christian

Review of International Organizations
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---

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Journal of International Maritime Law, Volume 16, Number 3, 2010

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- Multimodal maritime plus: some European perspectives on law and policy
  PROSHANTO MUKHERJEE World Maritime University Malmo, Sweden
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- The Rotterdam Rules from an Estonian perspective
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ANALYSIS AND COMMENT

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  130 S. Ct. 2433 (2010)
  THOMAS J. SCHOENBAUM
• Failure of free pratique, demurrage claim time bar
  AET INC Limited v Arcadia Petroleum Limited (The Eagle Valencia)
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  MICHAEL HARAKIS

European Law Journal, Volume 16, Issue 6, November 2010

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Environmental Policy and Law
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REFERENCES TO OTHER TOPICS

SELECTED DOCUMENTS
UNEP / IEG / 1st Meeting
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---

The International Journal of Transitional Justice
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Oskar N.T. Thoms, James Ron, and Roland Paris
State-Level Effects of Transitional Justice: What Do We Know?
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Impact Assessment, Not Evaluation: Defining a Limited Role for Positivism in the Study of Transitional Justice
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Outreach Evaluation: The International Criminal Court in the Central African Republic
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Nokukhanya Mncwabe
Abstract Full Text (HTML) Full Text (PDF)

---
The Myth of Tribal Sovereignty: An Analysis of Native American Tribal Status in the United States
Ford, Algeria R.

Explaining Liberal Aggression: The International Community and Threat Perception
Buchan, Russell

The Character of the Conflict in Gaza: Another Argument towards Abolishing the Distinction between International and Non-international Armed Conflicts
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Kamphuis, Charis

Global Jurist
Volume 10 / Issue 3 (October 2010)(Select items)

PDF The Goldstone Report: Challenging Israeli Impunity in the International Legal System?
Jennifer Barnette

PDF Tax Dynamics of (U.S.) Corporate Expatriations
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Asian Law eJournal
Vol. 8, No. 59: Nov 10, 2010
Donald C. Clarke & Veronica Taylor, eds.
(select items)

An Insight of Terrorism in South Asia and Steps Taken by International Organisation to Curb the Menace
Syed Tazkir Inam, affiliation not provided to SSRN

Mapping Terrorist Threats in China and the Political and Legal Responses
Hualing Fu, University of Hong Kong - Faculty of Law

China’s Development of International Economic Law and WTO Legal Capacity Building
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Law on Island Protection of People’s Republic of China
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IV. Blogs (Select Entries)

- Mark Leon Goldberg, How Gender Equal is the Executive Board of UN Women?, UN Dispatch (Nov. 17, 2010)
- Antoine Buyse, The Court’s New Priority Policy, ECHR Blog (17 Nov. 2010)
- Antoine Buyse, Protecting the Right of Individual Application, ECHR Blog (16 Nov. 2010)
- Dianne Marie Amman, Bennoune’s Terrorism Critique, Intlawgrrls (Nov. 16, 2010)
- Mark E. Wojcik, Victim Participation in International Criminal Proceedings, International Law Prof Blog (Nov. 16, 2010)
- Dan Farber, Melting the Ice (But Not in a Fun, Life of the Party Way), Legal Planet (Nov. 15, 2010)
- Valerie Oosterveld, Closure of Taylor Trial, Intlawgrrls (Nov. 15, 2010)
- Beth Van Schaack, Go On! Hearings on the Ratification of CEDAW, Intlawgrrls (Nov. 15, 2010)
- Chris Brogen, Culture Clash! or, Scenes from a Separatist Cook-Out, Opinio Juris (Nov. 15, 2010)
- Simon Lester, Not Accepting an Amicus Brief at the WTO, International Economic Law and Policy Blog (Nov. 15, 2010)
- International Thesaurus of Refugee Terminology, HURIDOCS (Nov. 15, 2010)
- Mary Ellen O’Connell, The International Law of Drones, 14/36 ASIL Insights (Nov. 12, 2010)
- Beth Van Schaack, The U.S. Says Its Goal Is Not To Undermine the ICC, Intlawgrrls (Nov. 12, 2010)
- Marko Milanovic, Formation of Custom and the Inherent Powers of the Special Tribunal for Lebanon, EJIL Talk! (Nov. 11, 2010).
- Duncan Hollis, A Head-Spinning Self-Execution Story, Opinion Juris (Nov. 11, 2010)
V. Gray Literature/ Documents


- MOP1, Convention on Cluster Munitions, *2010 Vientiane Declaration* (12 November 2010)

- European Coalition for Corporate Justice, *Principles and pathways: Legal opportunities to improve Europe's corporate accountability framework* (Nov. 2010)

- Special Representative of the UN Secretary General on Business and Human Rights, *Protect, Respect and Remedy – a UN Framework for dealing with Business and Human Rights challenges* (Sept. 2010)