Anton's Weekly Digest of International Law Scholarship*

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

Prosecuting Aggression: The Consent Problem and the Role of the Security Council

Dapo Akande
University of Oxford - Faculty of Law
Oxford Legal Studies Research Paper No. 10/2011

This paper focuses on the conditions which ought to exist before the International Criminal Court can exercise jurisdiction over the crime of aggression. In particular, it addresses (i) whether the Court should be competent to exercise jurisdiction where the alleged aggressor State has either not accepted the amendment on aggression, or is not a party to the ICC Statute and (ii) whether ICC jurisdiction on aggression should be made dependent on the prior approval of the United Nations Security Council. The first issue is referred to here as the "consent problem" and the second the "Security Council problem/issue".

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Multilateral Versus Unilateral Exercises of Universal Criminal Jurisdiction

Jean D'Aspremont
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Israel Law Review, Vol. 43, 2011

This Article draws a distinction between two types of exercises of universal criminal jurisdiction with a view to demonstrating that one of them is deeply detrimental to domestic IHL enforcement

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* Donald K. Anton, The Australian National University College of Law. This digest draws on independent research together with information gleaned from the RSS feeds of a host of international law publishers, law libraries, and blogs, especially Jacob Katz Cogan's International Law Reporter and Lawrence Solum's Legal Theory Blog.
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mechanisms. This Article especially zeroes in on contemporary unilateral exercises of universal criminal jurisdiction and argues that their unilateral character deprives domestic enforcement procedures of their legitimacy and efficacy. This Article begins by distinguishing between unilateral and multilateral uses of criminal universal jurisdiction. Once these two different exercises of universal jurisdiction have been sufficiently spelled out, this Article explains why unilateral exercises of universal jurisdiction and the absence of conventional basis do not, per se, stir any problems of legality. The last part of this Article shows that unilateral exercises of universal jurisdiction, while not generating any problem of legality, fuel problems of legitimacy because of the discourse that generally accompany such proceedings as well as the impossibility to relate such exercises to the consent of the State of nationality of the accused or that where the crime was committed. On this occasion, it is shown that the perceived illegitimacy of unilateral exercises of jurisdiction can prove harmful to the legitimacy and efficacy of domestic IHL enforcement procedures as a whole.

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Free Trade and Justice: A Discomfiting Liaison

Margaret Thornton
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JULIUS STONE: A STUDY IN INFLUENCE, pp. 145-165, Helen Irving, Jacqueline Mowbray, Kevin Walton, eds., Federation Press, 2010

A primary imperative of the global marketplace is that trade be free of restrictions. As a result, there is an inevitable tension between supra-national treaties designed to facilitate trade and national laws designed to promote social justice. The interests of the former are tending to take precedence over the latter. Not only have wealth and power become the preserve of the few at the expense of the many, the principles of human rights and equal opportunity at work are being subverted. The paper will argue that free trade is eviscerating social justice initiatives for minority workers and women generally. The use of the exemptions provisions of Australian race discrimination legislation is exemplary. The paper will draw on Hardt and Negri's idea of globalisation as the new imperialism, which includes new forms of racism. The virtually unanswerable question is whether an impassable aporia exists between free trade and justice, or whether peaceful coexistence is possible.

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Remapping Crisis Through a Feminist Lens

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U of Melbourne Legal Studies Research Paper No. 527

The language of 'crisis' has become ubiquitous in international law and politics. Rising to a crescendo with the 9/11 crisis of international terror, 'emergencies' now dominate global intercourse. Official crises are no longer confined to military and monetary emergencies - although these are not in short supply - but have been declared with respect to a widening range of everyday matters including food, water, development, climate change, HIV-AIDS and peacekeeping sex. Globally, it seems we are more or less permanently suspended in states of crisis which, in turn, are rapidly reshaping our conceptions of international peace and security. The sense of cataclysm has generated a mantra of speedy diagnosis and robust response, crafted by technocratic and military experts. Reflecting this shift in power, away from inclusive law and policy-making to experts in crisis management, the Security Council is now the epicentre of international action. The new dominance of the Security Council ensures that crisis is 'securitised'; diminishing the importance of the United Nation's (UN) other main contributions to peace - sustainable development and the realisation of human rights. In this chapter, I critically examine the challenges that the ascendancy of 'crisis' governance produce for feminist legal theory and activism in the context of international law.

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Relationship between FDI Inflows and Bilateral Investment Treaties/ International Investment Treaties in Developing Economies: An Empirical Analysis

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. . . This paper attempts to see if there is a positive and direct correlation between signing BITs/IIAs and foreign investment inflows in developing countries like India, South American and Asian countries. This hypothesis would be either proved or disproved by the researcher. Data would be collected for this purpose from the Ministry of Trade and Commerce, Foreign Ministry of the respective countries. Further, even after assuming that there is a direct and positive relationship, it would also be studied whether it is prudent for developing economies to be overly-enthusiastic in signing BITs/IIAs given the restriction on policy space accorded to the host nations because majority of BITs/IIAs are structured purely from the perspective of foreign investors, granting them extensive rights without recognizing the right of sovereign states to regulate in the national interest leaving limited manoeuvrability to the host state. This warrants a detailed discussion in order to understand the serious consequences of the investment treaty obligations on host countries. This need has been augmented in light of the increasing number of investor-state treaty disputes and arbitrations at the ICSID and how it has become important for these developing countries to learn lessons and be cautious while negotiating their BITs or IIAs by considering adding adequate safeguards that will allow them to deviate from their treaty obligations in case a situation arises and thus, avoid potential protracted litigations that could cost millions as in the famous CMS v. Argentina case in the 1990s. Thus, the paper would conclude by not only understanding whether the hypothesis proposed was validated or not, but also provide prescriptive arguments in favour of carefully assessing the impact of BITs on foreign investment inflow before entering into negotiations and signing them by the developing countries and to also adequately reserve its right to regulate foreign investments in the BIT in view of its national interest in light of the preceding case studies in this area.

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Drone Warfare and the Law of Armed Conflict

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Denver Journal of International Law and Policy, Vol. 39, No. 1, 2011

The United States has increasingly relied upon unmanned aerial vehicles (UAVs), or "drones," to target and kill enemies in its current armed conflicts. Drone strikes have proven to be spectacularly successful - both in terms of finding and killing targeted enemies and in avoiding most of the challenges and controversies that accompany using traditional forces. However, critics have begun to challenge on a number of grounds the legality and morality of using drones to kill belligerents in the non-traditional conflicts in which the United States continues to fight. As drones become a growing fixture in the application of modern military force, it bears examining whether their use for lethal targeting operations violates the letter or spirit of the law of armed conflict. In this article I identify the legal framework and sources of law applicable to the current conflicts in which drones are employed; examine whether, and if so in what circumstances, using drones for targeting operations violates the jus in bello principles of proportionality, military necessity, distinction, and humanity; and determine what legal boundaries or limitations apply to the seemingly limitless capabilities of drone warfare. I then evaluate whether the law of armed conflict is adequate for dealing with the use of drones to target belligerents and terrorists in this nontraditional armed conflict and ascertain whether new rules or laws are needed to govern their use. I conclude by proposing legal and policy guidelines for the lawful use of drones in armed conflict.

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Pirate Defined

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February 19, 2011

This article defines what is necessary for an individual to actually be considered a pirate. It examines the United States Constitution, United States Code, and international treaties to create a definition for the term pirate.

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Hardin Goes to Outer Space – 'Space Enclosure'

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This article is the second installment of the 'Hardinian Collection'. The first article, 'A Tragedy of the Space Commons?', favourably argues that the outer space environment can be categorised as a 'Space Commons' which is vulnerable exposed to degradation and may result in its eventual ruin should the growth of orbiting debris remain uncontrolled. On the premise that outer space can be characterised as the 'Space Commons', this article shall explore mechanisms to govern and manage a commons resource. An assumption entertained by the literature is that actors' individualistic behaviour to exhaust the available resource units within the commons to satisfy the short-term desire to maximise their economic gain, willfully disregarding the collective and long-term enjoyment and use of others users, shall persist. The exception, however, is where appropriate mechanisms and disincentives controlling entry to, and the exploitation of, the resource are imposed and enforced. It has been argued that well-defined and implemented set of property-rights systems could instill good behaviour from the community actors and sustainably manage the commons; hereby saving it from overuse and Garret Hardin's hypothesised 'tragedy'. This proposition has been advanced by two such: Garret Hardin and Elinor Ostrom. The works of Hardin shall be examined in this article. Through a constructed theoretical framework, a critically evaluation is carried out to determine the potential of applying his property-rights systems to avert the 'tragedy' and effectively preserve the quality of the outer space environment from further degradation arising from the population increase of orbiting debris. It shall be explored if such property-right can be viably devised and instituted to adequately regulate and improve the quality of the outer space environment. Assuming that such implementation is feasible, this article shall conclude whether Hardin's save the commons solutions could provide an efficient governance framework that regulates access to and promotes the long-term conservation of the Space Commons.

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Pathways for an Interdisciplinary Analysis: Legal and Political Dimensions of the European Union's Position in Global Multilateral Governance

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Simon Schunz
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Leuven Centre for Global Governance Studies Working Paper No. 11

In recent years, the European Union (EU) has increasingly been perceived as an important actor in multilateral institutions at the global level, both within and beyond the United Nations (UN) system. Research on this new topic of EU and global multilateral governance has been conducted by both legal scholars and political scientists, predominantly from the perspective of their respective disciplines. This has resulted in parallel, often unrelated research agendas. This paper sets out to bridge this interdisciplinary divide by bringing these parallel research tracks together to enhance the overall understanding of the EU's position in global multilateral governance. To this end, a genuinely interdisciplinary framework of analysis is conceived and tested out on three distinct cases of EU

participation in the UN system, thus demonstrating the value added, but also the limits, of interdisciplinary research on this topic. The paper concludes by mapping out a future joint research agenda: building on a number of cross-cutting research questions, it offers some possible pathways of how to conduct the type of interdisciplinary research needed to fully understand and explain the EU's contribution to global multilateral governance.

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Afterthoughts: International Commercial Contracts and Arbitration

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Australian International Law Journal, Forthcoming
Sydney Law School Research Paper No. 10/144

This article mainly responds to Professor Bonell's three proposals to expand usage of the UNIDROIT Principles of International Commercial Contracts (UPICC). As UPICC are primarily opt-in rules, they can be more ambitious than the United Nations Sales Convention (CISG). They also needed to be, being designed for all commercial contracts - including many more relational contracts. This imparts a somewhat different 'vibe' to UPICC, creating one impediment to the proposal for a UN Declaration urging interpretation of CISG in light of UPICC. As a formal reasoning based legal system, particularly in contract law, Australia also still struggles with such soft law initiatives. More promising will be law reform clarifying that courts, not just arbitrators in proceedings with the seat in Australia governed by the UNCITRAL Model Law on International Commercial Arbitration, are free to apply 'rules of law' - including UPICC - as the governing law. Elevating UPICC into a Model Law for International Commercial Contracts would also be useful. Australia could then adopt or adapt provisions as the basis for more comprehensive reform of its contract law. This would better mesh with burgeoning relational transactions, and many norms (such as good faith) could also extend to domestic dealings.

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The China-Taiwan ECFA, Geopolitical Dimensions and WTO Law

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Journal of International Economic Law, Vol. 14, No. 1, 2011

This article examines legal and geopolitical aspects of the China-Taiwan Economic Cooperation Framework Agreement (ECFA). It begins by analyzing areas in which the two governments' measures contravene rules of the World Trade Organization (WTO). In particular, it provides the first detailed examination of the significant implications emerging from the ECFA for cross-straits trade relations and East Asian regionalism. The article also explains how the ECFA was modeled on free trade agreements (FTAs) of the Association of Southeast Asian Nations and assesses the impact of the ECFA's early harvest program. Finally, the article discusses the ECFA's consistency with WTO requirements for an interim FTA agreement and potential legal issues arising from the dispute settlement mechanism. In this respect, the article presents a valuable case study of an FTA.

