

Anton's Weekly Digest of International Law Scholarship*

Vol. 1, No. 2
(19 Nov 2010)

Contents (*click on heading to navigate*)

- I. SSRN Legal Scholarship Network & bepress Legal Repository**
- II. Books**
- III. Law Journals**
- IV. Blogs (Select Entries)**
- V. Gray Literature**

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.

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

* 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" allow to better comprehend the European Union law on subsidiarity, but also does it reveal 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. Sciallo](#)

West Virginia University College of Law
Drexel Law Review, Vol. 3, 2010

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
American Journal of International Law, Vol. 104, No. 3, pp. 532-538, July 2010
[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

THEORY OF INTERNATIONAL LAW AT THE THRESHOLD OF THE 21ST CENTURY: ESSAYS IN HONOUR OF KRZYSZTOF SKUBISZEWSKI, pp. 109-121, Jerzy Makarczyk, ed., Kluwer, 1996
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
[*Boston University International Law Journal, Vol. 29, No. 2, 2011*](#)

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 . . .

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
[*North Carolina Law Review, 2011*](#)
[*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. . . .

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. . . .

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.

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.

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.

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.

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

Environmental Law Reports, Vol. 39, p. 10881, 2009

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

[*Santa Clara L. Review, Vol. 51, p. 79, 2011*](#)

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

Harvard National Security Journal, Vol. 1, p. 171, 2010

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

[Connecticut Journal of International Law, Vol. 22, p. 335, 2007](#)

Abstract:

This Article analyzes the events predating 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, trusteeships, 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.

Freedom of Information Around the World 2006: A Global Survey of Access to Government Information Laws

[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.

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. . . .

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.

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 Maastricht 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 th[is question].

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. . . .

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 (II) 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

*[Suffolk Transnational Law Review](#), Vol. 33, No. 2, 2010***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.

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.

**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.

**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 Verdonshot](#)

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

International and Comparative Law Quarterly, Vol. 58, pp. 443-468, 2009

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

International Community Law Review, Vol. 12, No. 1, pp. 81-110, February 2010

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 anti-corruptionism. 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

Jindal Global Law Review, Vol. 2, No. 1, September 2010

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? . . .

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. . . .

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.

Measuring Human Rights: Reflections on the Practice of Human Rights Impact Assessment and Lessons for the Future**[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. . . .

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](#)

HUMAN RIGHTS IN INTERNATIONAL INVESTMENT LAW AND ARBITRATION, pp. 396-421,
Dupuy, Petersmann and Francioni, eds., OUP, 2009

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. . . .

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[Sydney Law School Research Paper No. 10/123](#)**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 ([Download the Paper](#))

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.

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; Right to a healthy environment in human rights law, Jona Razzaque; Right 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; Intellectual 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 Chirwa; 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.

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.

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.

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.
-

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.

The Law of Outer Space: An Experience in Contemporary Law-Making, by Manfred Lachs, Reissued on the occasion of the 50th anniversary of the International Institute of Space Law (Brill, Nov. 2010)

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.

The Fundamentals of International Human Rights Treaty Law (Brill, Nov. 2010)

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

[The United Nations Convention on the Rights of Persons with Disabilities: Some Reflections](#)

[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

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-Américain 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

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

Public International Law eJournal

Vol. 5, No. 143, Nov. 11, 2010

Alan O. Sykes, ed.

(Items above in this Digest omitted)

[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

[Jaya Ramji-Nogales](#), Temple University - James E. Beasley School of Law
[James P. Dombach](#), Georgetown University Law Center

Public International Law eJournal
Vol. 5, No. 141, Nov. 09, 2010
Alan O. Sykes, ed.

[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)

International Environmental Law eJournal
Vol. 2, No. 46, Nov. 16, 2010
David D. Caron & Tseming Yang, eds.

[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](#), MHMK 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

International, Transnational & Comparative Law eJournal

Vol. 4, No. 72, Nov. 10, 2010

Diane Marie Amann, ed. (select items)

Table of Contents

['Detention' Under the Charter after R.V. Grant and R.V. Suberu](#)

[Steven Penney](#), University of Alberta - Faculty of Law

[James Stribopoulos](#), Osgoode Hall Law School

['Along Liquid Paths': The Dualistic Nature of International Maritime Piracy Law](#)

[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

Vol. 3, No. 89, Nov. 17, 2010

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

[Masculinities and Child Soldiers in Post-Conflict Societies](#)

[Fionnuala D. Ni Aolain](#), University of Minnesota Law School, Transitional Justice Institute (University of Ulster)

