

## Anton's Weekly Digest of International Law Scholarship\*

Available online at <http://donanton.org>

**Vol. 1, No. 5  
(Bumper Edition - 10 Dec 2010)**

= Due to overseas commitments last week, this is edition contains a fortnight of material =

**Contents** (*click on heading to navigate*)

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

### **I. SSRN Legal Scholarship Network & bepress Legal Repository**

(Abstracts in this Bulletin have been significantly edited for brevity)

#### [Once Upon a Time There Was a Gap . . .](#)

Roger O'Keefe

paper presented at the 4th ESIL Biennial Conference

From the EJIL Talk! Blog – “To much hilarity among the audience, Roger spun a tale about gaps in the law that featured a stellar cast, including a bespectacled and boyish Finnish professor, a mercurial French ILC rapporteur, and EJIL’s own Joseph Weiler, who reminded everyone, as the ‘Talmud long ago taught us’, ‘that even contradictory conclusions can both be the living word of God’. . . . As good as the speech itself was, it was Roger’s delivery that made it truly great. Easily one of the most entertaining (not to mention non-soporific) academic performances that I’ve ever seen; regrettably, no Youtube clip survives. Too bad if you weren’t there, but please do read the speech itself!”

.....

#### **Obligation Overload: Adjusting the Obligations of Fragile or Failed States**

[Kevin Davis and Benedict Kingsbury](#)

NYU School of Law

As the volume and burden of non-financial obligations imposed on states by global governance institutions continues to grow . . . ‘obligation overload’ is becoming an increasingly serious concern. Fragile and failed states, in particular, may be simply unable to meet all of their obligations. . . . We argue that international law, and global governance practice, must be developed to deal expressly with the problem of obligation overload. Using insolvency law as a model, we identify some relevant considerations, explore some of the interactions between partly-competing considerations which

---

\* 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](#).

complicate any solution, and set forth a range of institutional proposals which may contribute to reform in this area.

.....

### **Conceptualizing Aggression**

[Noah Weisbord](#)

Florida International University (FIU) College of Law

[Duke Journal of Comparative & International Law, Vol. 20, No. 1, 2009](#)

[Florida International University Legal Studies Research Paper No. 10-64](#)

. . . This paper analyzes the key concepts that make up the emerging definition of the crime of aggression by developing and applying a future-oriented methodology that brings together scenario planning and grounded theory. This Article explores the definition of the crime of aggression along three dimensions. The first is an exploration of the definition as times change and we move from past to future wars. The second dimension engages with the challenge of reaching an actual agreement in a context of frequently countervailing political and analytic (or academic) demands. The third dimension is the challenge, when conceptualizing aggression, of moving seamlessly from the concrete to the abstract and vice versa. This is a perennial challenge in law with important implications for this project. . . .

.....

### **A Taxonomy of International Rule of Law Institutions**

[Cesare P.R. Romano](#)

Loyola Law School - Los Angeles

Journal of International Dispute Settlement, Forthcoming

[Loyola-LA Legal Studies Paper No. 2010-55](#)

. . . This article has three aims. The first is limited. First, it updates previous classifications of international courts and tribunals and dispute settlement bodies. The second aim is a bit more ambitious. It is time to revise some of the categories and criteria of classification commonly employed in the field. More than a decade of scholarship in the field by legal scholars and political scientists has made it possible to gain a better understanding of the phenomenon. The abundance of data over a sufficiently long time-span is making it possible to start moving away from a mere "folk taxonomy" towards a more rigorous scientific classification. . . .

.....

### **[Displacement with Dignity: International Law and Policy Responses to Climate Change Migration and Security in Bangladesh](#)**

Jane McAdam, University of New South Wales

Ben Saul, University of Sydney

This paper is forthcoming in the German Yearbook of International Law. This paper may also be referenced as [2010] UNSWLRS 63.

. . . This article first describes the impacts of climate change on displacement and migration in Bangladesh. Secondly, it examines the nature of such movement, which is likely to be predominately internal rather than cross-border. Thirdly, it considers the security risks of climate change displacement in and from Bangladesh, focusing on resource scarcity, the risk of radicalization and terrorism within Bangladesh, and the transnational security risks of migration. Finally, it sets out options for law and policy reform with respect to climate change-related movement. It considers the need for adaptation – including through migration – as well as ways in which domestic, regional and international legal frameworks could be strengthened and progressively developed.

.....

## **The Principle of Proportionality Under International Humanitarian Law and Operation Cast Lead**

**[Robert Perry Barnidge Jr.](#)**

University of Reading - School of Law

NEW BATTLEFIELDS/OLD LAWS, William C. Banks, ed., Columbia University Press, September 2011

This chapter critically examines the principle of proportionality under international humanitarian law and contextualizes its vulnerabilities by looking at Israel's actions during Operation Cast Lead in the Gaza Strip between December 27, 2008, and January 18, 2009. It begins by providing a black letter law overview of the principle. Although widely accepted, the proportionality principle suffers from significant shortcomings that impact its usefulness as a predictable tool for distinguishing between the lawful and the unlawful, particularly in the context of asymmetrical warfare. These shortcomings exist at both a theoretical level, in the abstract, and at a practical level. To focus these discussions, the second half of this chapter looks at the largely negative international reaction to Israel's actions during Operation Cast Lead. This reaction, which was, and has been, typically couched with a feigned certainty that belies and leaves unanswered the theoretical shortcomings of the principle of proportionality, suggests that, more often than not, proportionality acts as the ultimate exemplar of law used instrumentally, as a tool to further a particular politics and paradigm of power.

.....

## **[Investing in Democracy? Political Process and International Investment Law](#)**

(Univ. of Toronto Law Journal, Vol. 60, no. 4, Fall 2010)

David Schneiderman

International investment law is rushing to stake out the high ground of democratic theory. It has been claimed that the interests of foreign investors ordinarily will not be represented within a host state's political processes and so investors deserve heightened protection from policy decisions that adversely affect investment interests. I argue in the present article that this smuggling of democratic theory and constitutional postulates into international investment law is inapt and, as an empirical matter, inaccurate. . . . I claim that this worry over democratic processes masks an attempt at legitimating controversial review by investment tribunals of high public-policy matters. Moreover, as empirical studies suggest, this solicitude offered to investors by political process review is mostly unwarranted as foreign corporate actors can and do shape host domestic policy.

.....

## **[An Insecure Climate for Human Security? Climate-Induced Displacement and International Law](#)**

Jane McAdam, University of New South Wales

Ben Saul, University of Sydney

This paper was published in HUMAN SECURITY & NON-CITIZENS, A. Edwards & C. Ferstman, eds., Cambridge University Press, 2009. Sydney Centre for International Law Working Paper No. 4. This paper may also be referenced as [2010] UNSWLRS 59.

This paper first outlines the phenomenon of climate-induced displacement, with a focus on displacement from small island States (particularly in the Pacific), on which the impacts of climate change are well documented and keenly felt (although the challenges manifested there have parallels in vastly different contexts). The paper next reviews how existing international law applies to those displaced or at risk of displacement from the effects of climate change. Having identified the limitations of existing international law in responding to the needs of those displaced by climate change, this paper then focuses on whether the emerging concepts of 'human security' and the 'responsibility to protect' could provide useful frameworks for identifying and analyzing the rights and interests at risk and for crafting responses to those risks.

.....

**Corporate Accountability in Conflict Zones: How Kiobel Undermines the Nuremberg Legacy and Modern Human Rights**

Harvard International Law Journal Online Article Series

By Tyler Giannini & Susan Farbstein

In this article series, the authors examine the use of corporate accountability mechanisms in situations of conflict and turmoil. By examining corporate accountability mechanisms and how they are applied across diverse conflict settings, the authors contribute to the valuable debate about the conditions and challenges of bringing corporate accountability to situations of general lawlessness and turmoil. The authors each present different approaches to ensuring corporate accountability that various stakeholders may consider using when dealing with these particularly difficult conditions.

.....

**Old and New Governance Approaches to Conflict Minerals: All are Better than One**

Harvard International Law Journal Online Article Series

By Amy Lehr

In this article series, the authors examine the use of corporate accountability mechanisms in situations of conflict and turmoil. By examining corporate accountability mechanisms and how they are applied across diverse conflict settings, the authors contribute to the valuable debate about the conditions and challenges of bringing corporate accountability to situations of general lawlessness and turmoil. The authors each present different approaches to ensuring corporate accountability that various stakeholders may consider using when dealing with these particularly difficult conditions.

.....

**Recognising the Local Perspective: Transitional Justice and Post-Conflict Reparations**

**Global Jurist, Vol. 10, Issue 3 (2010)**

Quirine Eijkman, University of Leiden and the International Centre for Counter-Terrorism

The importance of the local perspective on transitional justice processes in post-conflict societies is discussed in this article. By focusing not only on reparations as transitional justice institutions, but also on the perception of ordinary people of their legitimacy, it analyses how these kinds of efforts potentially contribute to a sense of justice, reconciliation, social reconstruction at the community level and lasting peace. It thereby relies on socio-legal research conducted in the former Yugoslavia and, to a lesser extent, in Africa, Latin America and Asia. This article concludes with the observation that there is no one-size-fits-all approach to post-conflict reparations in transitional societies, but that there are some general lessons to be learned from the case of Bosnia and Herzegovina.

.....

**Testing the Mettle of National Human Rights Institutions: A Case Study of the Human Rights Commission of Malaysia**

Asian Journal of International Law First View Article

Catherine RENSHAW, Andrew BYRNES, and Andrea DURBACH

In April 2008, the Human Rights Commission of Malaysia (SUHAKAM) was informed of the possible downgrading of its "A" status within the UN system, due to its apparent failure to comply with the Paris Principles relating to the status of national human rights institutions. This article explores this threat to downgrade SUHAKAM and the actions which it stimulated on the part of the Malaysian government and SUHAKAM itself. It argues that despite expectations by government and civil society at the time of its establishment, SUHAKAM has directly challenged government on major human rights issues on a number of occasions. At the same time, it has had difficulty persuading government to give effect to its recommendations and has as a consequence drawn strong criticism from civil society for failing to protect human rights that are within the government's power to rectify.

.....

**ASEAN Charter: Deeper Regional Integration under International Law?**

Chinese Journal of International Law Advance Access

**LIN Chun Hung**

Southeast Asia is a region rooted in cultural, ethnic, geographic and developmental diversity but generally viewed as a united bloc. Under the steady expansion of globalization and the drastic competition from neighbouring regions, regionalization in Southeast Asia is confronting new challenges and entering a new era. To deal with this, national leaders from the Association of Southeast Asian Nations (ASEAN) Member States decided in 2008 to adopt a new agreement, the ASEAN Charter, to aim for deeper integration in the future. What are the differences in ASEAN's position in the international community after adopting the ASEAN Charter? This article plans to analyse ASEAN's developmental challenges and the legal contents of the ASEAN Charter, as well as to compare some of the European Union's experiences in order to assess ASEAN's new status under international law.

.....

**The Linkage Requirement in Enforcement Immunity**

Chinese Journal of International Law Advance Access

**SUN Jin**

This article argues that compared with adjudicative immunity, which has developed to be restrictive instead of absolute, the enforcement immunity of foreign States still tends to be interpreted as it has long been interpreted in States practice. By discussing domestic legislations, the court practices of major players in this area and rules provided in regional multilateral conventions concerning the linkage requirement in enforcement immunity, as well as the fact that the UN Convention on Jurisdictional Immunities of States and Their Property also endorses the linkage requirement, a conclusion is drawn that the linkage requirement is not only an established rule of customary law but also has gained universal acceptance at least in opinio juris as evidenced by the adoption of the UN Convention.

.....

**The Mirage of Non-State Governance****Ralf Michaels**

Duke University - School of Law

**Utah Law Review, Forthcoming**

In this Essay, I offer three theses, all of which are critical. First, nonstate governance is conceptually unattractive; it is a concept that makes little sense. Second, nonstate governance is empirically unattractive; meaningful nonstate governance rarely exists. Third, meaningful nonstate governance is normatively unattractive; we would rarely want it, and people postulating it usually expect the state to play an important role. However, I also have something constructive: a proposed trajectory. Talk about the state and the nonstate can only be an intermediary stage in a trajectory of a theory of governance that might lead to a new paradigm of governance. This trajectory would move from state centralism via a state/nonstate dichotomy and a state/nonstate hybridity toward a new paradigm of governance beyond the state. In other words, talk about nonstate governance is not too radical; it is not radical enough.

.....

**Equality and Inclusion in Education for Persons with Disabilities: Article 24 of the Convention on the Rights of Persons with Disabilities and its Implementation in Hong Kong**

[Kelley Loper](#)

University of Hong Kong – Faculty of Law  
Hong Kong Law Journal, Vol. 40, pp. 419-447, 2010

This article considers the extent to which a legal right to equality and non-discrimination – as it has been expressed and developed in international law, domestic legislation, and constitutional provisions – can support inclusion in education for persons with disabilities. . . . It concludes that legal reforms are necessary for Hong Kong to fully implement its obligations to ensure inclusive education and substantive equality under the CRPD.

.....

**Banning Obsolete Weapons or Reshaping Perceptions of Military Utility: Discursive Dynamics in Weapons Prohibitions**

[Margarita H. Petrova](#)

Institut Barcelona d'Estudis Internacionals - IBEI  
IBEI Working Paper No. 2010/31

The paper focuses on the argumentative process through which new international norms prohibiting the use of weapons causing severe civilian harm emerge. It examines the debate surrounding the use and usefulness of landmines and cluster munitions and traces the process through which NGOs change conceptions of military utility and effectiveness of certain weapons by highlighting their humanitarian problems and questioning their military value. By challenging military thinking on these issues, NGOs redefine the terms of the debate . . . . The argument-counterargument dynamic shifts the burden of proof of the necessity and safety of the weapons to the users. The process witnesses the ability of NGOs to influence debates on military issues despite their disadvantaged position in hard security issue areas. . . .

.....

**Welfare Economics and Regulation of Small-Loan Credit: Lessons from Microcredit in Developing Nations**

[Alan M. White](#)

Valparaiso University - Law School  
[Valparaiso University Legal Studies Research Paper No. 10-12](#)

. . . A human development approach to evaluating the welfare impacts of credit products for the poor asks these questions: does a credit product or program increase income or consumption, achieve savings through investment in capital goods, or smooth consumption and avert crises, all at a reasonable cost? On the other hand, does the credit on balance redistribute income away from the poor without adequate offsetting benefits, or produce overindebtedness and declining borrower living standards? The empirical evidence on welfare impacts of microcredit, in the cases of Bangladesh, Bolivia, and South Africa, are reviewed. This evidence, together with the United States experience with payday lending, offers important insights into the benefits and risks of different credit products and programs for the poor. These insights can inform the next generation of consumer credit regulation . . . .

.....

**Message from Mt. Moriah: The Non-Permutable Law of War & Conflict****[Barbara P. Billauer](#)**

Foundation for Law and Science Centers, Inc.; Institute of World Politics

A Non-traditional reading of the Genesis story of the Sacrifice of Isaac based on traditional sources and derived from primary sources that illustrates the limits of warfare or armed conflict waged in the name of religion.

.....

**The EU's Climate and Energy Package: Environmental Integration and International Dimensions****[Elisa Morgera](#)**

University of Edinburgh

**[Kati Kulovesi](#)**

affiliation not provided to SSRN

**[Miquel Munoz](#)**

Boston University - Pardee Center

[U. of Edinburgh School of Law Working Paper No. 2010/38](#)[Edinburgh Europa Working Paper No. 2010/7](#)

This contribution seeks to explain the innovations and broader implications of the EU Climate and Energy Package from the viewpoint of general EU law and international law. It provides an innovative analysis of the Package through the lenses of the principle of environmental integration, highlighting the complex web of internal and external legal tools that the EU uses to pursue its climate change objectives.

.....

**Are Corporations 'Subjects' of International Law?****[Jose E. Alvarez](#)**

New York University (NYU) - School of Law

Santa Clara Journal of International Law, Forthcoming

[NYU School of Law, Public Law Research Paper No. 10-77](#)

Courts and scholars often attempt to draw legal conclusions from the status of entities, whether states, international organizations or corporations. Debates concerning whether corporations are "subjects" of international law and the legal conclusions that supposedly follow from this are particularly vociferous within Alien Tort Claims litigation in U.S. courts. Using the Supreme Court's recent decision in Citizens United as a cautionary tale, the author argues that drawing legal conclusions from the fact of "subject-hood" is fraught with peril, particularly in the case of corporations. He argues that such top-down approaches are likely to lead to unintended consequences and that corporations, like international organizations, should more properly be seen as "participants" than "subjects."

.....

**Federalism, Ethnicity and Human Rights in Nepal Or: Althusius meets Acharya****[Andreas Follesdal](#)**

University of Oslo

DALITS IN FEDERALISM, M. B. Bk and C. Bishwakarma, eds., Dalit Welfare Organization, 2009

The article addresses one of the difficult tasks of the Nepal Constituent Assembly: how to translate the idea and mechanisms of federalism in ways that are faithful to the best interests of the Nepal people, into a constitution of a democratic, human rights-respecting Nepal republic. The reflections

concern four varieties of federal elements, discussing arguments in favor and against each drawn from an interpretation of other states' experiences. . . .

.....

### **Civilizing American Civil Justice: International Insights**

[James R. Maxeiner](#)

University of Baltimore - School of Law; Stetson University College of Law

[Gyooho Lee](#)

Chung-Ang University School of Law

[Armin Weber](#)

affiliation not provided to SSRN

J. Maxeiner, G. Lee & A. Weber, CIVILIZING AMERICAN CIVIL JUSTICE: INTERNATIONAL INSIGHTS, Cambridge University Press, Forthcoming

[University of Baltimore School of Law Legal Studies Research Paper](#)

. . . This book is intended to [provide] Ten Points for Civil Procedure Reform that Promote Justice that is Civilized: 1) Legal rules seek justice through statutes; 2) Civil justice is accessible independent of wealth; 3) Those in right are not burdened with high litigation expenses; 4) Judges are professionals; 5) Trusted institutions coordinate civil justice; 6) Jurisdiction is determined without litigation; 7) Parties tell courts about their disputes; 8) Judges work with parties to prepare cases for decisions according to law; 9) Judges oversee taking evidence; 10) Courts base their judgments on law and explain them.

.....

### **The Alien-Citizen Distinction and the Global War on Terrorism**

[David Abraham](#)

University of Miami School of Law

[Tung Yin](#)

Lewis & Clark Law School

[University of Miami Legal Studies Research Paper No. 2009-27](#)

[Lewis & Clark Law School Legal Studies Research Paper No. 2010-3](#)

. . . The power of exclusion and especially of deportation has again grown more important (as it was during the Red Scares of the post-WWI and Cold War periods), making citizenship more important. As the government seeks to undermine constitutional protections in three ways — making it irrelevant who you are, where you are, or whose custody you are in — the benefits of the legal status of "citizen" seem to be in play. At the same time, we know the importance of citizenship as a mechanism for the defense of rights, perhaps especially of minority rights. Indeed, liberal immigration scholars have spent most of the past generation fretting over the discriminatory "bonus" offered by citizenship and have worked "human rights" and "due process" discourses to undermine that bonus. Since 9/11, however, a series of important Supreme Court cases has left us with only a murky sense of what rights apply to whom and where and how much of a guarantee "citizenship" offers. In this essay, we review the salient cases and seek to identify some current baselines around these "who, where, and whom" questions.

.....

### **Towards an International Dialogue on the Institutional Side of Antitrust**

[Phil Weiser](#)

University of Colorado Law School

[NYU Annual Survey of American Law, Vol. 66, No. 1, 2010](#)

The antitrust world is now globalized and interconnected, requiring ever-increasing awareness as to how different agencies operate. The need to promote convergence on substantive doctrines has received, and will continue to receive, considerable attention. What is less appreciated is the need to



focus on institutional design and practice, particularly as to the promotion of transparency and procedural fairness in the conduct of antitrust investigations. This Essay makes the case for such a focus, explaining how one of the healthy aspects of a multijurisdictional world is that sister agencies can challenge one another and model means of improving our institutional practices. In so doing, it explains that such learning should continue at the same time as international authorities endeavor to converge on best practices for ensuring procedural fairness during the course of an antitrust inquiry.

.....

### **Privacy: The New Generations**

[Omer Tene](#)

College of Management - School of Law, Israel  
International Data Privacy Law, 2010

#### **Abstract:**

The current international legal framework for data protection and privacy is founded on instruments such as the 1980 OECD Guidelines and the European Union Data Protection Directive that date from the 1980s and 1990s. At the time these instruments were drafted, technologies that have become pervasive today (such as the Internet, social networking, biometrics, and many others) were virtually unknown. Moreover, a new generation of users has grown up in the last few years that has come to integrate online technologies into the fabric of their daily lives. Privacy legislation has not kept up with these developments and remains based on concepts developed in the mainframe era. Thus, we need a new generation of privacy governance to cope with the implications of the new generation of online technologies, and to protect the new generation of technology users.

.....

### **Is There Space for 'Genuine Autonomy' for Tibetan Areas in the PRC's System of Nationalities Regional Autonomy?**

[Yash P. Ghai](#)

University of Hong Kong - Faculty of Law

[Sophia Woodman](#)

University of Hong Kong - Faculty of Law

[Kelley Loper](#)

University of Hong Kong - Faculty of Law . . .

International Journal on Minority and Group Rights, Vol. 17, pp. 137-186, 2010

This article considers whether room exists within the current system of nationalities regional autonomy (NRA) in China to accommodate Tibetan aspirations for "genuine autonomy" under the People's Republic of China (PRC) sovereignty. It examines the legal framework for NRA in China, as well as Chinese government policy and practice toward autonomous areas, in terms of the limitations and possibilities they imply for realizing Tibetan aspirations for autonomy, highlighting specific areas of concern, opportunities and constraints. . . . It concludes that there are formidable obstacles to the autonomy that Tibetans seek in order to preserve their culture, values and identity.

.....

### **The Natural Law Challenge to Choice of Law**

[Perry Dane](#)

Rutgers School of Law - Camden; Tikvah Center for Law & Jewish Civilization, New York University  
School of Law

THE ROLE OF ETHICS IN INTERNATIONAL LAW, Donald Earl Childress III, ed., Cambridge University  
Press, 2010

Would a jurisdiction supremely confident that some or all of its own municipal law rests on natural law and universal legal truth ever have a good, purely principled, reason to look to ordinary choice of law principles and apply the substantive law of another place in a case involving foreign elements?

This essay, a chapter in an upcoming volume on "The Role of Ethics in International Law," suggests several such reasons, some of them grounded in the natural law tradition itself and in sustained analysis of the relationship between natural law (if such a thing exists) and positive law. The essay also suggests at least a rough analogy between the jurisprudential challenges of choice of law and the theological challenges of interreligious encounter. It ends with a short effort apply the general argument to the specific question of the inter-jurisdictional recognition of same-sex marriages.

.....

**Universal Jurisdiction, Universal Prescription? A Preliminary Assessment of the African Union Perspective on Universal Jurisdiction**

[Charles C. Jalloh](#)

University of Pittsburgh - School of Law

[Criminal Law Forum, Vol. 21, No. 1, March 2010](#)

[U. of Pittsburgh Legal Studies Research Paper No. 2009-38](#)

. . . This article . . . analyzes the recent African government objections to the use of universal jurisdiction by French and Spanish courts against certain Rwandan officials. The author suggests that while part of the AU concern seems exaggerated, its current stance exposes legitimate concerns about the legality, legitimacy and practical effects of universal jurisdiction. These should be addressed to harness the potential of the universality principle. He concludes with some preliminary observations challenging the propriety of prosecuting alleged African crimes within the national courts of certain European states.

.....

**Comparative Corporate Governance: The State of the Art and International Regulation**

[Klaus J. Hopt](#)

Max Planck Institute of Foreign Private and Private International Law; European Corporate Governance Institute (ECGI)

[American Journal of Comparative Law, Vol. 59, p. 1, January 2011](#)

Corporate governance, i.e. the system by which companies are directed and controlled, has become a key topic for legislation, practice and academia in all modern industrial states. The financial crisis has highlighted the problems. Yet one goes astray if one does not understand how the unique combination of economic, legal and social determinants of corporate governance functions in each country. A functional comparative analysis based on reports from 33 countries and with references to economic literature may help. After dealing with the concepts, instruments (including soft law) and sources of corporate governance, the Article analyses the regulation and practice of the various actors in corporate governance: mainly the board and the shareholders, but also labor, gatekeepers (in particular the auditors), the supervisors and the courts. In the end, a great deal of convergence appears, though many pathdependent differences remain.