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China's WTO Compliance-Plus Anti-Dumping Policy

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Journal of World Trade, Vol. 45, No. 4, August 2011
The Hebrew University of Jerusalem Faculty of Law Research Paper No. 01-11

Is China complying with its World Trade Organization (WTO) anti-dumping (AD) commitments? The strong import competition created by the rapid opening of China's domestic market, and the continued state involvement in its industry could conceivably generate domestic pressure on the Chinese government to use AD measures intensively and possibly illegally. Moreover, since its exports

are a primary global target of AD actions, China might be expected to retaliate by levying questionable AD measures on imports. Despite factors conducive to a more protectionist bias and possible non-compliance, I argue that China is not only complying with AD rules, but that it is demonstrating domestic restraint, and to a certain extent, a pro-liberalization interpretation of the rules. This policy along with China's Doha Round negotiating proposals on AD suggest what is characterized in the paper as a 'compliance-plus' policy. The fact that China has chosen to pursue such a policy is not trivial taking into account the more protectionist paths taken by other key WTO members. On a broader level, this case study aims at contributing to the contemporary debate regarding China's changing role in the global arena. By complying with WTO rules, China is demonstrating that it is accepting, following and becoming increasingly vested in their maintenance.

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General Principles of Law in the Field of Foreign Investment

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The Journal of World Investment and Trade, Vol. 10, No. 1, p. 103, 2009

General principles of law in the sense of Article 38 (1) of the Statute of the International Court of Justice play an important role in foreign investment law. The essay discusses the nature and functions of these principles, focusing on their contribution to the definition of fair and equitable treatment standard. It is submitted that the application of general principles of law, on the one hand, confirms the intense interaction between international and national law, and, on the other hand, renders unnecessary resorting to a third legal system.

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A Unified Approach to Extraterritoriality

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Virginia Law Review, Forthcoming

This Article develops a unified approach to extraterritoriality. It uses the source of lawmaking authority behind a statute to discern the proper canon for construing that statute's geographic reach and to evaluate whether application of the statute violates due process. The approach holds important implications for a variety of high-stakes issues with which courts are presently wrestling, including: the proper role of the presumption against extraterritorial application of U.S. law, whether international law or federal common law should supply the rule of decision in Alien Tort Statute cases, the scope of U.S. jurisdiction over terrorism offenses, and the viability of due process objections to the application of U.S. law abroad.

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A Company with Sovereignty and Subjects of its Own? The Case of the Hudson's Bay Company, 1670-1763

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Canadian Journal of Law and Society (Revue Canadienne Droit et Société), Vol. 26, No. 1, 2011

Questions about the ways in which colonial subjects were acquired and maintained, and how it was that multiple and often contradictory sovereignties came to overlap in history, may not be purely academic. We raise them today because they spring from issues that remain unresolved, concerning rights to land, resources, and self-determination. Following recent scholarship on the English East India Company, the author redefines the Hudson's Bay Company, during the period before widespread settler colonialism, as a state (or "company-state"), and in this way argues that the HBC-state possessed its own kind of sovereignty. The article make three main arguments: that it was up to the HBC, not the Crown, to found Rupert's Land, defend its establishments, make alliances with

locals, and challenge intruders; that HBC rule extended to cover not only the company's employees but, eventually, an indigenous "home guard" population; and that the HBC welfare regime transformed the relationship between ruler and ruled.

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TRIPS and Its Achilles' Heel

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Journal of Intellectual Property Law, Vol. 18, 2011

Written for the "15 Years of TRIPS Implementation" Symposium, this article examines why the TRIPS Agreement fails to provide effective global enforcement of intellectual property rights. It attributes such failure to five sets of challenges: historical, economic, tactical, disciplinary, and technological. . . . The article concludes with four lessons that can be drawn from the continuous battle between developed and less developed countries over international intellectual property enforcement norms. Given the significance of effective enforcement to both developed and less developed countries, it is the hope of this article that a better understanding of these four lessons will lead to a more balanced, robust, and sustainable global intellectual property enforcement regime.

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'Quota Refugees', the Dutch Contribution to Global 'Burden Sharing' by Means of Resettlement of Refugees

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International Journal of Legal Information, Forthcoming

The international refugee law regime that was created in the wake of the Second World War does not comprise distributive principles as a result of which geographic proximity functions as the primary, often sole, distributive mechanism. The distribution of refugees is consequently unevenly shared among states, understandably giving rise to calls for burden sharing. Rather than states, UNHCR is charged with finding durable solutions for the problem of refugees including that of resettlement and it depends on the discretion of (too few) states to offer resettlement places. One of those states is The Netherlands, which has set an annual quota of 500 refugees (including their relatives) for resettlement. Dutch practice with respect to its 'quota refugees' appears to be illustrative of the current use of 'resettlement' as neither a form of burden sharing nor necessarily a durable solution for the problem of refugees, and it invites to revisit the meaning of 'resettlement': the solution of resettlement will be considered against the background of legal developments, state and UNHCR practice using fuzzy logic as an analytical tool.

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The Sociology of Law: From Industrialisation to Globalisation

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Sociopedia.isa, 2011
U. of Westminster School of Law Research Paper No. 11-03

Many of the original sociological premises, concepts and ideas regarding social action, legal change and social reform were initially formulated by studying conditions specific to Western industrial societies. The socio-cultural consequences of globalisation over the last three decades have, however, affected the relationship between state, law and society, blurred sharply drawn distinctions between the West and the rest of the world and transformed the socio-cultural setting within which legal regulation is devised and social reform planned. This paper asks to what extent socio-legal research has reconsidered its theoretical premises regarding the relationship between law, state and society to grasp the new social and cultural forms of organisation specific to global societies of the 21st century.

This objective is pursued in four parts. Part One sketches the intellectual origins of SL and describes its scope and paradigmatic openness. Part Two presents SL partly in relation to social sciences and partly in relation to law and legal studies, briefly examining some of the central debates within the field. Part Three draws attention to the asynchronous development of SL across various countries, asking why the main body of socio-legal research continues to be produced in Western countries. This part considers various factors which might cause this imbalance and also asks if socio-legal theories that are born out of studies of Western industrialised societies are suitable for examining law and social order in non-Western contexts. Part Four concludes the paper by arguing that the socio-cultural consequences of globalisation erode the traditional boundaries of law and legal systems, hybridise legal cultures and create new conditions for legal regulation.

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Human Rights and Islamic Law: A Legal Analysis Challenging the Husband's Authority to Punish "Rebellious" Wives"

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Verse 4:34 of the Qur'an has historically been interpreted to give husbands authority over their wives. Even today, such as in a recent case in the United Arab Emirates, Islamic courts have held that the husband has some leeway in "disciplining" wives who act in a rebellious manner to their husbands. This article challenges this interpretation through a comprehensive legal analysis, taking into account (1) the context under which the verse came about, including the societal norms and conditions of the time; (2) the Prophet Muhammad's profound views against violence towards women; (3) the values of marriage emphasized in the Qur'an; (4) the Qur'an's incremental approach to improving social behavior and practice; and (5) the higher objectives of Islamic law.

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The Cost of Complying with Human Rights Treaties: The Convention on the Rights of the Child and Basic Immunization

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The Review of International Organizations, Forthcoming

The determinants of compliance with human rights treaties likely vary according to the right in question, yet heterogeneity in the pathways through which ratification affects various human rights outcomes has received limited attention. This paper first develops an account of treaty compliance that incorporates the intrinsic benefits to the state of compliance, regime costs associated with certain rights, the political costs that NGOs, judges, and others are able to impose for non-compliance, and the fiscal and economic costs of compliance. The paper argues that for child survival rights, fiscal and economic costs are likely to be dispositive, and that as a result richer countries are more likely to comply. The paper then uses an instrumental variable approach to investigate whether ratification of the Convention of the Rights of the Child was associated with stronger effort at the country level on child survival rights. It finds that ratification of the CRC was correlated with a subsequent increase in immunization rates, but only in upper middle and high income countries.

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International Trade Law and the Environment

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ENVIRONMENTAL LAW FOR SUSTAINABILITY, Benjamin Richardson and Stephan Wood, eds., Hart, 2006
Bar Ilan University Public Law Working Paper

The global society has experienced an extensive process of economic integration over the last

decade. This process was reflected both in an unprecedented increase in cross-border economic and financial transactions, and in a parallel empowerment of global economic institutions, such as the World Trade Organisation ('WTO'), the International Monetary Fund (IMF), the World Bank and the International Chamber of Commerce (ICC). The possible adverse effects of this far-reaching process of economic integration - in the environmental and other domains - have been the subject of wide-ranging and highly intense public debate, evident both in street protests in major economic and in the popular media and scholarly journals. This paper carefully assesses this conflict, decoding the social frictions underlying it, and exploring the impact of trade and its regulation on the prospects for sustainable development. It explores these themes in one critical institutional domain: the WTO. . . .

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Anti-Terrorism Measures and Refugee Law Challenges in Canada

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Refugee Survey Quarterly, Vol. 29, No. 4, p. 31, 2011

Canada's security policies have had an impact on refugee protection. Canadian judges use international law principles in refugee issues, and ensure constitutional human rights protection to "everyone," including refugees and asylum-seekers. Canada has expanded the refugee definition to persons at threat of torture, according to the United Nations Convention against Torture. But, on recent security issues, Canada has had difficulty to reconcile international law and domestic law, in terms of human rights guarantees. Return to torture has been technically rendered possible by the Supreme Court of Canada, as a matter of constitutional interpretation. One particular mechanism, the "security certificate," has been intensely scrutinised by courts and found wanting in many cases. The secrecy surrounding the information on which the certificate is based has been criticised, as have been the ex parte proceedings, the indefiniteness of the detention, the limitations on the role of the "special advocate," and so forth. Judges have felt increasingly irritated by the intrusion of security intelligence in judicial proceedings. Canada is (now more than before) reluctant to submit to international human rights scrutiny on migration and security issues, arguing that it relates to territorial sovereignty.

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What If Sharia Weren't the Enemy? Rethinking International Women's Rights Advocacy on Islamic Law

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Columbia Journal of Gender and Law, Vol. 25, No. 5, 2011
University of Wisconsin Legal Studies Research Paper

For many international women's rights activists, especially those operating from a western context, sharia is believed to be a major obstacle to women's rights. In order to protect women from Muslim religious law, these advocates often position themselves aggressively against so-called sharia legislation, and sharia in general. I believe that this approach is counterproductive, and ultimately exacerbates, rather than improves, the situation for women living in Muslim-majority countries. In this article I explain how current international feminist strategies have helped create an unwinnable and unnecessary war: that of "sharia vs. women's rights." Drawing on observations incident to my work on the zina (extra-marital sex) laws in Nigeria and Pakistan, I argue for an alternative: international women's rights advocates concerned about the situation of Muslim women would do better not to mention Islamic law at all. This would be a major strategy shift, requiring significant restraint on the part of western secular feminist activists, but I believe it is worth it. Below, I explain how, with this shift in approach, international women's rights advocates might more effectively contribute to securing rights for women in Muslim-majority countries. This shift could also open up a new appreciation for a wider spectrum of feminism – including that coming from a sharia-mindful

perspective. In short, I argue for a world of international advocacy for women that is nuanced and sophisticated and works with - not against - the reality of sharia in Muslim lives.

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Imposed Protection in European Private International Law: From Value Neutralism Towards Community Protectionism (in Dutch)

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OPGELEGDE BESCHERMING' IN HET BEDRIJFSRECHT, pp. 5-32, F.G.M. Smeele & M.A. Verbrugh, eds., BJu 2010

This contribution deals with the role of imposed protection in Private International Law (PIL), and focuses on modern European PIL. It examines in the cases of imposed protection, and the rationale, methodology, legal developments and explanatory factors of imposed protection. It is concluded that the establishment of PIL rules at the EU level has given a new dimension to the idea of protection. Imposed protection is mainly achieved by limiting party autonomy (choice of law and choice of forum) in favor of mandatory protective rules of substantive law, particularly in the area of consumer law, employment law and insurance law. However, protection of weaker parties is also achieved outside the scope of the PIL regulations. Other legislative instruments, particularly the various consumer directives, contain mandatory provisions that take priority over the law chosen by the parties. The European Court of Justice plays an important role in this regard. Through interpretation of Community law, the Court has set additional limits on free choice of law and choice of forum. A striking example is the Ingmar v. Eaton case, in which the Court held that certain provisions of the Commercial Agents Directive should be applied irrespective of a choice for the law of a non-member state. The Court seems to tip the scales in favor of the protection of the 'weaker' party and Community interests and this ruling could be considered as too intrusive upon party autonomy recognized by conflict of law rules.