[Drafting International Mediation Clauses](#)

[Rahim Moloo](#), Vale Center at Columbia University, University of Central Asia

[Justin M. Jacinto](#), White & Case LLP

[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

Law & Society: International & Comparative Law eJournal
Vol. 3, No. 87, Nov. 15, 2010

Christina Ochoa, ed. (Select items & repeats in this Digest omitted)

[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)

[Intervention and Consent: Consensual Forcible Interventions in Internal Armed Conflicts as International Agreements](#)

[Eliav Lieblich](#), Columbia Law School

[Towards Inclusive Security in Ethiopia](#)

[Alemayehu Fentaw Weldemariam](#), Jimma University (JU) - Faculty of Law

[Golden Shares: A New Approach](#)

[Jaron van Bakkum](#), De Brauw Blackstone Westbroek

[Privatising Sovereign Performance: Regulating in the 'Gap' between Security and Rights?](#)

[Fiona de Londras](#), University College Dublin-School of Law

[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

[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

[WTO Origin Rules for Services and the Defects: Substantial Input Test as One Way Out?](#)

[Heng Wang](#), Southwest University of Political Science and Law - School of International Law, Max Weber Programme, European University Institute

[Free Speech and International Obligations to Protect Trademarks](#)

[Lisa P. Ramsey](#), University of San Diego School of Law

Law & Society: International & Comparative Law eJournal
Vol. 3, No. 86, Nov. 12, 2010

Christina Ochoa, ed. (Select items & repeats in this Digest omitted)

[Asian Human Rights Mechanism: Problems and Prospects](#)

[Syed Tazkir Inam](#), *affiliation not provided to SSRN*

[Choice of Law in International Contracts in Latin American Legal Systems](#)

[Maria Mercedes Alborno](#), Centro de Investigación y Docencia Económicas (CIDE)

[A Foucauldian Call for the Archaeological Excavation of Discourse in the Post-Boumediene Habeas Litigation](#)

[Jonathan David Shaub](#), Northwestern University - School of Law

[The Modern Common Law of Foreign Official Immunity](#)

[Beth Stephens](#), Rutgers School of Law-Camden

Law & Society: International & Comparative Law eJournal

Vol. 3, No. 85, Nov. 11, 2010

Christina Ochoa, ed. (select items)

[Facilitating Friendly Settlements in the Inter-American Human Rights System: A Comparative Analysis with Recommendations](#)

[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)

[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

[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

Vol. 5, No. 76, Nov. 17, 2010

Alan O. Sykes, ed. (select items)

[Free Speech and International Obligations to Protect Trademarks](#)

[Lisa P. Ramsey](#), University of San Diego School of Law

[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?](#)

[Heng Wang](#), Southwest University of Political Science and Law - School of International Law, Max Weber Programme, European University Institute

[Reestablishing Doctrinal Clarity and Correctness: Treaty Exceptions, Necessity, and the CMS, Sempra, and Enron Annulment Decisions](#)

[Andreas von Staden](#), University of Saint Gallen

[International & Comparative Law Quarterly](#)
[Volume 59 – Issue 04](#)

[IN MEMORIAM RT HON LORD BINGHAM OF CORNHILL KG](#)

Alexander Layton

International and Comparative Law Quarterly, Volume 59, Issue 04 , pp 893 -893

Abstract  View PDF View HTML

[THE INTERNATIONAL COURT OF JUSTICE AND CRIMINAL JUSTICE](#)

KJ Keith

International and Comparative Law Quarterly, Volume 59, Issue 04 , pp 895 -910

Abstract  View PDF View HTML

[AVOIDANCE FOR FUNDAMENTAL BREACH OF CONTRACT UNDER THE UN CONVENTION ON THE INTERNATIONAL SALE OF GOODS](#)

Michael Bridge

International and Comparative Law Quarterly, Volume 59, Issue 04 , pp 911 -940

Abstract  View PDF View HTML

[PEACE AGREEMENTS OR PIECES OF PAPER? THE IMPACT OF UNSC RESOLUTION 1325 ON PEACE PROCESSES AND THEIR AGREEMENTS](#)