.....

**Civilizing Civil War: Writing Morality as Law at the ICTY**

[Alexander Zahar](#)

Macquarie University - Macquarie Law School

[THE LEGACY OF THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA, Bert Swart, Göran Sluiter, Alexander Zahar, eds., Oxford University Press, 2011](#)

International law governing international armed conflict has grown since 1945 to include many crimes for which individuals may be held criminally liable. The ICTY and its supporters claim that much of this law has been extended to non-international armed conflict. Nevertheless, states have resisted the extension. . . . Can the ICTY's law survive in the long term against the power of sovereign interest? I consider this question in the light of the United States' critique of the ICRC's 2005 customary-law study.

.....

### **Adaptive Watershed Planning and Climate Change**

**Craig Anthony (Tony) Arnold**

University of Louisville - Brandeis School of Law  
Environmental and Energy Law and Policy Journal, Vol. 5, 2010

. . . This article explores the role of adaptive watershed planning in adapting to climate change. Adaptive watershed management requires the use of adaptive planning methods, not merely ad hoc, reactive experimentalism and incrementalism. . . . In addition to describing the theory and features of adaptive planning and applying adaptive planning principles to watershed planning and management, this article also explores examples of watershed plans in the U.S. and Canada that have addressed climate change and analyzes a number of issues in adaptive watershed planning, including barriers to, and opportunities for, the increased and improved use of adaptive watershed planning to improve the capacity of watershed institutions to adapt to climate change.

.....

### **Natural Law Reasoning between Statism and Dystopia: International Law and the Question of Authority**

Reed, Esther D.

Jurisprudence, Volume 1, Number 2, December 2010 , pp. 169-196(28)

This essay argues that a restatement of Thomistic natural law reasoning is increasingly necessary in jurisprudential debate about international law. Mindful of Pope John Paul II's call for a renewal of international law, the essay engages with the present-day tension between Morgenthau-type realism (Goldsmith and Posner) and neo-Kantian discourse-oriented cosmopolitanism (Habermas). The essay addresses whether the former is sufficiently realistic in our global 21st century context, and whether the latter is adequately cosmopolitan. . . .

.....

### **'A monstrous failure of justice'? Guantanamo Bay and national security challenges to fundamental human rights**

Birdsall, Andrea

International Politics, Volume 47, Number 6, November 2010 , pp. 680-697(18)

This article considers challenges to the existing international human rights regime in the post-9/11 era. It uses an interdisciplinary approach that brings together issues of politics and law by focussing on international legal provisions and setting them into the context of International Relations theory. The article examines the establishment of Guantanamo Bay as a detention centre for suspected terrorists captured in the 'war on terror' and focuses on violations of international human rights and humanitarian law in the name of national security. This article demonstrates that the wrangling over Guantanamo Bay is an important illustration of the complex interaction between interests and norms as well as law and politics in US policy making. . . .

.....

### **The Kampala Convention on Internally Displaced Persons: Some International Humanitarian Law Aspects**

Ojeda, Stephane

Refugee Survey Quarterly, Volume 29, Number 3, 20 September 2010 , pp. 58-66(9)

In October 2009, the African Union Special Summit of Heads of State and Government adopted the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, also known as the Kampala Convention. This instrument is the first internal displacement-specific convention covering an entire continent, and sets out obligations for States Parties, armed groups,

the African Union, and humanitarian agencies in relation to all phases of displacement. This article explores to what extent norms of International Humanitarian Law have been integrated into the Kampala Convention, and to what extent this Convention contributes to the development of the International Humanitarian Law rules related to internal displacement in situations of armed conflict. It also addresses some issues related to the definition and obligations of armed groups under the Kampala Convention.

.....

### **South-South Trade and North-South Politics: Emerging Powers and the Reconfiguration of Global Governance**

[James Scott](#)

University of Manchester

The emergence of new powers in the global South is reconfiguring the institutions of global governance. New institutions are being formed and old ones revitalised in a rejuvenation of South-South political and economic cooperation. This paper examines the recently agreed round of negotiations within UNCTAD's Global System of Trade Preferences among Developing Countries (GSTP) and its role in this process. It . . . argues that the GSTP can only be understood within the context of the DDA. The most advanced developing countries are pursuing a twin-track process within the arena of global governance. These two, deeply intertwined tracks are used as a means of influencing one another. The GSTP therefore emerges as a strategy of increasing the leverage the emerging powers have within the DDA negotiations.

.....

### **Direct Concern in Regional Policy: The European Court of Justice and the Southern Question**

[Daniela Caruso](#)

Boston University School of Law

European Law Journal, 2011

[Boston Univ. School of Law Working Paper No. 10-41](#)

For a few years the European Court of Justice has declared inadmissible, for lack of direct concern, a number of annulment actions initiated by sub-state actors in the context of regional policy. This article compares the ECJ's holdings to the General Court's more generous application of the "direct concern" standard in some of the same disputes, and argues in favor of the General Court's 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

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.

.....

## **Human Rights Considerations in the Enforcement of Security Council Sanctions in the EU Legal Order**

[Erika De Wet](#)

University of Amsterdam - Faculty of Law

The analysis focuses in particular on the impact that UNSC blacklisting had on the right to judicial protection of the listed individuals and entities. This issue was of central importance in almost all cases pertaining to Resolutions 1267 (1999) and 1373 (2001) to date. The contribution attempts to distil the legal standards for blacklisting and de-listing that would satisfy the benchmarks for effective judicial protection before courts in the European Union (EU). An analysis of the decisions indicates that the legal obligations pertaining to judicial protection mainly concern the post-blacklisting phase (as opposed to the pre-blacklisting phase). . . .The analysis also indicates that the principles of judicial protection which were regarded as being applicable to blacklisted persons (and third parties incidentally affected by the blacklisting) were distilled primarily from EU or domestic law, despite the fact that international human rights instruments such as the European Convention of Human Rights (ECHR) were also applicable to the respective cases. . . .

.....

## **Keeping a Big Promise: Options for Baselines to Assess 'New and Additional' Climate Finance**

[Martin Stadelmann](#)

University of Zurich

[Axel Michaelowa](#)

Hamburg Institute of International Economics (HWWA)

[J. Timmons Roberts](#)

Brown University

Center for Comparative and International Studies Working Paper No. 66

All major climate policy agreements - the UN Framework Convention, the Kyoto Protocol and recently the Copenhagen Accord - have stated that climate finance for developing countries will be "new and additional". However, the term "new and additional" has never been properly defined. Agreeing a system to measure a baseline from which "new and additional" funding will be calculated will be central to building trust and realising any post-Kyoto agreement. We explore eight different options for a baseline, and assess each according to several criteria: novelty to existing pledges, additionality to development assistance, environmental effectiveness, distributional consequences, and institutional and political feasibility. Only two baseline options do well on these criteria and are therefore viable: "new funds only" and "above pre-defined business as usual level of development assistance". The final section assesses the impact of the baseline definition on the novelty and additionality of "fast start finance" pledged under the 2009 Copenhagen Accord, showing that values can vary from 0 to 100% depending on the definition.

.....

## **Terrorists, Insurgents, and Pirates: Assassin's Creed?**

[Eric Engle](#)

Universität Bremen; Pericles

Argues that terrorists should be generally analogized to pirates and governed by criminal law, and only exceptionally should terrorists be seen as insurgents participating in armed conflict and subject to the law of war. Critiques the relevant Israeli Supreme Court decision. Argues that the war on terror metaphor has failed, costing hundreds of thousands of lives and trillions of dollars.

.....

**Bring Back Bentham: 'Open Courts,' 'Terror Trials,' and Public Sphere(s)**

[Judith Resnik](#)

Yale University - Law School  
Law & Ethics of Human Rights, Forthcoming  
[Yale Law School, Public Law Working Paper](#)

The identification of courts as "open" and "public" institutions is commonplace in national and transnational conventions. But even as those attributes are taken for granted, the privatization of adjudication is underway. This paper explores how - during the last few centuries - public procedures came to be one of the attributes defining certain decision-making institutions as "courts." . . . Moving forward in time, I examine various contemporary techniques in several jurisdictions that shift the processes of adjudication toward privatization. Included are the devolving adjudication to less-public government entities such as administrative agencies; outsourcing to private providers; and reconfiguring the processes of courts to render them more oriented toward settlement. For those appreciative of the role courts play in developing and protecting human rights, these new practices are problematic because adjudication can itself be a site offering opportunities to engage in democratic practices. . . .

.....

**Domestic Adjudication and Economic, Social and Cultural Rights: A Socio-Legal Review**

[Malcolm Langford](#)

University of Oslo  
Sur International Journal of Human Rights, Vol. 6, No. 11, December 2009

Viewed in historical perspective, the recent rise of economic, social and cultural (ESC) rights in comparative legal jurisprudence and litigation strategy is remarkable. From a small number of jurisdictions to countries in all regions and legal systems of the world, there has been both a broadening and deepening of domestic judicial enforcement of these rights. While this enterprise casts some doubt on traditional presumptions concerning the non-justiciability of ESC, there remain a number of conceptual, instrumental and empirical questions. This paper seeks to provide an overview of the underlying causes of this socio-legal development, the nature and content of the emerging jurisprudence, the empirical evidence and debates around impact, lessons learned in effective litigation strategy and concludes with some thoughts on how the field could be developed.

.....

**Impediments to the Expulsion of Non-Nationals: Substance and Coherence in Procedural Protection Under the European Convention on Human Rights**

[Ian Bryan](#)

Lancaster University

[Peter Langford](#)

Edge Hill University College  
[Nordic Journal of International Law, Vol. 79, No. 4, 2010](#)

This article offers a critical assessment of the interpretative positions adopted by the European Court of Human Rights as to the applicability of Convention rights and freedoms to the deportation of "aliens" resident in the territory of a Contracting State. The article considers inconsistencies in the Court's jurisprudence and argues that these inconsistencies are a result of the characterisation of deportation proceedings as administrative events. The authors also explore the nature of Contracting States' deportation procedures and examine key features of the procedural guarantees afforded to non-nationals under the Convention and its Protocols. In addition, the authors consider the extent to which Convention notions of due process and natural justice are deemed germane to deportation proceedings. The article contends that disparities in the procedural protections accorded to nationals when compared with resident non-nationals conflict with the purpose of the European Convention on Human Rights are an avertable consequence of the primacy of State sovereignty.

.....

### **How to Change the EU Treaties: An Overview of Revision Procedures Under the Lisbon Treaty**

[Peadar Ó Broin](#)

Centre for European Policy Studies (CEPS)  
CEPS Policy Brief No. 215

Despite its protracted ratification process and pledges from national administrations and EU authorities that the Lisbon Treaty had closed the issue of treaty reform for the foreseeable future, a number of modifications to the EU treaties are currently in the pipeline. This Policy Brief provides an overview of the various procedures that are available for changing the Treaty of Lisbon.

.....

### **The TRIPS Enforcement Dispute**

[Peter K. Yu](#)

Drake University Law School  
[Nebraska Law Review, Vol. 89, 2011](#)

. . . In January 2009, the DSB released an important panel report on the U.S.-China dispute over the protection and enforcement of intellectual property rights under the TRIPS Agreement. In this report, a WTO panel, for the first time, focused primarily on the interpretation and implementation of the TRIPS enforcement provisions. The release of the report is particularly timely in light of the growing demands from both developed and less developed countries for greater reform of the international intellectual property regime. This Article provides an in-depth and comprehensive analysis of this panel report. It discusses the key arguments made by the China and the United States, the WTO panel's major findings, and the various remedial actions China has undertaken in response to the panel report. The article also discusses the many lessons the report has provided to policymakers, commentators, and intellectual property rights holders. . . .

.....

### **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](#)

Renewable power generation technologies exist today and comprise the foundation for the bridge to a sustainable international power generation infrastructure. . . . 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. It analyzes the critical role of international multilateral organizations to create the new architecture of carbon control before it is too late. This Article concludes by highlighting a little-noticed template for renewable power and carbon mitigation success that has been demonstrated in several developing countries. . . .

.....

### **Economic and Social Rights: The Role of Courts in China**

[Randall Peerenboom](#)

La Trobe University, Faculty of Law; Oxford University Centre for Socio-Legal Studies

Compared to the average lower-middle income country, China has done relatively well on most social and economic indicators. Chinese courts however have generally played a limited, and rather ineffectual, role in implementing economic and social rights (ESR). The UN Committee for Economic,

Social and Cultural Rights has strongly urged China to make greater use of the courts in implementing ESR. This article considers what the role of the courts could and should be in implementing ESR in China. . . .

.....

### **Constitutional Interpretation Through a Global Lens**

[Rex D. Glensy](#)

Drexel University - Earle Mack School of Law

[Missouri Law Review, Forthcoming](#)

[Drexel University Earle Mack School of Law Research Paper No. 2010-A-20](#)

This Article seeks to clarify the current debate concerning the use of non-U.S. persuasive authority within the context of constitutional interpretation. It begins by noting that commentary on comparative constitutional law often fails to make any distinction between foreign domestic sources and international law used comparatively, and thus risks evoking parallels between different systems of law that lack context and plausibility. It then draws on various normative theories and underpinnings of both domestic and international legal regimes to show that a proper comparative enterprise must take this distinction into account. The Article concludes by explaining that only when those policy goals of international law and domestic law coincide should international law materials be called upon as sources of persuasive authority for domestic constitutional interpretation.

.....

### **Dignity, Rights, and Responsibilities**

[Jeremy Waldron](#)

New York University (NYU) - School of Law

[NYU School of Law, Public Law Research Paper No. 10-83](#)

Taking as its point of departure, a Green Paper published by the UK government in 2008 urging greater emphasis on responsibilities, this essay considers various senses of "responsibility" that may be thought important in and around the topic of individual rights. Most likely, the authors of the Green Paper had in mind responsibilities that are correlative to rights and responsibilities that qualify rights or limit their exercise. But an additional idea - which has not been properly considered - is the idea of rights which ARE (in large part) responsibilities, rights which embody responsibilities. . . . Once you start thinking in these terms, many rights or claims of right have this structure . . . . In exploring this conception of "responsibility-rights," I relate it to the topic of dignity, inasmuch as the human dignity principle retains some aspects of dignity's earlier association with rank and role. I consider the possibility that human dignity generally can be understood as a source of responsibilities as well as rights, or - along the lines of my conception - as a source of protected normative positions which comprise elements of both. I don't suggest that all rights have this form, but I believe it is a highly illuminating conception nonetheless.

.....

### **International Law, Domestic Political Orders, and the 'Democratic Imperative': Has Democracy Finally Emerged as a Global Legal Entitlement?**

[Pippan Christian](#)

University of Graz

New York University Jean Monnet Center for International and Regional Economic Law & Justice  
Working Paper No. 02/10

After the end of the Cold War, democratic transitions in many parts of the world, a significant increase in the number of signatories to global and regional human rights instruments containing participatory rights, and a growing interest in 'free and fair' elections on the part of the UN and other international organizations have led some legal scholars to assert the emergence of an internationally constituted 'right to democratic governance.' . . . The present essay aims to revisit the discussion in



light of recent international developments, particularly within the United Nations. . . . [I]t will be argued that an international regime on domestic democratic governance is progressively taking shape. This regime is comprised of principles, norms, rules, and standards with varying degrees of normativity, around which the expectations of international actors regarding efforts of states 'to implement the principles and practices of democracy' increasingly converge.

.....

### **When Truth Commissions Improve Human Rights**

[Tricia Olsen](#)

University of Wisconsin

[Leigh Ann Payne](#)

affiliation not provided to SSRN

[Andrew G. Reiter](#)

University of Wisconsin - Madison - Department of Political Science

[Eric Wiebelhaus-Brahm](#)

International Human Rights Law Institute

International Journal of Transitional Justice, Forthcoming

. . . Truth commissions have a positive impact, however, when used in combination with trials and amnesties. This article extends the question of whether truth commissions improve human rights to how, when and why they succeed or fail in doing so. It presents a 'justice balance' explanation, whereby commissions, incapable of promoting stability and accountability on their own, contribute to human rights improvements when they complement and enhance amnesties and prosecutions. The article draws on experiences in Brazil, Chile, Nepal, South Korea and South Africa to illustrate the central argument.

.....

### **Tensions of Human Dignity: Conceptualization and Application to International Human Rights Law**

[Viviana Bohórquez Monsalve](#)

affiliation not provided to SSRN

[Javier Aguirre Román](#)

affiliation not provided to SSRN

Sur International Journal of Human Rights, Vol. 6, No. 11, December 2009

This article is the result of the research conducted on "Human Dignity: Philosophical conceptualization and the implementation of law" . . . This text formulates a three-strand conceptual reconstruction of the concept of human dignity: i) the tension between its natural and artificial character (either consensual or positive), ii) the tension between its abstract and concrete character, and iii) the tension between its universal and individual character. First, the main theoretical elements of these tensions are outlined. After that, the tensions are illustrated using four Instruments of International Human Rights Law and five trials by the Inter-American Court of Human Rights. Finally, conclusions regarding the tensions are presented.

.....

### **Concerns About the Quality of EU Legislation: What Kind of Problem, by What Kind of Standards?**

[Wim J. M. Voermans](#)

Leiden University - Leiden Law School

[Erasmus Law Review, Vol. 1, No. 2, 2009](#)

Over the last decade the interest in the quality of EU legislative instruments has surged due to serious threats to the effectiveness of the legislation. This contribution makes an inventory of the policies and instruments that have been put into place to improve quality of legislation and assesses their

character, orientation and effectiveness. Any appraisal of these policies, so the paper argues, is dependent on a perception of the basic functions attributed to EU legislative instruments and the standards derived from it. The paper concludes that the present policies and instruments for better lawmaking have the ability to promote regulatory quality, but not necessarily overall legislative quality.

.....

### **Introduction and Overview: Biotechnology, Risk Regulation, and the Failure of Cooperation**

[Mark A. Pollack](#)

Temple University - Department of Political Science

[Gregory Shaffer](#)

University of Minnesota - Twin Cities - School of Law

M. Pollack & G. Shaffer, *WHEN COOPERATION FAILS: THE INTERNATIONAL LAW AND POLITICS OF GENETICALLY MODIFIED FOODS*, p. 1, Oxford University Press, 2010

[Minnesota Legal Studies Research Paper No. 10-62](#)

This is the introductory chapter to our book *When Cooperation Fails: The International Law and Politics of Genetically Modified Foods* (Oxford University Press). It provides the argument of the book and introduces the individual chapters. We investigate the obstacles to reconciling regulatory differences among nations through international cooperation, and assess what happens when cooperation fails. This work addresses the dynamic interactions of domestic law and politics, transnational networks, international regimes, and global markets, through a theoretically grounded and empirically comprehensive analysis of the governance of genetically modified foods and crops. We show that the deeply politicized, entrenched and path-dependent nature of GMO regulation in the United States and the European Union has fundamentally shaped negotiations and decision-making at the international level, limiting the prospects for deliberation and providing incentives for both sides to engage in hard bargaining and to "shop" for favorable international forums. . . .

.....

### **United States - Import Prohibition of Certain Shrimp and Shrimp Products**

[Gregory Shaffer](#)

University of Minnesota - Twin Cities - School of Law

*American Journal of International Law*, Vol. 93, p. 507, 1999

[Minnesota Legal Studies Research Paper No. 10-63](#)

In its report "United States- Import Prohibition of Certain Shrimp and Shrimp Products," the WTO Appellate Body attempts to foster a process whereby diverse interests are accounted for when regulations addressing environmental issues affect trans-border trade. In this way, the Appellate Body decision significantly departed from former GATT jurisprudence and, in particular, the former GATT panel decisions in the two tuna-dolphin cases of 1991 and 1994. The Appellate Body decision can be viewed as a response to challenges to WTO legitimacy by powerful constituencies in the United States and Europe which successfully pressured their governmental representatives to seek changes in the application of GATT rules. . . .

.....

### **Transitional Justice, Judicial Accountability and the Rule of Law: Introduction**

[Hakeem O. Yusuf](#)

Queen's University Belfast - School of Law

H.O. Yusuf, *TRANSITIONAL JUSTICE, JUDICIAL ACCOUNTABILITY AND THE RULE OF LAW*,  
Routledge

*Transitional Justice, Judicial Accountability and the Rule of Law* addresses the importance of judicial accountability in transitional justice processes. Despite a general consensus that the judiciary plays an

important role in contemporary governance, accountability for the judicial role in formerly authoritarian societies remains largely elided and under-researched. I argue in this book that the purview of transitional justice mechanisms should, as a matter of policy, be extended to scrutiny of the judicial role in the past. . . . It demonstrates that public accountability of the judiciary through the mechanism of a truth-seeking process is a necessary component in securing comprehensive accountability for the judicial role in the past. Transitional Justice, Judicial Accountability and the Rule of Law further shows that an across-the-board transformation of state institutions – an important aspiration of transitional processes – is virtually impossible without incorporating the third branch of government, the judiciary, into the accountability process.

.....

**The International Legal Regime for Climate Change: Perspectives and Prospectives (In Spanish)**

[Jorge E. Vinuales](#)

Graduate Institute of International and Development Studies  
ORGANIZATION OF AMERICAN STATE (O.A.S.)/INTER-AMERICAN JURIDICAL COMMITTEE, COURSE  
ON INTERNATIONAL LAW, pp. 233-305, 2009

This course provides a concise introduction to the international law of climate change as well as to the negotiation process currently ongoing. It was given in August 2009 in Rio de Janeiro (and subsequently updated) as part of the Annual Courses of International Law organized by Organization of American States (OAS).

.....

**The Intelligibility of Extra-Legal State Action: A General Lesson for Debates on Public Emergencies and Legality**

[Francois Tanguay-Renaud](#)

Osgoode Hall Law School - York University  
Legal Theory, Vol. 16, pp. 161-189, 2010  
[Osgoode CLPE Research Paper No. 47/2010](#)

This is the penultimate draft of an article to be published in Legal Theory. Some legal theorists deny that states can conceivably act extra-legally, in the sense of acting contrary to domestic law. This position finds its most robust articulation in the writings of Hans Kelsen, and has more recently been taken up by David Dyzenhaus in the context of his work on emergencies and legality. This paper seeks to demystify their arguments and, ultimately, contend that we can intelligibly speak of the state as a legal wrongdoer or a legally unauthorized actor.

.....

**The Development of a System of Industrial Property Protection in the European Union: The Role of the Court of Justice (Die Entwicklung eines Systems des Gewerblichen Rechtsschutzes in der Europäischen Union: Die Rolle des Gerichtshofs)**

[Hanns Ullrich](#)

Max Planck Institute for Intellectual Property, Competition & Tax Law  
ÖKONOMISCHE ANALYSE DES EUROPARECHTS - PRIMARRECHT, SEKUNDARRECHT UND DIE ROLLE  
DES EUROPAISCHEN GERICHTSHOTS, Th. Eger, Hrsg, Tübingen (Mohr Siebeck), 2010  
[Max Planck Institute for Intellectual Property, Competition & Tax Law Research Paper No. 10-11](#)

The Court of Justice of the European Union has frequently been criticized for its allegedly pro-integration and almost pro-active judicial policy regarding the construction and the application of primary and secondary Union law. This paper aims at showing that, at least with respect to the development of a uniform case law on harmonized national and unified Community industrial property, the Court has had and still has to fulfil its unique task of informing national courts and the

industrial property community in general as to the direction, in which European Union law is to evolve in the interest of the Union's legal unity and of its independent industrial property policy. . . .

.....

**A Margin of Appreciation for Muslims? Viewing the Defamation of Religions Debate Through Otto-Preminger-Institut v. Austria**

**Robert A. Kahn**

University of St. Thomas School of Law (Minnesota)

[U of St. Thomas Legal Studies Research Paper No. 10-27](#)

Critics of the global standard outlawing defamation of religions often view the proposal as an effort by radical Muslims to deprive the liberal West of long-held liberties. What if however, the supporters of the proposal are surprisingly moderate in what they ask for? What if the liberal West itself has a history of banning blasphemy? To explore these questions, this essay looks at the defamation of religions debate from the vantage point of Otto-Preminger-Institut v. Austria (1994), in which the European Court for Human Rights upheld an Austrian prosecution of a film potentially offensive to Catholics. The Otto-Preminger case unsettles the critics' arguments in two ways. First, the majority suggests one could ban some blasphemy without stifling religions debate. Second, the dissent, while opposing the prosecution, would have allowed Austria to ban violent and abusive attacks on religious groups. This suggests a compromise where defamation of religions proposal is read as calling for a ban on the incitement of religious hatred. Finally, the Otto-Preminger case shows how to conduct a civil discussion about if and when to ban religiously offensive speech. There is a lesson for defamation of religion critics here as well.

