

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

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

- [I. SSRN Legal Scholarship Network/bepress Legal Repository/NELLCO Legal Scholarship Repository/Publishers Advances](#)
- [II. Books](#)
- [III. Journals](#)
- [IV. Blogs \(select items\)](#)
- [V. Gray Literature/Newsletters/Webtools \(select items\)](#)
- [VI. Podcasts/Video \(select items\)](#)
- [VII. Documents/Negotiations \(select items\)](#)
- [VIII. Media/Press Releases \(select items\)](#)

**I. SSRN Legal Scholarship Network/bepress Legal Repository/NELLCO Legal Scholarship Repository/Publishers Advances**

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

**How the European Legal System Works: Override, Non-Compliance, and Majoritarian Activism in International Regimes**

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[Thomas L. Brunell](#)

University of Texas at Dallas - Department of Political Science

A striking feature of European integration and governance over the past fifty years has been the crucial role played by the European Court of Justice (ECJ). The ECJ is a Trustee court, rather than a simple Agent of the Member States, with the power to determine the scope of its own authority. In a recent paper, Carrubba et al., having examined the ECJ rulings on some 3,176 legal questions rendered over an 11-year period, claim that the decision-making of the European Court of Justice (ECJ) has been constrained - systematically - by the threat of override on the part of Member State Governments, acting collectively, and the threat of non-compliance on the part of any single State. They also purport to have found strong evidence in favor of Intergovernmentalist, but not Neofunctionalist, integration theory. We undertake original analysis of the same data. We conclusively demonstrate that the threat of override is not credible, and that the legal system is activated, rather than paralyzed, by noncompliance. We also explore what happened when MSG sought to override the Court - they failed - and organize a contest between the rival theories. In a head-to-head showdown,

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\* Prepared by Donald K. Anton, The Australian National University College of Law, with the assistance of ANU College of Law students: Emily Kerr, Caitlin Powell, Kate Robinson & Jean Yuan. 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.

\* Information contained in the digest is current to 5.00 pm (local Canberra time) the day before issue.

Neofunctionalism wins in a landslide. Finally, the analysis provides statistical support for the view that the ECJ engages in majoritarian activism. When Member States urge the Court to censor a defendant State for noncompliance, the ECJ tends to do so. The conclusion draws out implications of our findings for research on the two other international regimes that exhibit effective judicial review: the World Trade Organization and the European Convention on Human Rights.

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### **Hobbling the Monitors: Should UN Human Rights Monitors Be Accountable?**

[Philip Alston](#)

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*Harvard International Law Journal*, Vol. 52, 2011

The critical issue examined in this Article is whether a group of monitors explicitly created to hold governments to account, can themselves be subjected to a strong accountability regime controlled by those same governments, without thereby destroying the independence that is considered to be the system's hallmark. In 2007, a group of powerful governments pushed through a Code of Conduct to regulate the activities of Special Rapporteurs - the UN's main system of human rights monitoring by independent experts. The same group has now proposed the establishment of a Legal Committee to enforce compliance with the Code through sanctions. Other governments, the SRs, and civil society groups are highly critical of the way in which the Code has been used so far to stifle the work of the monitors and strongly oppose the creation of any compliance mechanism. The Article notes the powerful pressures which have succeeded in insisting that almost all international actors should be accountable to their principals, and explores the strongest case that can be made for exempting SRs from this general trend. It concludes that existing forms of accountability are weak, and probably inadequate, but that serious concerns about the undermining of the SRs independence are also warranted. It calls for a new approach which recognizes the multifaceted nature of the notions of independence and accountability and ends with a specific proposal for a legal committee designed to strengthen both values and enhance the legitimacy of the system as a whole.

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### **Counterinsurgency and Stability Operations: A New Approach to Legal Interpretation**

[Dale Stephens](#)

Harvard Law School  
*US Naval War College, International Law Studies (Blue Book) Series*, Vol. 86, pp. 289-321, 2010

We are currently living in the post modern era of warfare where small scale, internecine conflict is the norm. It turns out that such warfare can be as deadly and strategically significant as conventional warfare. The US military has re-conceptualized how such wars are to be effectively engaged with the publication of the Counterinsurgency and Stability Operations field manuals. These manuals represent a decisive shift in the manner such conflicts are to be perceived and fought. Notwithstanding such a decisive operational change, there has been a correlative lag in accompanying legal interpretative practice. This article seeks to redress that omission and offers a theoretical and practical framework for optimizing the interpretative enterprise experienced in applying the Law of Armed Conflict to counterinsurgency and stability operations.

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### **State Personhood, Reality or Fiction? The Divergent Views of C. Escudé (1994) and A. Wendt (2004)**

[Carlos Escudé](#)

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*Serie Documentos de Trabajo UCEMA No. 438*

This paper counterpoises Carlos Escudé's 1994, 1995 and 1997 treatment of anthropomorphic metaphors of the state, with Alexander Wendt's 2004 treatment of the same subject. It stresses the

need for a historical memory in IR scholarship, suggesting that the lack of an epistemological equivalent to the concept of 'discovery' in the harder sciences may open the way for less-than-scholarly attitudes towards precedents, making the accumulation of knowledge less likely. It discusses whether or not state personhood is actually a fiction. Finally, it explores the consequences, for IR theory in general and peripheral realist theory in particular, of state personhood being indeed a harmful fiction. The author argues that if anthropomorphisms of the state lead to fallacy, then Hedley Bull's domestic analogy is likewise fallacious. And if this is the case, the hierarchy of the structure of the interstate system is exposed, together with Waltz's error in postulating an anarchy.

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### **Rationalizing Costs in Investment Treaty Arbitration**

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*Washington University Law Review, Vol. 88, No. 4, 2011*

International investment and related disputes are on the rise. With national courts generally unavailable and difficulties resolving disputes through diplomacy, investment treaties give investors a right to seek redress and arbitrate directly with states. The costs of these investment treaty arbitrations — including the costs of lawyers for both sides, as well as administrative and tribunal expenses — are arguably substantial. This Article offers empirical research indicating that even partial costs could represent more than 10% of an average award. The data suggested a lack of certainty about total costs, which parties had ultimate liability for costs, and the justification for those cost decisions. Although there were signs of balance and a preference for parties to be responsible for their own costs, there was neither a universal approach to cost allocation nor a reliable relationship between cost shifts and losing. Awards typically lacked citation to legal authority and provided minimal rationale, and the justifications for cost decisions exhibited broad variation. Small pockets of coherence existed. Tribunals typically decided costs only in the final award; and as the amount investors claimed increased, tribunal costs also increased. Such a combination of variability and convergence can disrupt the value of arbitration for investors and states. In light of the data, but recognizing the need for additional research to replicate and expand upon the initial findings, this Article recommends states consider implementing measures that encourage arbitrators to consider specific factors when making cost decisions, obligate investors to particularize their claimed damages at an early stage, and facilitate the use of other Alternative Dispute Resolution (ADR) strategies. Establishing such procedural safeguards can aid the legitimacy of a dispute resolution mechanism with critical implications for the international political economy.

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### **Google Sets Sail: Ocean-Based Server Farms and International Law**

**Steven R. Swanson**

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*Connecticut Law Review, Vol. 43, p. 709, 2011*

In recent years, the oceans have become a venue for nontraditional uses such as rocket launches, fish farming, and energy production. In 2009, the United States Patent and Trademark Office granted Google a patent for an ocean-based server farm, powered and cooled by the seas' wind and water. A server farm is simply a collection of computers joined together on a network providing services to remotely connected users. Google argued that the transportability of these server ships would allow easy movement to world regions where such services are needed. In addition, the data center ship would provide a relatively green alternative to power-hungry server farms located on land. If these massive server farms populate the oceans, what regulatory schemes will apply? The server ship's owner may understandably seek the ability to avoid national exercises of jurisdiction. Internet theorists have traditionally resisted state jurisdiction, arguing that cyberspace should provide its own norms. This early view has recently been undercut by successful state exercises of control over various Internet players and the development of new technology allowing geographic segmentation

of Internet content and use. This Article will consider and evaluate international law's probable application to state jurisdiction over these server ships and other innovative technologies just beyond view. It argues that the international community should resist additional abridgements of high seas freedoms to address issues relating to server ships or other new maritime uses, absent a compelling international need for additional regulation.

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### **The Challenges to International Fishing Regulation Regimes Posed by Bottom Trawling**

[John J. Magyar](#)

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Bottom trawling is an old and widely used method of fishing that, unfortunately, causes a variety of ecological problems due to the nature of the practice. Experts feel very strongly that the practice should be banned outright, or highly restricted in the very least, in order to ensure that a healthy and productive ocean ecosystem can be maintained for the future. This paper examines the challenges faced by the international fisheries regulation regime in its attempts to deal with this practice, with a view to determining how bottom trawling could be regulated successfully from a functionalist perspective. The first portion of the paper examines the ecological and scientific dimensions of the problem. The second section looks at the economic and social dimensions. The third section examines the current international regulatory regimes in terms of what these regimes accomplish, and what they fail to accomplish, and why.

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### **Acquiring Land Abroad for Agricultural Purposes: 'Land Grab' or Agri-FDI? Report of the Surrey International Law Centre and Environmental Regulatory Research Group**

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University of Surrey

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*Surrey Law Working Paper No. 08/2011*

Following the 2008 world food crisis, many international investors have engaged in a race for land acquisition and food production. This new form of Foreign Direct Investment (FDI) is increasingly criticised in the public sphere, which commonly refers to it as a 'land grab.' In the absence of consequent primary sources relating to the subject matter, however, this working document provides an overview of what the authors describe as an 'agri-FDI' trend, based on the cross analysis of secondary sources. It first draws a geographical map of the trend as a means to emphasise who invests and where. Second, it considers the origins of the trend are, including the 2008 food crises and the impact of increased demand for biofuel. This document, overall, constitutes the basis of a forthcoming paper which, in turn, will formulate hypotheses and questions as to whether agriculture-oriented investments differ from traditional FDI.

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### **A Tale of Two Countries: Emissions Scenarios for China and India**

[Emanuele Massetti](#)

Fondazione Eni Enrico Mattei (FEEM) & Euro-Mediterranean Center for Climate Change

[FEEM Working Paper No. 24.2011](#)

The aim of the paper is to present evidence that China and India are, and will remain, two very different actors in international negotiations to control global warming. We base our conclusions on historical data and on scenarios until 2050. The Business-as-Usual scenario (BaU) is compared to four Emissions Tax scenarios to draw insights on major transformations in energy use and in energy supply and to assess the possible contribution of China and India to a future international climate architecture. We study whether or not the Copenhagen intensity targets require more action than the

BaU scenario and we assess whether the emissions reductions induced by the four tax scenarios are compatible with the G8 and MEF pledge to reduce global emissions by 50% in 2050.

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### **Are Migratory Birds Extending Environmental Criminal Liability?**

[Alexander Arensberg](#)

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[Ecology Law Quarterly, Forthcoming](#)

Environmental statutes frequently include criminal provisions as a means of enforcing their regulations. However, these provisions often include little if no mens rea requirement. As with any form of criminal liability that approaches strict liability, courts must therefore somehow insure that convictions satisfy constitutional due process concerns. During the last century, and accompanying the rise of regulatory statutes, the court developed the public welfare doctrine as a method of justifying the lack of a mens rea requirement for certain types of crimes. These crimes, known as public welfare offenses, involve regulations so potentially dangerous to public health and safety that the court was willing to presume that the allegedly criminal actor had knowledge of his wrong doing, thus satisfying due process. *United States v. Apollo Energies, Inc.*'s interpretation of the Migratory Bird Treaty Act, demonstrates another justification for a lack of a mens rea requirement. However, for a criminal offense that did not fall under the coverage of the public welfare doctrine: an offense that does not affect the public health, and which features a causation element. To satisfy due process, the Tenth Circuit borrows several elements embedded in the public welfare doctrine: foreseeability of regulation and foreseeability of harm. The use of these elements, and the Tenth Circuit's willingness to apply them outside of the public welfare setting, illuminates when courts might find liability for future environmental regulatory crimes.

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### **Patenting Free Energy: The Blacklight Litigation and the Hydrogen Economy**

[Matthew Rimmer](#)

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*Journal of Intellectual Property Law and Practice, Forthcoming*

Legal Context. In the wake of the Copenhagen Accord 2009 and the Cancun Agreements 2010, a number of patent offices have introduced fast-track mechanisms to encourage patent applications in relation to clean technologies – such as those pertaining to hydrogen. However, patent offices will be under increasing pressure to ensure that the granted patents satisfy the requisite patent thresholds, as well as to identify and reject cases of fraud, hoaxes, scams, and swindles. Key Points. This article examines the BlackLight litigation in the United States, the United Kingdom, and the European Patent Office, and considers how patent offices and courts deal with patent applications in respect of clean energy and perpetual motion machines. Practical Significance. The capacity of patent offices to grant sound and reliable patents is critical to the credibility of the patent system, particularly in the context of the current focus upon promoting clean technologies.

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### **Protecting Traditional Knowledge Medicinal Plants**

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[Anshu Pratap Singh](#)

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This paper seeks to identify a harmonious relationship between existing intellectual property law and biodiversity law through various international efforts relating to traditional medicine; and to discuss strategies for protecting traditional medicine knowledge, resources and biodiversity in order to contribute to a fair and equitable sharing of benefits.

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**Creating the Law of Environmentally Sustainable Economic Development****[John C. Dernbach](#)**

Widener University - School of Law

*[Pace Environmental Law \(PELR\) Review, Forthcoming](#)**[Widener Law School Legal Studies Research Paper No. 11-10](#)*

This article argues that a key to sustainability is redirecting the law of economic development. From a historical perspective, sustainable development is an effort to integrate environmental protection and restoration with development. As a result, it is not possible to fully understand sustainable development unless we understand what development means. While that term is reasonably well understood at the international level, our closest analogue in the United States is not development in general but rather economic development. A great many recently enacted laws that move the United States toward sustainability can be understood as economic development laws. By understanding these laws and their common characteristics, we may better understand how to move more rapidly and effectively toward sustainability.

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**Reconciling Confidentiality and Transparency in the EU Trade Defence and Competition Proceedings****[Joanna Krzeminska-Vamvaka](#)**

European Commission

Both transparency and confidentiality are central concerns and bedrocks of the EU competition and trade defence proceedings. On the one hand, the investigations depend on the confidential information obtained from business operators and their associations. On the other hand, parties to the proceedings have to be adequately informed of all considerations on which decisions are based in order to effectively defend their rights. Both competition and trade defence proceedings are areas where confidentiality and transparency requirements co-exist and have to be continuously reconciled. This tension, intrinsic in both types of proceedings, has been a source of pressure and a continuous incentive to improve the standards of protection of confidential information on the one hand and enhance parties' due process right on the other. . . . This article presents different configurations in which privacy interests play a role in the EU competition and trade defence proceedings. The focus of the article is to underline the most salient issues related to the difficult balance between confidentiality and transparency while stressing the similarities between these two types of proceedings.