Christine Bell and Catherine O'Rourke

International and Comparative Law Quarterly, Volume 59, Issue 04 , pp 941 -980

Abstract  View PDF View HTML

THE BOUNDARIES OF JUSTICIABILITY

Dominic McGoldrick

International and Comparative Law Quarterly, Volume 59, Issue 04 , pp 981 -1019

Abstract  View PDF View HTML

TEN YEARS OF EUROPEAN FAMILY LAW: RETROSPECTIVE REFLECTIONS FROM A COMMON LAW PERSPECTIVE

Máire Ní Shúilleabháin

International and Comparative Law Quarterly, Volume 59, Issue 04 , pp 1021 -1053

Abstract  View PDF View HTML

Shorter Articles

LIBERALISM, SOCIAL DEMOCRACY AND THE VALUE OF PROPERTY UNDER THE EUROPEAN CONVENTION ON HUMAN RIGHTS

Tom Allen

International and Comparative Law Quarterly, Volume 59, Issue 04 , pp 1055 -1078

Abstract  View PDF View HTML

PUBLIC HEARINGS AT THE WTO APPELLATE BODY: THE NEXT STEP

Alberto Alvarez-Jiménez

International and Comparative Law Quarterly, Volume 59, Issue 04 , pp 1079 -1098

Abstract  View PDF View HTML

CRIMINAL PROCEDURE IN CONTEMPORARY CHINA: SOCIALIST, CIVILIAN OR TRADITIONAL?

Bo Yin and Peter Duff

International and Comparative Law Quarterly, Volume 59, Issue 04 , pp 1099 -1127

Abstract  View PDF View HTML

Current Developments

ENVIRONMENT

Suzanne Kingston

International and Comparative Law Quarterly, Volume 59, Issue 04 , pp 1129 -1141

Abstract  View PDF View HTML

I. HARMONIZING THE LAW APPLICABLE TO DIVORCE AND LEGAL SEPARATION—ENHANCED COOPERATION AS THE WAY FORWARD?

Aude Fiorini

International and Comparative Law Quarterly, Volume 59, Issue 04 , pp 1143 -1158

Abstract  View PDF View HTML

II. THE UNITED STATES SUPREME COURT SETTLES THE *NE EXEAT* CONTROVERSY IN AMERICA: *ABBOTT v ABBOTT*

James D Garbolino

International and Comparative Law Quarterly, Volume 59, Issue 04 , pp 1158 -1167

Abstract  View PDF View HTML

Book Reviews

[An Introduction to the Law of the United Nations](#) by Robert Kolb [Oxford, Hart Publishing, 2010, xxii+251 pp, ISBN 978-184113937-1 [p/b] £25.00]

Mike Sanderson

International and Comparative Law Quarterly, Volume 59, Issue 04 , pp 1169 -1170

Abstract  View PDF View HTML

[Speeches of a Chief Justice: James Spigelman 1998–2008](#) by Tim D Castle (ed), [CS2N Publishing, Sydney, 2008, vii+498 pp, ISBN 978-064650-456-8, \$55]

Ross Cranston

International and Comparative Law Quarterly, Volume 59, Issue 04 , pp 1170 -1171

Abstract  View PDF View HTML

[Statebuilding and Justice Reform: Post-Conflict Reconstruction in Afghanistan](#) by Matteo Tondini [Routledge, Oxford, 2010, 167 pp, ISBN 978-0-415-55894-5, \$125 (h/bk)]

Eric De Brabandere

International and Comparative Law Quarterly, Volume 59, Issue 04 , pp 1171 -1173

Abstract  View PDF View HTML

[The Law of Consular Access: A Documentary Guide](#) by John Quigley, William J Aceves and S Adele Shank [Routledge Research in International Law 2009, vii+303 pp, ISBN 978-0-415-48327-1 (hbk) £80.00]

Eileen Denza

International and Comparative Law Quarterly, Volume 59, Issue 04 , pp 1173 -1175

Abstract  View PDF View HTML

[Trust Funds under International Law: Trustee Obligations of the United Nations and International Development Banks](#) by Ilias Bantekas [TMC Asser Press, The Hague, The Netherlands and CUP, Cambridge, 2009, vii-xviii+306 pp, ISBN 978-90-6704-306-9, £60.00 (US\$99.00) (h/bk)]

Luke Butler

International and Comparative Law Quarterly, Volume 59, Issue 04 , pp 1175 -1176

Abstract  View PDF View HTML

BOOKS RECEIVED

International and Comparative Law Quarterly, Volume 59, Issue 04 , pp 1177 -1179

Asia-Pacific Journal on Human Rights and the Law, Volume 10, Number 2, 2009

- Refugees: State Responsibility, Country of Origin and Human Rights (Ahmad, Nafees) p.1-22
- The Supreme Court of Pakistan and the Case of Missing Persons (Hassan, Tariq) p.23-42
- Is Internet Censorship Compatible with Democracy? Legal Restrictions of Online Speech in South Korea (Fish, Eric) p.43-96
- NGO Statement on Country Specific Human Rights Defenders to Fourteenth Asia Pacific Forum p.97-101
- Summary of Proceedings of the Eighth Workshop on the ASEAN Regional Mechanism on Human Rights p.102-113
- Conclusions of the Workshop on the Role of National Human Rights Institutions in the Promotion and Implementation of the Yogyakarta Principles p.114-120