.....

**Sex Work and Human Rights in Africa**

**Chi Mgbako**

Fordham University - School of Law

**Laura A. Smith**

affiliation not provided to SSRN

[Fordham International Law Journal, Vol. 33, p. 1178, 2010](#)

[Fordham Law Legal Studies Research Paper No. 1710654](#)

This Article serves as the first law review essay to engage the feminist debates regarding sex work and human rights in the African context. The Article surveys "antiprostitution" and "pro-sex-worker" feminist arguments and activities in sub-Saharan Africa; explores the debate surrounding the legal frameworks of legalization, decriminalization, prohibition, and abolition of prostitution in a number of African countries including Senegal, where prostitution is legal and regulated, and South Africa where prostitution remains illegal despite civil society advocacy for decriminalization; and calls for the empowerment of African sex workers by arguing for a human rights-based transformation in African governments' legal and policy posture towards sex work.

.....

**Globalization and Indigenization: Legal Transplant of a Universal Trips Regime in a Multicultural World**

**Wei Shi**

Bangor University Law School

[American Business Law Journal, Vol. 47, No. 3, 2010](#)

This article considers the harmonizing effect of TRIPS and the global enforcement of IPR through a discussion of legal transplantation and cultural adaptation. . . . The author argues that the involvement of the pre-industrial countries in the global economy illustrates their strategic reorientation and concludes that legal assimilation is an inevitable cost of the participation in the global trading system.

.....

**Fit for All Practical Purposes? Constitutionalism as a Legitimising Strategy for the European Union**

**[A \(Ton\) van den Brink](#)**

Utrecht University/ Europa Institute

THE DYNAMICS OF CONSTITUTIONALISM IN THE AGE OF GLOBALISATION, pp. 125-144, M. Frishman & S. Muller, eds., The Hague: Hague Academic Coalition 2010

How appropriate is the concept of constitutionalism in the context of the European Union? . . . An interesting perspective on EU constitutionalism is the role of national constitutional structures. Letting go of a hierarchal perspective on EU constitutionalism makes it possible to focus on independent national contributions to the European constitutional order. Developments in legal and political practice are highly dynamic, and the Treaty of Lisbon provides a new incentive for a change of focus, for example towards the role of national parliaments. However, comparative constitutional perspectives still have a lot to reveal in terms of how national structures may contribute to the legitimacy of the EU constitutional order.

.....

**The Union of South American Nations, the OAS, and Suramérica**

**[David Nicholas Allen](#)**

affiliation not provided to SSRN

ILS Journal of International Law, Vol. 1, No. 1, 2010

Since the mid-20th century, the Organization of American States (OAS) has been the premier supranational organization governing the affairs of South America. In 2008, however, the sway of the OAS in South America was checked by the creation of a new regional organization – the Union of South American Nations (UNASUR). . . . For the sake of understanding how UNASUR might have to interact with the OAS and how states will have to balance their domestic responsibilities with these new regional priorities, this article will conduct a comparative analysis of the two organizations. It will analyze each bodies' respective histories, purposes, political jurisdictions, policies on interactions with third-parties, and conflict resolution mechanisms while analyzing possible consequences for legal friction and overlap. The article will conclude by stating its position on whether or not, because of the pre-existence of a similarly-situated institution, UNASUR can really benefit the South American people.

.....

**The Sacrificial Yoo: Accounting for Torture in the OPR Report**

**[David Cole](#)**

Georgetown University Law Center

Journal of National Security Law and Policy, Vol. 4, p. 455, 2010

[Georgetown Public Law Research Paper No. 10-73](#)

. . . This essay critically reviews the [Office of Professional Responsibility] OPR Report and Margolis's report, and maintains that both the report and Margolis committed two fundamental errors. First, neither considered the ultimate illegality of what the memos authorized – torture and cruel, inhuman, and degrading treatment of human beings within United States custody and control. . . . Second, and relatedly, both reports spared Yoo and Bybee's successors from the analysis afforded to Yoo and Bybee. . . . The OPR and Margolis were unwilling to address the ultimate legal wrong committed by Yoo and Bybee, I argue, precisely [because] doing so would necessarily have implicated too many in the Justice Department (and beyond). Thus, the focus on John Yoo was a convenient ploy to avoid confronting the full extent of systemic illegality perpetrated by a whole series of Justice Department lawyers and high-level officials in the Bush administration, up to and including President Bush himself, over a six-year period.

.....

### **Sustainable Development and Environmental Challenges**

[\*\*Akbar Valadbigi\*\*](#)

State University of Yerevan - Armenia

[\*\*Shahab Ghobadi\*\*](#)

Kurdistan State University - Iran

[OIDA International Journal of Sustainable Development, Vol. 2, No. 3, pp. 23-28, 2010](#)

Nowadays environmental destruction directly affects the economic process of world countries. . . . In this article, Iran's environmental challenges with respect to the concept of development and specially "sustainable development" have been discussed.

.....

### **Private Environmental Governance as Ensemble Regulation: A Critical Exploration of Sustainability Indexes and the New Ensemble Politics**

[\*\*Oren Perez\*\*](#)

Bar-Ilan University - Faculty of Law

Theoretical Inquiries in Law, Forthcoming

[Bar Ilan Univ. Pub Law Working Paper](#)

Over the last years, the environmental regulatory system has undergone radical changes. Various private normative schemes, ranging from corporate codes to environmental management systems, environmental reporting standards, project-finance codes and green indexes, have taken an increasingly important role in the regulatory arena. . . . The article begins with an outline of this new global terrain, exploring its historical evolution. . . . The article then moves to examine the question of efficacy more generally, developing a nuanced understanding of the social dynamic of 'soft-law' regulation, which rejects the binary logic underlying the 'soft law'-'greenwash' narratives. . . . The article then turns its focus to the field of sustainability indexes, focusing on the two primary global players: FTSE4Good Index Series and Dow Jones Sustainability Indexes ("DJSI"). . . . It then moves to explore the mechanisms of legitimacy employed by FTSE4Good and DJSI, highlighting their distinctive visions of legitimization. A close examination of sustainability indexes generates insights, I will argue to the field of private global environmental governance as a whole. In particular, it highlights both the new political opportunities created by the evolving network of transnational governance and the limits this new structure set for radical critique.

.....

### **The Use of International Law in U.S. Constitutional Adjudication**

[\*\*Rex D. Glensy\*\*](#)

Drexel University - Earle Mack School of Law

[Emory International Law Review, Forthcoming](#)

[Drexel University Earle Mack School of Law Research Paper No. 2010-A-21](#)

This Article seeks to untangle part of the debate concerning the use of international law as persuasive authority within the context of U.S. constitutional interpretation. It begins by noting that international law is being used comparatively within the framework of constitutional analysis but such usage lacks structure and context. It then posits that U.S. courts should only use international law as persuasive authority when this fits within the goals of the comparative enterprise. By combining comparative theory and historical practice, the Article concludes by proposing a methodology for employing international law as persuasive authority by U.S. Courts.

.....

**The Puzzle of Citizenship and Territory in the EU: On European Rights Overseas****Dimitry Kochenov**

University of Groningen - Faculty of Law

Maastricht Journal of European and Comparative Law, Vol. 17, 2010

Aiming at outlining the essential framework of EU citizenship's specificity in the context of the Overseas Countries and Territories associated with the Union (OCTs), this paper approaches the development of the legal status of EU citizenship as a process of the redefinition of the territorial nature of EU law and analyzes the essential specific features of the functioning of EU citizenship enjoyed by those Member States' nationals who reside outside the territorial scope of EU law. Member States' nationals residing in the OCTs are fully fledged EU citizens. The legal specificity of the OCTs framed by the Treaties follows territorial logic, which means that Part II TFEU on EU citizenship fully applies in the OCTs via *ratione personae* of EU law, empowering all their inhabitants to benefit from applicable rights and freedoms granted to them by the Union which are not in conflict with Part IV TFEU and the logic of association described therein.

.....

**Comparative Law in the Reasoning of the European Court of Human Rights****Kanstantsin Dzehtsiarou**

UCD

University College Dublin Law Review, Vol. 10, pp. 109-140, 2010

This paper explores how comparative research is done and applied by the European Court of Human Rights. This is a working draft of the paper published in UCD Law Review.

.....

**Recent Books on Human Rights and Groups****Alexander Orakhelashvili**

University of Birmingham - Law School

International Journal on Minority and Group Rights, Vol. 17, pp. 491-499, 2010

Review Essay on Scheinin & Kamminga (eds.), *The Impact of Human Rights on General International Law*, Oxford University Press, 2009.

.....

**Implementing Public Health Regulations in Developing Countries: Lessons from the OECD Countries****Lawrence O. Gostin**

Georgetown University Law Center - O'Neill Institute for National and Global Health Law

**Emily A. Mok**

Georgetown University Law Center

**Monica Das Gupta**

World Bank - Development Research Group (DECRG)

**Max Levin**

Georgetown University - The O'Neill Institute for National and Global Health Law

Journal of Law, Medicine and Ethics, Vol. 38, No. 3, pp. 508-519, Fall 2010Georgetown Public Law Research Paper No. 10-68

The enforcement of public health standards is a common problem in many developing countries. . . . This article begins by discussing some traditional forms of public health regulations; these regulations include administrative searches and inspections as well as licensing measures. . . . In addition to such traditional measures, we discuss more creative approaches to reducing dependence on the judiciary and reducing administrative costs. Dependence on the judiciary can be reduced through increased

reliance on alternative dispute resolution methods, such as mediation and arbitrations, as well as through the use of a public health Ombudsman. . . .

.....

**Where Does the Critique of International Human Rights Stand? An Exploration in 18 Vignettes**

**[Frederic Megret](#)**

McGill University - Faculty of Law

This paper will be presented at a forthcoming conference in Madrid at the CEU University San Pablo. It is an attempt to survey the broad field of critical international human rights approaches, suggest their explanatory power for some concrete human rights issues and outline a few leads for what a sustained critical/constructive engagement with human rights could be.

.....

**The UN is Bound by Human Rights: Understanding the Full Reach of Human Rights, Remedies, and Nonimmunity**

**[Jordan J. Paust](#)**

University of Houston Law Center

[Harvard International Law Journal Online, Vol. 51, p. 1, 2010](#)

[University of Houston Law Center No. 2010-A-38](#)

Is the United Nations, including the various entities that comprise the organization, bound to observe customary human rights? If so, what provisions of the United Nations Charter form the basis for such an obligation? Are the United Nations, its entities and personnel also bound by human rights jus cogens? In time of armed conflict, does the law of war override the reach of human rights law? Does potential liability for human rights violations exist for the U.N. and its entities, the state, and the individual, and if so, should the U.N. be immune? These are some of the important questions raised by Tom Dannenbaum's article in the Harvard Journal and addressed in this on-line essay.

.....

**Natural-Resource Wealth and the Survival of Autocracy**

**[Jay Ulfelder](#)**

Science Applications International Corporation (SAIC)

Does natural-resource wealth impede transitions to democracy? This article revisits this question with an event history design that differs from the approach used in other recent statistical tests of rentier state theory. The research confirms that autocracy is typically more durable in countries with substantial resource wealth, and the author finds this effect is robust to other measures proposed to explain the dearth of democracy in the Middle East or the Muslim world. Along the way, the author raises concerns about the use of all-countries and all-years samples to test theories of democratization, arguing that this design can obscure important differences in the forces driving stability and change among different types of political regimes.

.....

**Beyond Treaties and Regulation: Using Market Forces to Control Dual Use Technologies**

**[Stephen M. Maurer](#)**

University of California, Berkeley

Goldman School of Public Policy Working Paper No. GSPP10-010

WMD technologies are increasingly available from commercial firms located all over the world. . . . Recently, the companies in one such industry (artificial DNA) used these same economic forces to develop and implement a biosecurity standard. Surprisingly, the resulting standard is more stringent – and at least arguably more enforceable – than the US government's own official guidelines. This



article . . . suggests that private standards should be reasonably feasible, stringent, and enforceable for many dual use industries. Furthermore, theory suggests that private standards will often reflect society's risk preferences at least as well as public regulation. The article concludes by suggesting specific reforms for improving private and public standards-setting still further.

.....

**The Development of Gender within the Particular Social Group Definition Under the United Nations Refugee Convention and United States Immigration Law: Case Studies of Female Asylum Seekers from Cameroon, Eritrea, Iraq and Somalia**

[Ty Shawn Wahab Twibell](#)

affiliation not provided to SSRN

[Georgetown Immigration Law Review, Vol. 24, No. 2, Winter 2010](#)

This article's main proposition is that women who seek asylum in the United States based on gender do not have sufficient protection. . . . Interwoven into this article is my essay on the need for greater acceptance of gender-based asylum and arguments against its opponents. America can be a safe-haven for women; but it must go much further to fulfill its status as a leader in protecting women. Currently, women can obtain protection, but as my own experience and wider analysis confirms, it is insufficient; a woman's ability to seek protection may depend on where she files for asylum and the particular adjudicator or judge assigned. It could also affect an adjudications credibility determination.

.....

**Independence and Interdependence: Lessons from the Hive**

[Adrian Vermeule](#)

Harvard University - Harvard Law School

[Christian List](#)

affiliation not provided to SSRN

[Harvard Public Law Working Paper No. 10-44](#)

There is a substantial class of collective decision problems whose successful solution requires interdependence among decision makers at the agenda-setting stage and independence at the stage of choice. We define this class of problems and describe and apply a search-and-decision mechanism theoretically modeled in the context of honeybees, and identified in earlier empirical work in biology. The honeybees' mechanism has useful implications for mechanism design in human institutions, including courts, legislatures, executive appointments, research and development in firms, and basic research in the sciences. Our paper offers a fresh perspective on the idea of "biomimicry" in institutional design and raises the possibility of comparative politics across species.

.....

**Business and Human Rights: The Struggle for Accountability in the UN and the Future Direction of the Advocacy Agenda**

[Patricia Feeney](#)

affiliation not provided to SSRN

[Sur International Journal of Human Rights, Vol. 6, No. 11, December 2009](#)

Over the past 40 years the United Nations has made various attempts to develop global standards to hold companies accountable for their involvement in human rights abuses. This article traces the growing awareness of business-related human rights abuses and the limitations of the traditional State-centric approach to regulating corporations in the era of globalisation. It reflects on the reasons for the demise of the Draft UN Norms on the Responsibilities of Transnational Corporations and considers the strengths and weaknesses of 'the Protect, Remedy and Respect Framework' adopted by the Human Rights Council in 2008. The article concludes with a warning that unless the demands for global standards and an effective remedy for those affected by corporate misconduct are addressed, pressure for change is only liable to intensify.

.....

**Breaking New Ground in International Criminal Law and Philosophy**

[Michelle Madden Dempsey](#)

Villanova University School of Law

Transnational Legal Theory, Vol. 1, No. 3, p. 453, 2010

[Villanova Law/Public Policy Research Paper No. 2010-21](#)

This is a book review of Larry May and Zachary Hoskins, eds., International Criminal Law and Philosophy (Cambridge University Press, 2010) 258 pp.

.....

**Difficult Journeys: Accessing Refugee Protection in Indonesia**

[Savitri Taylor](#)

La Trobe University - School of Law

[Brynna Rafferty-Brown](#)

La Trobe University - School of Law

Monash University Law Review, Vol. 36, No. 3, 2010

This article describes and discusses the difficulties experienced by asylum seekers in Indonesia in obtaining access to UNHCR's refugee status determination process and obtaining recognition of refugee status. It ends with recommendations for mitigating the difficulties identified.

.....

**I Get by with a Little Help from My Friends? Understanding the UK Anti-Bribery Statute, by Reference to the OECD Convention, and the Foreign Corrupt Practices Act**

[Eric Engle](#)

Universität Bremen; Pericles

The UK Anti-Bribery Act makes both bribery of a public official and private-to-private commercial bribery illegal; it imposes a (strict liability) offense for commercial organizations which fail to prevent bribery by persons associated with them. . . . The Act meets and exceeds Britain's obligations under the OECD Anti-Bribery Convention, itself too an outgrowth of the U.S. FCPA and seeks to raise international standards and relies on soft law to do so in tandem with hard law. The British Act is often criticized for overreach and ambiguity. This article analyzes the genesis of the British Act, arguing that several of the criticisms of the British Act are valid but that the act can be cured of many of its perceived flaws by reference to common law concepts (e.g., agency) or by reference to flanking international instruments as persuasive evidence of the British legislator's intent and/or of the desired goals the Act seeks after. . . .

.....

**Implications of International Investment Law for Tobacco Flavouring Regulation**

[Tania S. Voon](#)

Melbourne Law School

[Andrew D. Mitchell](#)

Melbourne Law School; Georgetown University Law Center

Journal of World Investment & Trade, Vol. 12, No. 1, 2011

Several countries now restrict the use of particular 'flavours' in cigarettes and other tobacco products. Various flavours may make cigarettes more attractive to consumers in general (for example by making them easier to smoke) or to particular groups such as children and young people. Domestic regulatory measures restricting tobacco flavouring therefore have a clear health objective. Nevertheless, tobacco companies may threaten to challenge these measures under international investment law, as they have done recently in relation to other tobacco control measures.

Understanding the nuances and complexities of bilateral investment treaties (and investment chapters of preferential trade agreements) is therefore crucial for governments in designing flavouring measures and withstanding complaints in the context of foreign investment. . . . An analysis of flavouring measures under international investment law is vitally important as the Fourth Conference of the Parties to the WHO Framework Convention on Tobacco Control gets underway.

.....

### **Linguistic Silos as Barriers to Sustainable Environment**

**[John Mixon](#)**

University of Houston Law Center  
[Tulsa Law Review, Vol. 44, No. 7, 2008](#)  
[University of Houston Law Center No. 2010-A-33](#)

The linguistic difficulties of crossing international cultural and language boundaries are obvious. What is not so obvious is that, within a given culture, linguistic silos may isolate professional subcultures and hinder communication across disciplinary boundaries. Even to a greater extent, professional silos may leave the lay community entirely outside the circle of understanding. . . . This article proposes a conversation about epistemological differences with an eye toward facilitating discourse among scientists, lawyers, and the lay community. The discussion may be more useful to students and new professionals than to long-time practitioners who have worked out their own understanding and accommodations to these linguistic differences.

.....

### **Mitigating the Distributional Impacts of Climate Change Policy**

**[Tracey Michelle Roberts](#)**

Louis D. Brandeis School of Law  
Washington & Lee Law Review, Vol. 67, p. 209, 2010  
[University of Louisville School of Law Legal Studies Research Paper Series No. 2010-08](#)

Under both a cap-and-trade system and a greenhouse gas tax, the government will regulate energy suppliers and distributors, utility companies, and large manufacturers. These parties will bear the statutory incidence of the regulation. However, the financial impacts of regulating greenhouse gas emissions will be borne primarily by consumers. Consumers will bear the economic incidence of the regulation in the form of increased costs of gasoline, electricity, and home heating fuels and in increased consumer prices for all goods manufactured or distributed using fossil fuels. Greenhouse gas regulation will also generate significant revenue. This Article addresses the question of what should be done with those revenues. . . . [T]his Article proposes that the optimal regulatory regime is one that neutralizes the distributional impacts. The government may achieve this by capturing revenues from a cap-and-trade system or a greenhouse gas tax and using those revenues to issue a rebate that is proportional to household income and scaled according to household size. This Article also suggests that the most efficient method for delivering the rebate is by issuing a refundable tax credit through the income tax system, based on the institutional compatibility of that system with the regulatory and distributional goals of the policy.

.....

### **A Rawlsian Approach to International Criminal Justice and the International Criminal Court**

**[Leila N. Sadat](#)**

Washington University School of Law in St. Louis  
[Tulane Journal of International & Comparative Law, Vol. 19.1, 2010](#)  
[Washington University in St. Louis Legal Studies Research Paper No. 10-07-01](#)

Traditionally, the United States has adopted a foreign policy that refuses to ratify the International Criminal Court treaty. This lecture explores the moral and legal responsibilities that the U.S. has in

preventing and punishing mass atrocities across the globe. It argues that not only would American support of the ICC reinforce our deep faith in the rule of law, it is also a moral imperative to endorse this international institution. This lecture suggests that Americans have special talents to bring to this endeavor, as well as a collective responsibility to recognize and remember our shared humanity and to help improve the lot of those who are less fortunate. Drawing inspiration from the great American legal philosopher John Rawls, the author suggests that America's moral obligations should arise not just from national self-interest, but should also produce the greatest payoff for the least advantaged among us. . . .

.....

**Armed Non-State Actors and International Norms: Towards a Better Protection of Civilians in Armed Conflicts**

[Annyssa Bellal](#)

Geneva Academy of International humanitarian law and human rights

[Stuart Casey-Maslen](#)

Geneva Academy of International Humanitarian Law and Human Rights

This paper summarises initial research and discussions during an expert workshop in Geneva in March 2010 that brought together academics, practitioners, international and non-governmental organisations and governments to identify ways to enhance compliance with international law by armed non-state actors. It describes basic principles underlying engagement with armed non-state actors, discusses incentives for their compliance, and sets out good practice in engagement with such actors. It focuses in particular on actions by humanitarian actors and mediators towards strengthening the compliance with norms by armed non-state actors.

.....

**Judicially Moderated Dialogue and the 'War on Terror'**

[Steven J. Barela](#)

University of Geneva - Faculty of Law

Institutional dialogue is particularly important in the United States where the internal assessments of international legal obligations are often seen, rightly or wrongly, through the lens of its Constitution. . . . This work will analyze a series of cases (Rasul, Hamdan, and Boumediene) that have come before the Supreme Court of the United States dealing with pertinent international norms for counterterrorism, and that can simultaneously be found in domestic and constitutional law. Through this investigation, we will see that the US Supreme Court indeed initiated such an institutional colloquy with the executive and legislature in an attempt to affect the final legal policies of the nation. . . . In so doing, the Court was measured, patient and resolute in its push back against the removal of judicial review for those held in detention at Guantánamo in the 'war on terror.'

.....

**Interim Relief Under International Arbitration Rules and Guidelines: A Comparative Analysis**

[Douglas C. Rennie](#)

New York Law School

[Peter Sherwin](#)

affiliation not provided to SSRN

American Review of International Arbitration, Vol. 20, p. 317, 2010

Interim relief is critical in any form of dispute resolution. . . . But while international arbitration has many advantages that make it a consensus favorite over litigation in national courts, interim relief has been rightfully called its "Achilles' heel." . . . Drawing on prior research, case studies, and statistics, we provide an updated comparative analysis of interim measures under twelve sets of commonly used international arbitration rules and guidelines. Unlike prior studies, however, we test these

procedures in action by comparing them in four hypothetical scenarios, consider expedited proceedings as an alternative to interim relief, and compare a much broader group of rules. We conclude that, while no single set of rules provides the full range of possible options that a party might want, those institutions that have sought to address the problem have come up with several viable procedures (particularly pre-tribunal referee procedures) that other arbitral institutions should consider adopting.

.....

### **'Circumcision' or 'Mutilation'? Revisiting Ethical and Legal Perspectives on Female Genital Rituals**

**Obiajulu Nnamuchi**

Loyola University Chicago School of Law - Beazley Institute for Health Law & Policy

[Loyola University Chicago School of Law Research Paper](#)

Rituals involving the excision of a part(s) of female genitalia are increasingly being subjected to international scrutiny and criticism. But resistance is gaining strength amongst defenders of the practice, especially those claiming that their version of the ritual is "circumcision," not "mutilation," and therefore not an appropriate candidate for moral condemnation. This distinction has been roundly rebuffed as preposterous and counterproductive by campaigners for abolition of the ritual. The rebuff is based essentially on the reasoning that since the consequence flowing from the two procedures (harm on women) is the same, they are, in reality, different sides of the same coin and should be treated alike. This paper refutes both contentions. . . . [I]n contrast to the one-size-fits-all approach adopted by abolitionists, the paper digs deep into ethical theories and the law not only to clarify and defend the distinction but also demonstrate how the distinction is determinative of the appropriate moral consideration due each procedure.

.....