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**From Paper to Peace? Compliance with UN Security Council Resolutions in Civil Wars****[Christoph Mikulaschek](#)**

International Peace Institute

Under which circumstances and why do warring factions comply with third-parties' demands for the cessation of hostilities, and when do such calls go unheeded? The existing literature on multilateral conflict management and compliance with international regimes does not offer empirical answers to these questions; leaving researchers and policy-makers alike with little guidance on how the multilateral actors can most effectively impact on the behavior of governments and rebel groups engaged in armed conflict. This study aims at closing this lacuna. Based on the current literature on cooperation, compliance, and conflict management, it develops a theory of compliance with United Nations Security Council resolutions in civil wars. Using a new dataset coded and compiled for this study at the International Peace Institute, it then tests this theory by analyzing civil-war parties' compliance with all requests for military de-escalation addressed by the Security Council to factions in twenty-four civil wars between 1989 and 2003, using multilevel MLE models. The paper is the first



large-n quantitative analysis of compliance with United Nations Security Council resolutions in armed conflict. The paper finds that compliance with Security Council resolutions in civil wars is strongly correlated with the conflict-management ecology and the compliance strategy pursued by the United Nations, and that it is also associated with great-power dynamics in the Security Council and the linkage between the Council's effort and ongoing peace processes.

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**The Prosecutorial Interpretation of the Complementarity Principle: Does it Really Contribute to Ending Impunity on the National Level?**

[Nidal Nabil Jurdi](#)

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*International Criminal Law Review, Vol. 10, pp. 73-96, 2010*

The complementarity regime serves as a system to encourage and facilitate the compliance of states with their responsibility to investigate and prosecute international core crimes. It can contribute to the creation of an effective indirect enforcement mechanism among state parties to the Rome Statute; however, the current practice of the ICC falls short of materializing that. In the Ugandan case, the Ugandan referral displays a number of negative aspects regarding the ICC prosecutorial policy in practice. Firstly, Uganda does not seem to fulfill the "inability" criterion as stipulated in Article 17. Secondly, the policy of encouraging and seeking state referrals might lead to certain negative outcomes vis-à-vis fulfilling the purposes of the Rome Statute to end impunity. The presumption that state referrals could guarantee state cooperation is over simplistic. The ICC's position in the DRC situation raises other concerns, particularly with regard to the ICC's approach to cases of "inaction." Lubanga and Germain Katanga were already in the Congolese custody waiting trial for more serious crimes when the ICC requested their surrender considering that the DRC was not investigating the crimes the ICC has been investigating. The Congolese judicial system, at least in certain areas of the DRC (including Kinshasa) was "able and willing." Based on the above, the article concludes that the ICC Prosecutor's policy on the admissibility of "inactions" could encourage in theory national systems to prosecute core crimes; however, in reality it could lead to the opposite.

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**Collective Punishment: a Coordination Account of Legal Order**

[Gillian Hadfield](#)

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[Barry R. Weingast](#)

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Although most economic and positive political theory presumes the existence of an effective legal regime (protecting property rights or implementing legislative or judicial choices, for example), behavioral social science has devoted little systematic attention to the question of what constitutes distinctively legal order. Most social scientists take for granted that law is defined by the presence of a centralized authority capable of exacting coercive penalties for violations of legal rules. This unexamined presumption, however, leaves us with few tools in social science to answer key questions about the emergence and maintenance of legal order. A focus on centralized coercion fails to distinguish between spontaneous social order based on social norms and deliberate order structured by organized efforts to create and enforce rules in the absence of centralized coercion. In this paper we discuss several settings in which centralized coercive force is absent and yet social order relies on distinctively legal attributes and institutions. Drawing on a model developed in Hadfield & Weingast (2011), we use these settings to show how distinctively legal attributes and institutions work to coordinate decentralized collective punishment. We focus in particular on how legal institutions reduce ambiguity and solve incentive problems to support a decentralized equilibrium characterized by compliance with deliberately chosen rules. We thus sketch out how a social scientific account of

law can help distinguish social norms from legal rules and identify the institutions that support legal order in a wide range of settings that do not presume the existence of centralized coercion.

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**Advisory Opinion on Responsibility and Liability for International Seabed Mining (ITLOS Case No. 17): International Environmental Law in the Seabed Disputes Chamber**

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[Robert A. Makgill](#)

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[Cymie R. Payne](#)

Lewis & Clark Law School

*Environmental Policy and Law (forthcoming)*

On 1 February 2011, the Seabed Disputes Chamber ("the Chamber") delivered its first Advisory Opinion. The Opinion provides useful guidance to the international community concerned with the deep seabed. First and foremost, the Chamber accomplished its task to assist the ISA with independent and impartial judicial interpretation of the Convention and related instruments. States that intend to extract valuable resources now know that they must evaluate their legal codes, administrative capacity, and their judicial enforcement mechanisms to determine where they fall short of the standards that the Chamber has identified. For most states it will be necessary to introduce new laws to provide the requisite rules, regulations and procedures. Entities seeking sponsorship will likely wish to work with these governments to develop a workable regime. Other entities, such as those interested in scientific research, other economic uses, and protection of the ocean and seabed resources, will want to assist with this process to ensure that their interests are respected and that developing states are given assistance to develop appropriate laws and enforcement capacity. Finally, the limitations and gaps in the Convention's liability scheme have now been identified and await the international legal community's attention.

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**The International Criminal Court and National Courts: A Contentious Relationship**

[Nidal Nabil Jurdi](#)

American University of Beirut

*Nidal N. Jurdi, THE INTERNATIONAL CRIMINAL COURT AND NATIONAL COURTS: A CONTENTIOUS RELATIONSHIP, Ashgate, 2011*

This book analyzes the position of the ICC in relation to national court systems. The research illustrates that what seemed to be a straight forward relationship between the ICC and national courts under the complementarity mechanism, proves to be much more complex in practice. Using the referrals of Uganda and Darfur, the book demonstrates ways in which it might be possible to prosecute for crimes currently not prosecuted by the ICC and brings to light possible solutions to overcome the gaps in law and practice in the jurisdictional relation between the ICC and national systems. It will be of value to academics, students and policy-makers working in the area of international law, international organizations, and human rights.

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**Complementarity, The Kenyan Way**

[Ron Slye](#)

Seattle University School of Law

A critical review of the arguments made by the Kenyan Government in its effort to defer or halt the prosecution of Kenyan officials by the ICC. The paper argues that efforts to secure an Article 16 deferral are not grounded on any strong legal arguments or political reality. An admissibility challenge, which is the other approach of the Kenyan government, also faces serious legal and factual challenges. The paper briefly discusses the issue of the Kenyan government's willingness to



investigate and prosecute Kenyan citizens for crimes against humanity, using recent political disputes over nominations to key judicial offices, and the general lack of support of alternative processes like a special tribunal and the Truth Justice & Reconciliation Commission.

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**A Comparative Study of Truth and Justice Commissions Within the Commonwealth:  
Lessons that Can Inform the Kenyan Process**

[Stephen Thuku Mbaaro](#)

*affiliation not provided to SSRN*

Generally understood to be "bodies set up to investigate a past history of violations of human rights in a particular country and which violations can include those by the military, other government forces or armed opposition forces, Truth Justice and reconciliation commissions are fast becoming a favorite in the world over in countries seeking to address past human rights violations and promote healing and reconciliation among their people. The period between 1974 and 2009 for example saw the establishment of 35 truth commissions in different countries around the world with quite a number of them being setup in African countries. . . . Having looked at various Truth, Justice and Reconciliation commissions within the commonwealth, the paper will draw attention to key features of the commissions and compare them with the provisions in our TJRC Act and this will be followed by recommendations of how the Kenyan process can be improved to meet the standards of the best of the commissions and to avoid the pitfalls of the inadequately performing commissions.

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**Collective Intentions and Individual Criminal Responsibility**

[Javid Gadirov](#)

Central European University

This article focuses on the treatment of collective intentions in individual criminal responsibility for crimes against humanity and war crimes, at the example of the emerging International Criminal Court's (ICC) jurisprudence. It is argued that collective ('joint' and 'indirect') perpetration accounts of ICC ought to provide first of all a coherent conception of collective intentions and actions to identify individuals involved in cooperative harm doing, to attribute harm to causally responsible individuals, and to provide grounds for formulating a 'decision method' necessary for distributiveness of moral blame. Secondly causal responsibility test for harm brought about in accordance with such intentions should (a) rely on strong sufficiency rather than normative attribution standard (real rather than hypothetical attribution); (b) specify that irreducible collective intention is a 'NESS' condition for attributing harm to liable individuals; (c) distinguish principals by formulating a stronger collective intention threshold that requires 'meshing' of individual participatory intentions. Finally allocation of moral blame for harm brought about collectively should (a) explain how moral blame is distributive among participants of collective actions, in order to avoid its blending into metaphysical shame or 'guilt by association'; (b) rely on collective intentions as a 'decision method' of harm-doing that distributes moral blame; (c) consider that 'strong' formulations of such 'decision method' blame superiors, and vice versa a weak 'decision method' would increase morally responsibility of final perpetrators. Whereas it has been argued in the literature that criminal prosecutions for human rights atrocities are at odds with liberal premises of human rights law including individual culpability, it is the purpose of this work to argue for such grounds and that ICC can address collective complicities based on respect for individual autonomy and without degenerating into collective guilt theories that disregard free will and moral responsibility.

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**Global Corporate Governance: Soft Law and Reputational Accountability**

[Kevin Jackson](#)

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*Brook Journal of International Law, Vol. 35, No. 1, p. 42, 2010*

In contradistinction to hard law enforcement regimes, emergent civil regulations are connected to the "rule of reputation," which links accountability to a firm's reputational capital. Operating internationally and confronted with pressure to self-regulate, the reputation of a global business enterprise has become one of its most valuable intangible assets.

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**The (Re)Turn to 'Soft Law' in Reconciling the Antinomies in WTO Law**

[Mary E. Footer](#)

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*Melbourne Journal of International Law, Vol. 11, pp. 241-276, 2010*

This article seeks to broaden our understanding of how World Trade Organization member governments have turned once again to 'soft law' in the WTO, as they did under the General Agreement on Tariffs and Trade, in order to regulate difficult and complex situations, to make WTO obligations more manageable and to offer solutions to seemingly intractable problems, some of which have significant distributive consequences. It starts by identifying soft international law in the GATT/WTO context, accounting for variable normativity and examining the facilitative and coordinating role of soft law. The responsiveness of soft law to various antinomies, or paradoxes, in GATT/WTO law is then explored on the basis of five propositions. First, soft law can elaborate upon 'hard' rules in order to give meaning to the rule's soft content. Second, soft law can act as a precursor to the development of other legal norms. Third, the sourcing of soft law norms exogenously may have an impact on the further development of treaty rules. Fourth, soft law can be used to constrain otherwise hard legal norms. Fifth, soft responsibility may arise from the operation of soft law norms, in much the same way as ordinary responsibility, although very little attention has been paid to the matter.

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**Do We Need 7(3)? History and Purpose of the Business Profits Deduction Rule in Tax Treaties**

[Richard J. Vann](#)

Sydney Law School

*STUDIES IN THE HISTORY OF TAX LAW, J. Tiley, ed., Hart Publishing, 2011*

[Sydney Law School Research Paper No. 10/18](#)

The current rules in tax treaties for business profits of permanent establishments (PEs) have recently received their greatest alteration since they were created in the 1950s as a result of the Report on Attribution of Profits to Permanent Establishments representing over a decade of work by the OECD. One result is that the deduction rule has been deleted from the new business profits article in the 2010 version of the OECD Model. This chapter considers the history of the business profits deduction rule and, in that light, whether its purpose was to prevent certain kinds of covert discrimination against PEs or whether it was intended to operate as a qualification on the separate enterprise arm's length principle for PEs. It is argued that at least one purpose of the rule was non-discrimination in addition to and independent of that principle. As the principle has not changed in any way relevant to this issue, it is suggested that the OECD should restore a version of the deduction rule to the Commentary as an option for countries with the kind of rules at which it seems to have been directed. The history makes evident, however, that the rule was one manifestation of other deeper issues as to the appropriate way in which to allocate profits to PEs and those issues remain unresolved.

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**A Tale of Two Theories of Well-Known Marks****Leah Chan Grinvald**

Saint Louis University - School of Law

*Vanderbilt Journal Of Entertainment And Technology Law, Vol. 13, No. 1, 2010**Saint Louis U. Legal Studies Research Paper No. 2011-07*

The well-known marks doctrine presents a conundrum in international trademark law. Although protecting foreign well-known trademarks has been a treaty obligation since 1925, courts around the world, and in the United States and China in particular, do not uniformly apply the doctrine. This lack of uniform protection leads to the question of whether these countries are complying with their international obligations. While brand owners and some commentators would answer this question in the negative, this Article provides a different perspective. This Article offers an alternative approach to answering the compliance question: Before considering the question, one must examine the perspective from which compliance is being assessed. This analysis is important because the perception of compliance depends on the theoretical perspective from which these well-known marks cases are viewed. These theoretical perspectives have thus far been unrecognized, and this Article attempts to bring them to light. In so doing, this Article provides a more nuanced approach to analyze the compliance question, which can ultimately assist in providing better answers.

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**The Right to Receive Information Under Article 10 of the ECHR: An Investigation from a Copyright Perspective****Robin E. Herr**

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The purpose of this paper is to investigate the right to receive information under Article 10 of the European Convention of Human Rights in order to determine whether or not it is relevant to copyright law. The bulk of the article describes how the right to receive information operates. Focus is placed on the composition of the right, the scope of the test to justify an interference, principles that may affect the Court's evaluation and any negative or positive obligations that may arise. In conducting this part of the research, over 125 cases were investigated. After detailing the case law, efforts are made to identify state obligations and trends that could potentially affect copyright. The article concludes with a brief statement of the areas of copyright law in which these obligations and trends could be relevant.

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**A Constitutional Tribute to Global Governance: Overcoming the Chimera of the Developing-Developed Country Dichotomy****Rostam J. Neuwirth**

University of Macau - Faculty of Law

*EUI Working Papers LAW No. 2010/20*

The past century has seen drastic changes and the pace with which they occur appears yet to be accelerating. It is not only we as individuals who have difficulties following these processes, but also the international legal and institutional framework put in place by previous generations no longer provides efficient responses to the imminent global challenges. It appears that the perennial struggle between continuity and change has reached a new level. This new level is summarized in the global governance debate which is aimed at deepening our understanding of the processes on which our paths depend and, at the same time, at formulating new ideas about new ways we might proceed. However, a global platform on which this debate can unfold is generally absent. International organizations continue their autistic practice and international law fragments further. The question then is how we can create a common platform without a common place to converse. The answer offered in this paper is by starting to create a common vocabulary, as thoughts and words precede and determine our actions. In this global vocabulary, the 'developing/developed' dichotomy is one

conceptual distinction that, it is argued here, is largely outdated and even malicious in its effects. A survey of its use across various legal contexts not only uncovers institutional fragmentation but also largely contradicts the dynamism inherent in nature. In sum it annihilates the basis for a broader solidarity needed for a more synthetic approach to the solution of many urgent global problems. This conceptual distinction divides the world into so-called 'developing countries', on the one hand, and 'developed countries', on the other. With a view to contributing to the global governance debate, this 'constitutional' reading and comprehensive overview of numerous international and national legal instruments marks an attempt to demonstrate the need for more dynamic processes of governance because, ultimately, we all want to live in 'developing countries'.