-
- Universal Declaration of Human Rights in Hawaiian p.121-126
-

[Carbon & Climate Law Review, 2010, Number 1](#)

- Technology Transfer in the International Climate Negotiations – The State of Play and Suggestions for the Way Forward (Christiane Gerstetter, Dominic Marcellin....) p.3
 - The Eco-Patent Commons and Environmental Technology Transfer: Implications for Efforts to Tackle Climate Change (Mark Van Hoorebeek and William Onzivu) p.13
 - Sector No Lose Targets in the Context of a Post-2012 Climate Agreement (Martina F.S. Hofmann) p.30
 - Gas Flaring in Developing Countries – Need for Kyoto Mechanisms or Sectoral Crediting Mechanisms? (Cathy Suykens) p.42
 - Proposals on Carbon-related Border Adjustments: Prospects for WTO Compliance (Kateryna Holzer) p.51
 - Protectionism under a Green Label: Analysis in Light of the Waxman-Markey Climate Change Bill of 2009 (Vijay Bishnoi) p.65
 - Improving the Clean Development Mechanism Post-2012: A Developing Country Perspective (Nhan T. Nguyen, Minh Ha-Duong, Sandra Gr....) p.76
 - The Legacy of the Climate Talks in Copenhagen: Copenhagen or Brokenhagen? (Meinhard Doelle) p.86
-

[Journal of the History of International Law, Volume 12, Number 2, 2010](#)

- Kant's Regional Cosmopolitanism (Hunter, Ian) p.165-188
 - The Colonization of American Nature and the Early Development of International Law (Fonseca, Manuel Jiménez) p.189-225
 - Les juristes et l'Organisation internationale du travail 1919-1939. Processus de légitimation et institutionnalisation des relations internationales (Kévonian, Dzovinar) p.227-266
 - The Evolution of the Right of Individuals to Seise the European Court of Human Rights (Kjeldgaard-Pedersen, Astrid) p.267-306
 - The Position of Siyar on Free Trade. A Historico-Legal Analysis (Ahamat, Haniff) p.307-327
 - On Faith in the Moral Force of International Law. Martin Wight and Hugo de Groot: Four Seminal Thinkers in International Theory. Machiavelli, Grotius, Kant, and Mazzini, Martin Wight (Nijman, Janne E.) p.329-346
 - On the Contribution of the Netherlands to the Codification of Humanitarian Law: De bijdrage van Nederland aan de codificatie van het moderne humanitaire recht 1800-1914, D.J.H.N. den Beer Poortugael (Wijffels, Alain) p.347-352
-

[Berkeley Journal of International Law Publicist, Volume 5, 2010](#)

- Riesenfeld Symposium
- Keynote Address: The Ethics of Arbitration: Perspectives from a Practicing International Arbitrator (Charles N. Brower)
- Attorney Ethics in International Arbitration (Richard M. Mosk)
- Is a Connection to the "Public Interest" a Meaningful Prerequisite of Third Party Participation in Investment Arbitration? (Epaminontas E. Triantafilou)
- Towards Transparency in Arbitration (A Cautious Approach) (Aníbal Sabater)

- A Look At The Public Interest In Investment Arbitration: Is It Unique? What Should We Do About It? (Ruth Teitelbaum)
-

Berkeley Journal of International Law Publicist, Volume 4, Spring 2010

- Curbing Enthusiasm for Universal Jurisdiction (Diane Morrison and Justus Reid Weiner)
 - Mining for Meaning: Assessing CFIUS's Rejection of the Firstgold Acquisition (Matthew C. Sullivan)
 - Dubai Debt Crisis: A Legal Analysis of the Nakheel Sukuk (Omar Salah)
 - Implications of Hertz Corp. v. Friend for International Corporate Litigation in United States Courts (Matthew J. Silveira)
 - Managing Pluralism (Eric Engle)
-