### **Trafficking in Women and Children: A Socio-Legal Challenge**

**Dr. Shashi**

Hooghly Mohsin College, Chinsurah, Hooghly, West Bengal; Govt. of West Bengal, India - Higher Education Department; The University of Burdwan, Rajbati

Indian Journal of Development Research and Social Action, Vol. 6, No. 1-2, pp. 69-87, December 2010

Trafficking, is a curse in the civilization of this age. In one place we are climbing on moon to settle down by our technological and scientific development, on the other hand on the same platform a remarkable numbers of people involved in flesh business denying all the advancement of the time. . . . The trafficking is now a days has both a human rights and developmental issue and thus this practice has long listed consequences. Trafficking of women and children has become such a rampant crime. Most governments are doing what they can to fight it within its locality and at the same time the global community is also doing its part. Non government groups and Government agencies have taken up several strategies to try and fight off this problem.

.....

### **From Massive Violations to Structural Patterns: New Approaches And Classic Tensions in the Inter-American Human Rights System**

**Víctor Abramovich**

affiliation not provided to SSRN

Sur International Journal on Human Rights, Vol. 6, No. 11, December 2009

The Inter-American System of Human Rights (ISHR), during the last decade, has influenced the internationalization of legal systems in various Latin American countries. This led to the gradual application of ISHR jurisprudence in constitutional courts and national supreme courts, and most recently, in the formulation of some state policies. . . . This article seeks to present an overview of

some strategic discussions about the role of the ISHR in the regional political sphere. This article suggests that the ISHR should in the future intensify its political role, by focusing on the structural obstacles that affect the meaningful exercise of rights by the subordinate sectors of the population. To achieve this, it should safeguard its subsidiary role in relation to the national justice systems and ensure that its principles and standards are incorporating not only the reasoning of domestic courts, but the general trend of the laws and governmental policies.

.....

### **The Right to Food and Buyer Power**

**Aravind Ganesh**

Université Catholique de Louvain

Modern global food supply chains are characterized by extreme levels of concentration in the middle of those chains. This paper argues that such concentration leads to excessive buyer power, which harms the consumers and food producers at the ends of the supply chains. This paper argues that the harms suffered by farmers are serious enough as to constitute violations of the international human right to food as it is expressed in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Political Rights, and further argues that world competition law regimes cannot ignore these human rights imperatives. . . .[W]hen one bears in mind the truly global scale of modern food supply chains, it becomes obvious that conform-interpretation of competition law with human rights norms will not suffice. Instead, it must be acknowledged that the protection of a minimum level of producer welfare congruent to those producers' right to a minimum adequate level of food must find a place among the aims of any credible theory of competition law. Moreover, current doctrines of extraterritorial jurisdiction of competition control must also be revised.

.....

### **Nanotechnology and the Global South: Exploratory Views on Characteristics, Perceptions and Paradigms**

**Donald Maclurcan**

University of Technology, Sydney - Institute for Nanoscale Technology

TECHNOSCIENCE IN PROGRESS: MANAGING THE UNCERTAINTY OF NANOTECHNOLOGY, pp. 97-112, S. Arnaldi, A. Lorenzet, F. Russo, eds., IOS Press, 2009

In the Global North, confusion, hype and disagreement plague nanotechnology debates. . . . Given the importance of understandings in the genetically-modified foods debate, the way nanotechnology is understood holds serious repercussions for the framing of its ethical, legal and social implications. This chapter reports on the perspectives of Thai and Australian key informants, from a broad range of fields. It seeks to explore and clarify how nanotechnology might be defined, perceived and framed in terms of the South. The results suggest that nanotechnology may be conceptualized in similar ways, conceptually on near-term nanotechnology that is defined by a common set of characteristics. Yet, when it comes to the way these conceptualizations translate into applications, there may be large differences in nanotechnology's perceived scope, sophistication and complexity. This holds interesting ramifications for global nanotechnology discourse, particularly in terms of the assumed costs and infrastructure required to conduct nanotechnology research and development and the more general role the South will play in the global nanotechnology picture.

.....

### **The International Operations and Future Governance of China Development Bank**

**Eiichi Sekine**

Nomura Institute of Capital Markets Research

Nomura Journal of Capital Markets, Vol. 2, No. 2, 2010

China Development Bank (CDB) has been steadily expanding its international operations in recent years. As of end-2009, it had \$97.9 billion in foreign currency loans, which are mainly used to facilitate Chinese companies' international operations and exports of plant and equipment,

outstanding. When CDB was established in 1994, its role was that of a policy bank lending to domestic borrowers for domestic projects. Since 2004, however, it has also become active internationally. CDB and its investment funds assist Chinese companies in expanding overseas. Its own overseas expansion has not been interrupted by its privatization in December 2008. We see a number of possible areas of cooperation between CDB and Japanese financial institutions. For example, (1) greater disclosure by CDB might enable those familiar with the experience of similar institutions in Japan to share their knowledge with CDB; (2) in the case of overseas projects involving both Chinese and Japanese companies, CDB might finance the Chinese companies while Japanese financial institutions might finance the Japanese companies; and (3) Japanese institutions might assist CDB to raise capital, including equity capital, on international financial markets.

.....

### **Global Health Governance at a Crossroads**

[Nora Y. Ng](#)

Yale University

[Jennifer Prah Ruger](#)

Yale University - School of Medicine

This review takes stock of the global health governance (GHG) literature. We address the transition from international health governance (IHG) to global health governance, and identify major actors. We describe the framing of health as national security, human security, human rights, and global public good, and the implications of these various frames. We also establish and examine from the literature GHG's major themes and issues, which include 1) the lack of progress against key problems; 2) different approaches to tackling health challenges (vertical, horizontal, and diagonal); 3) health's multi-sectoral connections; 4) neoliberalism and the global economy; 5) global health inequities; 6) local and country ownership and capacity; 7) international law in GHG; and 8) research gaps in GHG. We find that decades-old challenges persist, and GHG needs a new way forward. A framework we call shared health governance offers promise.

.....

### **Global Financial Regulatory Reforms: Implications for Developing Asia**

[Douglas W. Arner](#)

Asian Institute of International Financial Law; University of Hong Kong - Faculty of Law

[Cyn-Young Park](#)

affiliation not provided to SSRN

ADB Working Paper Series on Regional Economic Integration No. 57

The objective of global regulatory reform is to build a resilient global financial system that can withstand shocks and dampen, rather than amplify, their effects on the real economy. Lessons drawn from the recent crisis have led to specific reform proposals with concrete implementation plans at the international level. Yet, these proposals have raised concerns of relevance to Asia's developing economies and hence require further attention at the regional level. We argue that global financial reform should allow for the enormous development challenges faced by developing countries - while ensuring that domestic financial regulatory systems keep abreast of global standards. This implies global reforms should be complemented and augmented by national and regional reforms, taking into account the very different characteristics of emerging economies' financial systems from advanced economies. Key areas of development focus should be (i) balancing regulation and innovation, (ii) establishing national and cross-border crisis management and resolution mechanisms, (iii) preparing a comprehensive framework and contingency plan for financial institution failure, including consumer protection measures such as deposit insurance, (iv) supporting growth and development with particular attention to the region's financial needs for infrastructure and for SMEs, and (v) reforming the international and regional financial architecture.

.....

**Five Easy Pieces: Case Studies of Entrepreneurs Who Organized Private Communities for a Public Purpose****[Stephen M. Maurer](#)**

University of California, Berkeley

Goldman School of Public Policy Working Paper No. GSPP10-011

Many observers are skeptical of claims that private entrepreneurs can perform traditional governmental functions like supporting basic research, keeping WMD away from terrorists, or protecting public health. This article presents five recent counterexamples. These include initiatives designed to establish new health and safety standards in nanotechnology; build a central repository for worldwide mutations data; use on-line volunteers to find cures for tuberculosis; and require biotech companies to screen customer orders for products that can be used to make weapons. In principle, many more initiatives are both possible and desirable. Historically, however, government done little to promote private initiatives and sometimes destabilized them. The article suggests strategies for this overcoming this problem.

.....

**The Church Abuse Scandal: Were Crimes Against Humanity Committed?****[Dermot Groome](#)**

Office of the Prosecutor, ICTY; Pennsylvania State University - Dickinson School of Law

[Chicago Journal of International Law, Forthcoming](#)[The Pennsylvania State University Legal Studies Research Paper No. 33-2010](#)

Increasingly shocking revelations about sexual abuse by members of Catholic religious congregations and diocesan priests have recently raised the question of whether such widespread abuses constitute crimes against humanity. This paper considers that question in the context of a report issued by the Ryan Commission, an independent quasi-judicial commission that spent 10 years conducting detailed investigations into childcare institutions operated by Catholic religious congregations in Ireland. . . . The atypical characteristics of the perpetrator, victim and non-conflict context of these crimes also contributes to the debate on two unresolved issues in international law. First, the role of a "state policy" underlying an attack and whether the existence of one is a definitional requirement or simply an evidential consideration. Second, whether a culpable omission forming the basis of international criminal responsibility can be based on non-criminal legal duties.

.....

**Globalizing Conservation Easements: Private Law Approaches for International Environmental Protection****[Gerald Korngold](#)**

New York Law School

[Wisconsin International Law Journal, Forthcoming](#)[NYLS Legal Studies Research Paper No. 10/11 #2](#)

For the past thirty years nonprofit organizations have revolutionized open space and habitat conservation in the United States through the use of conservation easements. . . . As a result of this success, proponents in more recent years have advocated the export of "conservation easements" from the United States to other countries. A vehicle like a conservation easement and having some or perhaps all of its attributes could be employed in other countries to achieve various local and national conservation goals. My thesis, however, is that while conservation easements could be a useful tool for preservation of land outside of the U.S., they may not be the most effective or suitable framework to advance conservation in all countries. Rather than pushing for adoption of an American style "conservation easement" elsewhere, other countries and American (and global) advocates of conservation devices should engage in a process to determine a given country's appropriate conservation toolbox. . . .

.....



**Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Treatment of Terrorist Combatants (Protocol IV) - A Proposal**

[Erin Creegan](#)

affiliation not provided to SSRN

[California Western International Law Journal, Vol. 41](#)

After exploring the background and development of the Geneva Conventions of 1949 and the Additional Protocols of 1977, this article finds that the current body of law does not address the problem of terrorist combatants. Identifying the harm that has been caused by a lack of clear guidance on the law of armed conflict and terrorism, the article lays out the most important features and decisions that must be made in a new protocol for combating terrorism.

.....

**Equivalent Primary Rules and Differential Secondary Rules: Countermeasures in WTO and Investment Protection Law**

[Martins Paparinskis](#)

University of Oxford - Merton College

MULTI-SOURCED EQUIVALENT NORMS IN INTERNATIONAL LAW, Tomer Brode and Yuval Shany, eds., Hart Publishing, Forthcoming

The chapter discusses a multi-sourced equivalent norm (MSEN) situation arising out of the parallel breach of an investment treaty and the WTO agreement. On the basis of a number of case studies, it considers how MSENs are affected by secondary rules of state responsibility that prima facie reflect precisely the systemic and harmonising perspective of the international legal order. It focuses, in particular, on the WTO-authorized suspension of TRIPS concessions that may breach investment obligations regarding IP rights, and on the converse scenario of countermeasures applied against investment protection obligations that might also breach WTO rules (using the US-Mexico soft drinks disputes in NAFTA and the WTO as a case study). It is suggested that the focus of trade and investment dispute settlement regimes on systemic strengthening may come at the cost of complicating the relationship and the resolution of conflicts with extra-systemic primary and secondary rules.

.....

**Managing the Fragmentation of International Environmental Law: Forests at the Intersection of the Climate and Biodiversity Regimes**

[Harro Van Asselt](#)

University of Oxford; VU University Amsterdam

The extensive debate on the fragmentation of international law has only paid cursory attention to its manifestation within the area of international environmental law, even though this field has spawned a great number of international legal instruments. Against that background, this Article assesses strategies to manage the overlap between two legal regimes dealing with the interconnected global environmental threats of biodiversity loss and climate change. . . . The Article reviews the techniques offered by international law for mitigating conflicts, including conflict avoidance and resolution techniques. This is followed by an appraisal of institutional cooperation between the regimes. The Article shows that the usefulness of legal techniques for resolving conflicts is limited given two characteristics of international environmental law, namely the overlap in objectives, and the role of treaty body decisions. Furthermore, it argues that institutional cooperation has not yet managed to adequately accommodate biodiversity considerations in the climate regime due to different memberships and restricted mandates. Therefore, autonomous action aimed at enhancing synergies between the two regimes seems the most fruitful in the immediate future, although this does not address the regimes' long-term relationship. The Article concludes that further inquiry into different strategies for managing the fragmentation of international environmental law is warranted.

.....

**U.S. Environmental Law in Global Perspective: Five Do's and Five Don'ts from Our Experience,**

**[E. Donald Elliott](#)**

Yale Law School

National Taiwan University Law Review, Vol, 2, 2010

Lessons learned from U.S. environmental law. Five best and five worst things in U.S. environmental law. "Third-mover advantage" by which legal systems may be do better by adopting legal devices after studying experience elsewhere. "Virtual regulation" by which incentives from regulatory system are intended to affect behavior outside.

.....

**A Typology of Economic and Social Rights Adjudication: Exploring the Catalytic Function of Judicial Review**

**[Katharine Young](#)**

Harvard Law School; Australian National University (ANU)

International Journal of Constitutional Law (ICON), 2010

. . . In this article, I draw on the South African Constitutional Court's experience with justiciable economic and social rights, to present a typology of judicial review, which incorporates deferential, conversational, experimentalist, managerial and peremptory stances. I suggest that these five stances are part of a general judicial role conception which I term catalytic, because it opens up the relationship between courts and the elected branches, and lowers the political energy that is required in order to achieve a rights-protective outcome. Not only is this role conception able to account for a more accurate portrayal of economic and social rights adjudication, I also argue that it is normatively desirable under defined conditions. Finally, I contrast this role conception with others to show that a court's role in economic and social rights adjudication is dependent upon its perception of itself as an institution of governance, as well as the institutional rules that support that perception.

.....

**Constitutional Justice and the Perennial Task of 'Constitutionalizing' Law and Society Through 'Participatory Justice'**

**[Ernst-Ulrich Petersmann](#)**

European University Institute – Department of Law (LAW)

EUI Working Papers LAW No. 2010/03

This contribution argues that concepts of social justice in European and international private law must remain consistent with the principles of justice underlying European and international public law. The contribution begins with a brief explanation of the diversity of conceptions of constitutional justice and of their legal impact on ever more fields of European public and private law (1). After clarifying the constitutional terminology used in this contribution (2), Rawlsian principles of justice for national and international law (3) are distinguished from multilevel human rights as principles of justice (4), multilevel judicial protection of constitutional rights and rule of law by 'courts of justice' (5), and the diverse forms of democratic and private 'participatory justice' for transforming legal and social relationships (6). The constitutional dimensions of the 2007 Lisbon Treaty (as discussed in section 7) confirm that the 'many concepts of social justice in European private law' – the focus of this conference book – must be construed and developed with due regard to the diverse dimensions of 'constitutional justice' in European and international public law.

.....

**Regulatory Expropriation and Sustainable Development****Martins Paporinskis**

University of Oxford - Merton College

SUSTAINABLE DEVELOPMENT IN INTERNATIONAL INVESTMENT LAW, M.W. Gehring, M.C. Cordonnier-Segger and A. Newcombe, eds., Kluwer Law International, Forthcoming

The international law of regulatory expropriation has received considerable attention in recent legal writings, case law and State practice. Concerns of indirect expropriation and its regulatory aspects can be articulated in terms of sustainable development, particularly regarding the principles of integrated environmental protection and good governance. This perspective is valuable since much of the thinking behind recent treaty practice and case law on regulatory expropriation appears to be grappling with precisely these issues, balancing the protection of the environment and the preclusion of regulatory chill while fostering an improved regulatory culture. This chapter examines the impact of customary law of expropriation on the interpretative process of investment treaty rules of expropriation. It is argued that State practice emphasising the non-compensable nature of regulation adopted for certain purposes is counter-intuitively negative for the perspective of sustainable development. These developments are superfluous regarding the non-compensable aspects and disrupt the delicate balance classically provided by the purpose-neutral international due process.

.....

**Networks, Courts and Regional Integration: Explaining the Establishment of the Andean Court of Justice****Oswaldo Saldías**Free University of Berlin – Research College "The Transformative Power of Europe"  
KFG Working Paper Series No. 20

Legal transplants have traditionally been believed to be the product of reason and informed decision-making that follow arduous deliberations and bargaining between lawmakers. This paper argues that some major legal transformations can be better explained with the help of networks. It delves into the history of the establishment of the Andean Court of Justice and asks who got to decide the major questions in regard to the institutional design of the court. I argue that contrary to dominant assumptions, consultants and think tanks play a decisive role in the shaping of legal transplants. They are the ones that decide which model to follow. They get to choose participants in relevant working groups and it is them who shape the final proposal that will be voted by the lawmaker. As the complexity of the topic increases, professional networks can use technical discourse that makes scrutiny unlikely. The research shows that in case of Andean regional integration, the personal background of consultant is also very relevant, because it determines what models will be considered for eventual benchmarking. However, the mere existence of networks is not enough for producing legal change; a window of opportunity is a necessary condition.

.....

**Seeing the Global Forest for the Trees: How US Federalism can Coexist with Global Governance of Forests****Blake Hudson**

Stetson University - College of Law

**Erika Weinthal**

Duke University - Nicholas School for the Environment

Journal of Natural Resources Policy Research, Vol. 1, No. 4, pp. 353-365, October 2009

[Stetson University College of Law Research Paper No. 2009-32](#)

Both international forest and climate negotiations have failed to produce a legally binding treaty that addresses forest management activities - either comprehensively or more narrowly through carbon capture - due, in part, to lack of US leadership. Though US cooperation is crucial for facilitating both forest and climate negotiations, the role of federalism in constraining these trends has been given

scant attention. We argue that, as embodied in the US Constitution, federalism complicates the US's role in creating any legally binding treaty that directly regulates land uses (e.g. forest management). Because federalism reserves primary land use regulatory authority for state governments, voluntary, market-based mechanisms, like REDD and forest certification, should be included within any binding treaty aimed at forest management, in order to facilitate US participation.

.....

### **Corporate Social Responsibility and its Implications for Public International Law**

**Shin-ichi Ago**

Kyushu University Graduate School of Law  
Public Interest Rules of International Law, 2009

The paper examines the importance of international labour standards in the globalized society, with a special emphasis on Asia. It also critically observes the emergence of new "legal" vehicle called CSR.

.....

### **The European Court of Justice: What are the Limits of Its Exclusive Jurisdiction?**

**Tobias Lock**

University College London  
Maastricht Journal of European and Comparative Law, Vol. 16, No. 3, pp. 291-314, 2009

The article explores the limits of the ECJ's exclusive jurisdiction by addressing two main issues: firstly, whether there are exceptions to that exclusivity, such as the application of the CILFIT case law or the exclusion of Community law from the dispute. Secondly, it asks whether other international courts must respect the ECJ's jurisdiction over a case. The article commences by briefly discussing the ECJ's exclusive jurisdiction as it was established in Opinion 1/91 and the Mox Plant-Case and draws conclusions from this case law. It then addresses the above-mentioned points and comes to the conclusion that there are generally no exceptions to the ECJ's exclusive jurisdiction and that the only option open to Member States is to exclude Community law from a dispute (and even that option is subject to limitations). Furthermore, after exploring several routes advanced in the academic discussion, the article comes to the conclusion that other courts must respect the ECJ's jurisdiction and as a consequence declare the case inadmissible.

## **II. Books**

### **International Human Rights Law: Six Decades After UDHR and Beyond**

(Ashgate, Nov. 2010)

Mashood Baderin & Manisuli Ssenyonjo, eds

**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.

.....

### **The International Law of Human Trafficking**

(Cambridge Univ. Press 2010)

Anne T. Gallagher

Although human trafficking has a long and ignoble history, it is only recently that trafficking has become a major political issue for states and the international community and the subject of detailed international rules. This book presents the first-ever comprehensive and in-depth analysis of the international law of human trafficking. Anne T. Gallagher calls on her direct experience working within the United Nations to chart the development of new international laws on this issue. She links these rules to the international law of state responsibility as well as key norms of international human rights law, transnational criminal law, refugee law, and international criminal law, in the process identifying and explaining the major legal obligations of states with respect to preventing trafficking, protecting and supporting victims, and prosecuting perpetrators. This is a timely and groundbreaking work: a unique and valuable resource for policymakers, advocates, practitioners, and scholars working in this new, controversial, and important field.

.....

### **Semiotics of International Law: Trade and Translation** (Springer 2011)

Evandro Menezes de Carvalho

Language carries more than meanings; language conveys a means of conceiving the world. In this sense, national legal systems expressed through national languages organize the Law based on their own understanding of reality. International Law becomes, in this context, the meeting point where different legal cultures and different views of world intersect. . . . By analyzing the decision-making process and the legal discourse adopted by the WTO's Appellate Body, this book highlights the active role of language in diplomatic negotiations and in interpreting international law. In addition, it also shows that the debate on the effectiveness and legitimacy of International Law cannot be separated from the linguistic issue.

.....

**State Accountability under International Law: Holding States Accountable for a Breach of Jus Cogens Norms** (Routledge 2010)

This book considers the extent to which States are held accountable for breaches of jus cogens norms under international law. The concept of State accountability is distinguished from the doctrine of State responsibility and refers to an ad hoc practice in international relations that seeks to ensure States do not escape with impunity when they violate norms that are considered fundamental to the interests of the international community as a whole. . . .

.....

**The New International Law: An Anthology** (Martinus Nijhoff Publishers 2010)

- Ivar Alvik, Marius Emberland, & Christoffer C. Eriksen, Polycentric Decision-making Structures and Fragmented Spheres of Law: A New Generation of International Legal Discourse?
- Stéphane Beaulac, Thinking Outside the "Westphalian Box": Dualism, Legal Interpretation and the Contextual Argument
- Nikolaos Lavranos, Jurisdictional Competition between International Courts and Tribunals: How to Square the Circle?
- Antoine Buyse, Piercing the Tattered Veil: Housing Restitution in Bosnia as a Case Study of Researching Human Rights with the Help of International Relations Theory
- Ole Jacob Sending, The Power of Administration: Law and Politics in Global Governance
- Ivar Alvik, The Hybrid Nature of Investment Treaty Arbitration – Straddling the National/International Divide
- Ingunn Ikdahl, Competing Notions of Property Rights: Land Rights Reform at the Intersection of the International and the Local
- Natasha Balendra, International Human Rights Law and International Humanitarian Law: Alternative Frameworks for Interaction
- Kristin Bergtora Sandvik, Rapprochement and Misrecognition: Humanitarianism as Human Rights Practice
- Moria Paz, A Non-territorial Ethnic Network and the Making of Human Rights Law: The Case of the Alliance Israélite Universelle
- Jo Stigen, What's in the ICC for States?
- Aristotle Constantinides, 'Securitizing' Development: Advantages and Pitfalls of the Security Council's Involvement in Development Issues
- Cecilia M. Bailliet, Constitutional Underpinnings for Conscientious Objection in Allegiance to International Public Law Norms pertaining to War
- Christina Voigt, Sustainable Development in Practice: The Flexibility Mechanisms of the Kyoto Protocol
- Nicolai Nyland, What may be the New International Environmental Law?

.....

**Is Our House in Order? Canada's Implementation of International Law**

(McGill-Queen's Univ. Press 2010)

Chios Carmody, ed.

- Chios Carmody, Introduction: Is Our House in Order? Canada's Implementation of International Law
- Michael Byers, Canada's Implementation of International Law: Why It Matters
- Armand de Mestral, The Relationship of International and Domestic Law as Understood in Canada
- Stéphane Paquin, Federalism and Multi-Level Governance in Foreign Affairs: A Comparison of Canada and Belgium
- Jaye Ellis, On the Nature and Meaning of International Legal Obligation: Canada's Responses to Kyoto

- Lucie Lamarche, Economic and Social Rights in an Era of Governance and Governance Arrangements in Canada: The Need to Re-visit the Issue of the Implementation of International Human Rights Law
- Chios Carmody, Canada's Implementation of the WTO Agreement
- Anthony R. Daimsis, Canada's Indoor Arbitration Management: Making Good on Promises to the Outside World
- Robert J. Currie, Libman at Twenty-five; or, Canada and Qualified Territoriality: Do We Understand Jurisdiction Yet?
- Christopher K. Penny, Domestic Reception and Application of International Humanitarian Law: Coming Challenges for Canadian Courts in the "Campaign against Terror"
- Dwight G. Newman, Letting the Elephants Watch the Mice: The Surrender of Canadian Anti-Bribery Legislation to American Jurisdiction
- Margaret Ann Wilkinson, Confidential Information and Privacy-Related Law in Canada and in International Instruments

.....