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Human Dignity, Bioethics and Human Rights

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Amsterdam Law Forum, Vol. 3, 2011

Commitment to human dignity is a widely shared value. Human dignity also serves as the grounding for human rights. In recent years, protection of human dignity has also emerged as a central criterion for the evaluation of controversial technologies, like cloning and embryonic stem cells. This article addresses the question as to whether human dignity is or could be a useful concept for bioethics and human rights. It begins with a discussion of the under-conceptualisation of human dignity. The next two sections identify the diversity in conceptual approaches to human dignity in bioethics and human rights. The following section considers some of the problems with using human dignity as an evaluative standard. The article then proposes initial developmental steps to enable the concept to be applied in a more precise and meaningful way, based on Martha Nussbaum's capabilities approach.

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International Law and Sexual Violence Against Men

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Warwick School of Law Research Paper No. 2011-30

This article will discuss the manner in which international law deals with crimes of sexual violence committed against men during armed conflict generally and specifically in situations of detention.

Recently, public allegations have been made against the UK government that they have endorsed certain prohibited techniques of torture, including sexual abuse, but crimes of sexual violence against men occur in the wider context of armed conflict International Law still has some way to go to determine the legal framework prohibiting and punishing sexual violence against women in armed conflict; it does not expressly prohibit such acts when committed against men. A slightly more developed area of law is that of crimes of sexual violence taking place within the wider context of torture or degrading/humiliating treatment. However, torture is not necessarily the sole framework in which these types of crimes should be considered for fear that torture and sexual abuse become synonymous. These crimes should also be viewed within the context of gender-based violence. Once allegations of torture, including sexual abuse, have been made, the State has a duty to investigate the allegations and pursue criminal procedures against those responsible for the torture. Failure to do so may result in the State being held responsible for its failure to implement its duties with regards the protection from and prevention of torture and for failure to investigate properly allegations of torture.

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Poverty Tourism and the Problem of Consent

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Evan Selinger
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Kevin Outterson
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Is it morally permissible for financially privileged tourists to visit places for the purpose of experiencing where poor people live, work, and play? Tourism associated with this question is commonly referred to as 'poverty tourism.' While some poverty tourism is plausibly ethical, other practices will be more controversial. The purpose of this essay is to address mutually beneficial cases of poverty tourism and advance the following positions. First, even mutually beneficial transactions between tourists and residents in poverty tourism always run a risk of being exploitative. Second, there is little opportunity to determine whether a given tour is exploitative since tourists lack good access to the residents' perspectives. Third, if a case of poverty tourism is exploitative, it is so in an indulgent way; tourists are not compelled to exploit the residents. In light of these considerations, we conclude that would-be tourists should participate in poverty tours only if there is a well-established collaborative and consensual process in place.

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The Constitution and the Laws of War During the Civil War

Andrew Kent
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Notre Dame Law Review, Vol. 85, No. 5, p. 1839, 2010
Fordham Law Legal Studies Research Paper

This Article uncovers the forgotten complex of relationships between the U.S. Constitution, citizenship and the laws of war. The Supreme Court today believes that both noncitizens and citizens who are military enemies in a congressionally-authorized war are entitled to judicially-enforceable rights under the Constitution. The older view was that the U.S. government's military actions against noncitizen enemies were not limited by the Constitution, but only by the international laws of war. On the other hand, in the antebellum period, the prevailing view was U.S. citizenship should carry with it protection from ever being treated as a military enemy under the laws of war. This Article documents how this antebellum understanding about the protection of U.S. citizenship was challenged and overthrown during the first years of the Civil War. As articulated by Union statesmen, members of Congress, lawyers, soldiers and publicists, the rebels by seceding and seeking to throw off their allegiance to the United States and its Constitution, had forfeited their right to be protected by the Constitution.

Henceforth, all military actions against them would be governed only by the loose standards of the international laws of war - the standards always applicable to foreign enemies. But if, at its option, the United States chose at times to deal with the rebels not as military enemies but as wayward citizens committing civil crimes like treason, then these citizens retained their pre-war constitutional entitlements. Thus the way the United States choose to respond to the rebels determined the applicable legal regime - whether the Constitution and other municipal protections would apply, or only the harsh laws of war. Starting in 1863 in the Prize Cases, and continuing until the end of the century, the Supreme Court decided over 300 cases arising out of the war. The Court adopted and articulated the theories about the relationship between the Constitution, citizenship, and the international laws of war that had been first developed out of the court in the early years of the war. These legal doctrines and understandings prevailed into the mid-twentieth century, until developments like the civil rights revolution and the increasing sense of judicial supremacy began to set the stage for today's judicial management of the U.S. government's relationship with military enemies under the aegis of the Constitution.

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The Transnationalization of Truth: A Meditation on Sri Lanka and Honduras (A Transnational Justice Lecture)

Craig Scott
York University - Osgoode Hall Law School

Osgoode CLPE Research Paper No. 07/2011

The present paper consists of an edited version of the text prepared for a lecture, delivered in London, England, on Tuesday, October 19, 201'8 as part of the Centre for Transnational Legal Studies' annual Transnational Justice Lecture series. The paper begins, in Section II, with general comments on a notion of interactive diversity of knowledge and how that connects up to a view about the nature of truth. Sections III and IV then present salient aspects of events in both Honduras and Sri Lanka over the last two years, with the coup d'état of June 28, 2009, in Honduras and the bloody end to the civil war in Sri Lanka in spring 2009 as fulcrums of the narrative. In each case, emphasis is also placed on the establishment of truth-related commissions in each country. The paper ends with a discussion of three interconnected quandaries - the inside/outside quandary; the consistency and fairness quandary; and the timing quandary. The timing (or staging) quandary offers some provisional thinking on the sequencing of processes related to truth, justice and reconciliation, offering some reasons not to fuse truth-seeking processes with either criminal justice or reconciliation processes with special reference to the Sri Lanka context.The paper ends with discussion of what the UN Secretary-General's Panel of Experts on Sri Lanka should recommend as truth-related institutional processes to deal with the war crimes that occurred during the civil war, taking into account the rule of law situation and post-war human rights violations in Sri Lanka.

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Towards an Internal (In)Security Strategy for the EU?

Elspeth Guild
Radboud University Nijmegen - Faculty of Law; Kingsley Napley - Department of Immigration; The British Institute of International and Comparative Law; London School of Economics & Political Science (LSE)
Sergio Carrera
Centre for European Policy Studies

CEPS Liberty and Security in Europe Publication Series

The European Commission published in November 2010 a Communication aiming at putting the EU Internal Security Strategy (ISS) into action. The Communication envisages five key strategic objectives for the EU's internal security: disrupt organised crime, prevent terrorism, raise levels of security in cyberspace, strengthen external borders management and increase the EU's resilience to natural disasters. This paper starts by critically examining the extent to which these objectives

actually constitute shared common concerns in all EU27 member states and whether they are based on independent and objective evidence. After demonstrating the contrary, we then argue that the ISS should be rather considered as an 'Internal (In)security Strategy' because of the lack of an accompanying solid rule of law and liberty strategy (model) focused on ensuring the delivery to everyone living in the EU (and who will be subject to increasing EU internal security policies focused on more surveillance, preventive measures and an intelligence-based approach) the twin rights of rule of law and fundamental rights.

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Intergenerational Equity and the Antarctic Treaty System: Continued Efforts to Prevent 'Mastery'

Kees Bastmeijer
Tilburg University

Yearbook of Polar Law, Vol. 3, 2011

Intergenerational equity has rarely been related to the management of Antarctica. This contribution discusses the question to what extent the principle of intergenerational equity has been implemented in the Antarctic Region through the instruments of the Antarctic Treaty system (ATS). A complicated question, not only because the ATS itself is comprehensive, but particularly because intergenerational equity is a complex principle that can be viewed from many angles. This contribution builds on Edith Brown-Weiss' view that a balanced and fair relationship between generations of humankind depends in part on a responsible relationship between man and nature. On the basis of the rich literature on intergenerational equity and the types of human-nature relationships that have been distinguished by environmental philosophers, the theoretical part of this contribution develops three sub-questions for discussing the ATS. It is concluded that the Consultative Parties have made substantial efforts to implement intergenerational equity for the Antarctic Region, as far as the environmental component of this principle is concerned. The continuing efforts to prevent 'mastery' (the term in environmental philosophy for nature subordinated to humanity; see Section 3) and the comprehensive ecosystem approach of the ATS instruments safeguard to a large extent options for future generations to enjoy Antarctica's environment and natural resources. However, a number of concerns is identified that might limit the ATS' ability to prevent mastery. Furthermore, because an explicit policy on wilderness protection is lacking, the ATS does not safeguard the option for future generation to value and enjoy Antarctica as one of the last wilderness regions of the earth. This contribution ends with a glimpse into the future: to ensure intergenerational equity in Antarctic management, the ATS must continue and strengthen its efforts to prevent mastery in the Antarctic Region. The best way to ensure this is to prevent 'no rule'-situations. Such efforts are also in the ATS' self-interest: ensuring intergenerational equity is important for the stability of the ATS itself as mastery will destroy the balance of interests.

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The Concepts of Equality and Non-Discrimination in Europe: A Practical Approach

Christopher McCrudden
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Sacha Prechal
University of Utrecht - Faculty of Law, Economics and Governance

European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities, Unit G.2, November 2009
Oxford Legal Studies Research Paper No. 4/2011

Equality and non-discrimination are complex concepts, with considerable debate on their meanings and justification. The discussion of equality and discrimination is, in general, characterised by considerable conceptual and methodological confusion. This is no different in relation to the discussion of equality and discrimination in the European legal context, including in the context of EC law. Although there is agreement on the most elementary principles, in practice a wide range of

approaches is often adopted by, for example, the European Court of Justice and the European Court of Human Rights. Similarly, despite there being many common definitions of the central concepts of gender equality law in the EU Member States and EEA countries, there is a fair chance that the concepts are understood and applied differently and that confusion also exists here. This Report provides, in the first place, an analysis of the concept of equality and related notions in EC law, in particular in the case law of the European Court of Justice. In the second place, it analyses the concept of equality and related notions in the EU Member States and EEA countries, in particular in legislation, in case law and in doctrine. Specific attention is paid to the case law of the domestic Constitutional Courts. Although the emphasis of this Report is on gender equality, the discussion of the various concepts is necessarily broader and may also include other grounds of non-discrimination. Understanding how the concepts are interpreted may help to contribute to the appropriate enforcement of equality law in the countries concerned, as well as to point to areas where further clarification by the Commission or Court may be necessary.

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The Japan-Mexico Treaty 1888 and the Most Favored Nation Clause in the Unequal Treaties

Luis Amadeo Hernandez
Harvard University

The Japan-Mexico Treaty 1888 was the first treaty that Japan concluded in equal and reciprocal terms with a Western Nation during the most crucial period of Japan's modern diplomatic history as it was the revision of the Unequal Treaties. The generic name "Unequal Treaties" refers to 16 international conventions that Japan signed between 1854 and 1874 with the Western Powers. These treaties were unilateral, not reciprocal, all citizens of the treaty nations enjoyed extraterritorial privileges that rendered them, for all intents and purposes, immune from Japanese justice. Even more onerous and problematic, these treaties denied Japan of tariff autonomy, and autonomy in the treaty ports. In 1883, Mexico proposed to Japan to conclude a treaty based on absolute equality to serve as support and precedent for Japan to denounce the Unequal Treaties. Japan declined the Mexican offer adducing that it was first necessary to obtain the revision of the Unequal Treaties, to avoid extending, the new advantageous conditions of an equal treaty to the Treaty Powers, by way of the Most-Favored-Nation clause. Japan carried forward the Treaty Revision Conferences between 1882 and 1886 without obtaining any significant progress. Five years later, in 1888, despite the fact that the Treaty Powers had neither renounced the MFN clause, nor revised the extra-territoriality provisions, Japan concluded its first equal treaty with Mexico. How did the Japanese government solve this impasse? This paper addresses this question as well as the arguments and motivations that shaped the new unconditional interpretation of the MFN clause, or Ōkuma Doctrine. The cornerstone of the treaty system was the Most Favored Nation clause. This paper delineates the main features of the MFN clause emphasizing the Conditional and Unconditional MFN interpretations. It also explains why this MFN was the main obstacle for the revision of the Unequal Treaties, and how this problem was solved by the Ōkuma's interpretation; his conditional interpretation of the MFN, is called the Ōkuma Doctrine.