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### **The Disclosure Requirement for Patent Application: Article 29 of TRIPS Agreement and a Dimensional Exploration**

**Bingbin Lu**

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*European Intellectual Property Review*, Vol. 33, 2011

Disclosure is essential in patent system, and is the ultimate goal of patent system. Article 29 of the TRIPS Agreement, the current highest international harmonization treaty of substantive patent law, explicitly stipulated the patent disclosure rules. This article 29 is simple, also complicated. There are both compulsory and non-compulsory obligations for WTO members in it. There are certain flexibilities for WTO members to implement this article, and room for WTO members to interpret this article while implementing it. This paper firstly outlines the significances of disclosure in patent application, and provides a general understanding on the provision of article 29 of the TRIPS Agreement. Then it focuses on the discussion of several issues about article 29 of the TRIPS Agreement, including: why the title of article 29 is entitled "conditions on patent applicants" rather than "disclosure requirement on patent applicants, the relationship between enablement and written description, the best mode disclosure, the relationship between specification and claims, disclosure about foreign applications, and the new emerging issue, the TRIPS Agreement's new negotiation of source disclosure of genetic materials in patent application.

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### **Hard Versus Soft Law in International Security**

**Gregory Shaffer**

University of Minnesota - Twin Cities - School of Law

**Mark A. Pollack**

Temple University - Department of Political Science  
*Minnesota Legal Studies Research Paper No. 11-13*

The use and choice of hard and soft law in international governance has been the subject of ever-increasing scholarly interest. This law and social science literature assesses the relative strengths and weaknesses of hard- and soft-law instruments as alternatives for international governance, as well as how these instruments can be combined as mutually reinforcing complements to lead to greater international cooperation over time. By contrast, we argue, hard and soft law can and do operate, under certain conditions, as antagonists. In short, states and non-state actors increasingly use soft law not to "progressively develop" existing hard law, but to undermine it. In our previous scholarship we have demonstrated this antagonistic interaction of hard and soft law in the economic realm, where the international trade system often interacts in antagonistic ways with related areas of international environmental and cultural law. In this Article, we look beyond economic law, examining the interaction of hard and soft legal instruments with respect to two fundamental questions of international security law: (1) the legality of the threat or use of nuclear weapons, and (2) the legality of the use of force in humanitarian intervention under the "responsibility to protect" doctrine. In both cases, states and non-state actors have employed hard and soft law, not as complements in a progressive process of international legal development, but as antagonists, with soft-law

pronouncements being used to undermine long-standing hard-law norms. In both cases, the result has been to obscure, rather than to clarify and elaborate, the most fundamental norms of the international legal system.

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### **Biosafety Concerns Involving Genetically Modified Mosquitoes to Combat Malaria and Dengue in Developing Countries**

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*Journal of the American Medical Association, Vol. 305, No. 9, pp. 930-31, 2011*

[Georgetown Public Law Research Paper No. 11-28](#)

Malaria and dengue are the most prevalent mosquito-borne infections worldwide. Because traditional vector control methods have proven to be insufficient to control mosquito populations in endemic areas, scientists are actively working in the design of new strategies, such as genetically modified (GM) mosquitoes, to reduce disease transmission. The replacement of natural populations with GM mosquitoes is becoming a tangible possibility, however, many fear that the release of these organisms into the environment could constitute a significant risk to biodiversity and may cause the unintended spread of GM organisms across national borders. The Cartagena Protocol on Biosafety, an international agreement originally intended to oversee the trade of GM crops, did not include specific provisions for the safe use of GM insects. Recently, the Ad Hoc Technical Expert Group (AHTEG) on Risk Assessment and Risk Management to the Conference of the Parties, provided guidelines on the use of GM arthropods for the control of human disease. However, these guidelines did not address some significant technical and safety issues associated with the use of genetically or biologically modified vectors. A new global treaty, specifically intended to address issues related to genetic or biological modifications of arthropod vectors seem to be necessary before we endorse the decision of releasing modified arthropod vectors into the natural environment.

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### **International Trade and Human Rights: Conflicting Obligations?**

[Prabhash Ranjan](#)

National University of Juridical Sciences

*HUMAN RIGHTS AND INTERNATIONAL TRADE, pp. 311-321, Thomas Cottier, Joost Pauwelyn,*

*Elisabeth Bürgi, eds., Oxford University Press: Oxford, 2005*

This paper discusses the debate between international trade obligations and human rights.

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### **Military-Political Strategy of NATO and Security Issues in the Middle East**

[Abdolvahed Shamalof](#)

Academy of Science, Tajikistan

[Nasser Eskandari](#)

Academy of Science, Tajikistan

This article assumed that NATO's military and political strategy is tied with security issues in the Middle East, so that regardless of the importance and strategic position of the Middle East, one cannot understand the political and military strategy of NATO. In this article the military-political strategy of NATO in the Middle East is reviewed considering the strategic characteristics of the Middle East and such issues as counter-terrorism and energy sources. It was evident that no other region in the world has been as important as the Middle East to the super powers in the strategic position. Therefore, a high focus on the Middle East would directly benefit a wide range of major U.S. and European security issues. NATO is also militarily has realized it and has formulated political strategies.

The political problems it raises are very real as the Middle East is of the strategic regions which play a significant role in formulating future strategies of NATO.

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### **Bridging the Gaps in Global Energy Governance**

[Ann Florini](#)

Lee Kuan Yew School of Public Policy

[Benjamin K. Sovacool](#)

Lee Kuan Yew School of Public Policy - Centre on Asia and Globalisation

*Global Governance, Vol. 17, pp. 57-74, 2011*

[Lee Kuan Yew School of Public Policy Research Paper No. PP11-01CAG](#)

Energy constitutes a rich, but underexplored, arena for global governance scholars and policymakers. The world is currently on an unsustainable and conflict-prone track of volatile and unreliable supply of energy fuels, vulnerable infrastructure, massive environmental degradation, and failure to deliver energy services to an enormous proportion of the global population. Changing to a different path will be a monumental global governance endeavor that will require bridging multiple issue areas, regimes, and policy silos. Meeting that challenge will require a greatly expanded research agenda aimed at understanding the institutions, interests, and concerns that do and could shape global energy governance. In this article, we lay out key energy-related global issues and explore some of the connections among them to suggest an initial research agenda for global governance scholars.

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### **Disasters and Ecosystem Services Deprivation: From Cuyahoga to the Deepwater Horizon**

[Keith H. Hirokawa](#)

Albany Law School

[Albany Law Review, Vol. 74, No. 1, 2011](#)

On April 20, 2010, an explosion on the Deepwater Horizon oil rig resulted in the release of substantial amounts of oil into the Gulf of Mexico, threatening the viability of some of the world's most essential ecosystems. Due to both the scale of the damage and the circumstances regarding the risks involved, the event has been appropriately labeled as a disaster. However, the Deepwater Horizon incident has also mobilized a large-scale investigation into the living technology through which the Gulf of Mexico and its ecosystems provide essential, life-supporting ecosystem services. This essay explores the manner in which environmental disasters require us to adapt our understanding of nature to a changed environment, forcing us to face the loss of valuable services provided by functioning ecosystems. This essay discusses the role of environmental disasters in the development of environmental law, then focuses on the opportunities provided by ecosystem services research in calculating the ecological, social, and economic value of natural resources impaired in such circumstances.

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### **New Approaches to Customary International Law**

[Anthony D'Amato](#)

Northwestern University - School of Law

*American Journal of International Law, Vol. 105, p. 163, 2011*

[Northwestern Public Law Research Paper No. 11-39](#)

Reviews Eric A. Posner, *The Perils of Global Legalism*; Andrew T. Guzman, *How International Law Works*; Brian A. Lepard, *Customary International Law*. After a century of benign neglect, international theorizing has taken off. The three contributors to legal theory reviewed here can be placed along a linear spectrum with Posner at the extreme political science end, Lepard at the opposite international law end and Andrew Guzman holding up the middle.

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**International Law: Overview**

**Mukesh Kumar Mishra**

*affiliation not provided to SSRN*

This Paper will on the basic of International Law a basic reference on the Student of International Law and Political Science students. The Paper contain a brief information on the International Law system and will help also the Development sector professional who are working in International law sector.

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**Bridging the Gaps in Global Energy Governance**

**Ann Florini**

Lee Kuan Yew School of Public Policy

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Lee Kuan Yew School of Public Policy - Centre on Asia and Globalisation

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**Can Targeted Killing Work as a Neutral Principle?**

**Jeremy Waldron**

New York University (NYU) - School of Law

*NYU School of Law, Public Law Research Paper*

This paper casts doubt on the prospects for legitimizing what is known as "targeted killing" - the use of assassins, death squads, or other murderous techniques - against identified civilians whose continued existence is thought to pose a serious threat of some kind to a given community and its members. We are familiar with the use of such techniques by Israel against Palestinian terrorists and also by the United States against Taliban and other jihadist leaders in Afghanistan and Pakistan. Many other countries use death squads against internal and external enemies, but do not seek to sanitize their characterization with the terminology of "targeted killing." Whatever the terminology, my paper considers whether these actions could possibly be supported by "neutral principles" of the kind that figure in most accounts of *ius in bello* - i.e. principles (like the principle requiring discrimination between military and civilian targets) that can be used by both sides and whose use and application does not presuppose judgments about who is waging a just war etc. In particular I examine the prospect of abuse of such principles, not only by our enemies but also by our own governments. We have to imagine, based on our experience over the past 50 years - how our governments would be likely to use such powers - or how they would have been likely to use such powers in the past if they had been endowed with them. In other words, the paper considers how war, the management of insurgency, the pursuit of national security, and international relations generally might be transformed by licensing every government to arrange for the killing of named civilians (either its own citizens or foreigners) whose existence it regards as particularly threatening. It argues that the potential for abuse is inherent in principles of the sort that are envisaged to legitimize targeted killing. And it puts forward the proposition that arguments of the sort that philosophers and lawyers

bring forth to justify such principles are particularly troubling, inasmuch as they represent an unraveling of the central norm against killing on the basis of dubious analogy and moral opportunism.

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**How Has Chinese Traditional Culture an Impact on China's Intellectual Property Legal System? Would this Influence Be a Problem in the Protection of Folklore by the Intellectual Property Legal System?**

[Luo Li](#)

CCLS, Queen Mary, University of London

*The International Journal of Interdisciplinary Social Sciences, Vol. 5, 2010*

After the analysis of the Chinese intellectual property system in aspects of the legislation, the execution and the law abidance, this article proves that the Chinese intellectual property system is still more or less influenced by its traditional culture. The passive transplantation under the external power and the law instrumentalism mindset in traditional political culture result that there is a little bit radical ideology in the process of Chinese intellectual property legislation. In execution level, the strong administration and weak judicature in traditional political culture and the Confucianism both play the important role in affecting China's Double Track System. Moreover, the law abidance comprises two aspects which are the obligations and the rights. After the process of accession of WTO and the experiences on international intellectual property conflicts between China and other Western countries, Chinese public know the intellectual property much better than before. However, the acknowledge of the intellectual property for most Chinese still stay in the stage of piracy and anti-piracy rather than know the real meaning of IP. Many people are still affected by Confucianism. In Confucianism, there is no concept of private property on spiritual properties. Meanwhile, the Confucian scholars also think that it is a good thing to share their minds in public. The rule of "Li" in Confucianism results that it is difficult for the public to arise the strong consciousness of standard of right. They also do not think that the action of piracy is as same as stealing other people's real properties such as cash. More importantly, the intellectual property legal system suffers continual influences coming from this strongly traditional culture, which not only results that the typical intellectual property objects can not be protected by intellectual property law in China very well, but it also embeds a bomb for protection of folklore by intellectual property system in the future.

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**Compulsory Licensing Under the TRIPS Agreement**

[Srijana Regmi](#)

Kathmandu School of Law (KSL)

The protection of IP rights is not the sole purpose of TRIPS. Its objective as mentioned in article 7 reads "the protection and enforcement of intellectual property rights should contribute to the promotion of technological innovation and to the transfer and dissemination of technology, to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations." Thus, the objectives of TRIPS, as reflected in Article 7, do not include the protection of IPRs, but rather see the protection of IPRs as a means to achieving the goals mentioned in the article such as promotion of technological innovation and the transfer and dissemination of technology. The principles of the agreement as enshrined in article 8 allow the member states to take measures necessary to protect public health and nutrition and needed to prevent the abuse of intellectual property rights by right holders.

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**Codes of Good Governance**

[Ruth V. Aguilera](#)

University of Illinois at Urbana-Champaign - Department of Business Administration

**Alvaro Cuervo-Cazurra**

University of South Carolina - Department of International Business

Our review of the literature on codes of good governance highlights the rapid spread of codes of good governance around the world and how academic research has lagged behind in analyzing this topic. Despite the criticism that the codes' voluntary nature limits their ability to improve governance practices, codes of good governance appear to have generally improved the governance of countries that have adopted them, although there is need for additional reforms. Unfortunately, research on codes of good governance has been studied in silos with little cross-fertilization across the different disciplines. We propose a multi-level framework to discuss three main topics that have emerged within the codes literature: the motivations behind the diffusion of codes across countries and its implications for convergence of corporate governance practices; the content of the code and its "comply or explain" dimension; and the relationship between code compliance and firm performance. We conclude by proposing four areas of future research. Code development, adoption, and compliance are directly related to issues surrounding the governance of the firm, and in particular to all the interactions that a director has inside and outside the firm. Codes are regulations that emerge from policy-making negotiations between the different stakeholders, such as the state (via the stock market regulators) and the investors.

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**Diagonal Federalism and Climate Change: Implications for the Obama Administration**

**Hari M. Osofsky**

University of Minnesota - Twin Cities - School of Law

*Alabama Law Review, Vol. 62, No. 2, 2011*

The Obama Administration's efforts on climate change continue to face daunting challenges domestically and internationally. This Article makes a novel contribution by exploring how the Obama Administration can meet these challenges more effectively though systematically addressing the multiscale character of climate change in the areas where it has greater regulatory control. Mitigating and adapting to climate change pose complex choices at individual, community, local, state, national, and international levels. The Article argues that these choices lead to many diagonal regulatory interactions: that is, dynamics among a wide range of public and private actors which simultaneously cut across levels of government (vertical) and involve multiple actors at each level of government that it includes (horizontal).

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**The Citizenship Puzzle - Review of Christian Joppke, *Citizenship and Immigration* (Polity Press, 2010), and Ayelet Shachar, *The Birthright Lottery: Citizenship and Global Inequality* (Harvard University Press, 2009)**

**Liav Orgad**

Interdisciplinary Center (IDC) Herzliyah - Radzyner School of Law

*American Journal of Comparative Law, Vol. 59, No. 2, 2011*

The institution of citizenship has undergone far-reaching factual and normative changes. In two recent studies, Christian Joppke and Ayelet Shachar address complex and pressing problems underlying modern citizenship theory. Joppke and Shachar begin from different premises regarding immigration and citizenship. Joppke takes for granted the existing regime of birthright citizenship; his main focus is the relationship between immigration and citizenship, and the interrelation between the dimensions of citizenship. Shachar finds the option of becoming a citizen deficient, and underscores the need to rethink the whole concept of birthright citizenship and the role it plays in perpetuating global injustice. Joppke is more optimistic: he celebrates the triumph of liberalism. Shachar is pessimistic about the citizenship discourse — which, even if more liberal than in the past, is still flawed — yet optimistic about the potential of her ideas to bring about a better future. This review

briefly examines each book and discusses the contribution of each to the contemporary, evolving debates on citizenship.