**Civil Society and International Governance: The Role of Non-State Actors in the EU, Africa, Asia and Middle East**

(Routledge 2010)

David Armstrong, Valeria Bello, Julie Gilson, Debora Spini, eds.

. . . Civil Society and International Governance critically analyses the increasing impact of nongovernmental organisations and civil society on global and regional governance. Written from the standpoint of advocates of civil society and addressing the role of civil society in relation to the UN, the IMF, the G8 and the WTO, this volume assesses the role of various non-state actors from three perspectives: theoretical aspects, civil society interaction with the European Union and civil society and regional governance outside Europe, specifically Africa, East Asia and the Middle East. It demonstrates that civil society's role has been more complex than one defined in terms, essentially, of resistance and includes actual participation in governance as well as multi-faceted contributions to legitimising and democratising global and regional governance.

.....

**The New Dynamics of Multilateralism: Diplomacy, International Organizations, and Global Governance** (Westview Press 2010)

James P. Muldoon, Jr., JoAnn Fagot Aviel, Richard Reitano, & Earl Sullivan, eds.

This timely new book focuses on the various dynamics of contemporary multilateralism as it relates to global issues, global governance, and global institutions. Invited authorities, including academics, business people, and members of international groups, contribute original essays on how multilateralism as an institution has been affected by globalization, the rise of civil society and global business, emerging economic and political conditions, and new threats to peace and security in the world. Emphasizing practical applications over theoretical foundations, *The New Dynamics of Multilateralism* helps students understand how the practice of multilateral diplomacy has been influenced by the changes in the processes and procedures of international organizations and the role of multilateralism in the transformation of the international system of governance and the transition to an emerging new global order.

.....

**Unpacking International Organisations: The Dynamics of Compound Bureaucracies**

(Manchester Univ. Press 2010)

Jarle Trondal, Martin Marcussen, Torbjörn Larsson, Frode Veggeland

This book introduces international bureaucracy as a key field of study for public administration and also rediscovers it as an essential ingredient in the study of international organisations. To what extent, how and why do international bureaucracies challenge and supplement the inherent

Westphalian intergovernmental order based on territorial sovereignty? To what extent, how and why do international bureaucracies supplement the existing international intergovernmental order with a multi-dimensional international order subjugated by a compound set of decision-making dynamics? International bureaucracies constitute a distinct and increasingly important feature of public administration studies. However, the role of international bureaucracies has been largely neglected in most social science sub-disciplines. This book takes a first step into a third generation of international organisation (IO) studies.

.....

**[Climate Change and Global Sustainability: A Holistic Approach](#)**

UNU Press, February 2011.

Edited by Akimasa Sumi, Nobuo Mimura and Toshihiko Masui

Climate change owing to global warming is a paramount concern for society in the twenty-first century, and it is not an issue that can be solved by individual academic or scientific disciplines working in isolation. Because climate change involves a wide range of interlinked problems, solutions must be pursued in an interdisciplinary manner. This book adopts just such a holistic approach in examining various aspects of global warming, and offers readers a comprehensive overview.

.....

**[Cross Border Governance in Asia: Regional Issues and Mechanisms](#)**

UNU Press, April 2011.

Edited by G. Shabbir Cheema, Christopher A. McNally and Vesselin Popovski

"Despite many predictions to the contrary, the countries of Asia are becoming ever more cooperative as their interdependence increases. Contributors to this timely volume provide in-depth analyses of the formal and informal mechanisms of Asian governance that are now dealing with a diversity of cross-border problems: migration, infectious disease, water management, trade and human trafficking. The book will be a welcome and insightful read for anyone interested in how globalization is actually playing out across Asia."

—T.J. Pempel, Professor, Department of Political Science, University of California, Berkeley

.....

**[The Dark Side of Globalization](#)**

UNU Press, March 2011.

Edited by Jorge Heine and Ramesh Thakur

"Timed just right! This book will be welcome reading in classrooms and policy circles worldwide in which globalization is a problem as well as a solution to the ongoing financial and economic crisis. All aspects of the issue are dissected by an unusual group of contributors. These international voices are not the usual suspects. Indispensable reading for anyone who wants to understand the full range of contents and discontents caused by globalization."

—Thomas G. Weiss, Director, Ralph Bunche Institute of International Studies, CUNY, and past president, International Studies Association

.....

**[A Framework for Sustainable Global Development and Effective Governance of Risk](#)**

(Mellen Press, Dec. 2010)

Gregory Borne

This work outlines an accessible framework for the current and future exploration of a sustainable development. The work explores sustainable development from the global and the local levels of analysis. In an era where the complex relationship between humanity and the environment is being increasingly recognised, 'A Framework for Sustainable Global Development and Effective Governance



of Risk' outlines an innovative and accessible framework for the current and future exploration of a sustainable development. The book critically draws on insights provided by Ulrich Becks World Risk Society, testing the hypothesis that the world has entered an era of reflexive modernity. The book explores sustainable development from the global and the local levels of analysis. At the global level the book explores sustainable development from within the governance frameworks of the United Nations. In particular, there is an in-depth focus on discourses of sustainable development from nearly every nation of the world and the interaction and negation that occurs within an international forum. Taking these insights into the local arena the book outlines the transmission of sustainable development from the global to the local scale through the medium of an energy reduction scheme designed to mitigate global warming through behavioural change.

### III. Law Journals

#### **PUBLIC INTERNATIONAL LAW eJOURNAL**

Vol. 5, No. 161: Dec 09, 2010

[Alan O'Neil Sykes, ed.](#)

(articles already digested omitted)

**Regulating Credit Rating Agencies: The New US and EU Law - Important Steps or Much Ado about Nothing?**

[Thomas M.J. Moellers](#), University of Augsburg

**The Impact of the Financial Crisis - Institutional Issues**

[Myriam Senn](#), affiliation not provided to SSRN

**Banning Obsolete Weapons or Reshaping Perceptions of Military Utility: Discursive Dynamics in Weapons Prohibitions**

[Margarita H. Petrova](#), Institut Barcelona d'Estudis Internacionals - IBEI

**Terrorists, Insurgents, and Pirates: Assassin's Creed?**

[Eric Allen Engle](#), Universität Bremen, Pericles

**Justified Uses of Force and the Crime of Aggression**

[Erin Creegan](#), affiliation not provided to SSRN

**Normative Power Europe? EU Relations with Moldova**

[Arne Niemann](#), University of Amsterdam - Amsterdam School for Social Science Research

.....

#### **PUBLIC INTERNATIONAL LAW eJOURNAL**

Vol. 5, No. 160: Dec 08, 2010

[Alan O'Neil Sykes, ed.](#)

**Business and Human Rights: The Struggle for Accountability in the UN and the Future Direction of the Advocacy Agenda**

[Patricia Feeney](#), affiliation not provided to SSRN

**Proving Genocidal Intent: International Precedent and ECCC Case 002**

[Ryan Y. Park](#), Harvard University - Harvard Law School

**International Regulation of Postal Communications**

[Mira Burri-Nenova](#), University of Bern Law School - World Trade Institute

**The Development of Gender within the Particular Social Group Definition Under the United Nations Refugee Convention and United States Immigration Law: Case Studies of Female Asylum Seekers from Cameroon, Eritrea, Iraq and Somalia**

[Ty Shawn Wahab Twibell](#), affiliation not provided to SSRN

**How to Change the EU Treaties: An Overview of Revision Procedures Under the Lisbon Treaty**

[Peadar Broin](#), Centre for European Policy Studies (CEPS)

**Networks, Courts and Regional Integration: Explaining the Establishment of the Andean Court of Justice**

[Osvaldo Saldías](#), Free University of Berlin Research College "The Transformative Power of Europe"

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

[Andrei Mamolea](#), Duke University School of Law

**Forced Cooperation on a Debt for Equity Swap: (Im)Possible?**

[Johan Jol](#), affiliation not provided to SSRN

**Westphalian Procedure, Post-Westphalian Substance: Alien Torts in Bolivia**

[Eric Allen Engle](#), Universität Bremen, Pericles

.....

**PUBLIC INTERNATIONAL LAW eJOURNAL**

Vol. 5, No. 159: Dec 07, 2010

[Alan O'Neil Sykes, ed.](#)

**Comparative Law in the Reasoning of the European Court of Human Rights**

[Kanstantsin Dzehtsiarou](#), UCD

**Managing the Fragmentation of International Environmental Law: Forests at the Intersection of the Climate and Biodiversity Regimes**

[Harro van Asselt](#), University of Oxford, VU University Amsterdam

**A Problem of Justification: Proportionality, Balancing, and Viking**

[Eric Allen Engle](#), Universität Bremen, Pericles

**International Law and Disappearing States: Utilising Maritime Entitlements to Overcome the Statehood Dilemma**

[Rosemary G. Rayfuse](#), University of New South Wales (UNSW) - Faculty of Law

**Provisional Measures of the International Court of Justice in Armed Conflict Situations**

[Gentian Zyberi](#), Unaffiliated Authors

**Beyond Treaties and Regulation: Using Market Forces to Control Dual Use Technologies**

[Stephen M. Maurer](#), University of California, Berkeley

**The Union of South American Nations, the OAS, and Suramã©rica**

[David Nicholas Allen](#), affiliation not provided to SSRN

**The Road Not Taken: The EU as a Global Human Rights Actor**

[Grainne De Burca](#), Harvard University - Harvard Law School

**Protecting Taxpayer Privacy Rights Under Enhanced Cross-Border Tax Information Exchange: Toward a Multilateral Taxpayer Bill of Rights**

[Arthur Cockfield](#), Queen's University - Faculty of Law

**From Lisbon to Deauville: Practicalities of the Lisbon Treaty Revision(s)**

[Piotr Maciej Kaczyński](#), Centre for European Policy Studies (CEPS)

[Peadar Ó Broin](#), Centre for European Policy Studies (CEPS)

.....

**PUBLIC INTERNATIONAL LAW eJOURNAL**

Vol. 5, No. 158: Dec 06, 2010

[Alan O'Neil Sykes, ed.](#)

(articles already digested omitted)

**Effects of International Legal Regimes and Policy Measures Aimed at the Protection of Human, Animal or Plant Life or Health on Animal Genetic Diversity**

[Susette Biber-Klemm](#), World Trade Institute

[Michael Burkard](#), World Trade Institute, University of Berne

[Xuan Li](#), South Centre

[Donah Baracol Pinhao](#), Institut du Sahel

[Bassirou Bonfoh](#), South Centre

**The UN is Bound by Human Rights: Understanding the Full Reach of Human Rights, Remedies, and Nonimmunity**

[Jordan J. Paust](#), University of Houston Law Center

**How Judges Think: Strengthening Defence Approaches to Joint Criminal Enterprise and Closing Arguments**

[Alexander Zahar](#), Macquarie University - Macquarie Law School

**Empagran's Empire: International Law and Statutory Interpretation in the US Supreme Court of the 21st Century**

[Ralf Michaels](#), Duke University - School of Law

**Economic Warfare**

[Vaughan Lowe](#), University of Oxford - Faculty of Law

[Antonios Tzanakopoulos](#), University of Glasgow School of Law

**Protecting the Unborn Child: The Current State of International Law Concerning the So-Called Right to Abortion and Intervention by the Holy See**

[Thomas Venzor](#), affiliation not provided to SSRN

.....

**PUBLIC INTERNATIONAL LAW eJOURNAL**

Vol. 5, No. 157: Dec 03, 2010

[Alan O'Neil Sykes, ed.](#)

(articles already digested omitted)

**The Paucity of Law in the ICJ's 2010 Advisory Opinion on Kosovo's Declaration of Independence**

[Valerie Clare Epps](#), Suffolk University Law School

**Case Concerning Pulp Mills on the River Uruguay (Argentina v. Uruguay) (Judgment) [2010]**

[Donald K. Anton](#), Australian National University (ANU) - College of Law

**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

**Permissible Self-Defense Targeting**

[Jordan J. Paust](#), University of Houston Law Center

**Compulsory Military Service in Germany Revisited**

[Alfredo R. Paloyo](#), Rhine-Westphalia Institute for Economic Research (RWI-Essen), University of Bochum

**VAT Fraud: MTIC & MTEC - The Tradable Services Problem**

[Richard Thompson Ainsworth](#), Boston University - School of Law

**Libel Tourism or Just Redress? Reconciling the (English) Right to Reputation with the (American) Right to Free Speech in Cross-Border Libel Cases**

[Richard Garnett](#), University of Melbourne - Law School

[Megan I. Richardson](#), University of Melbourne - Law School

.....

**PUBLIC INTERNATIONAL LAW eJOURNAL**

Vol. 5, No. 156: Dec 02, 2010

[Alan O. Sykes, ed.](#)

(articles already digested omitted)

**The Kosovo-Opinion and the Art of Saying Nothing (Das Kosovogutachten und die Kunst des Nichtssagens) (German)**

[Anne Peters](#), University of Basel - Faculty of Law

**Citizen Children, "Impossible Subjects" and the Limits of Migrant Family Rights in Ireland**

[Siobhan Mullally](#), University College Cork

**Taking Stock: The UN Security Council and the Rule of Law**

[Simon Chesterman](#), New York University - School of Law, Singapore Programme, National University of Singapore - Faculty of Law

**The Puzzle of Citizenship and Territory in the EU: On European Rights Overseas**

[Dimitry Kochenov](#), University of Groningen - Faculty of Law

**Romanian Constitutional Court, Decision No. 1258 of 8 October 2009**

[Cian C. Murphy](#), King's College London - School of Law

**Impact of the Rotterdam Rules on the Himalaya Clause - The Port Terminal Operator's Case**

[Jason Chuah](#), University of Westminster - School of Law

**Humanitarian Intervention**

[Vaughan Lowe](#), University of Oxford - Faculty of Law

[Antonios Tzanakopoulos](#), University of Glasgow School of Law

**Book Review of Marc Weller, *Contested Statehood: Kosovo's Struggle for Independence*, Oxford University Press, 2009 (321 pp.)**

[Sean D. Murphy](#), George Washington University - Law School

**The Administration of Justice? Certificate Proceedings, Charkaoui II, and the Value of Disclosure**

[Graham Hudson](#), Ryerson University

.....

**PUBLIC INTERNATIONAL LAW eJOURNAL**

Vol. 5, No. 155: Dec 01, 2010

[Alan O. Sykes, ed.](#)

(articles already digested omitted)

**NGO Monitor Submission to the International Criminal Court Office of the Prosecutor Regarding the 'Situation in Palestine'**

[Anne Herzberg](#), NGO Monitor

**The Character of the Conflict in Gaza: Another Argument Towards Abolishing the Distinction between International and Non-International Armed Conflicts**

[Konstantinos Mastorodimos](#), University of London - Queen Mary - Department of Law

**An Open Letter to the President of Zambia**

[Oliver Mupila](#), Zambian International Health Alliance (ZIHA)

**Submission to Iraq Inquiry**

[Robert Perry Barnidge](#), University of Reading - School of Law

**Diplomatic and Consular Protection in EU Law: Misleading Combination or Creative Solution?**

[Patrizia Vigni](#), University of Siena

**From Fiduciary States to Joint Trusteeship of the Atmosphere: The Right to a Healthy Environment Through a Fiduciary Prism**

[Evan Fox-Decent](#), McGill University - Faculty of Law

**From Ideology to Pragmatism: China's Position on Humanitarian Intervention in the Post-Cold War Era**

[Jonathan E. Davis](#), *affiliation not provided to SSRN*

**Unilateral Exceptions to International Law: Systematic Legal Analysis and Critique of Doctrines that Seek to Deny or Reduce the Applicability of Human Rights Norms in the Fight Against Terrorism**

[Martin Scheinin](#), European University Institute

[Mathias Vermeulen](#), European University Institute

**Time for Overhauling the Global Economy**

[Liboria Maggio](#), The Group of Lecce, University of Salento - Facoltà di Giurisprudenza

.....

**PUBLIC INTERNATIONAL LAW eJOURNAL**

Vol. 5, No. 154: Nov 30, 2010

[Alan O. Sykes, ed.](#)

(articles already digested omitted)

**Let the 'Caroline' Sink! Assessing the Legality of a Possible Israeli Attack on Iranian Nuclear Facilities and Why the Traditional Self-Defense Formula is Incompatible with the Nuclear Age**

[Yaniv Roznai](#), London School of Economics - Law Department

**Membership Has its Privileges -- The Effect of Membership in International Organizations on FDI**

[Axel Dreher](#), University of Goettingen (Gottingen), ETH Zurich - KOF Swiss Economic Institute, CESifo (Center for Economic Studies and Ifo Institute for Economic Research), Institute for the Study of Labor (IZA)

[Heiner F. Mikosch](#), KOF Swiss Economic Institute

[Stefan Voigt](#), Institute of Law & Economics, CESifo (Center for Economic Studies and Ifo Institute for Economic Research)

**A Preemptive Strike against European Federalism: The Decision of the Bundesverfassungsgericht Concerning the Treaty of Lisbon**

[Julian Arato](#), New York University School of Law

**Treating Like Alike: The Principle of Non-Discrimination as a Tool to Mandate the Equal Treatment of Refugees and Beneficiaries of Complementary Protection**

[Jason M. Pobjoy](#), University of Cambridge - Faculty of Law

**Prospects for the International Migration of U.S.-Style Sex Offender Registration and Community Notification Laws**

[Wayne A. Logan](#), Florida State University - College of Law

**From Enlightened Positivism to Cosmopolitan Justice: Obstacles and Opportunities**

[Steven R. Ratner](#), University of Michigan Law School

.....

**PUBLIC INTERNATIONAL LAW eJOURNAL**

Vol. 5, No. 153: Nov 29, 2010

[Alan O. Sykes, ed.](#)

(articles already digested omitted)

**The Global Fund Process in Angola: Analysis of the Failure of the Second Round**

[Robert Kevlihan](#), MBO Partners

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

[Rohan Price](#), University of Tasmania - Faculty of Law

**Human Rights and the Lisbon Treaty: Consensus or Conditionality?**

[Yvonne McDermott](#), National University of Ireland, Galway (NUIG) - Irish Centre for Human Rights

**Global Climate Governance to Enhance Biodiversity & Well-Being: Integrating Non-State Networks and Public International Law in Tropical Forests**

[Andrew Long](#), Florida Coastal School of Law

**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

.....

**LAW & SOCIETY: INTERNATIONAL & COMPARATIVE LAW eJOURNAL**

**Sponsored by: Indiana University Maurer School of Law**

Vol. 5, No. 101: Dec 08, 2010

[Christiana Ochoa, ed.](#)

(select articles)

**Abolition of Death Penalty with Special Reference to Pakistan**

[Shagufta Omar](#), affiliation not provided to SSRN

**The Emerging Trends of Sino-Africa Trade-Rethinking Africa's Policy Space and Policy Implications**

[Jill Sandra Juma](#), SEATINI

**Antitrust Rules and Standard-Setting: A New Dawn in China?**

[Adrian Emch](#), Hogan Lovells

**International Human Rights Law in Japan: The Cultural Factor Revisited**

[Joelle Sambuc Bloise](#), affiliation not provided to SSRN

**The Role of Climate Change in Kenya's International Trade Arena - An Analysis of EPA's on Climate Change**

[Jill Sandra Juma](#), SEATINI

**Gender Sensitivity and Discrimination Against Women Under Statute and Common Law in Nigeria**

[Mosunmola Oluwatoyin Imasogie](#), Olabisi Onabanjo University - Faculty of Law

**Beyond Tulips and Cheese: Exporting Mass Securities Claim Settlements from the Netherlands**

[Tomas Arons](#), Erasmus University Rotterdam

[Willem H. van Boom](#), Erasmus University Rotterdam (EUR) - Erasmus School of Law

.....

**LAW & SOCIETY: INTERNATIONAL & COMPARATIVE LAW eJOURNAL**

**Sponsored by: Indiana University Maurer School of Law**

Vol. 5, No. 98: Dec 03, 2010

[Christiana Ochoa, ed.](#)

(select articles)

**The Convergence of Public and Corporate Power in Peru: Yanacocha Mine, Campesino Dispossession, Privatized Coercion**

[Charis Kamphuis](#), Osgoode Hall Law School, York University

**Criminality and Terrorism**

[Ben Saul](#), University of Sydney - Faculty of Law

**The Development of a System of Industrial Property Protection in the European Union: The Role of the Court of Justice**

[Hanns Ullrich](#), Max Planck Institute for Intellectual Property, Competition & Tax Law

.....

**LAW & SOCIETY: INTERNATIONAL & COMPARATIVE LAW eJOURNAL**

**Sponsored by: Indiana University Maurer School of Law**

Vol. 5, No. 97: Dec 02, 2010

[Christiana Ochoa, ed.](#)

(select articles)

**Integrating Human Rights in the Anti-Corruption Agenda: Challenges, Possibilities and Opportunities**

[ICHRP International Council on Human Rights Policy](#), International Council on Human Rights Policy (ICHRP)

**The Road Not Taken: The EU as a Global Human Rights Actor**

[Grainne De Burca](#), Harvard University - Harvard Law School

**The Child Exclusion in a Global Context**

[Martha F. Davis](#), Northeastern University - School of Law

**Proving Genocidal Intent: International Precedent and ECCC Case 002**

[Ryan Y. Park](#), Harvard University - Harvard Law School

**A Survey of EU Trade Defence Case Law in 2009**

[Davide Rovetta](#), European Commission - DG TAXUD

**The Tragedy of Halabja: A Pathological Review on Social-Legal Aspects of the Case from Historical and International Points of View**

[Akbar Valadbigi](#), State University of Yerevan - Armenia

[Shahab Ghobadi](#), Kurdistan State University - Iran

.....

**LAW & SOCIETY: INTERNATIONAL & COMPARATIVE LAW eJOURNAL**

**Sponsored by: Indiana University Maurer School of Law**

Vol. 5, No. 96: Dec 01, 2010

[Christiana Ochoa, ed.](#)

(select articles)

**Animosity, Trade and Cultural Exchange: La Convivencia**

[Daniel J. Smith](#), George Mason University - Department of Economics

**Conditional Extradition as a Possible Solution to Lai Changxing's Case**

[Haiping Zheng](#), University of Missouri at Kansas City - School of Law

**Protecting the Unborn Child: The Current State of International Law Concerning the So-Called Right to Abortion and Intervention by the Holy See**

[Thomas Venzor](#), *affiliation not provided to SSRN*

**On the Fairness of Proceedings for Extradition or Surrender**

[Gjermund Mathisen](#), EFTA Court

.....



**INTERNATIONAL ECONOMIC LAW eJOURNAL**

Vol. 5, No. 85: Dec 03, 2010

[Alan O'Neil Sykes, ed.](#)

**The Dog that Barked but Didn't Bite: 15 Years of Intellectual Property Disputes at the WTO**

[Joost Pauwelyn](#), Graduate Institute of International and Development Studies (HEI)

**LDCs' Accession to the WTO: Should Doha Round Negotiations Allow LDCs to Invoke Article Xi.2 of the WTO Agreement in Accession Negotiations?**

[Surendra Bhandari](#), Independent

**Proposing Conciliatory Measures for Latin America and ICSID (Spanish)**

[Katia Fach Gomez](#), University of Zaragoza

**Trans Pacific Partnership Agreement - Public Health and Medicines Policies**

[Thomas Alured Faunce](#), Australian National University, Australian Research Council

[Ruth Townsend](#), Australian National University (ANU)

.....

**SUSTAINABILITY LAW & POLICY eJOURNAL**

Sponsored by Florida State University College of Law

Vol. 1, No. 49: Dec 02, 2010

[Robin Kundis Craig, David L. Markell, J.B. Ruhl, eds.](#)

**Women, Decision Making and Sustainability: Exploring the Experience of the Badi Foundation in China**

[Lori M. Noguchi](#), Badi Foundation

[Shahla F. Ali](#), University of Hong Kong - Faculty of Law

**Sustainable Public Procurement in the EU**

[Roberto Caranta](#), Law Faculty - University of Turin

**Verification of Greenhouse Gas Emissions of Annex I Parties: Methods We Have and Methods We Want**

[Alexander Zahar](#), Macquarie University - Macquarie Law School

**Realizing Access to Sexual Health Information and Services for Adolescents Through the Protocol to the African Charter on the Rights of Women**

[Ebenezer Tope Durojaye](#), University of the Free State

.....