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Samantar, Official Immunity and Federal Common Law

Peter B. Rutledge
University of Georgia Law School
Lewis & Clark Law Review, Forthcoming
UGA Legal Studies Research Paper No. 11-04

This essay examines the theoretical underpinnings of the immunity of foreign government officials following the Supreme Court's recent decision in Samantar. Part of a forthcoming symposium with the Lewis and Clark Law Review, the paper tackles the federal common law in the Court's decision and, more broadly, international civil litigation. It criticizes the Court's unexamined assumption that its

federal common law power extended to create an immunity that, at best, coexists only uncomfortably alongside the legislative framework of the FSIA. It explains the problematic implications of this assertion of federal common law, both for suits against foreign officials and for international civil litigation more generally. Drawing on a longstanding stream of statutory interpretation literature, the paper concludes that the Court should have declined to exercise its gap-filling authority in this context and, instead, employed an information-forcing default rule that would have induced congressional action in the field.

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Where are CO2 Emission Allowance Prices Heading? The Ambiguous Role of Capital Mobility in a World with Several Independent Emissions Trading Schemes

Jan Schaechtele
European Business School (EBS) - Department of Law, Governance & Economics

As a consequence of the missing global agreement in the fight against Climate Change, several independent emissions trading schemes are coming into operation. From an economic perspective it would be desirable if prices of CO2 emission allowances were the same in each scheme, as this would ensure cost effectiveness and avoid competitive distortions. There are several factors that could lead to price convergence, one of them being capital mobility. The purpose of this paper is to reveal what impact capital mobility has on the CO2 price levels. Based on a simple economic model, I derive a short-term and a long-term general equilibrium for which five scenarios, covering all possible combinations of capital endowment and CO2 emission cap, are analyzed. The results reveal that the role of capital mobility is ambiguous and that depending on the initial situation capital mobility can lead to both price convergence and price divergence.

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In Search of a Competition Law Fit for Developing Countries

Eleanor M. Fox
New York University School of Law
NYU Law and Economics Research Paper No. 11-04

What form of antitrust (competition) law is fitting for regional free trade areas comprised of developing countries? This article explores the question by tackling, first: Are there special characteristics of developing countries indicating their need for a competition law different from emerging international standards, and if so what are these characteristics and what salient focal points provide a framework for law sympathetic with economic development? The article argues that there are such special needs, and it explores models that respond to those needs. It suggests a metric of efficient inclusive development. In any event, the article argues for a voice of developing countries in choosing their model - which could turn out to correspond or not with the formulations of law in the developed world. Blueprint transplants may be fitting; they may not be fitting; they may fit well enough so that developing countries choose not to incur the costs of difference. The key point is knowledgeable choice. Finally, the article explores how a regional setting can make a difference. It can help overcome problems of effectiveness, and harmful exercises of power by the state and vested interests; but it presents new challenges of effectiveness that must be overcome.

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Evading Legislative Jurisdiction

Austen Parrish
Southwestern Law School

In the last few years, and mostly unnoticed, courts have adopted a radically different approach to issues of legislative jurisdiction. Instead of grappling with the difficult question of whether Congress intended a law to reach beyond U.S. borders, courts have side-stepped it entirely. Courts have done so by redefining the definition of extraterritoriality. Significant and contentious decisions in the Ninth

and D.C. Circuits paved the way by holding that not all regulation of overseas foreign conduct is extraterritorial. And then suddenly, last term, the U.S. Supreme Court breathed life into the practice. In its landmark Morrison v. National Australia Bank decision, the Court suggested that legislation focused on domestic conditions may not be extraterritorial, even if the legislation regulates overseas foreign activity. This Essay laments the birth of this troubling new approach, where established law is jettisoned and legislative jurisdiction analysis is evaded. The Essay's aim is largely descriptive: it summarizes an important development and reveals how courts have lapsed into error. But it goes beyond the descriptive to also critique the new practice. Redefining extraterritoriality not only subverts established doctrine; it removes an important safeguard to the difficulties that extraterritorial regulation creates. More problematically, the practice undercuts principles that have been foundational in both domestic and international law.

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'Good Ecological Status of Surface Water' – Technical Provision or Legal Norm?

Lasse Baaner
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FOI Working Paper 2011 / 5

This article addresses the Water Framework Directive and the legal norm 'good ecological status' with respect to the ecological quality of bodies of surface water, and examines the connections between ecology and law in this regard. The legal norm 'good ecological status' refers to the structure and function of ecosystems. In terms of ecology, the concepts of good structure and functioning of an ecosystem reflect a resilient ecosystem of high quality, with a high level of adaptive capacity. However, further legal provisions of the Directive, concerning assessment of the status of surface waters, compromise this concept. The Directive's approach assumes that taking a given body of water, and quantifying certain fixed biological elements in this body on the basis of the Directive's guidelines and the national classification systems developed from those guidelines, it is possible to accurately assess the structure and function of the body of water. This approach is legally manageable, but highly contestable from an ecological perspective, which suggests the necessity of reconsidering the Directive's approach.

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Of Fortresses and Caltrops: National Security and Competing Models of Rights Protection

Colin R.G. Murray
Newcastle Law School

EXAMINING CRITICAL PERSPECTIVES ON HUMAN RIGHTS, R. Dickinson et al, Cambridge: CUP, 2011

Despite the transformative language in which human rights norms are couched, their operation in practice appears to be more prosaic. Western liberal democracies have endeavoured to constitutionalise their systems of government to a degree compatible with maintaining an important sphere of political debate. Some countries, like the US and UK, have arrived at different accommodations of these concerns, producing atypical models of domestic rights protection. This article examines the consequence of these constitutional compromises which have emerged in both countries' responses to terrorism after the attacks of September 11. The constitutional rights protections in place within the US serve not to prevent rights abuses but to channel responses to emergency situations against other, less well-protected, interests. This article challenges the supposition that the ECHR permits more infringements of a range of rights, in the interest of national security, than the US Constitution, contending that the ostensibly weaker rights protections in the UK carry the potential to genuinely constrain rather than simply redirecting the focus of counter-terrorism responses.

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The Ivory Tower at Ground Zero: Conflict and Convergence in Legal Education's Responses to Terrorism

Peter Margulies
Roger Williams University School of Law

Journal of Legal Education, Vol. 60, p. 373, 2011
Roger Williams Univ. Legal Studies Paper No. 100

As the tenth anniversary of the September 11 attacks approaches, the legal academy has eased into a consensus that masks underlying disagreements and pedagogical gaps. Most scholars now accept the need for constraints on government, including some form of judicial review, both to protect rights and to oblige officials to think beyond short-term solutions. However, debate continues on the need for new legislation on detention of alleged terrorists, with some arguing that a statute would clarify disputes among courts about the appropriate legal standard and the admissibility of evidence, while others argue that enactment of a statute will encourage a new round of government overreaching. Consensus in the realm of pedagogy has been less salutary. Most scholars have settled for a doctrinal perspective, instead of engaging students in a conversation about how institutions work "on the ground." This article suggests three steps to enrich this arid doctrinalism. First, law schools should enhance clinical education opportunities that illuminate the interplay of principle, affect, and habit in lawyering: a lawyer who would gain the trust of a detainee, or for that matter of a government official making difficult choices, needs more than abstract knowledge of legal doctrine. Second, we should teach that social phenomena, such as path-dependence, affect the path of law, as the Bush administration discovered when its early unilateralism triggered a loss of credibility with the courts that made subsequent concessions appear inadequate. Third, our pedagogy should focus on how the "political economy" of legal institutions affects outcomes, asking students whether the aggregation of counterterrorism and other responsibilities in an agency like the Department of Homeland Security makes us safer. Taking these steps will help lawyers of the future better address terrorism and its legal consequences.

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Earth Rights: The Theory

Peter D. Burdon
University of Adelaide, School of Law

IUCN Academy of Environmental Law E-Journal, No. 1, 2011

This paper considers the concept of earth rights in terms of its historical and jurisprudential underpinnings in Western thought. In so doing, he provides a contextual treatment of, amongst other things, key provisions of the Draft Universal Declaration for the Rights of Nature. This paper also includes a critique of the concepts involved and the role of legislation and advocacy in progressing them. It however ranges beyond the purely legal and considers the wider societal influence associated with affording greater recognition to earth rights.

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An Empirical Assessment of Climate Change in the Courts: A New Jurisprudence or Business as Usual?

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J. B. Ruhl
Florida State University College of Law

FSU College of Law, Public Law Research Paper No. 483

While legal scholarship seeking to assess the impact of litigation on the direction of climate change policy is abundant and growing in leaps and bounds, to date it has relied on and examined only small, isolated pieces of the vast litigation landscape. Without a complete picture of what has and has not been within the sweep of climate change litigation, it is difficult to offer a robust evaluation of the

past, present, and future of climate change jurisprudence. Based on a comprehensive empirical study of the status of all (201) climate change litigation matters filed through 2010, this Article is the first to fill those gaps and assess the state of play of climate change in the courts. We conclude that the story of climate change in the courts has not been one of courts forging a new jurisprudence, but rather of judicial business as usual.

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Liberal Understanding, Shortcoming, and Controversy Apropos Group Rights: Do We Need a Different Paradigm?

Mohammad Shahabuddin
affiliation not provided to SSRN

Yokohama Law Review, Vol. 16, No.1, pp. 155–176, 2007

This article argues that although the discourse on minority group rights got momentum within liberal scholarship following the post-Cold War ethnic conflicts, the key issue is not merely whether liberalism 'should' accommodate group rights; it is more about whether liberalism 'can' theoretically do it. With a critical approach to Will Kymlicka's 'liberal' theory of cultural rights, this article demonstrates that liberal individualism is not theoretically compatible with the notion of cultural group rights.

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After Khadr: The Role of Citizenship in Extra-Territorial Constitutional Claims

Padraic Ryan
affiliation not provided to SSRN

3rd Annual Canadian Law Student Conference, March 2010

In the wake of two recent Federal Court of Appeal decisions holding that non-citizens can never be protected by the Canadian Charter of Rights and Freedoms outside of Canada, even in the context of violations of international law, this paper canvasses American and British jurisprudence on non-citizens' claims from Guantanamo and Iraq, respectively. It argues a jurisdictional approach, neutrally applied to citizens and non-citizens, is not the Pandora's Box many jurists fear. Canadian courts should follow British decisions finding jurisdiction in British military prisons on foreign territory and that international law allows substantial flexibility in the resolution of these claims on the merits.

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Setting International Regulatory Standards for Hedge Funds – Part 2

Dr. Rhys Bollen
RMIT University - Faculty of Business

Companies and Securities Law Journal, p. 370, 2010

Financial services regulation is becoming increasingly globalised in response to the global nature of the industry. Firms, including hedge funds, are highly mobile. Each regulator must take into account global regulatory standards – if local regulation is below or above the international standard this can have great impact on the local market – either pushing firms offshore or encouraging disreputable firms to operate here. The previous article explained why globalisation is a key issue for the regulation of hedge funds. It introduced the current literature on globalisation and regulatory theory. This article builds on this, reviewing the current literature on standard-setting and international regulatory cooperation. This is applied to three case studies to demonstrate and validate. This article then applies the theory in more detail to the regulation of hedge funds to show the rational for international standards in this area and to give some insight into what standards are likely to develop, how and where. Major regulators should maintain their regulatory regimes at or close to the international standard. This article reviews the emerging international standards. Second, astute regulators can be truly proactive and influence the emerging international standards. In the light of their other responsibilities and taxpayer-funded status, regulators should influence these standards in

the most efficient and effective way. This requires thoughtful policy development and effective negotiation.