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### **Prosecuting Human Trafficking as a Crime Against Humanity Under the Rome Statute**

[Jane Kim](#)

Columbia University - Law School; Harvard University  
*Columbia Law School Gender and Sexuality Online (GSL Online)*

. . . In 2002, the Rome Statute of the International Criminal Court entered into force, with specific reference to "trafficking in persons" as a crime against humanity. Despite the developments in human trafficking law, awareness, and policy over the past decade, the International Criminal Court's (ICC) potential treatment of trafficking as a crime against humanity remains a question mark. This paper examines the potential of the ICC in prosecuting human trafficking as a crime against humanity, identifying the complex contexts of trafficking, the opposition that ICC prosecution will likely face, and approaches that the ICC could take in investigating and prosecuting human trafficking. Highlighting the challenges of defining trafficking, the shadow of armed conflict in the ICC's developing jurisprudence, and the risk of overlooking the gravity of human trafficking, this paper concludes by urging the ICC to look beyond the situations to which international law has traditionally applied. To realize the promise of the Rome Statute, this paper urges the ICC to incorporate the Palermo Protocol, common purpose, and the exceptional and global effects of the trafficking market in approaching human trafficking as a crime against humanity.

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### **The European Prescription for Ending the Death Penalty**

[William W. Berry III](#)

University of Mississippi School of Law

The United States of America remains the only Western democracy that continues to use capital punishment. Europeans, particularly in the academic community, continue to express outrage and disbelief at its persistence, especially given America's twentieth century role as the world leader in challenging abuses of human rights. This sociological question – why the United States retains the death penalty – has spawned a burgeoning academic literature. This literature has both deepened cultural understandings of the death penalty and raised questions concerning the degree to which (and in what ways) the United States is "exceptional" when compared to other Western democracies. What has been missing from these discussions is a thorough account of the abolition of the death penalty in European nations. Such an account helps to address a number of questions: whether culture plays a significant role in the abolition of capital punishment; whether the United States is exceptional in a way that explains the persistence of its death penalty; and whether the United States is mirroring the same trajectory of its European counterparts, albeit at a slower pace. At its heart, the entire academic discussion is subconsciously both predictive and prescriptive. In other words, explaining the persistence of the death penalty can both predict – will the United States ever abolish the death penalty? If so, how and when? – and prescribe – is there a way to advance the United States along the path to abolition, either by following the path of the Europeans, or following a new path that takes into account the cultural distinctiveness or other exceptional features of the United States? In his recent book, *Ending the Death Penalty: the European Experience in Global Perspective*, German law professor Andrew Hammel attempts to provide the missing piece to the conversation through a careful study of the death penalty's demise in Europe. He focuses on three nations – Germany, Great Britain, and France – and provides a detailed, play-by-play analysis of the events that led to abolition of the death penalty in each country. In addition to the value of this history itself, Hammel attempts to situate these parallel developments in a broader context by linking them together to delineate the European "path to abolition." Finally, Hammel tackles the meta question – why have these patterns not become manifest in the United States – and outlines his view of death penalty persistence in America. This book review first describes the conclusions reached by Hammel, as drawn from his compelling narrative of three parallel abolitions. The review then assesses

Hammel's arguments as to why the European model has seemingly had no impact in the United States. Finally, this review situates Hammel's contributions within the broader debate, arguing that insights from the European experience can serve as a catalyst for death penalty abolition in the United States.

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**How Does European Union Law Fit into the World of Public Law? Costa, Kadi and Three Conceptions of Public Law**

[Mattias Kumm](#)

New York University (NYU) - School of Law

*Political Theory of the European Union, 2011*

[NYU School of Law Public Law Research Paper No. 11-16](#)

There is basic disagreement about how European Union Law fits into the World of Public Law. When EU Law conflicts with UN Law or the constitutional law of Member States, there remains a great deal of confusion about whether and how courts should subject the law of the larger community to review under constitutional standards. The article argues that there are three competing conceptions of public law underlying this disagreement as it is reflected in major courts decisions by the ECJ and Member States courts, that are referred to as Democratic Statism, Legal Monism and Constitutionalism respectively. The article describes and analyzes these three conceptions and their implications as they play out in major court decisions in the European Union. Ultimately the article argues that only the constitutionalist conception provides a jurisprudentially and morally plausible account of both cosmopolitan and pluralist practices that characterizes the structure of European constitutional practice.

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**Avoidance Techniques: State Related Defences in International Antitrust Cases**

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University College Dublin- School of Law

[UCD Working Papers in Law, Criminology & Socio-Legal Studies Research Paper No. 46/2011](#)

*CCP Working Paper No. 11-2*

Despite its economic significance, competition law still remains fragmented, lacking an international framework allowing for dispute settlement. This, together with the growing importance of non-free-market economies in world trade require us to re-consider and re-evaluate the possibilities of bringing an antitrust suit against a foreign state. If the level playing field on the global marketplace is to be achieved, the possibility of hiding behind the bulwark of state sovereignty should be minimised. States should not be free to act in an anti-competitive way, but at present the legal framework seems ill-equipped to handle such challenges. This paper deals with the defences available in litigation concerning transnational anti-competitive agreements involving or implicating foreign states. Four important legal doctrines are analysed: non-justiciability (political question doctrine), state immunity, act of state doctrine and foreign state compulsion. The paper addresses also the general problem of applicability of competition laws to a foreign state as such. This is a tale about repetitive unsuccessful efforts to sue OPEC and recent attempts in the US to deal with export cartels of Chinese state-owned enterprises.

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**Reducing Greenhouse Gas Emissions by Forest Protection: The Transaction Costs of REDD**

[Lee J. Alston](#)

University of Colorado at Boulder - Department of Economics; National Bureau of Economic Research (NBER)

[Krister P. Andersson](#)

*affiliation not provided to SSRN*  
[\*NBER Working Paper No. w16756\*](#)

Understanding and minimizing the transaction costs of policy implementation are critical for reducing tropical forest losses. As the international community prepares to launch REDD+, a global initiative to reduce greenhouse gas emissions from tropical deforestation, policymakers need to pay attention to the transactions costs associated with negotiating, monitoring and enforcing contracts between governments and donors. The existing institutional design for REDD+ relies heavily on central government interventions in program countries. Analyzing new data on forest conservation outcomes, we identify several problems with this centralized approach to forest protection. We describe options for a more diversified policy approach that could reduce the full set of transaction costs and thereby improve the efficiency of the market-based approach for conservation.

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### **Rethinking Amnesties: Atrocity, Accountability and Impunity in Post-Conflict Societies**

[Louise Mallinder](#)

Transitional Justice Institute, University of Ulster

[Kieran McEvoy](#)

Queen's University Belfast - School of Law

*Contemporary Social Science: The Journal of the Academy of Social Science, Vol. 6, No.1, pp. 107-28*  
*Transitional Justice Institute Research Paper No. 11-02*

The notion of accountability that is propagated in transitional justice often appears limited to demands for the prosecution and imprisonment of those who have been involved in serious human rights violations. Amnesties, widely understood as the absence of punishment for wrongdoing, are in turn considered by many scholars and activists as an example par excellence of the kind of Faustian pacts which are made in the name of political expediency in transitions from conflict. Drawing from a range of interdisciplinary literature, as well as research completed by the authors in a number of societies with a violent past, this paper uses amnesties as a case-study to argue for a more rounded interrogation of the notion of accountability in transitional justice. The paper charts the various forms of intersecting accountability which both shape and delimit amnesties at key moments' concerning their remit, introduction and operation. The paper concludes that the legalistic view of amnesties as equating to impunity and retribution as accountability is inaccurate and misleading. It argues that a broader perspective of accountability speaks directly to the capacity for amnesties to play a more constructive role in post conflict justice and peacemaking.

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### **Antinomies and Change in International Dispute Settlement: An Exercise in Comparative Procedural Law**

[Ingo Venzke](#)

New York University School of Law; Max Planck Society for the Advancement of the Sciences - Max Planck Institute for Comparative Public Law and International Law

Institutions for the settlement of international disputes are products of competing interests and aspirations. They testify to rivalling and changing ideas about international order. They bear witness to incremental shifts in the antinomies that underlie their concrete shape. International judicial institutions, specifically their procedural law, respond to conceptions of what international dispute settlement is about, what it is for and what it actually does. While international adjudication could for long plausibly be understood as a sporadic affair concerned rather exclusively with the successful resolution of disputes between immediate parties, the quantitative increase in international adjudicators and in international decisions over the past two decades has gone hand in hand with a shift in quality. International courts and tribunals have developed international norms in their practice, shaping legal regimes and conditioning the legal situation of all those who are subject to the law. The article exposes multiple antinomies and change in the procedural law of key international



courts and tribunals in this light. The main task will be the comparative study of recent trends in procedural law in light of legitimacy problems stemming from the systemic effects of international adjudication. Issues of transparency and publicness, third party intervention and amicus curiae submissions, and avenues of judicial review are most significant in this regard. These trends harbour valuable potentials for improvement but also considerable perils. The article concludes with a sketch of the possible future dynamics.

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### **Mapping Vulnerability to Climate Change**

**Rasmus Heltberg**

World Bank

**Misha Bonch-Osmolovskiy**

*affiliation not provided to SSRN*

*World Bank Policy Research Working Paper No. 5554*

This paper develops a methodology for regional disaggregated estimation and mapping of the areas that are ex-ante the most vulnerable to the impacts of climate change and variability and applies it to Tajikistan, a mountainous country highly vulnerable to the impacts of climate change. The authors construct the vulnerability index as a function of exposure to climate variability and natural disasters, sensitivity to the impacts of that exposure, and capacity to adapt to ongoing and future climatic changes. This index can inform decisions about adaptation responses that might benefit from an assessment of how and why vulnerability to climate change varies regionally and it may therefore prove a useful tool for policy analysts interested in how to ensure pro-poor adaptation in developing countries. Index results for Tajikistan suggest that vulnerability varies according to socio-economic and institutional development in ways that do not follow directly from exposure or elevation: geography is not destiny. The results indicate that urban areas are by far the least vulnerable, while the eastern Region of Republican Subordination mountain zone is the most vulnerable. Prime agricultural valleys are also relatively more vulnerable, implying that adaptation planners do not necessarily face a trade-off between defending vulnerable areas and defending economically important areas. These results lend support to at least some elements of current adaptation practice.

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### **The Use of Foreign Law in Constitutional Interpretation: Lessons from South Africa**

**Jacob Foster**

Kasowitz, Benson, Torres & Friedman LLP

*University of San Francisco Law Review, Vol. 45, p. 79, 2010*

The prospect of using foreign law to interpret the U.S. Constitution has provoked an energetic debate largely unmoored from the limited circumstances under which foreign law is likely to be considered. . . . One key arena worthy of consideration as this debate continues is one of the newest constitutional courts on the globe, in South Africa. Examining the history, experience, and jurisprudence of the Constitutional Court of South Africa illuminates the potential risks and benefits of citing foreign law. The South African Constitution states that judges "may consider foreign law" and by neither rejecting nor mandating its use, gives South African judges the discretion to cite foreign law in ways that are advocated by American proponents. South Africa can be viewed, in a sense, as a laboratory for the use of foreign law. Its experience demonstrates that the risks of citing foreign law are real, but it also suggests that ignoring foreign law entirely would foreclose opportunities to learn from relevant jurisprudence around the world. . . .

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### **A Right to a Healthful Environment - Humans and Habitats: Re-Thinking Rights in an Age of Climate Change**

**Karen E. Makuch (Karen E. MacDonald)**

Imperial College London

*European Energy and Environmental Law Review, Vol. 17, pp. 213-226, 2008*

With the continuing international focus on climate change, this article asserts that the European Union is in a position of global leadership which should be employed in order to address some of the justice-based issues associated with climate impacts. One means of addressing the arguable inequitable effects associated with climate change is through a rights-based approach. Hence, this article re-visits the 1990s debate for a right to a healthful environment.

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**The Curious Case of Greening in Carbon Markets****William Boyd**

University of Colorado Law School

**James Salzman**

Duke University - School of Law

*Environmental Law, Vol. 41, No. 73, 2011*

Over the last several years, so-called carbon markets have emerged around the world to facilitate trading in greenhouse gas credits. This Article takes a close look at an unexpected and unprecedented development in some of these markets - premium "green" currencies have emerged and, in some cases, displaced standard compliance currencies. Past experiences with other environmental compliance markets, such as the sulfur dioxide and wetlands mitigation markets, suggest the exact opposite should be occurring. Indeed, buyers in such markets should only be interested in buying compliance, not in the underlying environmental integrity of the compliance unit. In some of the compliance carbon markets, however, higher quality green credits have emerged in recent years as important currencies for a number of buyers, representing a dynamic that we refer to as "Gresham's Law in reverse" - more stringent currencies arising alongside and even displacing inferior currencies. This Article provides the first recognition and analysis of green differentiation in carbon markets. We explore a range of explanations for this curious development. We then identify potential lessons for the design and evolution of future carbon markets and, more generally, environmental compliance markets.

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**Human Rights and Legal Pluralism: Introduction to the Special Issue****Yuksel Sezgin**

Harvard Divinity School

*Journal of Legal Pluralism, Vol. 60, pp. 17-20, 2010*

Despite its prevalence in academic circles both as a sociological and political phenomenon - particularly among anthropologists, lawyers, social scientists and alike - legal pluralism has long been neglected by international organizations and donor agencies which have recognized solely the legal system of the state and systematically refused (on ideological as well as technical grounds) to engage with non-state or informal justice mechanisms. In recent years, however, we have been witnessing a resurgence of interest in legal pluralism outside of the academia, particularly in circles that can be broadly defined as 'programmatic communities'. These seem to be going through a major paradigm shift and gradually switching their lenses away from what Golub (2003) calls the state-centered orthodoxy of rule of law to non-state law and legal systems.

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**Legal Analysis of Rights Against the Protection of 'Bio-Medical Waste' and Judicial Reflections in India****Vijaykumar Shrikrushna Chowbe**

Sant Gadge Baba Amravati University

This article attempted to cover the environmental jurisprudence and its correlation with the 'right to health' and 'right to safe environment'. It gives specific emphasis upon the need of the mechanism for safe handling and management of bio-medical waste which have created the greatest to these rights enshrine in the Constitution of India u/Art 21. It further analyses the handling and managements of bio-medical waste from the point of view of International standards, lack of national policy and a pathetic situation in India. It further analyses the legal liabilities clauses developed and discussed in various judicial pronouncements, and emphasis upon the bio-medical waste management will also need to take on priority so that both environmental safeguard from bio-medical waste and public health due to the infectious and contagious effect may be safeguards.

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### **An Optional Instrument on Contract Law and Social Dumping Revisited**

**Jacobien W. Rutgers**

VU University Amsterdam

Will an optional instrument on contract law result in social dumping? In this paper it is argued that this is likely to occur especially with respect to b2b contracts. This educated guess is made on the basis of empirical research concerning the Societas Europea and a choice of law in international contracts. This issue has been raised by the publication of the European Commission's Green Paper on 'policy options for progress towards a European Contract Law for consumer and businesses', in which the European Commission initiates a consultation with respect to the future of European contract law.

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### **Global Governance and Democratization within and Beyond Borders: The Role of an Inclusive International Civil Society in Post-Conflict States**

**Jerry Pubantz**

University of North Carolina (UNC) at Greensboro

Historically, implementing democracy has been a domestic concern. Recent events in Egypt, Tunisia, Yemen, Bahrain, and Iran reflect variations of the traditional pattern for democratic change within a closed society. Yet, as the world edges into the 21st century, democratization with the companion promotion of human rights and development, particularly in what are often perceived to be deteriorating, post-conflict, or failed states, has become a central activity of the international community, heavily dominated by intergovernmental organizations (IGOs) and international civil society (ICS).