**HUMAN RIGHTS & THE GLOBAL ECONOMY eJOURNAL**

Sponsored by Northeastern University School of Law

Vol. 4, No. 107: Nov 30, 2010

[Hope Lewis, Wendy E. Parmet & Rashmi Dyal-Chand, eds.](#)

(select articles)

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

[James Harrison](#), University of Warwick - School of Law

**Socioeconomic Rights and Theories of Justice**

[Jeremy Waldron](#), New York University (NYU) - School of Law

**Time for Overhauling the Global Economy**

[Liboria Maggio](#), The Group of Lecce, University of Salento - Facoltà di Giurisprudenza

**The Law on Research with Humans: The Emergence of Norms in the Context of Soft Law, International Agreements and Statutes (German)**

[Anne Peters](#), University of Basel - Faculty of Law

[Peter Bürkli](#), University of Basel - Faculty of Law

**Human Dignity and Corporate Responsibility at the Base of the Pyramid**

[Rüdiger Hahn](#), Heinrich-Heine-Universität Duesseldorf

[Gerd Rainer Wagner](#), Heinrich-Heine Universität Duesseldorf

.....

**CANADIAN LAW eJOURNAL**

Vol. 6, No. 53: Nov 30, 2010

[Anita I. Anand, ed.](#)

(select articles)

**The Canada-Czech Republic Visa Affair: A Test for Visa Reciprocity and Fundamental Rights in the European Union**

[Alejandro Eggenschwiler](#), Centre for European Policy Studies (CEPS)

**State Protection of the Czech Roma and the Canadian Refugee System**

[Marina Caparini](#), Norsk Utenrikspolitisk Institutt

**Asymmetric Borders: The Canada-Czech Republic "Visa War" and the Question of Rights**

[Mark Salter](#), University of Ottawa - School of Political Studies

[Can E. Mutlu](#), *affiliation not provided to SSRN*

.....

**LEGAL SCHOLARSHIP NETWORK: LEGAL STUDIES RESEARCH PAPER SERIES  
SOAS SCHOOL OF LAW**

Vol. 1, No. 4: Nov 29, 2010

**The Perils of Power-Sharing: Africa and Beyond**

[Chandra Lekha Sriram](#), University of London - School of Oriental and African Studies (SOAS)

[Marie-Joelle Zahar](#), University of Montreal - Department of Political Science

**Unfinished Business: Peacebuilding, Accountability, and Rule of Law in Lebanon**

[Chandra Lekha Sriram](#), University of London - School of Oriental and African Studies (SOAS)

**Multiple Discrimination in a Multicultural Europe: Achieving Labour Market Equality Through New Governance**

[Diamond Ashiagbor](#), SOAS, University of London

**Collective Labor Rights and the European Social Model**

[Diamond Ashiagbor](#), SOAS, University of London

.....

**HUMAN RIGHTS & THE GLOBAL ECONOMY eJOURNAL**  
**Sponsored by Northeastern University School of Law**  
Vol. 4, No. 111: Dec 08, 2010  
(select articles)

**The Kafka-esque Case of Sheikh Mansour Leghaei: The Denial of the International Human Right to a Fair Hearing in National Security Assessments and Migration Proceedings in Australia**

[Ben Saul](#), University of Sydney - Faculty of Law

**Book Review: "Migration and Human Rights. The United Nations Convention on Migrant Workers' Rights", Edited by R. Cholewinski, P. De Guchteneire and A. Pécoud**

[Vincent Chetail](#), Graduate Institute of International and Development Studies

**Economic Challenges and Coping Mechanisms in Protracted Displacement: A Case Study of the Rohingya Refugees in Bangladesh**

[Kristy Crabtree](#), New York University (NYU), International Rescue Committee, Perspectives on Global Issues, New York University

**Do Cultural Diversity and Human Rights Make a Good Match?**

[Yvonne Donders](#), Amsterdam Center for International Law

.....

**LAW & SOCIETY: INTERNATIONAL & COMPARATIVE LAW eJOURNAL**  
**Sponsored by: Indiana University Maurer School of Law**  
Vol. 5, No. 100: Dec 07, 2010  
[Christiana Ochoa, ed.](#)

**The Law of Laws**

[Pavlos Eleftheriadis](#), University of Oxford - Faculty of Law

**The Joint Action and Learning Initiative on National and Global Responsibilities for Health**

[Lawrence O. Gostin](#), Georgetown University Law Center - O'Neill Institute for National and Global Health Law

[Gorik Ooms](#), Institute of Tropical Medicine (ITM)

[Mark Heywood](#), Section27

[John-Arne RÅttingen](#), Norwegian Knowledge Center for the Health Services

[Just Haffeld](#), University of Oslo

[Sigrun MÅgedal](#), Global Health Workforce Alliance

[Harald Siem](#), Norwegian Directorate of Health

[Eric Friedman](#), Physicians for Human Rights

**Protecting Public Morals in a Digital Era: Revisiting the WTO Rulings in US -- Gambling and China -- Publications and Audiovisual Products**

[Panagiotis Delimatsis](#), Tilburg University, World Trade Institute

**Justified Uses of Force and the Crime of Aggression**

[Erin Creegan](#), affiliation not provided to SSRN

**Contentious Issues: Copyright Reform in the Age of Digital Technologies**

[Stacy A. Baird](#), University of Hong Kong, Faculty of Law, University of Southern California, College of Letters, Arts and Sciences

**More than Words: The Introduction of Internationalised Domain Names and the Reform of Generic Top-Level Domains at ICANN**

[Daithi Mac Sithigh](#), University of East Anglia (UEA) - Norwich Law School

.....

**INTERNATIONAL ENVIRONMENTAL LAW eJOURNAL**

Vol. 2, No. 50: Dec 07, 2010

[David D. Caron & Tseming Yang, eds.](#)

**Keeping a Big Promise: Options for Baselines to Assess 'New and Additional' Climate Finance**

[Martin Stadelmann](#), University of Zurich

[Axel Michaelowa](#), Hamburg Institute of International Economics (HWWA)

[J. Timmons Roberts](#), Brown University

**Introduction to European Environmental Law from an International Environmental Law Perspective**

[Elisa Morgera](#), University of Edinburgh

**Three Obstacles to the Promotion of Corporate Social Responsibility by Means of the Alien Tort Claims Act: The Sosa Court's Incoherent Conception of the Law of Nations, The 'Purposive' Action Requirement for Aiding and Abetting, and The State Action Requirement for Primary Liability**

[David A. Dana](#), Northwestern University - School of Law

[Michael Barsa](#), Northwestern University -- School of Law

**Private Environmental Governance as Ensemble Regulation: A Critical Exploration of Sustainability Indexes and the New Ensemble Politics**

[Oren Perez](#), Bar-Ilan University - Faculty of Law

**Environmental Impact Assessment of Civil Engineering Infrastructure Development Projects**

[W. K. Kupolati](#), Tshwane University of Technology - Department of Civil Engineering

**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

**Bucking the Kuznets Curve: Designing Effective Environmental Regulation in Developing Countries**

[Michael G. Faure](#), University of Maastricht - Faculty of Law, Metro, Erasmus University Rotterdam (EUR) - Erasmus School of Law

[Morag Goodwin](#), Tilburg University, Tilburg Institute for Law, Technology and Society

[Franziska Weber](#), Erasmus University Rotterdam (EUR) - Erasmus School of Law

.....

**INTERNATIONAL ECONOMIC LAW eJOURNAL**

Vol. 5, No. 87: Dec 08, 2010

[Alan O'Neil Sykes, ed.](#)

**Arbitration: A Possible Solution to the Uncertain Enforcement of Restrictive Covenants Against Third Country Nationals**

[Obiajulu C. Okuh](#), Case Western Reserve University - School of Law

**Managing Conflicts Between Rulings of the World Trade Organization and Regional Trade Tribunals: Reflections on the Brazil-Tyres Case**

[Julia Ya Qin](#), Wayne State University Law School

**Indian Competition Regime : Municipal Compatibility and International Complementarity**

[Aniruddha C. Jaltare](#), affiliation not provided to SSRN

**From Data to Celebration of Cultural Heritages: Preservations, Acquisitions, and Intellectual Property Regulations**

[Hokky Situngkir](#), Bandung Fe Institute, Indonesian Archipelago Cultural Initiatives (IACI)

**Beyond Tulips and Cheese: Exporting Mass Securities Claim Settlements from the Netherlands**

[Tomas Arons](#), Erasmus University Rotterdam

[Willem H. van Boom](#), Erasmus University Rotterdam (EUR) - Erasmus School of Law

.....

**ENVIRONMENTAL LAW & POLICY eJOURNAL**

Vol. 2, No. 80: Dec 07, 2010

[Holly Doremus, John Patrick Dwyer & Peter S. Menell, eds.](#)

(select articles)

**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

**Sustainable Development and Environmental Challenges**

[Akbar Valadbigi](#), State University of Yerevan - Armenia

[Shahab Ghobadi](#), Kurdistan State University - Iran

.....

**COMPARATIVE LAW eJOURNAL**

Vol. 10, No. 124: Dec 06, 2010

[Francesco Parisi, ed.](#)

(select articles)

**European Comparatives Perspective on the Rule of Law and Independent Courts**

[Anja Seibert-Fohr](#), Max Planck Society for the Advancement of the Sciences – Max Planck Institute for Comparative Public Law and International Law

**Transnational Governance Spirals: The Transformation of Rule-Making Authority in Internet Regulation and Corporate Financial Reporting**

[Jeanette Hofmann](#), Social Science Research Centre Berlin

[Sebastian Botzem](#), Wissenschaftszentrum Berlin für Sozialforschung (WZB)

**Sinic Trade Agreements**

[Peter K. Yu](#), Drake University Law School

**Protecting Taxpayer Privacy Rights Under Enhanced Cross-Border Tax Information Exchange: Toward a Multilateral Taxpayer Bill of Rights**

[Arthur Cockfield](#), Queen's University – Faculty of Law

.....

**LEGAL SCHOLARSHIP NETWORK: LEGAL STUDIES RESEARCH PAPER SERIES  
UNIVERSITY OF OSLO FACULTY OF LAW**

Vol. 1, No. 1: Dec 07, 2010

(select articles on sustainable development)

**Sustainable Development, EU Law and Companies: The EU Law Framework for the Sustainable Companies Project**

[Beate Sjøfjell](#), Department of Private Law – Faculty of Law, University of Oslo

**Sustainable Development: What Role for the Company Law?**

[Surya Deva](#), City University of Hong Kong

**Reflexive Regulation of CSR to Promote Sustainability: Understanding EU Public-Private Regulation on CSR Through the Case of Human Rights**

[Karin Buhmann](#), University of Copenhagen, Institute of Food & Resource Economics – Division of Consumption, Health and Ethics – Law Unit

.....

**[Journal of International Economic Law](#)** (Vol. 13, no. 3, September 2010)

Special issue on "The Quest for International Law in Financial Regulation and Monetary Affairs."

Chapter I Introduction and Purpose

- John H. Jackson, Introductory Note to the Special Issue
- Thomas Cottier & Rosa M. Lastra, Introduction to the Special Issue

Chapter II The Crisis of 2007-2009: Nature, Causes and Reactions

- Rosa M. Lastra & Geoffrey Wood, The Crisis of 2007–09: Nature, Causes, and Reactions

Chapter III Architecture and Conceptual Issues

- R. Michael Gadbaw, Systemic Regulation of Global Trade and Finance: A Tale of Two Systems
- Andreas F. Lowenfeld, The International Monetary System: A Look Back Over Seven Decades
- Luis Garicano & Rosa M. Lastra, Towards a New Architecture for Financial Stability: Seven Principles
- Chris Brummer, Why Soft Law Dominates International Finance—and not Trade
- Joseph J. Norton, The ‘Santiago Principles’ for Sovereign Wealth Funds: A Case Study on International Financial Standard-Setting Processes

Chapter IV Financial Market Regulation

- Christian Tietje and Matthias Lehmann, The Role and Prospects of International Law in Financial Regulation and Supervision
- Rolf H. Weber, Multilayered Governance in International Financial Regulation and Supervision
- Charles A. E. Goodhart & Rosa M. Lastra, Border Problems
- Joel P. Trachtman, The International Law of Financial Crisis: Spillovers, Subsidiarity, Fragmentation and Cooperation
- Steve Charnovitz, Addressing Government Failure Through International Financial Law
- Hal S. Scott, Reducing Systemic Risk Through the Reform of Capital Regulation

- Christine Kaufmann & Rolf H. Weber, The Role of Transparency in Financial Regulation
  - Donald C. Langevoort, Global Securities Regulation after the Financial Crisis
- Chapter V Trade, Competition and Tax Related Aspects
- Thomas Cottier & Markus Krajewski, What Role for Non-Discrimination and Prudential Standards in International Financial Law?
  - Panagiotis Delimatsis & Pierre Sauvé, Financial Services Trade after the Crisis: Policy and Legal Conjectures
  - Gary N. Horlick & Peggy A. Clarke, WTO Subsidies Discipline During and after the Crisis
  - Philip Marsden & Ioannis Kokkoris, The Role of Competition and State Aid Policy in Financial and Monetary Law
  - Kern Alexander, International Regulatory Reform and Financial Taxes
- Chapter VI Monetary Regulation
- Ernst Baltensperger & Thomas Cottier, The Role of International Law in Monetary Affairs
  - Gary Hufbauer & Daniel Danxia Xie, Financial Stability and Monetary Policy: Need for International Surveillance
  - Sean Hagan, Enhancing the IMF's Regulatory Authority

.....

**[International Theory: A Journal of International Politics, Law and Philosophy, Volume 2, Issue 2, July 2010](#)**

- Global democracy: in the beginning (Robert E. Goodin) p.175-209
- Liberal International theory: Eurocentric but not always Imperialist? (Martin Hall and John M. Hobson) p.210-245
- The (classical) Realist vision of global reform (William E. Scheuerman) p.246-282
- Symposium on War and the State War and the State: a synopsis (R. Harrison Wagner) p.283-287
- The logic and illogic of the security dilemma and contemporary realism: a response to Wagner's critique (Randall L. Schweller) p.288-305
- The legacies of raison d'état: a brief commentary on R. Harrison Wagner's War and the State (Michael C. Williams) p.306-316
- On the limits of new foundations: a commentary on R. Harrison Wagner, War and the State (Tarak Barkawi) p.317-332
- Comments on R. Harrison Wagner's War and the State: The Theory of International Politics (James D. Fearon) p.333-342
- War and the State: reply to comments (R. Harrison Wagner) p.343-350

.....

**[Michigan Journal of International Law, Volume 32, Number 1, Fall 2010](#)**

- DESIGNING BESPOKE TRANSITIONAL JUSTICE: A PLURALIST PROCESS APPROACH (Jaya Ramji-Nogales) p.1
  - ISRAEL, PALESTINE, AND THE ICC (Daniel Benoliel & Ronen Perry) p.73
  - ESSAY
  - ENFORCING INTERNATIONAL CORRUPT PRACTICES LAW (Paul D. Carrington) p.129
- NOTE
- IDENTIFYING AND ENFORCING "BACK-END" ELECTORAL RIGHTS IN INTERNATIONAL HUMAN RIGHTS LAW (Katharine A. Wagner) p.165

.....

[Virginia Journal of International Law](#)

Volume 51, No. 2, 2010

**Articles**

Out of Many: Military Commissions, Religious Tribunals, and the Democratic Virtues of Court Specialization

Ori Aronson

[PDF File](#)

Law of the Land, Law of the Sea: The Lost Link Between Customary International Law and the General Maritime Law

David J. Bederman

[PDF File](#)

The Curious Case of Corporate Liability Under the Alien Tort Statute: A Flawed System of Judicial Lawmaking

Julian G. Ku

[PDF File](#)

Do Bilateral Investment Treaties Promote Foreign Direct Investment? Some Hints from Alternative Evidence

Jason Webb Yackee

[PDF File](#)

**Note**

Trafficked: Domestic Violence, Exploitation in Marriage, and the Foreign-Bride Industry

Jane Kim

[PDF File](#)

.....

[Willamette Journal of International Law and Dispute Resolution, Volume 16, Number 2, 2008](#)

- WORLD PEACE THROUGH HUMAN RIGHTS, LAW OF THE SEA, AND THE UNITED NATIONS: A TRIBUTE TO LOUIS B. SOHN, AN INTRODUCTION (JAMES A.R. NAFZIGER) p.208
- LEGACIES OF LOUIS B. SOHN: THE UNITED NATIONS CHARTER AND INTERNATIONAL ENVIRONMENTAL LAW (EDITH BROWN WEISS) p.212
- WORLD PEACE THROUGH HUMAN RIGHTS, LAW OF THE SEA, AND THE UNITED NATIONS: A TRIBUTE TO LOUIS B. SOHN (IVAN SHEARER) p.225
- LOUIS B. SOHN AND THE LAW OF THE SEA (JOHN E. NOYES) p.238
- GROTIUS AND THE FREEDOM OF THE SEAS IN THE SEVENTEENTH CENTURY (EDWARD GORDON) p.252
- BRINGING INTERNATIONAL LAW TO BEAR ON THE DETENTION OF REFUGEES IN THE UNITED STATES (GWYNNE SKINNER) p.270
- THE AMERICAN LAW INSTITUTE GOES GLOBAL: THE RESTATEMENT OF INTERNATIONAL COMMERCIAL ARBITRATION (GEORGE A. BERMANN) p.300
- EMPIRICAL APPROACHES TO INTERNATIONAL LAW: THE INTERNATIONAL LAWS OF WAR AS REFLECTED IN 500 YEARS OF MULTILATERAL TREATY-MAKING (JOHN KING GAMBLE & DANIEL P. HIDO) p.321
- DEVELOPING EMPIRICAL METHODOLOGIES TO STUDY LAW OF WAR VIOLATIONS (VICTOR M. HANSEN) p.342



- PANEL DISCUSSION: EMPIRICAL APPROACHES TO THE INTERNATIONAL LAW OF WAR (MODERATOR: AARON FELLMETH, PANELIST: RICHARD JACKSON) p.386

.....

### [Sustainable Development Law & Policy](#)

Vol. 10, Issue 3, 2010

#### Articles

[PDF](#) [Joining The Convention On Biological Diversity: A Legal and Scientific Overview of Why the United States Must Wake Up](#)

William J. Snape III

[PDF](#) [Endocrine-Disrupting Chemical Pollution: Why The EPA Should Regulate These Chemicals Under The Clean Water Act](#)

Jacki Lopez

[PDF](#) [The Relationship Between The Access and Benefit Sharing International Regimen and Other International Instruments: The World Trade Organization And The International Union For the Protection of New Varieties of Plants](#)

Jorge Cabrera Medaglia

[PDF](#) [Getting On The list: Politics And Procedural Maneuvering In Cites Appendix I and II Decisions For Commercially Exploited Marine And Timber Species](#)

Melissa Blue Sky

#### Features

[PDF](#) [Livestock Animal Cloning: This Steak Is Giving Me Déjà Vu](#)

Blake M. Mensing

[PDF](#) [Using The Clean Water Act To Protect Our Ocean's Biodiversity](#)

Kate Halloran

[PDF](#) [Using REDD To Promote Biodiversity-sensitive Forest Fire Management Schemes](#)

Alex Hoover

[PDF](#) [The Role Of The Public In The American Pika's Future](#)

Yoona Cho

[PDF](#) [Finding The Balance: Harmonizing Renewable Energy With Wildlife Conservation](#)

Tina R. Goel

[PDF](#) [Will Climate Change Help or Harm Species Listing?](#)

Jessica B. Goldstein

.....

### [Global Jurist, Volume 10, Issue 3, October 2010](#)

- The Recusal of American Judges in the Post-Caperton Era: An Empirical Assessment of the Risk of Actual Bias in Decisions Involving Campaign Contributors (Vernon V. Palmer)
- Advances
- The Goldstone Report: Challenging Israeli Impunity in the International Legal System? (Jennifer Barnette)
- Contract Enforceability During Economic Crisis: Legal Principles and Drafting Solutions (Nathan M. Crystal and Francesca Giannoni-Crystal)
- Topics

- Tax Dynamics of (U.S.) Corporate Expatriations (Nicola Sartori)
- Algunos Problemas Jurídico Privados Referentes a la Producción y El Comercio de Alimentos Transgénicos (Anselmo M. Martinez Cañellas)

.....

**Journal of Islamic State Practices in International Law, Volume 6, Issue 1, 2010**

- Institutional v.Liberal Contexts for Contemporary Non-State, Muslim Civil Dispute Resolution Systems (J.A. Redding) p.2-26
- British Muslims and the Evolution of the Practice of Islamic Law with Particular Reference to Dispute Resolution (R.C. Akhtar) p.27-39
- For the Sake of Justice: Protecting Divorced Women's Rights in Pakistan by Re-Examining the Sharia Principle of Mutat (Post - Divorce Maintenance) (A Shahid) p.40-59

.....

**European Energy and Environmental Law Review, Volume 19, Number 4, 2010**

- The Protection of Land in Greece – before and after the implementation of the Environmental Liability Directive (Natalia Charalampidou) p.160-174
- The Internal Gas Market according to the Law of Competition. Provisions of the Community's Third Package (José Eugenio Soriano García) p.175-199
- Climate Change Policy in the European Union: Confronting the Dilemmas of Mitigation and Adaptation?, by Jordan, A., Huitema, D., Asselt van, H., Rayner, T. and Berkhout, F. (2010). (Cambridge: University Press) (Katrin Glatzel) p.200-202

.....

**Journal of International Trade Law and Policy**

(Vol. 9, Issue 3 , 2010)

The implementation paradox: intellectual property regulation in the Arab world  
Mohammed El Said (pp. 221 - 235)

International business ethics  
Ben Tran (pp. 236 - 255)

The impact of the recent financial crisis on EU competition policy for the banking sector  
Ilias Kapsis (pp. 256 - 274)

Blurring regime boundaries: uneven legalization of non-trade concerns in the WTO  
Sieglinde Gstöhl (pp. 275 - 296)

WTO effectiveness in resolving transatlantic trade-environment conflict  
David J. Hornsby (pp. 297 - 309)

.....

**New York University Law Review, Volume 85, Number 5, November 2010**

(select notes)

NOTES

- ARE TRADABLE CARBON EMISSIONS CREDITS INVESTMENTS? CHARACTERIZATION AND RAMIFICATIONS UNDER INTERNATIONAL INVESTMENT LAW (Lisa Bennett) p.1581
- GLOBALIZATION OF THE U.S. BLACK MARKET: PROHIBITION, THE WAR ON DRUGS, AND THE CASE OF MEXICO (Seth Harp) p.1661

- THE FUNCTIONAL POLITICAL QUESTION DOCTRINE AND THE JUSTICIABILITY OF EMPLOYEE TORT SUITS AGAINST MILITARY SERVICE CONTRACTORS (Kristen L. Richer) p.1694
- ADJUDICATION BY FIAT: THE NEED FOR PROCEDURAL SAFEGUARDS IN ATTORNEY GENERAL REVIEW OF BOARD OF IMMIGRATION APPEALS DECISIONS (Laura S. Trice) p.1766

.....

### [George Washington International Law Review, Volume 41, Number 2, 2009](#)

- EMERGING INDIA
- India's Constitution and Individual Rights: Diverse Perspectives (Abhishek Singhvi) p.327
- The Constitution and Individual Rights: A Comment on Dr. Abhishek Singhvi's India's Constitution and Individual Rights: Diverse Perspectives (Sunil Khilnani) p.361
- India and International Arbitration (Fali S. Nariman) p.367
- India and International Arbitration: The Dabhol Experience (Ronald J. Bettauer) p.381
- Sacrificing Human Rights and Environmental Rights at the Altar of "Development" (Prashant Bhushan) p.389
- NOTES
- What Would Your Founding Fathers Think? What India's Constitution Says—and What Its Framers Would Say—About the Current Debate Over a Uniform Civil Code (Srikanth Reddy) p.405
- Rule, Britannia! A Proposed Revival of the British Antisuit Injunction in the E.U. Legal Framework (Will Hueske) p.433
- Strategic Protectionism? National Security and Foreign Investment in the Russian Federation (Jesse Heath) p.465
- Pirates of the Caribbean (and Beyond): Developing a New Remedy for WTO Noncompliance (Michael R. Williams) p.503

.....