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Book Review: *Methods of Human Rights Research* and *Transitional Justice in Balance: Comparing Processes, Weighing Efficacy*

Evelyne Schmid
Graduate Institute of International and Development Studies, Geneva
International Journal of Transitional Justice, Forthcoming

Review essay of Methods of Human Rights Research, eds. Fons Coomans, Fred Grünfeld, and Menno T. Kamminga. Intersentia, October 2009, 262pp. ISBN: 9789050958790 – paperback (€49). Transitional Justice in Balance: Comparing Processes, Weighing Efficacy, Tricia D. Olsen, Leigh A. Payne, and Andrew G. Reiter. US Institute of Peace, June 2010, 248pp. ISBN: 9781601270535 – paperback ($21.95).

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Educating Lawyers with a Global Vision

Phoebe A. Haddon
University of Maryland - School of Law
Maryland Journal of International Law, Vol. 25, No. 1, 2010
U of Maryland Legal Studies Research Paper No. 2011-10

This article is based on a presentation made at Justice & the Global Economy, a conference celebrating the appointment of Phoebe A. Haddon as the ninth Dean of the University of Maryland School of Law, October 3, 2009.

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Multilateral Development Banks and the Human Right Responsibility

Leonard A. Crippa
American University International Law Review 25, no.3 (2010): 531-577.

This article analyzes whether international tribunals can find Multilateral Development Banks ("MDBs") liable for human rights violations that occur in developing countries as a result of projects financed by these MDBs. It seeks to address the gap under international law concerning direct responsibility of MDBs, as well as to provide legal approaches for the progressive development of an applicable international legal framework. It is not within the scope of this article to analyze legal approaches towards: state responsibility for MDBs' wrongful acts before international tribunals; human rights responsibility before political bodies; or direct responsibility of MDBs before domestic courts.

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Harmonization of the Law of Succession in Europe

Alain-Laurent Verbeke
Catholic University of Leuven, Department of Private Law; Tilburg University - Private Law; Harvard Law School; Catholic University of Portugal (UCP) - Católica Global School of Law; Greenille Attorneys
Yves-Henri Leleu
affiliation not provided to SSRN
TOWARDS A EUROPEAN CIVIL CODE, FOURTH REVISED AND EXPANDED EDITION, pp. 459-479, A.S. Hartkamp, Martijn W. Hesselink, E.H. Hondius, Chantal Mak & C. Edgar du Perron, eds., Kluwer Law International, 2011

In this contribution we explore the feasibility of harmonizing the law of succession in Europe. This is an area that is traditionally considered to be too much culture impacted to be harmonized. We first explore the concepts of comparative law, ius commune and harmonization. Then some typical

solutions for problems of succession law are analyzed: transfer of the estate, intestate rights, position of surviving spouse, wills, forced heirship. We then explore the different approaches such as convergence of laws or unification. It is clear that in recent years the EU has become interested also in succession law (eg proposal for regulation October 2009). The feasibility therefore seems more and more possible. We question however the desirability of such evolution. Diversity in Europe should be cherished as a virtue and quality in itself. At least an open and transparent process of decision making is needed if one considers unification in private law in general, and in this field in particular.

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Islamic Ijtihad: The Key to Islamic Democracy Bridging and Balancing Political Islam and Intellectual Islam

Adham A. Hashish
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Richmond Journal of Global Law & Business, Vol. 9, No. 61, Winter 2010

. . . This article focuses on the role of Ijtihad in building institutions of Islamic democracy. Rather than addressing the importance of Ijtihad in general or its importance in academia, this article attempts to emphasize Ijtihad's importance as a main tool to empower the intellectual Islam (Intell-Islam) stream to check the political Islam (Polit-Islam) stream and balance it within a framework of Islamic governance. . . . The argument will be addressed in three parts in this article. Part I focuses on understanding Islam as a culture of pursuing justice. Early development of Islamic law mirrors culture as a phenomenon in which pursuing ideals went side by side with appropriating realities. Ijtihad played the major role in achieving such development. Part II deals with the institutional role that Ijtihad played in the early development of Islamic law. This includes the rise and fall of Ijtihad institutions, which applies to both madhhabs (as organizations) and Usul (as norms). Part III deals with the institutional role that Ijtihad could play in contemporary development of Islamic democracy. Following a model of early Islamic governance, I propose a contemporary model that is based on reviving Ijtihad institutions. These institutions represent an Intell-Islam stream that could balance the dominating Polit-Islam stream in shaping Islamic culture and ultimately Islamic governance.

II. Books

European Union Non-Discrimination Law and Intersectionality: Investigating the Triangle of Racial, Gender and Disability Discrimination

(Ashgate, March 2011)
Edited by Dagmar Schiek and Anna Lawson

This book contributes to a critical reflection of current legislative and jurisprudential developments in Non-Discrimination Law, focusing on the European Union. The book is focused on intersectionality between gender, race and disability and the question of whether, and to what extent, this intersection can be adequately addressed in (EU) law. The discussion rests on two basic assumptions. First, the multiplication of 'discrimination grounds' in EU law and other legal regimes should not result in a dilution of the demands of equality law. Accordingly, the book focuses on the three key grounds - race, gender and disability. These constitute nodes around which other discrimination grounds can be grouped. Second, any multi-ground non-discrimination law framework needs to engage with the question of discrimination on several grounds. This book provides a critical evaluation of some of the problems presented by such intersectionality and an opportunity to explore the issues in depth. This collection offers some new proposals relating to the regrouping of identity categories and to the general approach to socio-legal research in the field. It also contains a comparative section, which expands on practical experiences with intersectionality and law, and a section dedicated to juridical responses to intersectionality.

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Political Theology: Four New Chapters on the Concept of Sovereignty
(Columbia University Press, March 2011)
Paul W. Kahn

In this strikingly original work, Paul W. Kahn rethinks the meaning of political theology. In a text innovative in both form and substance, he describes an American political theology as a secular inquiry into ultimate meanings sustaining our faith in the popular sovereign. Kahn works out his view through an engagement with Carl Schmitt's 1922 classic, Political Theology: Four Chapters on the Concept of Sovereignty. He forces an engagement with Schmitt's four chapters, offering a new version of each that is responsive to the American political imaginary. The result is a contemporary political theology. As in Schmitt's work, sovereignty remains central, yet Kahn shows how popular sovereignty creates an ethos of sacrifice in the modern state. Turning to law, Kahn demonstrates how the line between exception and judicial decision is not as sharp as Schmitt led us to believe. He reminds readers that American political life begins with the revolutionary willingness to sacrifice and that both sacrifice and law continue to ground the American political imagination. Kahn offers a political theology that has at its center the practice of freedom realized in political decisions, legal judgments, and finally in philosophical inquiry itself.

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UNEP Yearbook 2011:
Emerging Issues in Our Global Enviornment
(UNEP 2011)

The Year Book underlines, persistent issues are in many cases becoming more acute, whilst new ones are emerging. Next year at Rio+20, governments need to urgently address the gap between science and how to form a decisive response as part of an overall package that finally aligns the economic pillar of sustainable development with the social and environmental ones. The UNEP Year Book 2011 is a snapshot of the world 15 months before Rio+20 - perhaps future Year Books may reflect a different story as a result of the evolutionary decisions taken in Brazil in 2012.

III. Journals (some entries edited to avoid duplication)

PUBLIC INTERNATIONAL LAW eJOURNAL
Vol. 6, No. 29: Feb 22, 2011
ALAN O'NEIL SYKES, EDITOR

The Constitution and the Laws of War During the Civil War
Andrew Kent, Fordham University - School of Law

Multidimensional Governance and the BP Deepwater Horizon Oil Spill
Hari M. Osofsky, University of Minnesota - Twin Cities - School of Law

The Role of Consent and Uncertainty in the Formation of Customary International Law
Niels Petersen, Max Planck Institute for Research on Collective Goods

Global Commitments to Human Rights in National Courts in the Age of Obama
Adrien Katherine Wing, University of Iowa - College of Law

Samantar, Official Immunity and Federal Common Law
Peter B. Rutledge, University of Georgia Law School

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PUBLIC INTERNATIONAL LAW eJOURNAL
Vol. 6, No. 28: Feb 21, 2011
ALAN O'NEIL SYKES, EDITOR

The Ad Hoc Committee Annulment Decision in Malaysian Historical Salvors: The Meaning of 'Investment' Re-Established?
Davide Rovetta, European Commission - DG TAXUD
Ashley R. Riveira, *affiliation not provided to SSRN*

No Shortcuts on Human Rights – Bail and the International Criminal Trial
Caroline Davidson, Willamette University - College of Law

Executive Deference in U.S. Refugee Law: Internationalist Paths Through and Beyond Chevron
Bassina Farbenblum, University of New South Wales (UNSW)

Redesigning the Architecture of the Global Financial System
Douglas W. Arner, Asian Institute of International Financial Law, University of Hong Kong - Faculty of Law
Ross P. Buckley, University of New South Wales (UNSW) - Faculty of Law

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PUBLIC INTERNATIONAL LAW eJOURNAL
Vol. 6, No. 27: Feb 18, 2011
ALAN O'NEIL SYKES, EDITOR

Pirates Versus Mercenaries: Purely Private Transnational Violence at the Margins of International Law
Ansel J. Halliburton, UC Davis School of Law

Citizenship and Diaspora: A State Home for Transnational Politics?
Peter J. Spiro, Temple University - James E. Beasley School of Law
The Implications of TRIPS Agreement 1994 of the World Trade Organisation for the Developing Countries
Kato Gogo Kingston, University of East London - Law

Collective Intentions and Individual Criminal Responsibility
Javid Gadirov, Central European University

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PUBLIC INTERNATIONAL LAW eJOURNAL
Vol. 6, No. 26: Feb 17, 2011
ALAN O'NEIL SYKES, EDITOR

Disclosure Before the ICC: The Emergence of a New Form of Policies Implementation System in International Criminal Justice?
Michele Caianiello, Department of Juridical Sciences "A. Cicu"

Who May Be Killed? Anwar al-Awlaki as a Case Study in the International Legal Regulation of Lethal Force
Robert Chesney, University of Texas School of Law

International Regime on Access and Benefit Sharing: Where are We Now?
Reji K. Joseph, Research and Information System for Developing Countries

Applicability of the ECHR to British Soldiers in Iraq
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Constitutional Law and Policy Review, Volume 12, Number 4, December 2010
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Gaming Law Review and Economics, Volume 15, Number 1-2, January 2011
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Irish Student Law Review, Volume 17, 2010
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Charleston Law Review, Volume 5, Number 1, Fall 2010
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- The Cultural Heritage Law Committee of the International Law Association: General Session, August 16, 2010 (James A. R. Nafziger) p.661-661

Book Reviews
- Mille Gabriel and Jens Dahl, UTIMUT: Past Heritage—Future Partnerships, Copenhagen, International Work Group for Indigenous Affairs/Greenland National Museum and Archives, 2008. Pp. 216. ISBN 97-88791563454, € 26.00 (Craig Forrest) p.663-666

.....

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(select articles)

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ARTICLES

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IGENTA Database Articles on International Law
(Feb. 22, 2011)

Record 1.
TI: Granatino v Radmacher and its implications for cross-border trusts disputes
AU: Harris, Jonathan
JN: Trusts Trustees
PD: 9 March 2011
VO: 17
NO: 2
PG: 112-123(12)
PB: Oxford University Press
IS: 1363-1780
URL: http://www.ingentaconnect.com/content/oup/tandt/2011/00000017/00000002/art00008
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TI: Educational administration in Timor Leste: Language policy and capacity building challenges in a post-conflict context
AU: Macpherson, Reynold
JN: The International Journal of Educational Management
PD: 22 February 2011
VO: 25
NO: 2
PG: 186-203(18)
PB: Emerald Group Publishing Limited
IS: 0951-354X
URL: http://www.ingentaconnect.com/content/mcb/060/2011/00000025/00000002/art00006
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Record 3.
TI: Contemporary Issues in International Environmental Law. By MALGOSIA FITZMAURICE
AU: Schwartz, Priscilla
JN: Journal of Environmental Law
PD: 29 March 2011
VO: 23
NO: 1
PG: 164-167(4)
PB: Oxford University Press
IS: 0952-8873
URL: http://www.ingentaconnect.com/content/oup/envlaw/2011/00000023/00000001/art00011
Click on the URL to access the article or to link to other issues of the publication.