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### **EU and U.S. Solutions to Systemic Risk and Their Potential Influence on a World Trade Organization Approach**

**Benjamin Austrin-Willis**

*affiliation not provided to SSRN*

*Georgetown Law and Economics Research Paper*

As the 2008 financial crisis spread globally, it became widely apparent that an essential ingredient to preventing future systemic crises was reform of the regulation of financial markets. Two ambitious initiatives for regulatory reform are the European Union's European System of Financial Supervision and the United States' Dodd-Frank Wall Street Reform and Consumer Protection Act. These two approaches to addressing systemic risk differ greatly in both their specificity and the level of authority they entrust to centralized regulators. They provide distinct models on which a potential global systemic risk regulator could be based – a regulator that could be formed via the World Trade Organization, which has successfully liberalized global trade and has a role in global finance. This

paper explores the EU and U.S. systemic risk regulatory models and explains why the EU approach is better suited for adaptation to the WTO.

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**Report of the Conference 'New Conflicts and the Challenge of the Protection of the Civilian Population'**

**Marina Mancini**

Mediterranean University of Reggio Calabria; LUISS University  
Istituto Affari Internazionali Documenti No. 11/03

In contemporary armed conflicts the overwhelming majority of the dead and injured are civilians and the bulk of the damages affect infrastructures vital to them. Actually, the very nature of armed conflicts has changed over the last two decades with dramatic consequences for the protection of the civilian population on the ground. An international conference on this issue was organized by the International Institute of Humanitarian Law (IIHL), in cooperation with the Institute for International Affairs (IAI), and held in Rome at the Ministry of Foreign Affairs on 14 December 2010. Eminent speakers delivered comprehensive and thought-provoking presentations on a number of outstanding questions, including the interrelationship between international humanitarian law and human rights law, the concept of responsibility to protect and the role of peacekeeping forces in protecting civilians, the protection of the civilian population in asymmetric conflicts and in occupied territory, the protection of women and children, the criminal accountability for grave breaches of norms protecting civilians, and the obligations and responsibilities of non-state actors in this field.

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**Exploiting Energy and Mineral Resources in Central Asia, Azerbaijan and Mongolia**

**Richard Pomfret**

University of Adelaide - School of Economics  
*Comparative Economic Studies, Vol. 53, No. 1, pp. 5-33, 2011*

Formerly centrally planned countries may be especially vulnerable to institutional degradation and revenue volatility as sources of a resource curse. This paper examines these issues through case studies of six former Soviet republics and Mongolia, focussing on the methods of involving foreign partners in exploration and exploitation of natural resources. Kazakhstan in the 1990s was a prime example of rent-seeking institutional degradation, but an exceptionally positive conjuncture in the 2000s triggered institutional and policy evolution, while Uzbekistan had less resource-rent-driven institutional degradation in the 1990s, but stagnated in the 2000s. Turkmenistan and Mongolia highlight the missed opportunities from not involving foreign partners, while Azerbaijan and the Kyrgyz Republic illustrate the less predictable outcomes following quick deals with foreign investors. Institutions matter, but the case studies suggest more complex relationships than revealed by simple correlations between indicators of institutional quality or of ownership patterns.

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**Is it Right for the UN to Authorize the Use of Force Over Libya's Domestic Matter?**

**Uzoma Chiedozie Elenwoke**

*affiliation not provided to SSRN*

Gadaffi argues that the UN resolution is invalid since it tends to intermeddle with the domestic jurisdiction of Libya, which is not within the powers of the UN, this statement appears justifiable in view of what is obtainable in the world, see Nigeria vs. Biafra, and other cases where the UN has refrained from intervening in the internal conflicts of members. [I argue t]he resolution should be noted in history as one of those exception where the UN has intermeddled with the domestic matters of a country in a bid to maintain world peace. The case of Libya should be studied sui generis, as to ascertain what is obtainable, is it a revolution or is it war, in all whether revolution or war the maintenance of world peace is of high primacy. This decision should be extended to other countries

where same problem arises and injustice is seemingly perpetrated (Africa and the likes) else it would appear there is a pecuniary interest as in the case of Iraq to justify the use of force against a country's domestic problem in a bid to maintain world peace.

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### **The Right to Dignity**

**Rex D. Glensy**

Drexel University - Earle Mack School of Law

What is "the right to dignity"? Even though the role of human dignity within the framework of legal rules has attracted scholarly attention for some time, it is only relatively recently that courts in the U.S. have shown a similar interest in exploring the existence and extent of dignity rights. Unfortunately, these judicial legal pronouncements that have explicitly or implicitly evoked the idea of a right to dignity have done so in an ad hoc manner and have not explained what the contours of such dignity rights should be. This Article presents four possibilities of what U.S. courts should be intending when they invoke references to the dignity of the person. It notes that each of these possibilities is founded in a very different theoretical understanding of dignity rights. The Article then concludes by exhorting that courts coalesce around one of these possibilities (and offers a suggestion as to which of these it should be) so that a more secure legal foundation can be built for the development of dignity rights in the U.S.

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### **Economically Sustainable Safe Drinking Water Systems for the Developing World**

**Phillip L. Thompson**

*affiliation not provided to SSRN*

*Business and Society Review, Vol. 115, No. 4, pp. 477-493, 2010*

An estimated 1.5 million people (mostly children) died in 2007 from waterborne illness. While this number is unacceptably high, it represents a 16 percent improvement over the previous three years. This paper discusses the challenges and solutions to delivering clean water in the developing world. It then discusses safe water projects for a children's dormitory in Mae Nam Khun, Thailand, and for a community in Chirundu, Zambia. Both projects were designed and implemented by the Seattle University student chapter of Engineers Without Borders (SU-EWB). These projects had technical challenges that are relatively easy to resolve in the developed world, but were particularly challenging in their contexts. This paper examines how these challenges were met through collaboration with several organizations, including the Centers for Disease Control in the United States and small businesses within the host countries.

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### **Note to Gäfgen v Germany ECtHR Grand Chamber Judgment**

**Antoine Buyse**

Netherlands Institute of Human Rights (SIM)

*49 International Legal Materials 6 (2010)*

This case note introduces and contextualises the key aspects of the European Court of Human Rights Grand Chamber judgment in the case of Gäfgen v Germany, in which several violations of the ECHR were found. The case concerned the threat of torture by police officers when questioning a suspect and the role this played in the ensuing trial. Also relates to the issue of 'fruit of the poisonous tree'.

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### **The Development of Egalitarianism, Altruism, Spite and Parochialism in Childhood and Adolescence**

[Ernst Fehr](#)

Institute for Empirical Research in Economics (IEW), University of Zurich

[Daniela Rützler](#)

*affiliation not provided to SSRN*

[Matthias Sutter](#)

University of Innsbruck - Department of Public Economics; University of Gothenburg - Department of Economics; Institute for the Study of Labor (IZA)

[IZA Discussion Paper No. 5530](#)

We study how the distribution of other-regarding preferences develops with age. Based on a set of allocation choices, we can classify each of 717 subjects, aged 8 to 17 years, as either egalitarian, altruistic, or spiteful. Varying the allocation recipient as either an in-group or an out-group member, we can also study how parochialism develops with age. We find a strong decrease in spitefulness with increasing age. Egalitarianism becomes less frequent, and altruism much more prominent, with age. Women are more frequently classified as egalitarian than men, and less often as altruistic. Parochialism first becomes significant in the teenage years.

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### **Effectiveness of Environmental Public Interest Litigation in India: Determining the Key Variables**

[Michael G. Faure](#)

University of Maastricht - Faculty of Law, Metro; Erasmus University Rotterdam (EUR) - Erasmus School of Law

[A.V. Raja](#)

University of Hyderabad - School of Social Sciences

[Fordham Environmental Law Journal, Vol. 21, 2010](#)

This paper deals with the well-known environmental public interest litigation before the Supreme Court of India. While a certain amount of literature exists, principally describing the judicial activism in which the Supreme Court of India has engaged for many years, to date no comprehensive explanation exists for the effectiveness of this phenomenon. We employ a law and economics framework to explain why environmental interest litigation has (to some extent) been effective in the case of India. We use recent empirical literature, indicating how the decisions of the Supreme Court have led effectively to a reduction of pollution levels e.g. in Delhi, but also in the Gangha river. In the paper, a law and economics framework is used to examine what particular questions arise in environmental public interest litigation. Hence, the question of locus standi is examined as well as the question how the court can have the expertise to intervene in environmental pollution cases. After examining these questions from a theoretical law and economics perspective, we turn to examining how the Supreme Court of India has dealt with these issues and critically analyze the court's approach. Finally, the paper goes beyond the case of India by providing indicators on when environmental public interest litigation can generally be expected to be effective in reducing pollution levels. The contribution therefore has two clear objectives: on the one hand, it critically analyses environmental public interest litigation in India, using an economic framework and, on the other hand, it provides a general overview of the conditions environmental public interest litigation can contribute to reducing pollution levels.

## **II. Books**

[Transnational Administrative Rule-Making: Performance, Legal Effects and Legitimacy](#)



(Hart Publishing, Feb. 2011)  
Edited by Olaf Dilling, Martin Herberg and Gerd Winter

In an age of globalisation, many regulatory problems lie beyond the reach of the nation state. Solutions have to be found which extend beyond territorial borders. Normally we would expect international law to be the appropriate forum for addressing these issues, but this assumes formal consensus amongst states, which is difficult to obtain. Therefore a number of informal structures of pragmatic public governance have emerged as an alternative to formal law-making processes, operating within the transnational space between national and international law. These structures display a great variety-ranging from loose transboundary networks linking national administrative agencies and transnational expert committees, to networks involving administrative staff of international organisations. They work out their own agendas, and in some cases have emancipated themselves from formal national or international parent institutions. These network-like structures have become important building blocks of global governance, addressing today's regulatory issues in a more flexible way. At the same time their informality raises crucial questions of legitimacy. The present volume shows how transnational administrative governance leads to a paradox: while it performs well in many areas, providing solutions that are not achievable by state and international law, its informality profoundly lacks legitimacy in a strict sense. This book explores, from a socio-legal perspective, a broad range of legitimisation mechanisms of different types and quality and shows that there can be a fit between certain forms of legitimisation and specific governance constellations. In doing so, the book adds an empirical layer to our understanding of transnational administrative governance.

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**International Organizations and the Idea of Autonomy: Institutional Independence in the International Legal Order**

(Routledge, 10 Apr 2011)  
Edited by Richard Collins and Nigel D. White

International Organizations and the Idea of Autonomy is an exploratory text looking at the idea of intergovernmental organizations as autonomous international actors. In the context of concerns over the accountability of powerful international actors exercising increasing levels of legal and political authority, in areas as diverse as education, health, financial markets and international security, the book comes at a crucial time. Including contributions from leading scholars in the fields of international law, politics and governance, it addresses themes of institutional autonomy in international law and governance from a range of theoretical and subject-specific contexts. The collection looks internally at aspects of the institutional law of international organizations and the workings of specific regimes and institutions, as well as externally at the proliferation of autonomous organizations in the international legal order as a whole. Although primarily a legal text, the book takes a broad, thematic and inter-disciplinary approach. In this respect, International Organizations and the Idea of Autonomy offers an excellent resource for both practitioners and students undertaking courses of advanced study in international law, the law of international organizations, global governance, as well as aspects of international relations and organization.

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**Cosmopolitan Justice and its Discontents**

(Routledge, 31 Mar 2011)  
Edited by Cecilia Bailliet, Katja Franko Aas

Cosmopolitan Justice and its Discontents pursues a reflection upon the institutional orders designed to ensure respect for the rule of law, human rights, and social justice. The majority of literature on cosmopolitanism tends to be oriented in sociology, political science or philosophy, and is largely positive. This book aims to fill the lacuna with respect to critical and legal perspectives in this field. In particular, it highlights the importance of international economic law and its institutions when

evaluating the evolution of cosmopolitan norms. In addition, it provides critical and multidisciplinary perspectives on Cosmopolitan Justice and Sovereignty; Institutions, Civil Society and Accountability; and Social Exclusion, Migration, and Global Markets. This book will be of considerable interest to academics and students concerned with international public and private law, international criminal law, international economic law, human rights, migration, criminology, political science, and philosophy.

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**International Environmental Law and the Conservation of Coral Reefs**

(Routledge, 19 Apr 2011)

By Edward J. Goodwin

International Environmental Law and the Conservation of Coral Reefs breaks new ground by providing the first in-depth account of the ways in which multilateral environmental treaty regimes are seeking to encourage and improve the conservation of tropical coral reef ecosystems. In so doing, the work aims to raise the profile of such activities in order to reinforce their status on the environmental agenda. The book also has wider implications for international environmental law, arguing that sectorial legal action, provided it remains co-ordinated through a global forum that recognises and reflects the inter-connections between all elements of the natural environment, is the most effective way for international law to enhance the conservation of certain habitats.

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**Participants in the International Legal System: Multiple Perspectives on Non-State Actors in International Law**

Edited by Jean d'Aspremont

The international legal system has weathered sweeping changes over the last decade as new participants have emerged. International law-making and law-enforcement processes have become increasingly multi-layered with unprecedented numbers of non-State actors, including individuals, insurgents, multinational corporations and even terrorist groups, being involved. This growth in the importance of non-State actors at the law-making and law-enforcement levels has generated a lot of new scholarly studies on the topic. However, while it remains uncontested that non-State actors are now playing an important role on the international plane, albeit in very different ways, international legal scholarship has remained riddled by controversy regarding the status of these new actors in international law.

This collection features contributions by renowned scholars, each of whom focuses on a particular theory or tradition of international law, a region, an institutional regime or a particular subject-matter, and considers how that perspective impacts on our understanding of the role and status of non-State actors. The book takes a critical approach as it seeks to gauge the extent to which each conception and understanding of international law is instrumental in the perception of non-State actors. In doing so the volume provides a wide panorama of all the contemporary legal issues arising in connection with the growing role of non-state actors in international-law making and international law-enforcement processes.

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**A Constitutional Order of States?: Essays in EU Law in Honour of Alan Dashwood**

(Hart Publishing, March 2011)

Edited by Anthony Arnull, Catherine Barnard, Michael Dougan and Eleanor Spaventa

This collection celebrates the career of Professor Alan Dashwood, a leading member of the generation of British academics who organised, explained and analysed what we now call European Union law for the benefit of lawyers trained in the common law tradition. It takes as its starting point Professor Dashwood's vivid description of the European Union as a 'constitutional order of states'. He intended that phrase to capture the unique character of the Union. On the one hand, it is a supranational order

characterised by its own distinctive institutional dynamics and an unprecedented level of cohesion among, and penetration into, the national legal systems. On the other hand, it remains an organisation of derived powers, the Member States retaining their character as sovereign entities under international law. This theme permeates both the constitutional and the substantive law of the Union. Contributors to the collection include members of the judiciary and distinguished practitioners, officials and academics. They consider the foundations, strengths, implications and shortcomings of this conceptual framework in various fields of EU law and policy. The collection is an essential purchase for anyone interested in the constitutional framework of the contemporary European Union.