### [Fletcher Forum of World Affairs, Volume 34, Number 2, Summer 2010](#)

#### Interviews

- Fashioning a Realistic Strategy for the Twenty-First Century (LESLIE H. GELB) p.5
- Engaging the Muslim World (HASSAN ABBAS) p.9

#### Features

- A Golden Moment: Applying Iraq's Hard Lessons to Strengthen the U.S. Approach to Stabilization and Reconstruction Operations (STUART W. BOWEN, JR.) p.17
- The Hamas-Fatah Conflict: Shallow but Wide (NATHAN J. BROWN) p.35
- The Bioterror Pipeline: Big Pharms, Patent Expirations, and New Challenges to Global Security (BRIAN FINLAY) p.51
- Reaping the Whirlwind: Pakistani Counterinsurgency Campaigns, 2004-2010 (STEVE BREYMAN AND ANEEL SALMAN) p.65
- Ending the Exploitation of Migrant Workers in the Gulf (MOHAMMAD A. AUWAL) p.87
- Perspectives Yemen and the United States: Conflicting Priorities (WILLIAM A. RUGH) p.109
- To Tackle CO<sub>2</sub>, Start with H<sub>2</sub>O: How Latin America's Water Problems Could Affect Climate Change Negotiations (LUIS ALBERTO MORENO) p.117
- From a Global Burden to an Engine of Growth: Reframing Climate Policy After Copenhagen (TOM BROOKES) p.125

#### Reviews

- A Millennium of Byzantine Power By Edward N. Luttwak (Reviewed by W. Scott Thompson) p.131
- Political Islam from Muhammad to Ahmadinejad By Joseph M. Skelly, Ed. (Reviewed by Lorenzo Vidino) p.137

.....

**University of Arkansas at Little Rock Law Review, Volume 32, Number 4, Summer 2010**  
(select article)

- International Law and United States Policy Issues Arising from the United States' Conflict with Al Qaeda (Gregory S. McNeal) p.505

.....

**World Trade and Arbitration Materials, Volume 22, Number 5, October 2010**

- Arbitration Acts
- Ireland Arbitration Act - 8 March 2010 p.857
- Arbitration Awards
- ATA Construction, Industrial and Trading Company v. The Hashemite Kingdom of Jordan
- Arbitral Award - 18 May 2010 p.945
- Arbitration Decisions
- Mobil v. Bolivarian Republic of Venezuela
- Decision on Jurisdiction - 10 June 2010 p.999
- Inmaris Perestroika Sailing Maritime Services GMBH and Others v. Ukraine
- Decision on Jurisdiction, 8 March 2010 p.1045

.....

**Legal Issues of Economic Integration, Volume 37, Issue 3, August 2010**

- Scratch the Currency and You Will Find the Deal - From the Board p.181
- Articles
- WTO DSB Decisions in the EC Legal Order: Approach of the Community Courts (Oksana Tsymbriuska) p.185
- The Proposed Australia-China FTA: Protectionism over Complementarity? (M. Rafiqul Islam & Md Rizwanul Islam) p.203
- The Trans-Pacific Strategic Economic Partnership Agreement: A Critical Analysis (Henry Gao) p.221
- Case Notes
- Case C-386/08, Brita GmbH v. Hauptzollamt Hamburg-Hafen Judgment of the European Court of Justice of 25 February 2010 (Pieter Jan Kuijper) p.241
- China and Cultural Products at the WTO
- WTO Appellate Body Report, China — Measures Affecting Trading Rights and Distribution Services for Certain Publications and Audiovisual Entertainment Products (China — Publications and Audiovisual Products), WT/DS363/AB/R (circulated 21 December 2009, adopted 19 January 2010) (Tania Voon) p.253

.....

**Maryland Journal of International Law, Volume 25, 2010**

- COMMEMORATING THE APPOINTMENT OF THE NINTH DEAN OF THE UNIVERSITY OF MARYLAND SCHOOL OF LAW
- Educating Lawyers with a Global Vision (Phoebe A. Haddon) p.1
- SYMPOSIUM: MULTILATERALISM AND GLOBAL LAW: EVOLVING CONCEPTIONS OF INTERNATIONAL LAW AND GOVERNANCE
- International Law in Perplexing Times (Jeffrey L. Dunoff) p.11
- Liability for Environmental Harm and Emerging Global Environmental Law (Robert V. Percival) p.37
- Multiscalar Governance and Climate Change: Reflections on the Role of States and Cities at Copenhagen (Hari M. Osofsky) p.64
- From Bali to Copenhagen: Towards a Shared Vision for a Post-2012 Climate Regime? (Jutta Brunnée) p.86

- The Aflermath of Copenhagen: Does International Law have a Role to Play in a Global Response to Climate Change? (Jacob Werksman & Kirk Herbertson) p.109
- In Search of Coherence Between Trade and Health: Inter-Institutional Opportunities (Jonathan Liberman & Andrew Mitchell) p.143
- Undocumented Migrant Workers in a Fragmented International Order (Chantal Thomas) p.187
- The Project of Law, Moderation, and the Global Constitution (Karol Edward Soltan) p.230
- RECENT FRENCH LEGAL DEVELOPMENTS: THE LIPIETZ CASE
- Recent French Legal Developments Concerning a War-Time Arrest and Imprisonment Case (Vivian Grosswald Curran) p.264
- Mr. S. LIPIETZ et al. v. the Prefect of the Haute-Garonne Department and the SNCF (Advisory Opinion) (Jean-Christophe Truilhé) p.271
- The French Administrative Court's Rulings on Compensation Claims Brought by Jewish Survivors of World War II (Rémi Rouquette) p.304
- NOTES AND COMMENTS
- The U.S. and German Interpretations of the Vienna Convention on Consular Relations: Is Any Constitutional Court Really Cosmopolitan? (Peter A. Heinlein) p.317
- International Adoption: Improving on the 1993 Hague Convention (Jennifer A. Ratcliff) p.336
- International Asylum and Boat People: The Tampa Affair and Australia's "Pacific Solution" (Peter D. Fox) p.356
- Sovereign Wealth Funds and Shareholder Democratization: A New Variable in the CFIUS Balancing Act (George S. Everly, III) p.374

.....

**[Northwestern University Journal of International Human Rights, Volume 8, Issue 3, Summer 2010](#)**

- Atrocity Crimes Year-in-Review (2009) Conference, February 4, 2010
- Introduction: Atrocity Crimes Litigation During 2009 (David Scheffer)
- Articles
- Atrocity Crimes Litigation: Some Human Rights Concerns Occasioned by Selected 2009 Case Law (Göran Sluiter)
- Prosecuting Atrocity Crimes In National Courts: Looking Back On 2009 In Bosnia And Herzegovina (David Schwendiman)
- Civil Party Representation at the ECCC: Sounding the Retreat in International Criminal Law? (Alain Werner and Daniella Rudy)
- Transcripts
- Atrocity Crimes Litigation: Year-In-Review (2009) Conference Abridged Transcript

.....

**[Human Rights Brief, Volume 17, Issue 3, Spring 2010](#)**

- The Need for Debt Relief: How Debt Servicing Leads to Violations of State Obligations under the ICESCR (Noel Villaroman) p.2
- Bringing Human Rights Home: The DC Right to Housing Campaign (Meetali Jain) p.10
- The Right to Life Is the Right to Food: People's Union for Civil Liberties v. Union of India & Others (Lauren Birchfield, Jessica Corsi) p.15
- The Right to Education: A Multi-Faceted Strategy for Litigating before the Inter-American Commission on Human Rights (Marselha Gonçalves Margerin) p.19
- Realizing the Human Right to Water in Tanzania (Leticia Nkonya) p.25
- Also In This Issue
- When Is the Past Not the Past? Reflections on Customary Law under South Africa's Constitutional Dispensation (Sanele Sibanda) p.31
- Creating the Human Rights Bar in Israel: 25 Years of the U.S.-Israel Civil Liberties Law Fellowship (Maria Lokshin) p.36

- Columns
- International Legal Updates p.40
- Updates from the International and Internationalized Criminal Courts p.53
- Updates from the Regional Human Rights Systems p.58
- United Nations and NGO Updates p.65
- Book Reviews p.69
- Center News/Faculty and Staff Updates p.72

.....

**[Ocean Development and International law, Volume 41, Number 4, 2010](#)**

Issues in the South China Sea

- A Strategic Perspective on Security and Naval Issues in the South China Sea (Chris Rahman; Martin Tsamenyi) p.315-333
- Regional Cooperation in Marine Environmental Protection in the South China Sea: A Reflection on New Directions for Marine Conservation (Aldo Chircop) p.334-356
- Appraisal of Applicable Depth Constraint for the Purpose of Establishing the Outer Limits of the Continental Shelf (Bjørn Kunoy; Martin V. Heinesen; Finn Mørk) p.357-379

.....

**[Crit: A Critical Studies Journal, Volume 3, Issue 2, Summer 2010](#)**

(select article)

- The First Federal Human Rights Legislation: Suppressing the African Slave Trade (Paul Finkelman) p.20

.....

**[American Political Science Review, Volume 104, Number 3, August 2010](#)**

(select articles)

- International System and Technologies of Rebellion: How the End of the Cold War Shaped Internal Conflict (STATHIS N. KALYVAS and LAIA BALCELLS) p.415-429
- Regime Type, the Fate of Leaders, and War (ALEXANDRE DEBS and H.E. GOEMANS) p.430-445
- Regime Change and Revolutionary Entrepreneurs (ETHAN BUENO DE MESQUITA) p.446-466

.....

**[Amsterdam Law Forum, Volume 2, Number 4, 2010](#)**

(select articles)

- Looking at the UN, Smelling a Rat: a Comment on 'Sweden's Successful Drugs Policy: a review of the evidence (Peter Cohen)
- International law as a political instrument in the case of Kosovo (1999-2010) (Jasper E. Bergink)

.....

**[Journal of International Wildlife Law & Policy, Volume 13, Number 4, 2010](#)**

- New Research Approaches and Policy Ideas for Human-Wildlife Interactions
- Articles
- New Research Approaches and Policy Ideas for Human-Wildlife Interactions: An Introduction (Paul J. Haverkamp; Margaret Swisher; Lynette A. Hart) p.269-273
- Impacts of Anthropogenic Noise on Wildlife: Research Priorities for the Development of Standards and Mitigation (Jessica L. Blickley; Gail L. Patricelli) p.274-292
- Human-Predator Conflict and Livestock Depredations: Methodological Challenges for Wildlife Research and Policy in Botswana (Matthew J. Muir) p.293-310

- Marine Mammal Species Conservation: A Review of Developments in the Uses of Acoustics (Jason D. Wood) p.311-325
- NEPA, National Security, and Ocean Noise: The Past, Present, and Future of Regulating the Impact of Navy Sonar on Marine Mammals (Randall S. Abate) p.326-356
- Review Essay
- Wildlife Conservation and Protected Areas: Darwin, Marx, and Modern Science in the Search for Patterns That Connect (Geoffrey Wandesforde-Smith, et al) p.357-374

.....

### [Trade, Law and Development, Volume 2, Number 1, 2010](#)

International Investment Law

#### Articles

- Five Justifications for Investment Treaties: A Critical Discussion (Gus Van Harten) p.19-58
- The Multilateralization of International Investment Law - Emergence of a Multilateral System of Investment Protection on Bilateral Grounds (Stephan W. Schill) p.59-86
- Shareholders' Action to claim for Indirect Damages in ICSID Arbitration (Dolores Bentolila) p.87-144

#### Notes

- Protected Investments and Protected Investors: The Outer Limits of ICSID's Reach (Omar E. García-Bolívar) p.145-168
- The Scope and Effect of Umbrella Clauses: The Need for a Theory of Deference? (Mihir C. Naniwadekar) p.169-194

.....

### [Macquarie Journal of Business Law, Volume 7, 2010](#)

(select articles)

- Emissions Trading Schemes, Domestic Policy and the WTO (Daniel Redmond and Keith Kendall)
- On Eliminating Non-tariff Barriers in a Time of Worldwide Economic Crisis: China's Role (Razeen Sappideen and Ling Ling He)
- Identifying Criteria for Climate Change Policy Evaluation in Australia (Evgeny Guglyuvatyy)

.....

### [Journal of Water Law, Volume 20, Number 2, 2010](#)

SPECIAL ISSUE PROMOTING WATER FOR ALL: CURRENT INTERNATIONAL AND NATIONAL WATER LAW

- PREFACE Addressing the world's water problems - A focus on international and national water law and the challenges of an integrated approach (Wouters, Patricia; Hendry, Sarah) p.45-52

#### INTERNATIONAL WATER LAW

- Reframing the water security dialogue (Tarlock, Dan; Wouters, Patricia) p.53-60
- Introducing an analytical framework for water security: A platform for the refinement of international water law (Magsig, Bjorn-Oliver) p.61-69
- The principle of good faith in the Argentina-Uruguay pulp mills dispute (Liguori, Teresa) p.70-75
- The Canada-US context, Examining the thresholds of harm for international watercourses in Would a mining development in the Flathead River watershed violate the Boundary Waters Treaty? (Azulay, Michael) p.76-85
- The concepts of equitable utilization, no significant harm and benefit sharing under the Nile River Basin Cooperative Framework Agreement: Some highlights on theory and practice (Mohammed Abseno, Musa) p.86-95
- International water law in Central Asia: Commitments, compliance and beyond (Ziganshina, Dinara) p.96-107

## NATIONAL WATER LAW

- Protection of foreign investment and the implications for regulation of water services and resources: Challenges for investment arbitration (Daza Vargas, Ana Maria) p.108-118
- Responding to the 'water crisis': The complementary roles of water governance and the human right to water (Grimes, Hilary J.) p.119-128
- The transparency agenda in water utilities regulation and the role of freedom of information: England and Jakarta case studies (Al 'Afghani, Mohamad Mova) p.129-143
- Valuing water in law: How can Indigenous cultural values be reconciled with Australia's water law in order to strengthen Indigenous water rights? (Tran, Tran) p.144-151
- An analytical framework for legal regimes applicable to freshwater ecosystems (Tremblay, Hugo) p.152-164
- Bridging the water law, policy, science interface: Flood risk management in Scotland (Spray, Chris; Ball, Tom; Rouillard, Josselin) p.165

.....

[International Criminal Law Review, Volume 10, Number 5, 2010](#)

## Articles

- 'Duty to Act' and 'Commission by Omission' in International Criminal Law (Lars C. Berster) p.619
- Truth Commissions: A Barrier to the Provision of Judicial Assistance? (Alison Bisset) p.647
- Enforced Disappearances in Colombia: A Plea for Synergy between the Courts (Jocelyn Courtney) p.679
- 'Only One Step Away From Genocide': The Crime of Persecution in International Criminal Law (Caroline Fournet and Clotilde Pégrier) p.713
- Negotiated History: The Historical Record in International Criminal Law and Plea Bargaining (Regina E. Rauxloh) p.739
- The Ability of the International Criminal Court to Deter Violations of International Criminal Law: A Theoretical Assessment (Christopher W. Mullins and Dawn L. Rothe) p.771
- Quelques apports des Tribunaux pénaux internationaux, ad hoc et notamment le TPIR, à la lutte contre les violences sexuelles subies par les femmes durant les génocides et les conflits armés (Mohammed Ayat) p.787
- Case Comments
- R. v. Munyaneza: Pondering Canada's First Core Crimes Conviction (Robert J. Currie and Ion Stancu) p.829
- Is There a Need for the ICTY to Clarify the Difference(s) between Life Imprisonment and Imprisonment for the Remainder of the Offender's Life? The Galić and Lukić Decisions (Jamil Ddamulira Mujuzi) p.855

## Book Reviews

- Fabián O. Raimondo, General Principles of Law in the Decisions of International Criminal Courts and Tribunals (Sinéad Ring) p.865
- Michael Tonry, Thinking About Punishment: Penal Policy Across Time, Space and Discipline (Mary Rogan) p.870
- Larry May and Zachary Hoskins (Editors), International Criminal Law and Philosophy (Stefanie Heinrich) p.873

.....

[Journal of Politics and Law, Volume 3, Number 2, September 2010](#)

(select articles)

- Promoting Democracy and Promoting Autocracy: Towards A Comparative Evaluation (Peter Burnell) p.3
- The Power of International Institutions: An Examination of U.S. Policy towards East Timor and Kosovo in 1999 (Christopher Robert Cook) p.26



- In Omnia Paratus: Of War, Conflict, and International Law in the Contemporary World System (Scott Nicholas Romaniuk, Joshua Kenneth ....) p.36
- Some Back-Ended Legal and Political Issues of United States Fisheries Management (Chad McGuire, Bradley Harris) p.52
- War Crimes Trial in Bangladesh: A Real Political Vendetta (Abdul Jalil) p.110
- Foreign Direct Investments, Strategic Assets and Sustainable Development: A Critique of International Investment in Nigeria's Steel Sector (Marietu Tenuche) p.139
- The Impact of East Asia's Nuclear Energy Development Program on Southeast Asia Countries (Mohamad Faisol Keling, Otto F. Von Feige....) p.176
- A Critical Analysis of the Relations between Organized Civil Society and Democratizing of Global Governance (Ni Wang) p.207

.....

**[Heidelberg Journal of International Law, Volume 70, Number 3, 2010](#)**

**ABHANDLUNGEN**

- Die Krux mit der Blasphemie – Analyse zweier richterlicher Lösungsansätze (Keller; Cirigliano) p.403
- Die spanische Dogmatik der Verfassungstreue. Geschichte einer fehlgeschlagenen Rezeption des deutschen Verfassungsdenkens (Álvarez) p.433
- Judicial Lawmaking at the ad hoc Tribunals: The Creative Use of the Sources of International Law and "Adventurous Interpretation" (Swart) p.459
- Die neue GASP (Frenz) p.487
- Veränderungen des Lissabon-Vertrages im Hinblick auf die Doktrin der unmittelbaren Wirkung (Wohlfahrt) p.523
- Plaumanns Ende: Ein Vorschlag zu Art. 263 Abs. 4 AEUV (Kottmann) p.547

**STELLUNGNAHMEN UND BERICHTE**

- "Administration of Justice" in den Vereinten Nationen – ein Werkstattbericht (Laker) p.567
- Security Council Resolution 1904 (2009): A Significant Step in the Evolution of the Al-Qaida and Taliban Sanctions Regime? (Kirschner) p.585

**LITERATUR**

- Buchbesprechungen p.609
- Klabbers, Jan: Treaty Conflict and the European Union (Srnkolj) p.609
- Lehnert, Wieland: Afrikanisches Gewohnheitsrecht und die südafrikanische Verfassung. Die afrikanische Rechtstradition im Spannungsfeld zwischen dem Recht auf Kultur und anderen Menschenrechten (Wenzel) p.613
- Macdonald, Ronald St. John/ Johnston Douglas M. (Hrsg.): Towards World Constitutionalism (Frowein) p.615
- Olásolo, Hector: The Criminal Responsibility of Senior Political and Military Leaders as Principals to International Crimes (Heilmann) p.619
- Schotten, Gregor: Wirtschaftssanktionen der Vereinten Nationen im Umfeld bewaffneter Konflikte (Danai) p.624

.....

**[Yale Law Journal, Volume 120, Number 2, November 2010](#)**

(select article)

- Withdrawing from International Custom (Curtis A. Bradley & Mitu Gulati) p.202

.....

**Fordham Intellectual Property, Media & Entertainment Law Journal, Volume 20, Number 4, Summer 2010** (select note)

- THE TRIPS AGREEMENT: HELPING OR HURTING LEAST DEVELOPED COUNTRIES' ACCESS TO ESSENTIAL PHARMACEUTICALS? (Marla L. Mellino) p.1349

.....

**Industrial Law Journal, Volume 39, Number 4, December 2010**  
(select items)

- The Extra-Territorial Reach of Employment Legislation (Louise Merrett) p.355-381
  - Justifying Service-Related Pay in the Context of Sex Discrimination Law (David Rowbottom) p.382-407
- EUROPEAN DEVELOPMENTS
- The Council of Europe Resolution and Recommendation on the Protection of Whistleblowers (David Lewis) p.432-435
  - Non-regression Clauses: The Fig Leaf Has Fallen (Steve Peers) p.436-443

.....

**Leiden Journal of International Law, Volume 23, Number 4, December 2010**

Articles

- Kelsen, Schmitt, Arendt, and the Possibilities of Constitutionalization in (International) Law: Introduction (ALEXANDRA KEMMERER) p.717-722
- Constitutionalism and the Myth of Practical Reason: Kelsenian Responses to Methodological Problems (JÖRG KAMMERHOFER) p.723-740
- Carl Schmitt's Fear: Nomos – Norm – Network (INO AUGSBERG) p.741-757
- From Nomos to Lex: Hannah Arendt on Law, Politics, and Order (CHRISTIAN VOLK) p.759-779
- Barcelona Traction at 40: The ICJ as an Agent of Legal Development (CHRISTIAN J. TAMS, ANTONIOS TZANAKOPOULOS) p.781-800
- The Abyei Arbitration: Procedural Aspects of an Intra-state Border Arbitration (BROOKS DALY) p.801-823
- Removing or Reincarnating the Policy Requirement of Crimes against Humanity: Introductory Note (LARISSA VAN DEN HERIK, ELIES VAN SLIEDREGT) p.825-826
- Push the Envelope – Watch It Bend: Removing the Policy Requirement and Extending Crimes against Humanity (MATT HALLING) p.827-845
- Prosecuting Dr Strangelove, Goldfinger, and the Joker at the International Criminal Court: Closing the Loopholes (WILLIAM A. SCHABAS) p.847-853
- On the Outer Limits of Crimes against Humanity: The Concept of Organization within the Policy Requirement: Some Reflections on the March 2010 ICC Kenya Decision (CLAUS KRESS) p.855-873
- The 'End', the 'Beginning of the End' or the 'End of the Beginning'? Introducing Debates and Voices on the Definition of 'Aggression' (CARSTEN STAHN) p.875-882
- Reaching the Kampala Compromise on Aggression: The Chair's Perspective (CHRISTIAN WENAWESER) p.883-887
- A Consensus Agreement on the Crime of Aggression: Impressions from Kampala (NIELS BLOKKER, CLAUS KRESS) p.889-895
- The Complex Crime of Aggression under the Rome Statute (DAVID SCHEFFER) p.897-904
- The Crime of Aggression: Some Personal Reflections on Kampala (DONALD M. FERENCZ) p.905-908
- Judicial Economy and Limitation of the Scope of the Decision in International Adjudication (FULVIO MARIA PALOMBINO) p.909-932
- A Fresh Look at the Issue of Non-justiciability of Defence and Foreign Affairs (DANIELE AMOROSO) p.933-948

## Book Reviews

- Rosanne Van Alebeek, *The Immunity of States and Their Officials in International Criminal Law and International Human Rights Law*, Oxford: Oxford University Press, 2008, ISBN 9780199232475, £76.95, 449 pp. (hb). (Roger O'Keefe) p.955-960
- Patrick Capps, *Human Dignity and the Foundations of International Law*, Oxford: Hart Publishing, 2009, ISBN 9781841133577, 306 pp., £40.00 (hb) (Stephen Allen) p.960-966
- Victor Kattan, *From Coexistence to Conquest – International Law and the Origins of the Arab–Israeli Conflict, 1891–1949*, London: Pluto Press, New York: Palgrave Macmillan, 2009, 456 pp, ISBN 9780745325781, £26.50/\$54.95 (pb) (Paul de Waart) p.967-970

.....

**[Crime, Law and Social Change, Volume 54, Number 5, December 2010](#)**

(select article)

- United Nations peace process as a peacemaking and human rights exercise. Lessons from conflict resolution in Sierra Leone (T. K. Vinod Kumar) p.303-323

.....

**[Journal of Conflict Resolution, Volume 54, Number 6, December 2010](#)**

## Articles

- Targeting Nuclear Programs in War and Peace: A Quantitative Empirical Analysis, 1941-2000 (Matthew Fuhrmann and Sarah E. Kreps) p.831-859
- Multiple Audiences and Reputation Building in International Conflicts (Joe Clare and Vesna Danilovic) p.860-882
- Predicting Conflict in Space and Time (Nils B. Weidmann and Michael D. Ward) p.883-901
- Terrorism in the Worlds of Welfare Capitalism (Tim Krieger and Daniel Meierrieks) p.902-939
- Fighting Terrorism through the Rule of Law? (Seung-Whan Choi) p.940-966

.....