Record 4.
TI: The metamorphosis of insider trading in the face of regulatory enforcement
AU: Dorn, Nicholas
JN: Journal of Financial Regulation and Compliance
PD: 22 February 2011
VO: 19
NO: 1
PG: 75-84(10)
PB: Emerald Group Publishing Limited
IS: 1358-1988
URL: http://www.ingentaconnect.com/content/mcb/jfr/2011/00000019/00000001/art00006
Click on the URL to access the article or to link to other issues of the publication.

Record 5.
TI: Court of Appeal rules on trust status and client money protection in relation to Lehman Bros funds
AU: Gray, Joanna
JN: Journal of Financial Regulation and Compliance
PD: 22 February 2011
VO: 19
NO: 1
PG: 85-93(9)
PB: Emerald Group Publishing Limited
IS: 1358-1988
URL: http://www.ingentaconnect.com/content/mcb/jfr/2011/00000019/00000001/art00007
Click on the URL to access the article or to link to other issues of the publication.

Record 6.
TI: The Evolution of Ghana's Water Law and Policy
AU: Agyenim, Joseph B.; Gupta, Joyeeta
JN: Review of European Community and International Environmental Law (RECIEL)
PD: November 2010
VO: 19
NO: 3
PG: 339-350(12)
PB: Blackwell Publishing Ltd
IS: 0962-8797
URL: http://www.ingentaconnect.com/content/bpl/reel/2010/00000019/00000003/art00007
Click on the URL to access the article or to link to other issues of the publication.

Record 7.
TI: From Constitutions to Constitutionalism in Arab States: Beyond Paradox to Opportunity
AU: Khalil, Asem
JN: Transnational Legal Theory
PD: September 2010
VO: 1
NO: 3
PG: 421-451(31)
PB: Hart Publishing
IS: 2041-4005
URL: http://www.ingentaconnect.com/content/hart/tlt/2010/00000001/00000003/art00004
Click on the URL to access the article or to link to other issues of the publication.

Record 8.
TI: Breaking New Ground in International Criminal Law and Philosophy
AU: Dempsey, Michelle Madden
JN: Transnational Legal Theory
PD: September 2010
VO: 1
NO: 3
PG: 453-458(6)
PB: Hart Publishing
IS: 2041-4005
URL: http://www.ingentaconnect.com/content/hart/tlt/2010/00000001/00000003/art00005
Click on the URL to access the article or to link to other issues of the publication.

Record 9.
TI: Environmental Security: Implications for International Law
AU: Hulme, Karen
JN: Yearbook of International Environmental Law
PD: 2008
VO: 19
NO: 1

PG: 3-26(24)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/2008/00000019/00000001/art00005
Click on the URL to access the article or to link to other issues of the publication.

Record 10.
TI: International Law and Resource Plunder: The Protection of Natural Resources during Armed Conflict
AU: Dam-de Jong, Daniella
JN: Yearbook of International Environmental Law
PD: 2008
VO: 19
NO: 1
PG: 27-57(31)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/2008/00000019/00000001/art00006
Click on the URL to access the article or to link to other issues of the publication.

Record 11.
TI: Water Security, Hydrosolidarity, and International Law: A River Runs Through It
AU: Wouters, Patricia; Vinogradov, Sergei; Magsig, Bjorn-Oliver
JN: Yearbook of International Environmental Law
PD: 2008
VO: 19
NO: 1
PG: 97-134(38)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/2008/00000019/00000001/art00008
Click on the URL to access the article or to link to other issues of the publication.

Record 12.
TI: Collective (Environmental) Security: The Yeast for the Refinement of International Law
AU: Scholtz, Werner
JN: Yearbook of International Environmental Law
PD: 2008
VO: 19
NO: 1
PG: 135-162(28)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/2008/00000019/00000001/art00009
Click on the URL to access the article or to link to other issues of the publication.

Record 13.
TI: Erich Vranes, Trade and the Environment: Fundamental Issues in International Law, WTO Law, and Legal Theory, International Economic Law Series (Oxford: Oxford University Press, 2009).
AU: Cottier, Thomas
JN: Yearbook of International Environmental Law
PD: 2008
VO: 19
NO: 1
PG: 769-773(5)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/2008/00000019/00000001/art00023
Click on the URL to access the article or to link to other issues of the publication.

Record 14.
TI: International Investment Law and Environmental Protection
AU: Fauchald, Ole Kristian
JN: Yearbook of International Environmental Law
PD: 2007
VO: 17
NO: 1
PG: 3-47(45)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/2007/00000017/00000001/art00005
Click on the URL to access the article or to link to other issues of the publication.

Record 15.
TI: The Contribution of State-Multinational Corporation Transnational Investment Agreements to International Environmental Law
AU: Ong, David M.
JN: Yearbook of International Environmental Law
PD: 2007
VO: 17
NO: 1
PG: 168-212(45)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/2007/00000017/00000001/art00010
Click on the URL to access the article or to link to other issues of the publication.

Record 16.
TI: Murray Raff, Private Property and Environmental Responsibility: A Comparative Study of German Real Property Law (The Hague: Kluwer Law International, 2003)
AU: Riley, Sophie
JN: Yearbook of International Environmental Law
PD: 2007
VO: 17
NO: 1
PG: 811-817(7)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/2007/00000017/00000001/art00024
Click on the URL to access the article or to link to other issues of the publication.

Record 17.
TI: Copyright in the networked world: international document delivery
AU: Seadle, Michael
JN: Library Hi Tech
PD: 19 June 2007
VO: 25
NO: 2
PG: 298-304(7)
PB: Emerald Group Publishing Limited
IS: 0737-8831
URL: http://www.ingentaconnect.com/content/mcb/238/2007/00000025/00000002/art00012
Click on the URL to access the article or to link to other issues of the publication.

Record 18.
TI: Copyright cultures
AU: Seadle, Michael
JN: Library Hi Tech
PD: 11 September 2007
VO: 25

NO: 3
PG: 430-435(6)
PB: Emerald Group Publishing Limited
IS: 0737-8831
URL: http://www.ingentaconnect.com/content/mcb/238/2007/00000025/00000003/art00011
Click on the URL to access the article or to link to other issues of the publication.

Record 19.
TI: The Foreign Corrupt Practices Act: recent cases and enforcement trends
AU: Santangelo, Betty; Stein, Gary; Jacobs, Margaret
JN: Journal of Investment Compliance
PD: 18 September 2007
VO: 8
NO: 3
PG: 31-55(25)
PB: Emerald Group Publishing Limited
IS: 1528-5812
URL: http://www.ingentaconnect.com/content/mcb/joic/2007/00000008/00000003/art00003
Click on the URL to access the article or to link to other issues of the publication.

Record 20.
TI: Economics and politics of advertising: evidence from the enlarging European Union
AU: Kshetri, Nir; Williamson, Nicholas C.; Schiopu, Andreea
JN: European Journal of Marketing
PD: 10 April 2007
VO: 41
NO: 3-4
PG: 349-366(18)
PB: Emerald Group Publishing Limited
IS: 0309-0566
URL: http://www.ingentaconnect.com/content/mcb/007/2007/00000041/F0020003/art00008
Click on the URL to access the article or to link to other issues of the publication.

Record 21.
TI: International Law and Climate Change: The Challenges Facing Developing Countries
AU: Gupta, Joyeeta
JN: Yearbook of International Environmental Law
PD: 2006
VO: 16
NO: 1
PG: 119-153(35)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/2006/00000016/00000001/art00007
Click on the URL to access the article or to link to other issues of the publication.

Record 22.
TI: Roda Verheyen, Climate Change Damage and International Law: Prevention Duties and State Responsibility (Leiden: Martinus Nijhoff Publishers, 2005), 418 pages.
AU: Gavouneli, Maria
JN: Yearbook of International Environmental Law
PD: 2006
VO: 16
NO: 1
PG: 865-868(4)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/2006/00000016/00000001/art00026
Click on the URL to access the article or to link to other issues of the publication.

Record 23.
TI: An Implementation Perspective on International Law of Genetic Resources: Incentive, Consistency, and Effective Operation
AU: Young, Tomme Rosanne
JN: Yearbook of International Environmental Law
PD: 2005
VO: 15
NO: 1
PG: 3-93(91)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/2005/00000015/00000001/art00005
Click on the URL to access the article or to link to other issues of the publication.

Record 24.
TI: Roda Mushkat, International Environmental Law and Asian Values: Legal Norms and Cultural Influences (Vancouver: UBC Press, 2004), 241 + xvii pages
AU: Desai, Bharat H.
JN: Yearbook of International Environmental Law
PD: 2005
VO: 15
NO: 1
PG: 731-736(6)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/2005/00000015/00000001/art00022
Click on the URL to access the article or to link to other issues of the publication.

Record 25.
TI: Worldwide security measures for shipping, seafarers and ports: An impact assessment of ISPS code
AU: Goulielmos, Alexandros M.; Anastasakos, Agisilaos A.
JN: Disaster Prevention and Management: An International Journal
PD: 1 September 2005
VO: 14
NO: 4
PG: 462-478(17)
PB: Emerald Group Publishing Limited
IS: 0965-3562
URL: http://www.ingentaconnect.com/content/mcb/073/2005/00000014/00000004/art00002
Click on the URL to access the article or to link to other issues of the publication.

Record 26.
TI: Managing computer security issues: preventing and limiting future threats and disasters
AU: Trim, Peter R.J.
JN: Disaster Prevention and Management: An International Journal
PD: 1 September 2005
VO: 14
NO: 4
PG: 493-505(13)
PB: Emerald Group Publishing Limited
IS: 0965-3562
URL: http://www.ingentaconnect.com/content/mcb/073/2005/00000014/00000004/art00004
Click on the URL to access the article or to link to other issues of the publication.

Record 27.
TI: Copyright law in the European Union, with special reference to Germany
AU: Beger, Gabriele
JN: Library Review
PD: 1 February 2005
VO: 54

NO: 2
PG: 119-132(14)
PB: Emerald Group Publishing Limited
IS: 0024-2535
URL: http://www.ingentaconnect.com/content/mcb/035/2005/00000054/00000002/art00005
Click on the URL to access the article or to link to other issues of the publication.

Record 28.
TI: International Groundwater Law: Towards Closing the Gaps?
AU: Mechlem, Kerstin
JN: Yearbook of International Environmental Law
PD: 2004
VO: 14
NO: 1
PG: 47-80(34)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/2004/00000014/00000001/art00006
Click on the URL to access the article or to link to other issues of the publication.

Record 29.
TI: An Analysis of the Treaty of Peace between Israel and Jordan in the Context of International Water Law
AU: Wiczyk, Omer
JN: Yearbook of International Environmental Law
PD: 2004
VO: 14
NO: 1
PG: 139-160(22)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/2004/00000014/00000001/art00009
Click on the URL to access the article or to link to other issues of the publication.

Record 30.
TI: Philippe Cullet, Differential Treatment in International Environmental Law (Hants: Ashgate Publishing, 2003), 213 pages
AU: Ebbesson, Jonas
JN: Yearbook of International Environmental Law
PD: 2004
VO: 14
NO: 1
PG: 837-839(3)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/2004/00000014/00000001/art00023
Click on the URL to access the article or to link to other issues of the publication.

Record 31.
TI: Xue Hanqin, Transboundary Damage in International Law (Cambridge: Cambridge University Press, 2003), 331 pages
AU: Larsson, Marie-Louise
JN: Yearbook of International Environmental Law
PD: 2004
VO: 14
NO: 1
PG: 840-844(5)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/2004/00000014/00000001/art00024
Click on the URL to access the article or to link to other issues of the publication.

Record 32.
TI: Alexandre Timoshenko, Environmental Negotiator Handbook (London, The Hague, and Boston: Kluwer Law International, 2003), xvi + 541 pages
AU: Mahmoudi, Said
JN: Yearbook of International Environmental Law
PD: 2004
VO: 14
NO: 1
PG: 844-848(5)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/2004/00000014/00000001/art00025
Click on the URL to access the article or to link to other issues of the publication.