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### [The Irish Yearbook of International Law](#)

Volume 3, 2008

Edited by Jean Allain and Siobhán Mullally

The Irish Yearbook of International Law is intended to stimulate further research into Ireland's practice in international affairs and foreign policy, filling a gap in existing legal scholarship and assisting in the dissemination of Irish thinking and practice on matters of international law. On an annual basis, the Yearbook presents peer-reviewed academic articles and book reviews on general issues of international law. Designated correspondents provide reports on international law developments in Ireland, Irish practice in international fora and the European Union, and the practice of joint North-South implementation bodies in Ireland. In addition, the Yearbook reproduces documents that reflect Irish practice on contemporary issues of international law. Publication of the Irish Yearbook of International Law makes Irish practice and *opinio juris* more readily available to Governments, academics and international bodies when determining the content of international law. In providing a forum for the documentation and analysis of North-South relations the Yearbook also make an important contribution to post-conflict and transitional justice studies internationally. As a matter of editorial policy, the Yearbook seeks to promote a multilateral approach to international affairs, reflecting and reinforcing Ireland's long-standing commitment to multilateralism as a core element of foreign policy.

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### [Water Rights and Social Justice in the Mekong Region](#)

(Earthscan, Feb. 2011)

Edited By Kate Lazarus, Nathan Badenoch, Nga Dao and Bernadette P. Resurreccion

Chapter 1. Water Governance and Water Rights in the Mekong Region

#### *Participation in Decision-making*

Chapter 2. Water Transfer Planning in Northeast Thailand: Rhetoric and Practice

Chapter 3. Local People's Participation in Involuntary Resettlement in Vietnam: A Case Study of the Son La Hydropower Project

#### *Access and Equity*

Chapter 4. Rights and Rites: Local Strategies to Manage Competition for Water Resources in Northern Thailand

Chapter 5. Local institutions and the Politics of Watershed Management in the Uplands of Northern Thailand

Chapter 6. Gender, Commercialization and the Fisheries-Aquaculture Divide in the Mekong Region  
Competing Demands

Chapter 7. Fisheries, Nutrition and Regional Development Pathways: Reasserting Food Rights

Chapter 8. Livelihood and Environment Trade-offs at the Time of Doi Moi: Industrial Water Use and Wastewater Management in a Craft Village in Peri-Urban Hanoi

#### *Water Rights and Climate Vulnerability*

Chapter 9. Climate Change in the Asian Highlands: Socio-economic Implications for the Mekong Region

Chapter 10. Linking Climate Change Risks and Rights of Upland Peoples in the Mekong

*Conclusion*

Chapter 11. Seeking Justice in Managing Water in the Mekong Region: Theory and Praxis

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**Inter-American Cooperation at a Crossroads**

(Palgrave Macmillan, 2011)

Gordon Mace, Andrew F. Cooper and Timothy M. Shaw (Eds.)

In the fifteen years following the First Summit of the Americas, the world has changed and so have the Americas. Diverging views have shattered the consensus of the 1990s. Despite signaling a change in tone, the limited success of the Port of Spain Summit reveals how deep rifts persist in the region. This book offers a critical assessment of the effectiveness of hemispheric institutions over the past fifteen years. Taking into consideration the new forces shaping international relations in the Americas, the contributors assess their impact on the present state of hemispheric co-operation.

**III. Journals (some entries edited to avoid duplication)**

**PUBLIC INTERNATIONAL LAW eJOURNAL**

Vol. 6, No. 45: Mar 23, 2011

[ALAN O'NEIL SYKES, EDITOR](#)

**Fact-Finding in Inter-State Adjudication**

[Saju Jacob](#), affiliation not provided to SSRN

**International Cooperation: The Key to Space Security**

[P.J. Blount](#), National Center for Remote Sensing, Air, and Space Law, University of Mississippi School of Law

**Contemporary International Law Issues: Emergence of the World Wide Web – A Glimpse into the Social Reality of the Peoples Republic of China**

[David M. Cantor](#), New York Law School, Tsinghua School of Law

**Re-Introducing Walther Schacking**

[Christian J. Tams](#), University of Glasgow, School of Law

**Global Warring and the Permanent Dry: How Heat Threatens Human Security in a Warmer World**

[Jennifer Jane Marlow](#), University of Washington - School of Law; Three Degrees Project

[Jennifer Krencicki Barcelos](#), University of Washington - School of Law; Three Degrees Project

**The Article 12 (3) Declaration of the Palestinian Authority, the International Criminal Court and International Law**

[Malcolm Nathan Shaw](#), University of Leicester, UK

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**PUBLIC INTERNATIONAL LAW eJOURNAL**

Vol. 6, No. 44: Mar 21, 2011

[ALAN O'NEIL SYKES, EDITOR](#)

**Peace Agreements or Pieces of Paper: UN Security Council Resolution 1325 and Peace Negotiations and Agreements**

[Christine Bell](#), Transitional Justice Institute, University of Ulster

[Catherine O'Rourke](#), Transitional Justice Institute (University of Ulster)

**New Approaches to Customary International Law**

[Anthony D'Amato](#), Northwestern University - School of Law

**The True Obstacle to the Autonomy of Seasteads: American Law Enforcement Jurisdiction Over Homesteads on the High Seas**

[O. Shane Balloun](#), University of Wyoming

**A Game Theoretical Analysis of Economic Sanction**

[Khalifany Ash Shidiqi](#), affiliation not provided to SSRN

[Rimawan Pradiptyo](#), Universitas Gadjah Mada (UGM) - Economics

**The Alien Tort Statute and the Law of Nations**

[Anthony J. Bellia Jr.](#), Notre Dame Law School

[Bradford R. Clark](#), George Washington University Law School

**The Political Economy of Jus Cogens**

[Paul B. Stephan](#), University of Virginia School of Law

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**PUBLIC INTERNATIONAL LAW eJOURNAL**

Vol. 6, No. 43: Mar 18, 2011

[ALAN O'NEIL SYKES, EDITOR](#)

**A Valid International Problem vs. A Valid International Law: Shifting modes of Responsibility in International Criminal Law**

[Cassandra Steer](#), University of Amsterdam, Cornell University - School of Law

**Prosecuting Human Trafficking as a Crime Against Humanity under The Rome Statute**

[Jane Kim](#), Columbia University - Law School, Harvard University

**Privatizing International Law**

[Paul B. Stephan](#), University of Virginia School of Law

**A Tale of Two Architectures: The Once and Future U.N. Climate Change Regime**

[Daniel Bodansky](#), Arizona State University Sandra Day O'Connor College of Law

**Mandatory Versus Default Rules: How Can Customary International Law Be Improved?**

[Curtis A. Bradley](#), Duke University - School of Law

[Gaurang Mitu Gulati](#), Duke University - School of Law

**How the European Legal System Works: Override, Non-Compliance, and Majoritarian Activism in International Regimes**

[Alec Stone Sweet](#), Yale University - Yale Law School and Yale Political Science

[Thomas L. Brunell](#), University of Texas at Dallas - Department of Political Science

**Copenhagen Summit - The Legal Implications**

[Janani Shankar](#), NALSAR University of Law

**The International Court of Justice and the Security Council of the United Nations: A Changing Relationship**

[James Gerard Devaney](#), affiliation not provided to SSRN

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**PUBLIC INTERNATIONAL LAW eJOURNAL**

Vol. 6, No. 42: Mar 17, 2011

[ALAN O'NEIL SYKES](#), EDITOR

**Participatory Rights in the Ontario Mining Sector: An International Human Rights Perspective**

[Penelope C. Simons](#), University of Ottawa - Faculty of Law

[Lynda Margaret Collins](#), University of Ottawa

**Charting the Wrong Course: The Doctrine of Legitimate Expectations in Investment Treaty Law**

[Trevor J. Zeyl](#), affiliation not provided to SSRN

**Controversial Conceptions: The Unborn in the American Convention on Human Rights**

[Álvaro Paúl](#), University of Dublin - Trinity College

**Non-State Actors in International Criminal Law**

[Cassandra Steer](#), University of Amsterdam, Cornell University - School of Law

**Sentencing in the International Crimes Court of Cambodia: Insights or Obfuscation?**

[Mark D. Kielsgard](#), City University Hong Kong

**The Gaza Freedom Flotilla and International Law**

[Andrew Sanger](#), University of Cambridge

**International Governance of Autonomous Military Robots**

[Gary E. Marchant](#), Arizona State University - College of Law

[Braden Allenby](#), affiliation not provided to SSRN

[Ronald Arkin](#), Georgia Institute of Technology

[Edward T. Barrett](#), United States Naval Academy

[Jason Borenstein](#), affiliation not provided to SSRN

[Lyn M. Gaudet](#), affiliation not provided to SSRN

[Orde F. Kittrie](#), Arizona State University (ASU) - Sandra Day O'Connor College of Law

[Patrick Lin](#), California State Polytechnic University, San Luis Obispo

[George R. Lucas](#), affiliation not provided to SSRN

[Richard O'Meara](#), affiliation not provided to SSRN

[Jared Silberman](#), College of William and Mary

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

Vol. 6, No. 34: Mar 17, 2011



**CHRISTIANA OCHOA, EDITOR****Four Varieties of Social Responsibility: Making Sense of the 'Sphere of Influence' and 'Leverage' Debate Via the Case of ISO 26000**

[Stepan Wood](#), York University, Osgoode Hall Law School, Robert Schuman Centre for Advanced Studies, European University Institute, York University - Institute for Research and Innovation in Sustainability

**The Effects of Trade Liberalization and Partnerships on the Sudanese Economy: Analysis of COMESSA**

[Issam A.W. Mohamed](#), Al-Neelain University - Department of Economics

**100 Translation Errors in Institutional Arbitration Rules**

[Isabelle Liger](#), University of Illinois College of Law

**Optional Law: A Plea for Multiple Choice in Private Law**

[Jan M. Smits](#), Maastricht University Faculty of Law - Maastricht European Private Law Institute (M-EPLI), University of Helsinki - Center of Excellence in Foundations of European Law and Policy

**Contextual Constitutionalism after the UK Human Rights Act 1998**

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

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

Vol. 6, No. 33: Mar 16, 2011

**CHRISTIANA OCHOA, EDITOR****Review of Relationships Between Trade Liberalization and Poverty in Developing Countries**

[Issam A.W. Mohamed](#), Al-Neelain University - Department of Economics

**Confidentially Speaking: Commercial Arbitration in Canada's Open Courts**

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

**The Political Economy of Jus Cogens**

[Paul B. Stephan](#), University of Virginia School of Law

**The Patent System and Climate Change**

[Joshua D. Sarnoff](#), DePaul University College of Law

**Mandatory Versus Default Rules: How Can Customary International Law Be Improved?**

[Curtis A. Bradley](#), Duke University - School of Law

[Gaurang Mitu Gulati](#), Duke University - School of Law

**The Legal Barriers to International Movement of Goods and Their Impact on the Administration of Small Scale Organisations in the United Kingdom**

[Kato Gogo Kingston](#), University of East London - Law

[Sacha Christina Kingston](#), affiliation not provided to SSRN

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**INTERNATIONAL ENVIRONMENTAL LAW eJOURNAL**

Vol. 3, No. 10: Mar. 15, 2011

[DAVID D. CARON](#) & [TSEMING YANG](#), EDS.

**The Patent System and Climate Change**

[Joshua D. Sarnoff](#), DePaul University College of Law

**Copenhagen Summit - The Legal Implications**

[Janani Shankar](#), NALSAR University of Law

**The Significance of Domestic Environmental Regulatory Regimes in Evaluating Breaches of Minimum Standards of Treatment; Lessons Learned from Glamis Gold v. United States**

[Jen Mullins](#), Journal of Gender, Social Policy & the Law, American University Washington College of Law

**Solar Energy: Enlightening Tribal Economies**

[Ryan D. Dreveskracht](#), University of Washington

**The Three Degrees Conference: One Year Later**

[Jennifer Jane Marlow](#), University of Washington - School of Law; Three Degrees Project

[Jennifer Krencicki Barcelos](#), University of Washington - School of Law; Three Degrees Project

[Gregory Alan Hicks](#), University of Washington - School of Law

**Global Warring and the Permanent Dry: How Heat Threatens Human Security in a Warmer World**

[Jennifer Jane Marlow](#), University of Washington - School of Law; Three Degrees Project

[Jennifer Krencicki Barcelos](#), University of Washington - School of Law; Three Degrees Project

.....

**INTERNATIONAL ECONOMIC LAW eJOURNAL**

Vol. 6, No. 25, Mar 18, 2011

[ALAN O'NEIL SYKES](#), EDITOR

**How the European Legal System Works: Override, Non-Compliance, and Majoritarian Activism in International Regimes**

[Alec Stone Sweet](#), Yale University - Yale Law School and Yale Political Science

[Thomas L. Brunell](#), University of Texas at Dallas - Department of Political Science

**Alternative 'Deal' Resolution: The Facilitated Negotiation of Transactions**

[Joan Stearns Johnsen](#), Albany Law School

**The Significance of Domestic Environmental Regulatory Regimes in Evaluating Breaches of Minimum Standards of Treatment; Lessons Learned from Glamis Gold v. United States**

[Jen Mullins](#), Journal of Gender, Social Policy & the Law, American University Washington College of Law

**International Investment Disputes, Nationality and Corporate Veil: Some Insights from Tokios**

[Antoine Martin](#), University of Surrey

.....

**INTERNATIONAL ECONOMIC LAW eJOURNAL**

Vol. 6, No. 24, Mar 17, 2011

ALAN O'NEIL SYKES, EDITOR

**U.S. Anti-Suit Injunctions in Support of International Arbitration: Five Questions American Courts Ask**

Chetan Phull, University College London - Faculty of Laws, Queen's University - Faculty of Law

**Review of Relationships Between Trade Liberalization and Poverty in Developing Countries**

Issam A.W. Mohamed, Al-Neelain University - Department of Economics

**The Legal Barriers to International Movement of Goods and Their Impact on the Administration of Small Scale Organisations in the United Kingdom**

Kato Gogo Kingston, University of East London - Law

Sacha Christina Kingston, *affiliation not provided to SSRN*

**Is There Tax Competition in ASEAN?**

Achmad Tohari, Faculty of Economics and Business - Airlangga University

Anna Retnawati, Faculty of Economics and Business - Airlangga University

.....

**INTERNATIONAL, TRANSNATIONAL & COMPARATIVE CRIMINAL LAW eJOURNAL**

Vol. 5, No. 14: Mar 17, 2011

DIANE MARIE AMANN, EDITOR

**A Valid International Problem vs. A Valid International Law: Shifting modes of Responsibility in International Criminal Law**

Cassandra Steer, University of Amsterdam, Cornell University - School of Law

**Sentencing in the International Crimes Court of Cambodia: Insights or Obfuscation?**

Mark D. Kielsgard, City University Hong Kong

**A Critical Examination of How Contract Law is Used by Financial Institutions Operating in Multiple Jurisdictions**

David A. Chaikin, University of Sydney - Faculty of Economics and Business

**The European Prescription for Ending the Death Penalty**

William W. Berry, University of Mississippi School of Law

**Prosecuting Human Trafficking as a Crime Against Humanity under The Rome Statute**

Jane Kim, Columbia University - Law School, Harvard University

.....