**[Theoretical Criminology, Volume 14, Number 4, November 2010](#)**

- Nodal wars and network fallacies: A genealogical analysis of global insecurities (Clifford Shearing and Les Johnston) p.495-514

.....

**[Journal of East Asia and International Law, Volume 3, Number 2, Autumn 2010](#)**

## ISSUE FOCUS

- Human Rights Protection of the Vulnerable in an Age of Globalization
- Migrant Workers' Rights and Status under International Law: the Asian Experience (Patricia S. Daway)
- Immigration Law and Policy of Japan in the Age of East Asian Community-Building (Yoshiaki Sato)
- The Right of Ethnic Minorities to Free Interpretation in Criminal Proceedings under International Law: With Special Reference to China (Lijiang Zhu)

## ARTICLE

- Health as Human Rights under National and International Legal Framework: Bangladesh Perspective (Ershadul Karim)

## NOTES &amp; COMMENTS

- Singapore and the Universal Periodic Review: An Unprecedented Human Rights Assessment (Mahdev Mohan)
- Pacta Sunt Servanda: Islamic Perception (A. Zahid & R. B. Shapiee)

## REGIONAL FOCUS &amp; CONTROVERSIES

- Middle East Conflict under International Law

- Palestine (Yousef Shandi)
- Israel (Robbie Sabel)

## STUDENT CONTRIBUTION

- North Korean Escapees in China: Granting Prima Facie Refugee Status Based on a Group Determination (Melissa M. Kim)

## INTERNATIONAL LAWYER

- A Dialogue with Judicial Wisdom (Ko Swan Sik)

.....

[German Law Journal, Volume 11, Number 11, November 2010](#)

- Right to Food and Buyer Power (Aravind R. Ganesh) p.1190-1244
- Principles of International Internet Law (Robert Uerpmann □ Wittzack) p.1245-1263
- Two Steps Forward, One Step Back: The 2010 Report by the UN Special Representative on Business and Human Rights (Jernej Letnar Černič) p.1264-1280
- Developments
- On Bridging legal cultures: The Italian Journal of Public Law (Giacinto della Cananea) p.1281-1291
- Prosecuting Terrorism Financing in Germany: Bundesgerichtshof (German Federal Court of Justice), Judgment of 14 August 2009 – 3 StR 552/08 (Christoph Safferling & Timo Ide) p.1292-1305
- Which role for theory in international law? Report on the Workshop "Kelsen – Schmitt – Arendt: Constitutionalism in (International) Law", Leipzig, June 11/12, 2009 (Isabelle Ley) p.1306-1322

.....

[Clearinghouse Review, Volume 44, Numbers 5-6, September-October 2010](#)

Climate Change and a Green Economy: New Advocacy Opportunities  
(select articles)

- Why Climate-Change Issues Are Relevant to Poverty Law Advocates (Steven Fischbach) p.213
- A Primer on Cap and Trade and Policies to Protect Low-Income Consumers (Chad Stone, Jennifer Kefer, and Hannah Shaw) p.220
- Environmental Justice and Climate-Change Policy—Lessons from the Regional Greenhouse Gas Initiative (Gavin Kearney) p.230
- "Do I Care?" Yes! How the U.S. Carbon Offset Market Can Save Rural Communities (Daniel P. Schramm) p.241
- Home Is Where the Health Is: Bringing Green, Healthy Housing to Low-Income Populations (Robin Jacobs, David E. Jacobs, and Jill Breyse) p.249
- Community Economic Development Lawyers Assist Nonprofit Organizations in Creating Holistic Green Communities (Jessica Rose, Nicole Prenoveau, and Daniel S. Hafetz) p.257
- Opportunity and Risk in State and Regional Climate-Planning Efforts—Some lessons from the Field (Michael Rawson and Mona Tawatao) p.293
- Climate Change and Environmental Justice: Adapting to Changes that We Cannot Prevent (Samuel Tobias Steinmetz) p.319

.....

[City University of Hong Kong Law Review, Volume 2, Number 1, July 2010](#)

(select items)

- The Proportionality Principle, Counter-terrorism Laws and Human Rights: A German Australian Comparison (Christopher Michaelsen) p.19
- Rethinking the 'War On Terror': Legal Perspectives on Containment and Development Strategies (Eric Engle) p.67
- Economic Growth at the Price of Human Rights Violations? The Protection of Human/Labour Rights in Export Processing Zones (Christina Binder) p.99

## Note

- Witness Protection at International Criminal Tribunals: Previous Experiences as Lessons for the Extraordinary Chambers in the Courts of Cambodia? (Romana Weber) p.137

.....

**[SUR - International Journal on Human Rights, Number 11, December 2009](#)**

- From Massive Violations to Structural Patterns: New Approaches and Classic Tensions in the Inter-American Human Rights System (VICTOR ABRAMOVICH) p.7
- Tensions of Human Dignity: Conceptualization and Application to International Human Rights Law (VIVIANA BOHÓRQUEZ MONSALVE AND JAVIER AGUIRRE ROMAN) p.39
- Disability, Human Rights and Justice (DEBORA DINIZ, LIVIA BARBOSA AND WEDERSON RUFINO DOS SANTOS) p.61
- Love in the Time of Cholera: LGBT Rights in Colombia (JULIETA LEMAITRE RIPOLL) p.73
- Economic, Social and Cultural Rights
- Domestic Adjudication and Economic, Social and Cultural Rights: A Socio-Legal Review (MALCOLM LANGFORD) p.91
- The Case of the Mislaid Allocation: Economic and Social Rights and Budget Work (ANN BLYBERG) p.123
- Trade, Investment, Finance and Human Rights: Assessment and Strategy Paper (ALDO CALIARI) p.141
- Business and Human Rights: The Struggle for Accountability in the UN and the Future Direction of the Advocacy Agenda (PATRICIA FEENEY) p.161
- International Human Rights Colloquium
- Interview with Rindai Chipfunde-Vava, Director of the Zimbabwe Election Support Network (ZESN) p.177
- Report on the IX International Human Rights Colloquium p.182

.....

**[International Family Law, November 2010](#)**

## Features

- Have Judges Been Missing the Point and Allowing Relocation Too Readily? (Judge Peter Boshier) p.311
- Emotions in Court and the Role of the Judge: Results from Experimental Hearings in Divorce Proceedings (Paul Vlaardingerbroek and Machteld de Hoon) p.319
- Court Connected Family Law ADR Programmes: Key Elements in Programme Design and Implementation (Monica Rands Preuss) p.327
- Evolving EU Private International Law: an Overview of the Commission's Proposal on the Law Applicable to Divorce and Legal Separation (Michael Wells-Greco) p.333
- The Legal Status of Forced Marriages: Void, Voidable or Non-Existent? (Ruth Gaffney-Rhys) p.336
- Forced Marriages in the Indian Context (Ranjit and Anil Malhotra) p.340
- The Voice of the Jersey Child: Recent Challenges to the Separate Representation of Children (Timothy Hanson and Barbara Corbett) p.355

## Briefings

- The Summer of Same-Sex Marriage — American Style (Marsha Garrison) p.361
- Extension of the Term 'Spouse' for Adoption in New Zealand (Nicky Richardson) p.363
- Hague Conference Update - Permanent Bureau of the Hague Conference p.368
- Resolution International Committee: Enforcement in the Isle of Man (Daniel Eames) p.370
- European Case Law Update 2009 (Claire Simmonds) p.372

.....

**Southeastern Environmental Law Journal, Volume 17, Number 2, Spring 2009**

- CLIMATE CHANGE, CULTURAL HERITAGE & THE OCEANS: RETHINKING REGULATORY APPROACHES TO CLIMATE CHANGE (Cinnamon P. Carlarne) p.271
  - THE WORST CASE AND THE WORST EXAMPLE: AN AGENDA FOR ANY YOUNG LAWYER WHO WANTS TO SAVE THE WORLD FROM CLIMATE CHAOS (William H. Rodgers, Jr. & Anna T. Moritz) p.295
  - GETTING INTO HOT WATER: ECOLOGICAL EFFECTS OF CLIMATE CHANGE IN MARINE ENVIRONMENTS (Felicia C. Coleman & Laura E. Petes) p.337
  - BELT AND SUSPENDERS?: THE WORLD HERITAGE CONVENTION'S ROLE IN CONFRONTING CLIMATE CHANGE (William C.G. Burns) p.359
- STUDENT NOTE[]
- CLIMATE CHANGE AND THE INUIT: A MELTING OF ACTIONS INTO A CLOUDY MESS (Katherine King) p.481

.....

**Richmond Journal of Global Law and Business, Volume 9, Number 4, Fall 2010**

(select articles)

- EVALUATING SOUTH AFRICA'S POST-APARTHEID DEMOCRATIC PROSPECTS THROUGH THE LENS OF ECONOMIC DEVELOPMENT THEORY (Jonathan L. Marshfield) p.431
- SIMPLIFYING THE PROPHECY OF JUSTICIABILITY IN CASES CONCERNING FOREIGN AFFAIRS: A POLITICAL ACT OF STATE QUESTION (Deborah Azar) p.471

.....

**Zeitschrift für ausländisches öffentliches Recht und Völkerrecht**

(Vol. 70, no. 3, 2010)

- Helen Keller & Luca Cirigliano, Die Krux mit der Blasphemie – Analyse zweier richterlicher Lösungsansätze
- Leonardo Álvarez, Die spanische Dogmatik der Verfassungstreue - Geschichte einer fehlgeschlagenen Rezeption des deutschen Verfassungsdenkens
- Mia Swart, Judicial Lawmaking at the ad hoc Tribunals: The Creative Use of the Sources of International Law and „Adventurous Interpretation“
- Walter Frenz, Die neue GASP
- Christian Wohlfahrt, Veränderungen des Lissabon-Vertrages im Hinblick auf die Doktrin der unmittelbaren Wirkung
- Matthias Kottmann, Plaumanns Ende: Ein Vorschlag zu Art. 263 Abs. 4 AEUV
- Thomas Laker, „Administration of Justice“ in den Vereinten Nationen – ein Werkstattbericht
- Adele J. Kirschner, Security Council Resolution 1904 (2009): A Significant Step in the Evolution of the Al-Qaida and Taliban Sanctions Regime?

.....

**Ocean Development & International Law**

(Vol. 41, no. 4, 2010)

Issues in the South China Sea

- Chris Rahman & Martin Tsamenyi, A Strategic Perspective on Security and Naval Issues in the South China Sea
- Aldo Chircop, Regional Cooperation in Marine Environmental Protection in the South China Sea: A Reflection on New Directions for Marine Conservation
- Bjørn Kunoy, Martin V. Heinesen, & Finn Mørk, Appraisal of Applicable Depth Constraint for the Purpose of Establishing the Outer Limits of the Continental Shelf

.....

**Journal of International Law and International Relations**

(Vol. 6, no. 1, Summer 2010)

Engagement and Escape: International Legal Institutions and Public Political Contestation

- Aaron Kreaden & Dan Moore, Editors' Introduction
- Sébastien Jodoin, Understanding the Behaviour of International Courts: An Examination of Decision-Making at the ad hoc International Criminal Tribunals
- Darren Hawkins & Wade Jacoby, Partial Compliance: A Comparison of the European and Inter-American Courts of Human Rights
- Eric Cox, State Interests and the Creation and Functioning of the United Nations Human Rights Council

.....

**Yearbook of Polar Law**

(Vol. 2, 2010)

- Gudmundur Alfredsson & Timo Koivurova, Introduction
- Ólafur Ragnar Grímsson, The North: A New Academic Frontier - An Opening Address by the President of Iceland at the Second Akureyri Polar Law Symposium, University of Akureyri 10 September 2009
- R. Douglas Brubaker, The Arctic – Navigational Issues under International Law of the Sea
- Timo Koivurova, Governing Arctic Shipping: Finding a Role for the Arctic Council
- Kamrul Hossain, International Governance in the Arctic: The Law of the Sea Convention with Special Focus on Offshore Oil and Gas
- Ron Macnab, Nationalizing the Arctic Maritime Commons: UNCLOS Article 76 and the Polar Sea
- Louis W. Pauly, The Increasing Complexity of Global and Regional Governance: New Context for Polar Law
- Alyson JK Bailes, Potential Roles of NATO and the EU in High Northern Security
- Mark Nuttall, Resource Frontier or Extractive Periphery?: The Political Ecology of Oil and Gas in the North
- Ron Macnab, The Southern and Arctic Oceans: Polar Opposites in Many Respects
- Malgosia Fitzmaurice, Indigenous Whaling, Protection of the Environment, Intergenerational Rights and Environmental Ethics
- Md. Waliul Hasanat, Cooperation in the Barents Euro-Arctic Region in the Light of International Law

.....

**The International Journal of Marine and Coastal Law**

Volume 25, Number 4, 2010

**Dispute Settlement under the UN Convention on the Law of the Sea: Survey for 2009**

pp. 457-482(26)

**Author:** Churchill, Robin

**Area-based Management on the High Seas: Possible Application of the IMO's Particularly Sensitive Sea Area Concept**

pp. 483-522(40)

**Authors:** Roberts, Julian; Chircop, Aldo; Prior, Siân

**Search and Rescue Operations in the Mediterranean: Factor of Cooperation or Conflict?**

pp. 523-542(20)

**Author:** Trevisanut, Seline

**[The International Seabed Authority and the Common Heritage of Mankind: The Need for States to Establish the Outer Limits of their Continental Shelf](#)**

pp. 543-567(25)

**Author:** Franckx, Erik

**[Enforcement Jurisdiction in the Mediterranean Sea: Illicit Activities and the Rule of Law on the High Seas](#)**

pp. 569-599(31)

**Author:** Papastavridis, Efthymios

**[Current Legal Developments Albania](#)**

pp. 601-608(8)

**Author:** Noussia, Kyriaki

**[Current Legal Developments Convention on Trade in Endangered Species \(CITES\)](#)**

pp. 609-620(12)

**Author:** Martin-Nagle, Renee

**[Current Legal Developments European Union](#)**

pp. 621-635(15)

**Author:** Moreno Lax, Violeta

**[Symmons, Clive R., Historic Waters in the Law of the Sea—A Modern Re-Appraisal. Publications on Ocean Development, 61, \(Martinus Nijhoff Publishers, Leiden, 2008\), pp. xvi + 322, ISBN: 13-978- 90-04-16350-8](#)**

pp. 637-642(6)

**Author:** Scovazzi, Tullio

.....

**[The Law and Practice of International Courts and Tribunals,](#)**

Volume 9, Number 3, 2010

**[Obituary - Shabtai Rosenne](#)**

pp. 403-403(1)

**Authors:** Malintoppi, Loretta; Valencia-Ospina, Eduardo

**[Shabtai Rosenne \(24 November 1917-21 September 2010\) A Personal Reflection](#)**

pp. 405-407(3)

**Author:** Rosenboom, Annebeth

**[New Developments in the Interaction between International Investment Law and EU Law](#)**

pp. 409-441(33)

**Author:** Lavranos, Nikos

**[Subsequent Practice and Evolutive Interpretation: Techniques of Treaty Interpretation over Time and Their Diverse Consequences](#)**

pp. 443-494(52)

**Author:** Aratos, Julians

**[Developments at the International Criminal Court](#)**

pp. 495-555(61)

**Authors:** McCausland, Julieta Solano; Rojo, Enrique Carnero

.....



[University for Peace Law Review, Volume 1, Issue 1, 2010](#)

- Stemming War in the 21st Century (Jean-Marc Coicaud)
- Student Notes
- Water for Life: The Challenge Posed to the Un-codified Human Right to Water in International Law (George McGraw)
- Intercountry Adoption (Scott Christian)

.....

[European Journal of International Relations](#)

(Vol. 16, no. 4, December 2010)

- Ted Hopf, The logic of habit in International Relations
- Jean-Frédéric Morin & E. Richard Gold, Consensus-seeking, distrust and rhetorical entrapment: The WTO decision on access to medicines
- Thomas Rixen, Bilateralism or multilateralism? The political economy of avoiding international double taxation
- Ian Bruff, European varieties of capitalism and the international
- C. William Walldorf, Jr, Argument, institutional process, and human rights sanctions in democratic foreign policy
- Andrei P. Tsygankov & Pavel A. Tsygankov, National ideology and IR theory: Three incarnations of the 'Russian idea'
- Brent E. Sasley, Affective attachments and foreign policy: Israel and the 1993 Oslo Accords
- Stephanie J. Rickard, Democratic differences: Electoral institutions and compliance with GATT/WTO agreements
- Derrick Frazier & Robert Stewart-Ingersoll, Regional powers and security: A framework for understanding order within regional security complexes

#### IV. Blogs/Media (Select Entries)

- Robert Eshelman, Indonesia's Billion Dollar Climate Experiment, [Slate](#) (Dec. 7, 2010)
- James Harrison, Draft Guiding Principles on Business and Human Rights, [International Law Observer](#) (Dec. 7, 2010)
- Robert Chesney, Outline of the Al-Aulaqi Opinion for Those in a Rush..., [Lawfare](#) (Dec. 7, 2010)
- Ashby Jones, The Marshall Islands Question: Does a Vanished State Have a Right to Exist?, [WSJ Law Blog](#) (Dec. 7, 2010)
- UNSC Debate on the Protection of Individuals in Armed Conflict, [International Criminal Bureau](#) (6 Dec. 2010)
- Timothy Snyder, The Coming Age of Slaughter: Will Global Warming Unleash Genocide? [The New Republic](#) (Dec. 6, 2010)
- Kathleen Clark, Information Security and Fear-Mongering about Wikileaks, [Intlawgrlls](#) (Dec. 6, 2010)
- Dan Bodansky, The Climate in Cancun, [Opinio Juris](#) (Dec. 5, 2010)
- Simon Lester, The Korea-U.S. FTA: We Have a Deal, [International Economic Law & Policy Blog](#) (Dec. 5, 2010)

- William A. Schabas, Bizarre Ruling on Non-Retroactivity from ECOWAS Court, [PhD Studies in Human Rights](#) (4 Dec. 2010)
- Anna Dolidze, Does International Law Matter? Ask Wikileaks, [Opinio Juris](#) (Dec. 4, 2010)
- Gabor Rona, Where's the Beef in the Targeted Killing Case? [HRF Blogs](#) (Dec. 3, 2010)
- Jaya Ramji-Nogales, Enabling Asylum-Seekers with Disabilities, [Intlawgrrls](#) (Dec. 3, 2010)
- International Federation for Human Rights, A Historic Trial in France on International Crimes Committed under the Chilean Dictatorship, [FIDH](#) (3 Dec 2010)
- Antoine Buyse, Protection Against Domestic Violence Extended, [ECHR Blog](#) (3 Dec 2010)
- Steve Vladeck, The Espionage Act, the Documents/Information Distinction, and the Press, [Opinio Juris](#) (Dec. 2, 2010)
- Simon Lester, Australia-Apples: Some Appellate Body Statements on "Purpose", [International Economic Law and Policy Blog](#) (Dec. 2, 2010)
- Elli Goetz, ICC Prosecutor Files Cases on Kenyan Violence, [International Criminal Law Bureau](#) (Dec. 2, 2010)
- Kevin Jon Heller, Cheney to be Charged with Bribery in Nigeria, [Opinio Juris](#) (Dec. 2, 2010)
- Frédéric Mégret and Alexandra Harrington, The Rise and Fall of Eunomia – Episode 3: Fin de fête, [EJIL Talk!](#) (Dec. 1, 2010)
- Mary Ellen O'Connell, International Law and Wikileaks, [Intlawgrrls](#) (Dec. 1, 2010)
- J. Ashley Roach, Suppressing Somali Piracy: Next Steps, [ASIL Insights](#) (Dec. 1, 2010)
- James Harrison, Prompt Release of Research Vessels: MV Louisa, [International Law Observer](#) (Dec. 1, 2010)
- Laurie R. Blank, Where is the Battlefield in the 'War on Terror'? The Need for a Workable Framework, [Jurist](#) (Dec. 1, 2010)
- Yaël Ronen, New Need for Nuclear Containment Tools, [Intlawgrrls](#) (Dec. 1, 2010)
- ICJ Delivers Judgment in Ahmadou Sadio Diallo Case, [Hague Justice Portal](#) (30 Nov. 2010)
- Tobias Thienel, ICJ Merits Judgment in Ahmadou Sadio Diallo Case, [Invisible College Blog](#) (30 Nov. 2010)
- Simon Lester, Expropriation Through Taxation?, [International Economic Law and Policy Blog](#) (Nov. 30, 2010)

## V. Gray Literature/Press Releases

- Special Rapporteur on Violence against Women, its causes and consequences, Ms. Rashida Manjoo, Tackling violence against women would address the gender dimensions of the Development Goals, [OHCHR](#) (7 Dec. 2010)

- December 2010 Overview, [Security Council Report](#) (Dec. 2010)
- Trevor Findlay, The Future of Nuclear Energy to 2030 and its Implications for Safety, Security and Nonproliferation, [Centre for International Governance Innovation](#) (2010)
- Alina Rocha Menocal, State-Building for Peace: A New Paradigm for International Engagement in Post-Conflict Fragile States, [EUI Robert Schuman Centre for Advanced Studies](#) (EUI Working Paper RSCAS 2010/34)
- Luisa Cruz, Responsible Governance of Land Tenure: An Essential Factor for the Realization of the Right to Food, [Food and Agricultural Organization](#) (Land Tenure Working Paper 15)
- Water Security - National and Global Issues, [U.S. Geological Survey](#) (Fact Sheet 2010-3106)
- The IUCN Red List of Threatened Species: Red List Overview, [International Union for the Conservation of Nature](#) (2010.4)
- [Amnesty International Report 2010: The State of the World's Human Rights](#) (2010)
- Timothy E. Wirth, The Global Energy Assessment -- Guiding the Next Energy Transformation, [Climate Change Policy & Practice](#) (Guest Article #53, Dec. 6, 2010)
- UNGA Second Committee Adopts Text on Disaster Reduction, Climate Effects on SIDS, [Climate Change Policy & Practice](#) (Dec. 6, 2010)
- Miguel Solanes, Private Sector Participation in Water Infrastructure: OECD Checklist for Public Action, [International Institute for Sustainable Development](#) (Dec. 2009)
- Press Release: Alleged war crimes in the territory of the Republic of Korea under preliminary examination, [ICC Prosecutor](#) (6 Dec. 2010)
- Roberta Cohen and Megan Bradley, Disasters and Displacement: Gaps in Protection, [Brookings Institute](#) (Nov. 16, 2010)
- Asylum Aid, [Women's Asylum News](#), Issue No 97 (Nov. 2010)

## VI. Documents

- Statement of the President of the Security Council on the Protection of Civilians, [S/PRST/2010/25](#) (22 Nov. 2010)(accessed Dec. 7, 2010)
- International Crisis Group, [Trial By Fire: The Politics of the Special Tribunal for Lebanon](#), Middle East Report No 100 (2 Dec. 2010)
- Human Security Report Project, [Human Security Report 2009/2010: The Causes of Peace and the Shrinking Causes of War](#) (Dec. 2, 2010)
- Terrorism Monitor, Vol. 8, Issue 44, [The Jamestown Foundation](#) (Dec 2, 2010)

- Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Manfred Nowak : Addendum, [U.N. Doc. A/HRC/13/39/Add.5](#) (accessed 6 Dec 2010)
- Report of the Secretary-General on the protection of civilians in armed conflict, [U.N. Doc. S/2010/579](#) (accessed 6 Dec 2010)
- UN General Assembly, Trafficking in women and girls : report of the Secretary-General, 2 August 2010, [U.N. Doc. A/65/209](#) (accessed 6 Dec 2010)
- UN General Assembly, Intensification of efforts to eliminate all forms of violence against women : report of the Secretary-General , 2 August 2010, [A/65/208](#) (accessed 6 Dec 2010)
- Luisa Blanchfield, The U.N. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW): Issues in the U.S. Ratification Debate, [United States Congressional Research Service](#) (Nov 17, 2010)
- David F. Burelli, "Don't Ask, Don't Tell": A Legal Analysis, [United States Congressional Research Service](#) (Nov 2, 2010)
- Comments on Articles 48 and 48 bis of the Draft Council of Europe Convention on preventing and combating violence against women and domestic violence, [UNHCR](#) (Nov 2010)