Record 33.
TI: Environmental Summitry and International Law
AU: Sand, Peter H.
JN: Yearbook of International Environmental Law
PD: 2003
VO: 13
NO: 1
PG: 21-41(21)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/2003/00000013/00000001/art00006
Click on the URL to access the article or to link to other issues of the publication.

Record 34.
TI: Compliance Control in International Environmental Law: Traversing the Limits of the National Legal Order
AU: Nollkaemper, Andre
JN: Yearbook of International Environmental Law
PD: 2003
VO: 13
NO: 1
PG: 165-186(22)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/2003/00000013/00000001/art00010
Click on the URL to access the article or to link to other issues of the publication.

Record 35.
TI: Salman M. A. Salman and Kishor Uprety, Conflict and Cooperation on South Asia's International Rivers (London, The Hague, and New York: Law International, 2002), 399 pages
AU: Birnie, Patricia
JN: Yearbook of International Environmental Law
PD: 2003
VO: 13
NO: 1
PG: 855-859(5)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/2003/00000013/00000001/art00023
Click on the URL to access the article or to link to other issues of the publication.

Record 36.
TI: Patricia Birnie and Alan Boyle, International Law and the Environment (Oxford: Oxford University Press, 2nd edition, 2002), 798 pages
AU: Handl, Gunther
JN: Yearbook of International Environmental Law

PD: 2003
VO: 13
NO: 1
PG: 867-869(3)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/2003/00000013/00000001/art00026
Click on the URL to access the article or to link to other issues of the publication.

Record 37.
TI: Disaster management and the role of the intelligence and security services
AU: Trim, Peter R.J.
JN: Disaster Prevention and Management: An International Journal
PD: 1 March 2003
VO: 12
NO: 1
PG: 6-15(10)
PB: Emerald Group Publishing Limited
IS: 0965-3562
URL: http://www.ingentaconnect.com/content/mcb/073/2003/00000012/00000001/art00001
Click on the URL to access the article or to link to other issues of the publication.

Record 38.
TI: Stephen C. McCaffrey, The Law of International Watercourses: Non-Navigational Uses (Oxford: Oxford University Press, 2001) 500 pages
AU: Okowa, Phoebe N.
JN: Yearbook of International Environmental Law
PD: 2002
VO: 12
NO: 1
PG: 822-825(4)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/2002/00000012/00000001/art00021
Click on the URL to access the article or to link to other issues of the publication.

Record 39.
TI: Attila Tanzi and Maurizio Arcari, The United Nations Convention on the Law of International Watercourses (The Hague: Kluwer, 2001), 384 pages
AU: Okowa, Phoebe N.
JN: Yearbook of International Environmental Law
PD: 2002
VO: 12
NO: 1
PG: 826-829(4)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/2002/00000012/00000001/art00022
Click on the URL to access the article or to link to other issues of the publication.

Record 40.
TI: Tao Zhengua and Rudiger Wolfrum (eds.), Implementing International Environmental Law in Germany and China (The Hague, London, and Boston: Kluwer Law International, 2001), 200 pages
AU: Rehbinder, Eckard
JN: Yearbook of International Environmental Law
PD: 2002
VO: 12
NO: 1
PG: 829-831(3)
PB: Oxford University Press

IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/2002/00000012/00000001/art00023
Click on the URL to access the article or to link to other issues of the publication.

Record 41.
TI: Environmental Issues in the Work of the International Law Commission
AU: Hafner, Gerhard; Pearson, Holly L.
JN: Yearbook of International Environmental Law
PD: 2001
VO: 11
NO: 1
PG: 3-51(49)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/2001/00000011/00000001/art00004
Click on the URL to access the article or to link to other issues of the publication.

Record 42.
TI: South, North, International Environmental Law, and International Environmental Lawyers
AU: Mickelson, Karin
JN: Yearbook of International Environmental Law
PD: 2001
VO: 11
NO: 1
PG: 52-81(30)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/2001/00000011/00000001/art00005
Click on the URL to access the article or to link to other issues of the publication.

Record 43.
TI: Ben Boer, Ross Ramsey, and Donald R. Rothwell, International Environmental Law in the Asia Pacific Region (London, The Hague, and Boston: Kluwer Law International, 1998), 364 pages
AU: Birnie, Patricia
JN: Yearbook of International Environmental Law
PD: 2001
VO: 11
NO: 1
PG: 789-792(4)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/2001/00000011/00000001/art00018
Click on the URL to access the article or to link to other issues of the publication.

Record 44.
TI: Cesare P.R. Romano, The Peaceful Settlement of International Environmental Disputes: A Pragmatic Approach (The Hague: Kluwer Law International, 2000), 456 pages
AU: Mahmoudi, Said
JN: Yearbook of International Environmental Law
PD: 2001
VO: 11
NO: 1
PG: 796-800(5)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/2001/00000011/00000001/art00020
Click on the URL to access the article or to link to other issues of the publication.

Record 45.

TI: Erik Jaap Molenaar, Coastal State Jurisdiction over Vessel-Source Pollution (The Hague: Kluwer Law International, 1998), 632 pages
AU: Konig, Doris
JN: Yearbook of International Environmental Law
PD: 2000
VO: 10
NO: 1
PG: 823-826(4)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/2000/00000010/00000001/art00025
Click on the URL to access the article or to link to other issues of the publication.

Record 46.
TI: Tullio Scovazzi (ed.), Marine Specially Protected Areas: The General Aspects and the Mediterranean Regional System (The Hague: Kluwer Law International, 1999), 281 pages
AU: Mahmoudi, Said
JN: Yearbook of International Environmental Law
PD: 2000
VO: 10
NO: 1
PG: 827-831(5)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/2000/00000010/00000001/art00026
Click on the URL to access the article or to link to other issues of the publication.

Record 47.
TI: Ben Boer, Ross Ramsay, and Donald Rothwell, International Environmental Law in the Asia Pacific (The Hague: Kluwer Law International, 1998), 364 pages
AU: Gillespie, Alexander
JN: Yearbook of International Environmental Law
PD: 1999
VO: 9
NO: 1
PG: 687-688(2)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/1999/00000009/00000001/art00025
Click on the URL to access the article or to link to other issues of the publication.

Record 48.
TI: N. Schrijver, Sovereignty over Natural Resources, Balancing Rights and Duties (Cambridge: Cambridge University Press, 1997), 452 pages (The Hague: Kluwer Law International, 1998), 364 pages
AU: Kiss, Alexandre
JN: Yearbook of International Environmental Law
PD: 1999
VO: 9
NO: 1
PG: 688-689(2)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/1999/00000009/00000001/art00026
Click on the URL to access the article or to link to other issues of the publication.

Record 49.
TI: P. Taylor, An Ecological Approach to International Law (London: Routledge, 1998), 443 pages
AU: Kiss, Alexandre
JN: Yearbook of International Environmental Law
PD: 1999

VO: 9
NO: 1
PG: 690-691(2)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/1999/00000009/00000001/art00027
Click on the URL to access the article or to link to other issues of the publication.

Record 50.
TI: Gerald Blake, Chia Lin Sien, Carl Grundy-Warr, Martin Pratt, and Clive Schofield (eds.), International Boundaries and Environmental Security: Frameworks for Regional Co-operation, International Boundary Studies Series (London: Kluwer Law International, 1997), 384 pages
AU: Ong, David M.
JN: Yearbook of International Environmental Law
PD: 1999
VO: 9
NO: 1
PG: 691-695(5)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/1999/00000009/00000001/art00028
Click on the URL to access the article or to link to other issues of the publication.

Record 51.
TI: P. Wouters (ed.), International Water Law: Selected Writings of Professor Charles B. Bourne (London: Kluwer Law International, 1998), 397 pages
AU: Tanzi, Atilla
JN: Yearbook of International Environmental Law
PD: 1999
VO: 9
NO: 1
PG: 695-698(4)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/1999/00000009/00000001/art00029
Click on the URL to access the article or to link to other issues of the publication.

Record 52.
TI: O.K. Fauchald, Environmental Taxes and Trade Discrimination, International Environmental Law and Policy Series, No. 50 (London: Kluwer Law International, 1998), 439 pages
AU: Wiers, Jochem
JN: Yearbook of International Environmental Law
PD: 1999
VO: 9
NO: 1
PG: 699-702(4)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/1999/00000009/00000001/art00030
Click on the URL to access the article or to link to other issues of the publication.

Record 53.
TI: The Case Concerning the Gabcikovo-Nagymaros Project: An Important Milestone in International Water Law
AU: Bourne, Charles B.
JN: Yearbook of International Environmental Law
PD: 1998
VO: 8
NO: 1
PG: 6-12(7)
PB: Oxford University Press

IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/1998/00000008/00000001/art00006
Click on the URL to access the article or to link to other issues of the publication.

Record 54.
TI: The Judgment in the Case Concerning the Gabcikovo-Nagymaros Project: Positive Signs for the Evolution of International Water Law
AU: de Castro, Paulo Canelas
JN: Yearbook of International Environmental Law
PD: 1998
VO: 8
NO: 1
PG: 21-31(11)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/1998/00000008/00000001/art00008
Click on the URL to access the article or to link to other issues of the publication.

Record 55.
TI: The Notion of Public Participation in International Environmental Law
AU: Ebbesson, Jonas
JN: Yearbook of International Environmental Law
PD: 1998
VO: 8
NO: 1
PG: 51-97(47)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/1998/00000008/00000001/art00011
Click on the URL to access the article or to link to other issues of the publication.

Record 56.
TI: J. Ebbesson, Compatibility of International and National Environmental Law (The Hauge: Kluwer Law International, 1996), 328 pages
AU: Anderson, Michael
JN: Yearbook of International Environmental Law
PD: 1998
VO: 8
NO: 1
PG: 607-609(3)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/1998/00000008/00000001/art00025
Click on the URL to access the article or to link to other issues of the publication.

Record 57.
TI: Alexander Gillespie, International Environmental Law, Policy and Ethics (Oxford: Clarendon Press, 1997), 217 pages
AU: Brans, Edward H.P.
JN: Yearbook of International Environmental Law
PD: 1998
VO: 8
NO: 1
PG: 613-615(3)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/1998/00000008/00000001/art00027
Click on the URL to access the article or to link to other issues of the publication.

Record 58.
TI: Henrik Ringbom (ed.), Competing Norms in the Law of Marine Environmental Protection: Focus on Ship Safety and Pollution Prevention (The Hague: Kluwer Law International, 1997), 284 pages
AU: Joyner, Christopher C.
JN: Yearbook of International Environmental Law
PD: 1998
VO: 8
NO: 1
PG: 621-627(7)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/1998/00000008/00000001/art00030
Click on the URL to access the article or to link to other issues of the publication.

Record 59.
TI: E. Agius and S. Busutti (eds), with T.C. Kim and K. Yazaki, Future Generations and International Law (London: Earthscan Publications, 1998), 206 pages
AU: Kiss, Alexandre C.
JN: Yearbook of International Environmental Law
PD: 1998
VO: 8
NO: 1
PG: 628-629(2)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/1998/00000008/00000001/art00031
Click on the URL to access the article or to link to other issues of the publication.

Record 60.
TI: The New International Environmental Law of Fisheries: The 1995 United Nations Straddling Stocks Agreement
AU: Freestone, David; Makuch, Zen
JN: Yearbook of International Environmental Law
PD: 1997
VO: 7
NO: 1
PG: 3-51(49)
PB: Oxford University Press
IS: 0965-1721
URL: http://www.ingentaconnect.com/content/oup/yielaw/1997/00000007/00000001/art00004
Click on the URL to access the article or to link to other issues of the publication.