**DEMOCRATIZATION: BUILDING STATES & DEMOCRATIC PROCESSES eJOURNAL**

Vol. 4, No. 12: Mar 16, 2011

TIMOTHY WILLIAM WATERS, EDITOR

**Measuring the Performance of Imposed Democratic Polities: Beyond Polity**

Scott Walker, University of Canterbury

**Islam and Democracy: Perceptions and Misperceptions**

Mohammad Omar Farooq, *affiliation not provided to SSRN*

**Bringing European Democracy Back In - Or How to Read the German Constitutional Court's Lisbon Treaty Ruling**

[Erik Oddvar Eriksen](#), University of Oslo - Advanced Research on the Europeanisation of the Nation State (ARENA)

[John Erik Fossum](#), University of Oslo - Advanced Research on the Europeanisation of the Nation State (ARENA)

.....

**[Santa Clara Journal of International Law, Volume 7, Number 2, 2010](#)****ARTICLES**

- A Few Steps Toward an Explanatory Theory of International Law (Anthony D'Amato) p.1
- Feeling the Stones When Crossing the River: The Rule of Law in China (John W. Head) p.25
- The Emperor's Clothes: Evaluating Head of State Immunity Under International Law (Mary Margaret Penrose) p.85
- Judicial Review of Its Politicization in Central America: Guatemala, Costa Rica and Constitutional Limits on Presidential Candidates (Michael B. Wise) p.145

**COMMENT**

- Special Tribunal for Lebanon: A Tribunal of International Character Devoid of International Law (Janice Yun) p.181

.....

**[Berkeley Journal of International Law Publicist, Volume 6, Fall 2010](#)**

- Short Order Rule of Law: A Role for the Short-Term Consultant (Stephen A. Rosenbaum)
- Evolving Responsibility? The Principle of Common but Differentiated Responsibility in the UNFCCC (Douglas Bushey and Sikina Jinnah)
- Prosecution of Reproductive Crimes Committed During the Halabja Attack in the Iraqi High Tribunal (Alyssa C. Scott)

.....

**[Gonzaga Journal of International Law, Volume 14, Issue 1, 2010-2011](#)**

- CIRCUMSTANCES SURROUNDING THE SEPARATION BARRIER AND THE WALL CASE AND THEIR RELEVANCE FOR THE ISRAELI RIGHT OF SELF-DEFENSE (Yaroslav Shiryayev)
- The Australian Legislative Response to Terrorism - An Appraisal (Rolf Driver, FM and Tom Percy, QC)
- Bridging the Gap Between the Biodiversity Convention and TRIPs: A New Way to Approach Technological Innovation and Economic Development (Reid Johnson)
- The Future of Domestic Climate Law: Tracing the United States' Adherence to Kyoto in Pending Federal Climate Legislation (Nicole Buckoski)

.....

**[American University International Law Review, Volume 26, Number 1, 2011](#)**

- Las sanciones penales frente a expresiones sobre temas de relevancia pública: ¿Limitación o violación a la libertad de expresión? (Juan Camilo Rivera Rugeles) p.7
- The Media and the Anti-corruption Crusade in Kenya: Weighing the Achievements, Challenges, and Prospects (James Forole Jarso) p.33
- Feminicidio y derecho a la información en México: Dialéctica de la impunidad (Francesca Tronco García) p.89
- Are Hate Speech Provisions Anti-democratic?: An International Perspective (Robin Edger) p.119

- Implicaciones jurídicas del desarrollo del derecho de acceso a la información pública en el marco del derecho a la libertad de expresión y los derechos humanos (Dra. Graciela Romero Silvera) p.157
- Freedom of Expression and the Right to Reputation: Human Rights in Conflict (Stijn Smet) p.183

.....

[Penn State International Law Review, Volume 29, Number 2, Fall 2010](#)

ARTICLES

- Jus Cogens as a Vision of the International Legal Order (Markus Petsche) p.233
- Mr. Pendleton's Rainbows: On the Value of Teaching Abroad (Kate E. Bloch) p.275
- Should China Adopt Taiwan's Mandatory Share Doctrine? (Ya-Hui Hsu) p.289
- Competition Policy and Consumer Protection Policy in Jordan (Hetham Haiti Abu Karky) p.335

COMMENTS

- It's Not You, It's Me: An Analysis of the United States' Failure to Uphold its Commitment to OECD Guidelines for Multination Enterprises in Spite of No Other Reliable Alternatives (Matthew H. Kita) p.359
- Hold 'em or Fold 'em: Gambling Laws in Asia (Adam Shapiro) p.385

.....

[Law & Society Review, Volume 44, Number 1, March 2011](#)

Articles

- Do Victims of War Need International Law? Human Rights Education Programs in Authoritarian Sudan (Mark Fathi Massoud) p.1-32

.....

[Cambridge Law Journal, Volume 70, Issue 1, March 2011](#)

Case and Comment

- THE KOSOVO ADVISORY OPINION: IF YOU DON'T HAVE ANYTHING CONSTRUCTIVE TO SAY ...? (Alex Mills) p.1-4
- APPLICABILITY OF THE ECHR TO BRITISH SOLDIERS IN IRAQ (Marko Milanovic) p.4-7
- PROPERTY RIGHTS IN AN OCCUPIED TERRITORY (Andrew Sanger) p.7-9
- POSSESSION PROCEEDINGS AND HUMAN RIGHTS – THE FINAL WORD? (Amy Goymour) p.9-12
- STRASBOURG AND DEFENDANTS' RIGHTS IN CRIMINAL PROCEDURE (J.R. Spencer) p.14-17

Shorter Articles

- ASYLUM AND THE DOCTRINE OF INTERNAL FLIGHT IN THE LIGHT OF HJ(IRAN) (Richard Buxton) p.41-49
- Articles

Book Reviews

- The Free Movement of Capital and Foreign Direct Investment. By Steffen Hindelang. [Oxford: OUP. 2009. xlvii and 399 pp. Hardback £75.00. ISBN 9780199572656.] (Philip Strik) p.263-265
- Judicial Independence in China: Lessons for Global Rule of Law Promotion. Edited by Randall Peerenboom. [Cambridge: Cambridge University Press. 2010. 259 pp. Hardback £55.00. ISBN 9780521190268.] (Lorne Neudorf) p.267-268
- Human Rights and their Limits. By Wiktor Osiatyński. [Cambridge: Cambridge University Press. 2009. 262 pp. Hardback £66.00. ISBN 9780521110273.]; Advocating Dignity: Human Rights Mobilizations in Global Politics. By Jean H Quataert. [Philadelphia: University of Pennsylvania Press. 2009. 376 pp. Hardback £39.00. ISBN 9780812241631.] (Jessie Hohmann) p.269-272

- Sovereignty and the Stateless Nation: Gibraltar in the Modern Legal Context. By Keith Azopardi. [Oxford: Hart Publishing, 2009. 456 pp. Hardback £60.00. ISBN 9781841139166.] (Jamie Trinidad) p.272-274

.....

**Asian International Arbitration Journal, Volume 6, Number 2, 2010**

- Recognition and Enforcement of Foreign Arbitral Awards in the Philippines: Challenges after the 2009 Special ADR Rules (Patricia-Ann T Prodigalidad) p.101-133
- Addressing Multiplicity of Shareholder Claims in ICSID Arbitrations under Bilateral Investment Treaties: A 'Tiered Approach' to Prioritising Claims? (Elizabeth Wu) p.134-163
- Beyond the Scope of 'Investor' and 'Investment': Who can Make an Arbitration Claim under a Chinese BIT? - Some Implications from a Recent ICSID Case (Wei Shen) p.164-185
- The Use of Pre-action Discovery to Aid Arbitration? - A Practitioner's Perspective (Mathew Oommen and Tan Charis) p.186-200
- Introduction to the Law and Practice of Arbitration in Singapore (Neale Gregson) p.201-202

.....

**Arbitration International, Volume 27, Number 1, 2011**

- Arbitration and Competition Law: The Position of the Courts and of Arbitrators (Luca G. Radicati Di Brozolo) p.1-26
- A Tale of Two Standards: 'Fair and Equitable Treatment' and the Minimum Standard in International Law (Hussein Haeri) p.27-46
- The International Arbitration Paradigm and Application of Dispute Resolution Measures (Andrea Carska-Sheppard) p.47-56
- An Examination of the Law and Practice of International Commercial Arbitration in Brazil (Renata Brazil-David) p.57-74
- International Arbitration: Can We Realise the Potential? (John E. Beerbower) p.75-90
- Challenging International Arbitral Awards: To ICSID or not to ICSID? (Markus Burgstaller and Charles B. Rosenberg) p.91-108
- Book Review: Arbitrability: International and Comparative Perspectives (Ruth Teitelbaum) p.109-110

.....

**International Journal of Arab Arbitration, Volume 2, Number 2, 2010**

- Introductory Note (Jalal El Ahdab) p.9-11
- The Development of Arbitration in the Sultanate of Oman (Abdallah Ben Mohamed AL Saidi) p.13-20
- The Two-Stage Settlement of Arbitral Disputes in Morocco (Saad Moumi) p.21-29
- The New Libyan Draft Law on Arbitration (Alkoni Ali Abouda) p.31-43
- The Role of Saudi Courts in the Arbitration Process (Faisal M. Al-Fadhel) p.45-71
- A New Draft Arbitration Law in the Republic of Yemen (Rita Bou Aoun) p.73-96

.....

**International Community Law Review**

Volume 13, Numbers 1-2, 2011

**Where is the World Heading? Shaping a New International System**

pp. 5-22(18)

Author: Rotfeld, Adam Daniel



[Sir Hersch Lauterpacht's Idea of State Sovereignty - Is It Still Alive?](#)

pp. 23-41(19)

Authors: Kwiecień, Roman

[A Visionary Behind the Iron Curtain: Cezary Berezowski on European Integration](#)

pp. 43-57(15)

Authors: Łazowski, Adam

[Count Rostworowski as an International Lawyer and Judge](#)

pp. 59-79(21)

Author: Wyrozumska, Anna

[Professor Manfred Lachs: Wise Man of International Law](#)

pp. 81-86(6)

Author: Piontek, Eugeniusz

[Sir Hersch Lauterpacht and Poland's Judges at the International Court: Judge Bohdan Winiarski](#)

pp. 87-91(5)

Author: Skubiszewski, Krzysztof

[The State as a Respondent in Central and Eastern European Investment Arbitrations](#)

pp. 93-110(18)

Author: Gomula, Joanna

[The Element of Risk in International Investment Arbitration](#)

pp. 111-124(14)

Authors: Kałduński, Marcin

[Preclusion of Wrongfulness of the Use of Force](#)

pp. 125-146(22)

Authors: Wlaź, Aureliusz

[Legal Title versus Effectivités: Prescription and the Promise and Problems of Private Law Analogies](#)

pp. 147-188(42)

Author: O'Keefe, Roger

.....

[\*\*The International Journal of Marine and Coastal Law\*\*](#)

Volume 26, Number 2, 2011

[Non-Participation in the Fish Stocks Agreement: Status and Reasons](#)

pp. 195-234(40)

Author: Molenaar, E.J.

[Maritime Enforcement of United Nations Security Council Resolutions: Use of Force and Coercive Measures](#)

pp. 235-261(27)

Author: Keyuan, ZOU

[Implementing a New Regime of Stable Maritime Zones to Ensure the \(Economic\) Survival of Small Island States Threatened by Sea-Level Rise](#)

pp. 263-311(49)

Author: Stoutenburg, Jenny Grote

[Establishment of the Outer Limits of the Continental Shelf: Is Crossing Boundaries Trespassing?](#)

pp. 313-334(22)

Authors: Kunoy, Bjørn

[Current Legal Developments International Court of Justice](#)

pp. 335-342(8)

Author: Hamid, Abdul Ghafur

[Current Legal Developments UN Security Council](#)

pp. 343-353(11)

Author: Barnes, Richard

.....

[Australian Journal of Human Rights](#)**Volume 16 Issue 2 2011***Peter Kriesler and John Nevile* The global financial crisis and the right to a decent job*Lucy Bradlow* Engagement or divorce: the regulation of multinational corporations operating in crisis states*Anthony Gray* The rule of law and reasonable suspicion*Kent Blore* The right to adequate food and nutrition in Queensland prisons: from the prisoners' mouth*Francine Rochford* Limits on the human right to water — the politics of social displacement

Book reviews

*Marc Williams* Civilising Globalisation: Human Rights and the Global Economy  
by David Kinley*Francesca Panzironi* Social Work with Indigenous Communities by  
Linda Briskman

.....

[Human Rights Brief, Volume 17, Issue 4, Spring 2010 Special Edition](#)

- Strengthening the Prohibition against Torture: The Evolution of the UN Committee against Torture - Proceedings of a Conference Presented by American University Washington College of Law and Amnesty International March 2, 2010
- Opening Remarks (Remarks of Dean Claudio Grossman and Widney Brown) p.1
- Panel I: Building on the Committee against Torture's Successes and Addressing Its Shortcomings - Stakeholders' Perspectives (Remarks of Yuval Ginbar, Jens Faerke, S....) p.5
- Panel II: Ensuring Reparations for Victims of Torture and Other Ill-Treatment (Remarks of Christopher Hall, Juan Mendez....) p.25
- Keynote: The Role of the United States in Strengthening the Prohibition against Torture (The Honorable Michael Posner) p.42
- Panel III: Interpretation and Implementation of the Convention against Torture Article 22 (Petitions) (Remarks of Julia Hall, Barbara Jackman, ....) p.48

.....

[European Journal of Migration and Law, Volume 12, Number 4, 2010](#)

- A New Agency Is Born in the European Union: The European Asylum Support Office (Comte, Françoise) p.373-405
- An EU Right to Interim Protection during Appeal Proceedings in Asylum Cases? (Reneman, Marcelle) p.407-434
- EU Blue Card Scheme: The Right Step in the Right Direction? (Gümüs, Yasin Kerem) p.435-453
- 'Greedy' Information Technology: The Digitalization of the European Migration Policy (Besters, Michiel; Brom, Frans W.A.) p.455-470

.....

[Health and Human Rights: An International Journal, Volume 12, Number 1, 2010](#)

- Our place in the world: Conceptualizing obligations beyond borders in human rights-based approaches to health (Alicia Ely Yamin) p.3
- Informed consent: Enforcing pharmaceutical companies' obligations abroad (Stacey B. Lee) p.15
- Taking up Daniels' challenge: The case for global health justice (Gorik Ooms, Rachel Hammonds) p.29
- Making health an imperative of foreign policy: The value of a human rights approach (Flavia Bustreo, Curtis F. J. Doebbler) p.47
- International obligations through collective rights: Moving from foreign health assistance to global health governance (Benjamin Mason Meier, Ashley M. Fox) p.61
- International assistance and cooperation for access to essential medicines (Emily A. Mok) p.73
- Allies unknown: Social accountability and legal empowerment (Vivek Maru) p.83
- Holding the World Bank accountable for leakage of funds from Africa's health sector (Fatma E. Marouf) p.95
- A one-time-only combination: Emergency medicine exports under Canada's access to medicines regime (Ashley Weber, Lisa Mills) p.109
- Partnership, sex, and marginalization: Moving the Global Fund sexual orientation and gender identities agenda (Andy Seale, Anurita Bains, Sam Avrett) p.123
- Essential surgery: Integral to the right to health (K. A. Kelly McQueen, Doruk Ozgediz, Robe....) p.137

.....