Asian Journal of International Law **(11 Nov. 2010)**

The Asian Society of International Law: Its Birth and Significance

ONUMA Yasuaki

Asian Journal of International Law, *FirstView Articles*

Abstract

Global Standards for Sovereign Wealth Funds: The Quest for Transparency

Maurizia DE BELLIS

Asian Journal of International Law, *FirstView Articles*

Abstract

Asian Civilizations and International Law: Some Reflections

B.S. CHIMNI

Asian Journal of International Law, *FirstView Articles*

Abstract

International Law, Cultural Diversity, and Democratic Rule: Beyond the Divide Between Universalism and Relativism

Niels Petersen

Asian Journal of International Law, *FirstView Articles*

Abstract

Chinese Philosophy and International Law

PAN Junwu

Asian Journal of International Law, *FirstView Articles*

Abstract

Climate Policy

Volume 10, Number 6, 2010

Beyond Copenhagen: next steps

pp. 593-599(7)

Authors: Dubash, Navroz K; Rajamani, Lavanya

[The architecture of the global climate regime: a top-down perspective](#)

pp. 600-614(15)

Authors: William, Hare; Claire, Stockwell; Christian, Flachsland; Sebastian, Oberthür

[How to eat an elephant: a bottom-up approach to climate policy](#)

pp. 615-621(7)

Author: Rayner, Steve

[Global regime and national change](#)

pp. 622-637(16)

Author: Dai, Xinyuan

[Fair and effective multilateralism in the post-Copenhagen climate negotiations](#)

pp. 638-654(17)

Authors: Winkler, Harald; Beaumont, Judy

[Financing adaptation in Least Developed Countries in West Africa: is finance the `real deal'?](#)

pp. 655-671(17)

Author: Denton, Fatima

[Legal symmetry and legal differentiation under a future deal on climate](#)

pp. 672-677(6)

Author: Werksman, Jake

[Irresistible forces and immovable objects: a debate on contemporary climate politics](#)

pp. 678-683(6)

Author: Saran, Shyam

[The effect of different historical emissions datasets on emission targets of the sectoral mitigation approach Triptych](#)

pp. 684-704(21)

Authors: Hof, Andries F; Den Elzen, Michel G J

[Auctioning of CO2 emission allowances in Phase 3 of the EU Emissions Trading Scheme](#)

pp. 705-718(14)

Authors: Benz, Eva; Löschel, Andreas; Sturm, Bodo

[Remembering Stephen Schneider \(1945-2010\)](#)

pp. 719-720(2)

Author: Azar, Christian

[Review of International Organizations](#)

(Vol. 5, no. 4, December 2010)

- James R. Hollyer, Conditionality, compliance, and domestic interests: State capture and EU accession policy
- Ruxanda Berlinschi, Reputation concerns in aid conditionality
- Rögnvaldur Hannesson, The coalition of the willing: Effect of country diversity in an environmental treaty game
- Johannes Urpelainen, Enforcing international environmental cooperation: Technological standards can help

Columbia Journal of Transnational Law, Volume 48, Number 3, 2010

- Virtual Territoriality (Edward J. Janger) p.401
- Sunset Clauses and Democratic Deliberation: Assessing the Significance of Sunset Provisions in Antiterrorism Legislation (John E. Finn) p.442

ESSAYS

- A Comment on Universal Proceduralism (Jay Lawrence Westbrook) p.503
- Report of the Mission to China of the Association of the Bar of the City of New York (Jerome A. Cohen, John M. Walker, Jr., R....) p.519

NOTES

- Reviewing and Reconsidering *Medellin v. Texas* in Light of the Obligatory Abstention from Security Council Voting (Suyash Paliwal) p.541
- The Sovereign-Commercial Hybrid: Chinese Minerals for Infrastructure Financing in the Democratic Republic of the Congo (Suzanne Siu) p.599

BOOK REVIEW

- The Relationship Between State and Individual Responsibility for International Crimes (Christopher J. Stanley) p.655

Virginia Journal of International Law, Volume 51, Number 1, Fall 2010

- When the WTO Works, and How It Fails (Anu Bradford) p.1
- Free Movement of Judgments: Increasing Deterrence of International Cartels Through Jurisdictional Reliance (Michal S. Gal) p.57
- Bucking the Kuznets Curve: Designing Effective Environmental Regulation in Developing Countries (Michael Faure, Morag Goodwin & Franziska Weber) p.95
- NOTES
- Solving Israel's African Refugee Crisis (Avi Perry) p.157
- The Primacy of Regional Organizations in International Peacekeeping: The African Example (Suyash Paliwal) p.185

Syracuse Journal of International Law and Commerce, Volume 37, Number 2, Spring 2010