IV. Blogs (select items)

Tsuneo Akaha, Russia-Japan Territorial Disputes, Divisive As Ever, East Asia Forum (Feb. 23, 2011)

Jake Taylor, Libya – UN Security Council Condemning the Use of Force, International Criminal Law Bureau (Feb. 23, 2011)

Global Legal Monitor, Australia/New Zealand: Historic Investment Protocol Signed, Law Library of Congress (Feb. 22, 2011)

Mark Leon Goldberg, Security Council Meeting on Libya, UN Dispatch (Feb. 22, 2011)

Christopher Gevers, Congo Provides Justice Without Theatrics, War and Law (22 Feb 2011)

Sam Yellen, Happenings at the United Nations: Workshop for the Creation of an Indigenous Peoples' Forum, PPgis.net Blog (Feb. 22, 2011)

Elisabeth Rosenthal, A Stopgap for Global Warming, Green (Feb. 22, 2011)

Marc Lynch, Intervening in the Libyan Tragedy, Abu Aardvark's Middle East Blog (Feb. 21, 2011)

Melina Padron, A Stormy Week for European Human Rights – The Roudup, UK Human Rights Blog (Feb. 21, 2011)

Robert Chesney, Should Detention Based on Non-Member Material Support Be Reconceived in Terms of Security Internment?, Lawfare (Feb. 21, 2011)

Louis M. Soloman, Another Court Rejects French Blocking Statute's Applicability From Requiring Hague Convention Discovery To Displace Discovery Under the Federal Rules of Civil Procedure, OneWorld International Practice Blog (Feb. 21, 2011)

Simon Lester, Will the WTO Become Obsolete?, International Economic Law and Policy Blog (Feb. 21, 2011)

Geethanjali Nataraj, Ten Years of Doha Negotiations: Are We Close to Striking a Deal?, East Asia Forum (Feb. 19, 2011)
Simon Chesterman, Phone-Hacking, Muck-Raking, and the Future of Surveillance, Inforrm's Blog (19 Feb 2011)

Max Du Plessis & Chris Gevers, Kenya's ICC Deferral Request and the proposed amendment to article 16 of the Rome Statute, EJIL: Talk! (Feb. 19, 2011)(also at War and Law)

Immigrationprof, Kiss Me I'm Irish: Is Dual Citizenship and Endangered Species in America?, Profsblawg (Feb. 18, 2011)

Amanda Bronstad, Federal judge enters default against China in copyright suit: no immunity, The National Law Journal (Feb. 18, 2011)

Oliver Barrett, The Newest Human Right, U.S. Diplomacy: The World Affairs Blog (Feb. 18, 2011)

Robert Chesney, More Video From the Air & Missile Warfare Symposium and Drone-Related Issues, Lawfare (Feb. 18, 2011)

Kelly Askin, A Crime Against Humanity Trial in South Kivu, DCR: Proof Complementarity Can Work, IntLawGrrls (Feb. 18, 2011)

Jane Ferguson, Burmese Sanctions Likely to Stay, Despite ASEAN Call, East Asia Forum (Feb. 18, 2011)

Geraldine Coughlan, Hariri Court - A First Definition of Terrorism, International Criminal Law Bureau (Feb. 18, 2011)
Cadwalader, Bankruptcy Court Application of International Practice Principles, OneWorld International Practice Blog (Feb. 18, 2011)

Joseph Nye, New World Order, The New Republic (Feb. 18, 2011)

Lyle Denniston, Padilla Torture Claim Rebuffed, SCOTUSblog (Feb. 17, 2011)

William A. Schabas, Liberian Supreme Court Declares TRC Provisions Unconsitutional, PhD Studies in Human Rights (17 Feb 2011)

Keith Goetzman, The Gaia Theory Gets Some Respect, UTNE Reader (Feb. 17, 2011)

Marko Milanovic, Special Tribunal for Lebanon Delivers Interlocutory Decision on Applicable Law, EJIL: Talk! (Feb. 16, 2011)

Simon Lester, The Seal Products Panel Requests, International Economic Law and Policy Blog (Feb. 16, 2011)

Rex Weyler, Deep Green: Debt, Human Rights and Nature, Greenpeace (Feb. 16, 2011)
Nicholas van Praag, Democracy and the Foundations of Legitimacy, WDR 2011 (Feb. 2, 2011)

V. Podcasts/Videos

University of Virginia Law School, Panel: The Role of Security Forces in Promoting Rule of Law, J.B. Moore Society of International Law 60th Anniversary Symposium (Feb. 18, 2011)

C-SPAN, Clinton, Policy Experts Discuss Strategy in Afghanistan, C-SPAN.org (Feb. 18, 2011)

American Society of International Law, What Makes a Great International Law Article, ASIL New Professionals Interest Group (Feb. 17, 2011)

VI. Gray Literature/Newsletters/Webtools (select items)

Brian Urquhart, Revolution Without Violence, New York Review of Books (Mar. 10, 2011)

Charli Carpenter, Fighting the Laws of War: Protecting Civilians in Asymetric Conflict , Foreign Affairs (March/April 2011)

Eric Posner, Dockets of War, The National Interest (Feb. 23, 2011)

Jérôme Tubiana, Legal Limbo: How the International Criminal Court is freezing the conflict in Darfur, Foreign Policy (Feb. 23, 2011)

IISD Reporting Services, Biodiversity Policy & Practice, Biodiversity Update (23 Feb 2011)

ICE Coalition, Environmental Institutions for the 21st Century: An International Court for the Environment, Stakeholder Forum (Feb. 2011)

IISD Reporting Services, Climate Change Policy & Practice, Climate Change Feed (22 Feb 2011)

Maria Ivanova, Global Governance in the 21st Century: Rethinking the Environmental Pillar, Stakeholder Forum (accessed, Feb. 22, 2011)

UN Water, Newsletter 03 (Feb. 22, 2011)

IISD Reporting Services, Climate Change Policy & Practice, Climate Change Feed (21 Feb 2011)

IISD Reporting Services, Biodiversity Policy & Practice, Biodiversity Update (21 Feb 2011)

IUCN, New Issue of IUCN Academy eJournal Published, IUCN Academy of Environmental Law (notice received Feb. 19, 2011)

IISD Reporting Services, Climate Change Policy & Practice, Climate Change Feed (18 Feb 2011)

IISD Reporting Services, Biodiversity Policy & Practice, Biodiversity Update (18 Feb 2011)

IISD Reporting Services, Climate Change Policy & Practice, Climate Change Feed (17 Feb 2011)

ICTSD, Bridges Weekly Trade Digest News, Vol. 15, No. 5 (16 Feb 2011)

OAS, Online Database of Legal Information on Migration in the Americas (webtool)(launchend Feb. 16, 2011)

Sheldon L. Trubatch, Nuclear Terrorism Under NEPA: A Meta-Legal Analysis of the Split Between the Third and Ninth Circuits, Columbia Journal of Environmental Law Field Reports (16 Feb 2011)

Neil Bird, Jessica Brown and Liane Schalatek, Design Challenges for the Green Climate Fund, Overseas Development Institute (Jan. 2011)

VII. Documents/Negotiations

Commission on the Status of Women, Fifty-Ninth Session of the Commission on the Status of Women (22 Feb – 4 March, 2011)

Extraordinary Chambers in the Courts of Cambodia, 9th ECCC Plenary session commences (21 Feb 2011)

UNEP, 26th Session of the Governing Coucil/Global Ministerial Environment Forum (GC/GMEF) of the United Nations Environment Programme (UNEP) (21-24 Feb 2011). See also IISD coverage, Earth Negotiations Bulletin (21-24 Feb 2011)

IISD, Twelfth Global Major Groups and Stakeholders Forum, Earth Negotiations Bulletin (19-20 Feb 2011)

American Society of International Law, Int'l Law In Brief (Feb. 18, 2011)

State Department Press Briefings, Launch of Secretary Hillary Clinton's first-ever Strategic Dialogue with Civil Society, C-SPAN (Feb. 16, 2011)

IIDS, Second Special Session of the Committee on Science and Technology (CST S-2) of the UN Convention to Combat Desertification (UNCCD) *and* Ninth Session of the Committee for the Review of the Implementation of the Convention (CRIC 9), Earth Negotiations Bulletin (16-18, 21-25 Feb 2011)

Inter-American Commission on Human Rights (IACHR), Report on Citizen Security and Human Rights, 31 December 2009, OEA/Ser.L/V/II. Doc. 57

UN High Commissioner for Refugees, Note on Determination of Refugee Status under International Instruments, 12 September 1989, A/AC.96/INF.152/Rev.8 [accessed 21 February 2011]

UN Security Council, Report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste (for the period from 21 September 2010 to 7 January 2011), 25 January 2011, S/2011/32.

UN Security Council, *Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur*, 18 January 2011, S/2011/22.

VIII. Media/Press Releases (select items)

John Paul Putney, Libya May Be Committing Crimes Against Humanity, Jurist Paper Chase Newsburst (Feb. 22, 2011)

Susanne Goldenberg, House Republicans Cut Funding to UN Climate Science Body, guardian.co.uk (21 Feb 2011)

Marianne de Nazareth, Unmistakable Link Between Security Concerns And Climate Change States UNFCCC Head, Countercurrents.org (21 Feb. 2011)

Ann Riley, Tunisia Seeks Extradition of Ousted President, Jurist Paper Chase Newsburst (Feb. 21, 2011)

Ashley Hileman, UK Judge Warns Proposed Bill of Rights Could Further Conflict Between UK, ECHR, Jurist Paper Chase Newsburst (Feb. 21, 2011)

Jo Adetunji, Kenneth Clarke Looks to Reform European Court of Human Rights, guardian.co.uk (20 Feb 2011)

Reuters, Libya Threatens to Suspend EU Migration Cooperation, AlertNet (Feb. 20, 2011)

Terry Macalister, European Union Faces Court Action Over Fraudulent Carbon Emissions Trading, guardian.co.uk (20 Feb 2011)

Maureen Cosgrove, Pakistan Court Issues Second Warrant for Ex-President Musharraf, Jurist Paper Chase Newsburst (Feb. 19, 2011)

UN News Service, US Vetoes Security Council Resolution on Israeli Settlements, UN News Centre (18 Feb 2011)(also Washington Post)

Justin McCurry, Japan Recalls Whaling Fleet from Antarctic, guardian.co.uk (18 Feb 2011)

Reuters, Pakistan Man Seeks Arrest of Second US Employee in Shooting Case, Altertnet (18 Feb 2011)

Alexei Barrionuevo, Agentina: US Intended to "Respect" Argentine Law, New York Times (Feb. 18, 2011)

Carrie Schimmizi, Federal Judge Dismisses Padilla Torture Suit, Jurist Paper Chase Newsburt (Feb. 18, 2011)

Daily Independent (Lagos), Côte d'Ivoire: Government Summons South African Envoy Over Warship, allAfrica.com (Feb. 17, 2011)

Daniel Richey, Federal judge denies immunity to former Somalia leader, Jurist Paper Chase Newsburst (Feb. 17, 2011)

Daniel Makowsky, UN Security Council weighs Kosovo organ trafficking investigation, Jurist Paper Chase Newsburst (Feb. 17, 2011)

Reuters, China blocks U.N. report on N.Korea nuclear breaches, Reuters (Feb. 17, 2011)

Reuters, Baghdad wants U.S. to pay $1 billion for damage to city, Reuters (Feb. 17, 2011)

BBC, China Warns US Over Clinton's Web Freedom Calls, BBC Asia-Pacific (17 Feb 2011)

BBC, More Indian Fishermen Arrested in Sri Lanka, BBC South Asia (17 Feb 2011)

BBC, Iran Warships' Plan to Use Suez Canal Cancelled, BBC Middle East (17 Feb 2011)

Peace Negotiations Watch, [Vol. X, No. 7], Public International Law & Policy Group ([Feb. 16, 2011])

International Justice Tribune, Bi-Weekly Magazine, Radio Netherlands Worldwide (No. 122, Feb. 16, 2011)

SW Radio Africa, Zimbabwe: Mixed Reaction to the Easing of EU Targeted Sanctions, allAfrica.com (16 Feb 2011)

UPI, ICRC: Thai Clashes Displace Thousands, UPI.com (Feb. 16, 2011)

Nicholas Watt, Prisoner Vote Refusal against European Court Ruling "Would Be Like Dictatorship", guardian.co.uk (16 Feb 2011)

Reuters, UNsensationsal? Five More Years of Ban Ki-moon, Global News Journal (16 Feb 2011)

FAO, Infosylva Forestry News Clippings (No. 3/Feb. 2011)