ARTICLES

- Clean Air & Stormy Skies: The EU-ETS Imposing Carbon Credit Purchases on United States Airlines (M. Vittoria Giugi Carminati) p.127
- Towards a Rigorous Standard for the Good Faith Acquisition of Antiquities (Derek Fincham) p.145
- The Concept and Categories of Cultural Rights in International Law — Their Broad Sense and the Relevant Clauses of the International Human Rights Treaties (Athanasios Yupsanis) p.207
- Harmonizing Trade Liberalization and Migration Policy Through Shared Responsibility: A Comparison of the Impact of Bilateral Trade Agreements and the GATS in Germany and Canada (Kamaal R. Zaidi) p.267

NOTES

- What's Old is New Again: Terrorism and the Growing Need to Revisit the Prohibition on Propaganda (Sarabeth A. Smith) p.299

- Illusion of Security: Why the Amended EU Framework Decision Criminalizing "Incitement to Terrorism" on the Internet Fails to Defend Europe from Terrorism (Lauren Mellinger) p.339

Human Rights Review, Volume 11, Number 4, December 2010

- The Relevance of Hannah Arendt's Reflections on Evil: Globalization and Rightlessness (Patrick Hayden) p.451-467
- The Phenomena of Enforced Disappearances in Turkey and Chechnya: Strasbourg's Noble Cause? (Juliet Chevalier-Watts) p.469-489
- Cross-Border Trafficking in Nepal and India—Violating Women's Rights (Tameshnie Deane) p.491-513
- Justice, Human Rights, and Reconciliation in Postconflict Cambodia (Susan Dicklitch and Aditi Malik) p.515-530
- The Margin of Appreciation Doctrine and the Case-Law of the European Court of Human Rights on the Islamic Veil (Raffaella Nigro) p.531-564
- Responsibilities for Human Capabilities: Avoiding a Comprehensive Global Program (Ville Päivänsalo) p.565-579
- Book Reviews
- Anthropological Perspectives on Genocide Alexander Laban Hinton and Kevin Lewis O'Neill, eds., *Genocide: Truth, Memory, and Representation*, Durham and London: Duke University Press, 2009 (Joyce Apsel) p.581-584
- Johannes Morsink, *Inherent Human Rights*, University of Pennsylvania Press, 2009 (Eric D. Smaw) p.585-588
- Rhoda Howard-Hassmann with Anthony P. Lombardo, *Reparations to Africa*, Philadelphia: University of Pennsylvania Press, 2008. (John Torpey) p.589-591
- Anthony Chase & Amr Hamzawy, Eds., *Human Rights in the Arab World: Independent Voices*, University of Pennsylvania, 2006 (Dana Zartner) p.593-595

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

ARTICLES

- The Rotterdam Rules: winners and losers
RICHARD WILLIAMS *School of Law, Swansea University*
- The application of the Rotterdam Rules
KATHLEEN S GODDARD *University of Plymouth*
- Multimodal maritime plus: some European perspectives on law and policy
PROSHANTO MUKHERJEE *World Maritime University Malmö, Sweden*
OLENA BOKAREVA *Lund University, Sweden*
- The Rotterdam Rules from an Estonian perspective
HEIKE LINDPERE *University Nord, Estonia*

ANALYSIS AND COMMENT

- Important new U.S. Supreme Court case on the multimodal carriage of goods
Kawasaki Kisen Kaisha Ltd. v. Regal-Beloit Corp.
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)
[2010]EWCA Civ 713
MICHAEL HARAKIS

[European Law Journal, Volume 16, Issue 6, November 2010](#)

- Constitutional Review in the Mega-Leviathan: A Democratic Foundation for the European Court of Justice (Quoc Loc Hong) p.695-716
- The Convention Method Revisited: Does It Have a Future and Does It Matter? (Christer Karlsson) p.717-735
- The European Commission's Own 'Preliminary Reference Procedure' in Competition Cases? (Kathryn Wright) p.736-759
- Are There Methods of Reasoning on 'Meta-Legislation'? The Interpretation of Legislative Competence Norms within the Methodology of European Constitutional Law (Marcus Hahn-Lorber) p.760-779
- Integrating Environmental Protection and EU Competition Law: Why Competition Isn't Special (Suzanne Kingston) p.780-805
- Resolving Incompatibilities of Bilateral Investment Treaties of the EU Member States with the EC Treaty: Individual and Collective Options (Ahmad Ali Ghouri) p.806-830

BOOK REVIEWS

- Die Selbstautorisierung des Agenten. Der Europäische Gerichtshof im Vergleich zum US Supreme Court – By Marcus Höreth (Osvaldo Saldías) p.831-833
- The Constitutional Dilemma of the European Union – By Joakim Nergelius (Agustín José Menéndez) p.833-836
- The Netherlands and the Development of Human Rights Instruments – By Hilde Reiding (Karen E. Smith) p.836-838
- The European Union and China. Decision-Making in the EU Foreign and Security Policy towards the People's Republic of China – By May-Britt Stumbaum (Jing Men) p.838-841

[Temple Journal of Science, Technology & Environmental Law, Volume 29, Number 1, Spring 2010](#) (select item)

- Why Marginalized Communities Should Use Community Benefit Agreements as a Tool for Environmental Justice: Urban Renewal and Brownfield Redevelopment in Philadelphia, Pennsylvania (Sariyah S. Buchanan) p.31

[Brigham Young University Law Review, Volume 2010, Number 2](#) (select items)

- The Global Financial Crisis and Proposed Regulatory Reform (Randall D. Guynn) p.421
- Bombed Away: How the Second Circuit Destroyed Fourth Amendment Rights of U.S. Citizens Abroad (Carla Crandall) p.719

[Loyola Law Review, Volume 56, Number 2, Summer 2010](#) (select item)

COMMENT

- Murder or Authorized Combat Action: Who Decides? Why Civilian Court is the Improper Forum to Prosecute Former Military Service Members Accused of Combat Crimes (Olivia Zimmerman Miller) p.447

[Drake Journal of Agricultural Law, Volume 15, Number 2, Summer 2010](#) (select items)

ARTICLE

- Responding Internationally to a Resource Crisis Interpreting the GATT Article XX(j) Short Supply Exception (Ben Sharp) p.259

NOTES

- Soil Carbon Offsets and the Problem of Land Tenure: Constructing Effective Cap & Trade Legislation (Keith Duffy) p.299
- Carbon Sequestration as Agriculture's Newest Market: A Primer on Agriculture's Role in Carbon Cap-and-Trade (Brant M. Leonard) p.317

[Law & Ethics of Human Rights](#)

Current Issue: Volume 4, Issue 2 (2010)

Rights, Balancing & Proportionality (select items)

Essays

[Proportionality in International Law PDF](#)

Thomas M. Franck

[Thin or Thick? The Principle of Proportionality and International Humanitarian Law PDF](#)

Georg Nolte

[Environmental Policy and Law](#)

October 2010, Volume 40, No. 5

UNITED NATIONS ACTIVITIES

UN / GA-65

- Environmental Law and Policy on the Agenda
(Elisa Morgera)

LOS

- Law of the Sea Meetings
(Ann Powers)

UNEP / IEG / 1st Meeting

- International Environmental Governance Reform
– A Briefing for the UN Missions –
(Angela Cropper)

FAO

- Council and Committee on Agriculture
– Recent Activities –
(Elsa Tsioumani)
- Wildlife Legislation for Empowerment of the Poor
(Elisa Morgera, Elsa Tsioumani)

IPBES

- New Science-Policy Platform?

CBD / ABS-9

- Seeking Agreement on Access and Benefit Sharing (Elsa Tsioumani)

UNFCCC

- Progress on Climate Commitments and Cooperation?
- The Disappearance of “1.5 Degrees Celsius” (Ian Fry)

CMS

- Inquiry into Future Directions for the Convention

OTHER INTERNATIONAL DEVELOPMENTS

Elizabeth Haub Award

- Recognising Indigenous Peoples

UN / DRIP

- Diplomacy Has Not Ended – It Has Only Just Begun (Hilario Davide, Jr.)

GEF

- A Perspective on the Fourth GEF Assembly (Julio Barboza)
- Three Key Meetings Guide Implementation (Soledad Aguilar)

AALCO / 49th Annual Session

- Special Meeting on Environment and Sustainable Development

CEDE

- The Right to Sanitation as a Human Right (Henri Smets)
- A Right of Access to Nature (Yvonne Scannell)

IWC / 62nd AM

- Adoption of Whaling Compromise Delayed

IUCN

- Headquarters Expansion

REGIONAL AFFAIRS

The Chagos Archipelago

- Footprint of Empire, or World Heritage? – (Peter Sand)

EU

- Relevance beyond Borders: Recent Developments (Elisa Morgera)

NATIONAL AFFAIRS

Australia

- Environmental Policy in the Howard and Rudd Eras (Frank G. Nicholls)

REFERENCES TO OTHER TOPICS

SELECTED DOCUMENTS

UNEP / IEG / 1st Meeting

- Co-Chairs' Summary

CEDE

-
- Resolution on the Right to Sanitation
 - Resolution on the Right of Access to Nature
- AALCO / 49th Annual Session
- Resolution on "Environment and Sustainable Development"

[The International Journal of Transitional Justice](#)

Special Issue: Transitional Justice on Trial - Evaluating Its Impact

Volume 4 Issue 3 November 2010

Oskar N.T. Thoms, James Ron, and Roland Paris

State-Level Effects of Transitional Justice: What Do We Know?

[Abstract](#) [Full Text \(HTML\)](#) [Full Text \(PDF\)](#)

Geoff Dancy

Impact Assessment, Not Evaluation: Defining a Limited Role for Positivism in the Study of Transitional Justice

[Abstract](#) [Full Text \(HTML\)](#) [Full Text \(PDF\)](#)

James L. Gibson, Jeffrey Sonis, and Sokhom Hean

Cambodians' Support for the Rule of Law on the Eve of the Khmer Rouge Trials

[Abstract](#) [Full Text \(HTML\)](#) [Full Text \(PDF\)](#)

Brandon Hamber, Liz Ševčenko, and Ereshnee Naidu

Utopian Dreams or Practical Possibilities? The Challenges of Evaluating the Impact of Memorialization in Societies in Transition

[Abstract](#) [Full Text \(HTML\)](#) [Full Text \(PDF\)](#)

Patrick Vinck and Phuong N. Pham

Outreach Evaluation: The International Criminal Court in the Central African Republic

[Abstract](#) [Full Text \(HTML\)](#) [Full Text \(PDF\)](#)

David Backer

Watching a Bargain Unravel? A Panel Study of Victims' Attitudes about Transitional Justice in Cape Town, South Africa

[Abstract](#) [Full Text \(HTML\)](#) [Full Text \(PDF\)](#)

Tricia D. Olsen, Leigh A. Payne, Andrew G. Reiter, and Eric Wiebelhaus-Brahm

When Truth Commissions Improve Human Rights

[Abstract](#) [Full Text \(HTML\)](#) [Full Text \(PDF\)](#)

Gearoid Millar

Assessing Local Experiences of Truth-Telling in Sierra Leone: Getting to 'Why' through a Qualitative Case Study Analysis

[Abstract](#) [Full Text \(HTML\)](#) [Full Text \(PDF\)](#)

Nokukhanya Mncwabe

African Transitional Justice Research Network: Critical Reflections on a Peer Learning Process

[Abstract](#) [Full Text \(HTML\)](#) [Full Text \(PDF\)](#)

International Community Law Review

Volume 12, Number 4, October 2010

[The Myth of Tribal Sovereignty: An Analysis of Native American Tribal Status in the United States](#) pp. 397-411(15)
Ford, Algeria R.

[Explaining Liberal Aggression: The International Community and Threat Perception](#) pp. 413-436(24)
Buchan, Russell

[The Character of the Conflict in Gaza: Another Argument towards Abolishing the Distinction between International and Non-international Armed Conflicts](#) pp. 437-469(33)
Mastorodimos, Konstantinos

[Antony Anghie, Bhupinder Chimni, Karin Mickelson and Obiora Okafor \(eds.\), The Third World and International Order: Law Politics and Globalization, Developments in International Law, 45, Leiden: Martinus Nijhoff, 2003, 208 pp., ISBN-13: 978-90-41-12166-0.](#) pp. 471-477(7)
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](#)
Nicola Sartori

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](#)
[Pasha L. Hsieh](#), Singapore Management University - School of Law

[Law on Island Protection of People's Republic of China](#)
[Nengye Liu](#), Ghent University - Department of Public International Law

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 Poicy, [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)
- Action Plan on Cluster Munitions Approved, [Hague Justice Portal](#) (15 Nov. 2010)
- Michèle Morel, The EU Court of Justice Rules on Terrorism and Refugee Status, [International Law Observer](#) (Nov. 14, 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

- Daniel Augenstein, [Study of the Legal Framework on Human Rights and the Environment Applicable to European Enterprises Operating Outside the European Union](#) (2010)
- The World Bank, [Natural Hazards, UnNatural Disasters: The Economics of Effective Prevention](#) (2010)
- Coalition for the International Criminal Court, [Report on the First Review Conference of the Rome Statute](#), 31 May – 11 June 2010, Kampala, Uganda
- 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)