[Journal for European Environmental & Planning Law, Volume 7, Number 4, November 2010](#)

- Revisiting the External Dimension of the Environmental Policy of the European Union: Some Challenges Ahead (del Castillo, Teresa Fajardo) p.365-390
- Lisbon and Access to Justice for Environmental NGOs: A Watershed? A Case Study Using the Setting of the Total Allowable Catches under the Common Fisheries Policy (Herman, Charlotte) p.391-410
- Climate Change Law in Germany (Koch, Hans-Joachim) p.411-436
- Connecting Environmental Law and Corporate Transactions to Each Other: Transaction Triggered Environmental Acts (Mellenbergh, Rik) p.437-450
- The Use of Helicopters for Leisure Purposes in the Alps (Heuck, Jennifer) p.451-464

.....

[Religion and Human Rights, Volume 6, Number 1, 2011](#)

- Comment - The Right to Freedom to Practice One's Religion in the Constitution of Uganda (Mujuzi, Jamil Ddamulira) p.1-11
- Comment - Women's Testimony in Islamic Law and Misconceptions: A Critical Analysis (Ahmad, Nehaluddin) p.13-23
- Feminist Interlegalities and Gender Justice in Sudan: The Debate on CEDAW and Islam (Tønnessen, Liv) p.25-39
- Securing Freedom whilst Enhancing Competence: The "Knowledge about Christianity, Religions and Life Stances" Subject and the Judgment of the European Court of Human Rights (Slotte, Pamela) p.41-73
- In the Name of God: State and Religion in Contemporary Italy (Panara, Carlo) p.75-104
- H. Knox Thames, Chris Seiple & Amy Rowe, International Religious Freedom Advocacy: A Guide to Organizations, Law, and NGOs, Waco, TX: Baylor University Press, 2009, ISBN: 9781602581791, 264 pp. (Naber, Jonneke M.M.) p.105-108

.....

[John Marshall Review of Intellectual Property Law, Volume 10, Issue 2, Winter 2010-2011](#)

- International Arbitration of Patent Disputes (Wu Wei-hua) p.384

.....

[Cardozo Arts & Entertainment Law Journal, Volume 28, Number 3, 2011](#)

- Reframing Indigenous Cultural Artifacts Disputes: An Intellectual Property-Based Approach (Cortelyou C. Kenney) p.501

.....

[Texas Review of Law and Politics, Volume 15, Number 1, Fall 2010](#)

- SOMALI PIRATES: AN EXPANSIVE INTERPRETATION OF HUMAN RIGHTS (Amitai Etzioni) p.39

.....

[NUJS Law Review, Volume 3, Number 3, 2010](#)

- LAW AS A MEDIUM OF DEMOCRATIC DISCOURSE (Rajeev Kadambi) p.265
- GENE PATENTS AND RIGHT TO HEALTH (Mathews P. George & Akanksha Kaushik) p.323
- WTO RAMIFICATIONS OF INTERNET CENSORSHIP: THE GOOGLE-CHINA CONTROVERSY (Ritika Patni & Nihal Joseph) p.337

.....

[Amsterdam Law Forum, Volume 3, Number 1, 2011](#)

Health Care, Bioethics and the Law

- Human dignity, bioethics, and human rights (Audrey Chapman) p.3-12
- Pharmaceutical information: Does the Directive 2001/83/EC protect such a right for the end user? (Andrea Faeh) p.30-41
- What is the role of 'human nature' and 'human dignity' in our biotechnological age? (Roberto Andorno) p.52-58

.....

[Cardozo Journal of Law & Gender, Volume 17, Number 2, Winter 2011](#)

- Corporations and Human Rights Law: The Emerging Consensus and Its Effects on Women's Employment Rights (Tiana O'Konek) p.261

.....

[Duke Law Journal, Volume 60, Number 6, March 2011](#)

- Mohammed Jawad and the Military Commissions of Guantánamo (David J. R. Frakt) p.1367

.....

[Women's Rights Law Reporter, Volume 31, Number 2/3, Winter/Spring 2010](#)

SYMPOSIUM PRESENTATIONS: THE GENDER DIMENSIONS OF TERRORISM

- Women and Terrorism: Keynote Address (Susan N. Herman) p.258
- From Freedom Fighters to Terrorists: Exploring Women and Political Violence (Paige W. Eager) p.268
- Women Terrorists (Margaret Gonzalez-Perez) p.286
- Terrorism and Women's Rights: Secular and Religious Responses of Pakistani Women (Amina Jamal) p.299

.....

[Asper Review of International Business and Trade Law, Volume 10, 2010](#)

- Stabilization Clauses in Natural Resource Extraction Contracts: Legal, Economic and Social Implications for Developing Countries (Evaristus Oshionebo) p.1
- The International Dimension of Africa's Struggle Against Corruption (John Mukum Mbaku) p.35
- Africa's Approach to the International War on Corruption: A Critical Appraisal of the African Union Convention on Preventing and Combating Corruption (Lucky Bryce Jatto, Jr.) p.79
- Out of the Heart of Darkness: A New Regime For Controlling Resource Extraction In The Congo (John Burchill) p.99
- Copyright Law for the Digital World: An Evaluation of Reform Proposals (Nathan Irving) p.141
- Do Virtual World Activities Give Rise To Real Canadian Tax Liabilities? (Brendan Burns) p.163
- Net Neutrality: An Architectural Problem in Search of a Political Solution (Brandi Field) p.187
- Devils Lake Outlet and the Need for Canada and the United States to Pursue a new Bilateral Understanding in the Management of Transboundary Waters (Andrea Signorelli) p.213
- Mixed Signals: What Recent Developments Tell Us About Canadian Foreign Investment Policy (J. Anthony VanDuzer) p.247

.....

[European Business Law Review, Volume 21, Issue 6, 2010](#)

- EU and Marine Resource Management (Per Christiansen) p.761-782
- The "Abuse of Rights" in EU Company Law and EU Tax Law: A Re-reading of the ECJ Case Law and the Quest for a Unitary Notion (Luca Cerioni) p.783-813
- The Right to Adequate Housing, Family Home and the Protection of Family Investments (Maria Cecilia Paglietti) p.815-825
- Money Laundering Regulation in Nigeria: The Problems with Enforcement, the British Connection & Global Efforts (Chioma Amobi) p.827-855
- Beyond Tulips and Cheese: Exporting Mass Securities Claim Settlements from The Netherlands (Tomas Arons, Willem H. van Boom) p.857-883
- European Community Law of State Aid, edited by Kelyn Bacon. (Oxford: Oxford University Press, 2009) (Pierre-Emmanuel Dupont) p.885-887

- Independent Power Projects in Developing Countries: Legal Investment Protection and Consequences for Development, by Henrik M Inadomi. (London and The HagueHague: Kluwer Law International, 2009) (Lars Gorton) p.889-891

.....

**[Potchefstroom Electronic Law Journal, Volume 13, Number 3, 2010](#)**

- Can the Application of the Human Rights of the Child in a Criminal Case Result in a Therapeutic Outcome? (E Coetzee)

.....

**[Singapore Academy of Law Journal, Volume 23, March 2011](#)**

- Singapore Academy of Law Annual Lecture 2010 – "The Problems of Interaction between International and Domestic Legal Orders" (HE Hisashi Owada) p.1-22

.....

**[ERA Forum, Volume 11, Number 3, November 2010](#)**

- Regulating the European Union internal market: between crisis and business as usual (Michele Messina) p.321-328
- Regulating retail investment products: the financial crisis and the EU challenge (Niamh Moloney) p.329-349
- NAMA, the National Assets Management Agency: an Irish solution to an Irish problem (Conor Quigley) p.351-360
- Checks and balances in EU State aid procedures: should more be done to protect the rights of aid recipients and third parties? (Kristina Nordlander and David Went) p.361-377
- Public-private partnerships in the 21st century (Christopher Bovis) p.379-398
- The new EU Defence Procurement Directive (Ciara Kennedy-Loest and Nicolas Pourbaix) p.399-410
- European competition law and intellectual property rights—a new analysis (John Temple Lang) p.411-437
- Protection of car designs in Europe—some observations from a practitioner's perspective (Henning Hartwig) p.439-458
- Case Law of the Union
- Case Law of the European Union Courts, Leading Judgments 1 December–15 June 2010 (Johanna Engström, Jean-Claude Alexandre ....) p.459-516

.....

**[Sustainable Development Law & Policy, Volume 11, Issue 1](#)**

[New Froniter in Urban Greenhouse Gas Emissions Regulation: Overview of California's Senate Bill 375](#)  
Kira Hettinger

[Population Health through Inclusive Urban Planning: Healthier Communities and Sustainable Urban Development in Indian Cities](#)  
Shriya Malhotra

[Mobile Phones: Reshaping the Flow of Urban-to-Rural Remittances](#)  
Bethany Brown

[Out of the Garden of Eden: Moving Beyond the Rights-Based Agenda in the Urban Sector](#)  
Benjamin Bradlow



[A Failure of Conscience: How Pakistan's Devastating Floods Compare to America's Experience During Katrina](#)

[Oded Cedar](#)

[Standing on Their Own: The Parallel Rights of Young People to Participate in Planning Processes and Defend Those Rights](#)

[Dawn Jourdan](#)

[Cultivating Urban Forests Policies in Developing Countries](#)

[Janet A. Choi](#)

[Resource Recovery and Materials Flow in the City: Zero Waste and Sustainable Consumption as Paradigms in Urban Development](#)

[Steffen Lehmann](#)

[Time-of-Use Pricing Could Help China Manage Demand](#)

[Emmett Pepper](#)

[Urban Development: A Viable Option after Rio 2012?](#)

[Andrea Martinez](#)

[Sustainable Cities of the Future: The Behavior Change Driver](#)

[Peter Newman](#)

[Enhancing Urban Albedo to Fight Climate Change and Save Energy](#)

[Elise Stull](#)

[Xiaopu Sun](#)

[Durwood Zaelke](#)

.....

[\*\*Rebels Zeitschrift fuer auslaendisches und internationales Privatrecht, Volume 74, Number 4, October 2010\*\*](#)

**Four Mediation Stories from Across the Globe**

Alexander, Nadja

**Comparative Research for the Regulation of Mediation**

Steffek, Felix

**American Private International Law**

Einhorn, Talia

.....

[\*\*Health and Human Rights: An International Journal, Volume 12, Number 1, 2010\*\*](#)

**Our place in the world: Conceptualizing obligations beyond borders in human rights-based approaches to health**

Alicia Ely Yamin

**Informed consent: Enforcing pharmaceutical companies' obligations abroad**

Stacey B. Lee

**Taking up Daniels' challenge: The case for global health justice**

Gorik Ooms, Rachel Hammonds

**Making health an imperative of foreign policy: The value of a human rights approach**

Flavia Bustreo, Curtis F. J. Doebbler

**International obligations through collective rights: Moving from foreign health assistance to global health governance**

Benjamin Mason Meier, Ashley M. Fox

**International assistance and cooperation for access to essential medicines**

Emily A. Mok

**Allies unknown: Social accountability and legal empowerment**

Vivek Maru

**Holding the World Bank accountable for leakage of funds from Africa's health sector**

Fatma E. Marouf

**A one-time-only combination: Emergency medicine exports under Canada's access to medicines regime**

Ashley Weber, Lisa Mills

**Partnership, sex, and marginalization: Moving the Global Fund sexual orientation and gender identities agenda**

Andy Seale, Anurita Bains, Sam Avrett

**Essential surgery: Integral to the right to health**

K. A. Kelly McQueen, Doruk Ozgediz, Robert Riviello, Renee Y. Hsia, Sudha Javaraman, Stephen R. Sullivan, John G. Meara

.....

[Wake Forest Journal of Business and Intellectual Property Law, Volume 10, Number 2, Spring 2010](#)

**EXPANDING GLOBAL TRADEMARK REGULATION**

Katherine Beckman and Christa Pletcher

.....

[India Law Journal, Volume 3, Issue 4, October-December 2010](#)

**Freedom of Speech and Expression: India v America – a study**

Dheerajendra Patanjali

.....

[European Review of Private Law, Volume 19, Number 1, 2011](#)

**The Duty to Renegotiate an International Sales Contract under CISG in Case of Hardship and the Use of the Unidroit Principles**

Rémy Cabrillac, Julie Dewez, Lis Paula San Miguel Pradera, Christina Ramberg, Rodrigo Momberg Uribe

.....

[Georgetown Journal of Law & Modern Critical Race Perspectives, Volume 2, Number 1, Spring 2010](#)

**An Apology for the Archbishop: Shari'ah Law and the Jurisprudence of Multiculturalism**

Michael Boulette

## The Third World in the American Southwest: The Navajo Nation's Water Crisis and the Failures of Water Law

Sean D. Lyttle

.....

### IGENTA Database Articles on International Law

(Mar. 22, 2011)

#### Record 1.

TI: [The principles of gift law and the regulation of organ donation](#)

AU: Glazier, Alexandra K.

JN: Transplant International

PD: April 2011

VO: 24

NO: 4

PG: 368-372(5)

PB: Blackwell Publishing Ltd

IS: 0934-0874

#### Record 2.

TI: [GLOBALIZING JEREMY BENTHAM](#)

AU: Armitage, David

JN: History of Political Thought

PD: 2011

VO: 32

NO: 1

PG: 63-82(20)

PB: Imprint Academic

IS: 0143-781X

#### Record 3.

TI: [Non-Participation in the Fish Stocks Agreement: Status and Reasons](#)

AU: Molenaar, E.J.

JN: The International Journal of Marine and Coastal Law

PD: 2011

VO: 26

NO: 2

PG: 195-234(40)

PB: Martinus Nijhoff Publishers

IS: 0927-3522

#### Record 4.

TI: [Maritime Enforcement of United Nations Security Council Resolutions: Use of Force and Coercive Measures](#)

AU: Keyuan, ZOU

JN: The International Journal of Marine and Coastal Law

PD: 2011

VO: 26

NO: 2

PG: 235-261(27)

PB: Martinus Nijhoff Publishers

IS: 0927-3522

Record 5.

TI: [Establishment of the Outer Limits of the Continental Shelf: Is Crossing Boundaries Trespassing?](#)

AU: Kunoy, Bjorn

JN: The International Journal of Marine and Coastal Law

PD: 2011

VO: 26

NO: 2

PG: 313-334(22)

PB: Martinus Nijhoff Publishers

Record 6.

TI: [Do Victims of War Need International Law? Human Rights Education Programs in Authoritarian Sudan](#)

AU: Massoud, Mark Fathi

JN: Law Society Review

PD: March 2011

VO: 45

NO: 1

PG: 1-32(32)

PB: Blackwell Publishing Inc

IS: 0023-9216

Record 7.

TI: [Where is the World Heading? Shaping a New International System](#)

AU: Rotfeld, Adam Daniel

JN: International Community Law Review

PD: 2011

VO: 13

NO: 1-2

PG: 5-22(18)

PB: Martinus Nijhoff Publishers

IS: 1871-9740

Record 8.

TI: [Sir Hersch Lauterpachts Idea of State Sovereignty - Is It Still Alive?](#)

AU: Kwiecien, Roman

JN: International Community Law Review

PD: 2011

VO: 13

NO: 1-2

PG: 23-41(19)

PB: Martinus Nijhoff Publishers

IS: 1871-9740

Record 9.

TI: [A Visionary Behind the Iron Curtain: Cezary Berezowski on European Integration](#)

AU: Lazowski, Adam

JN: International Community Law Review

PD: 2011

VO: 13

NO: 1-2

PG: 43-57(15)

PB: Martinus Nijhoff Publishers

Record 10.

TI: [Count Rostworowski as an International Lawyer and Judge](#)

AU: Wyrozumska, Anna

JN: International Community Law Review

PD: 2011

VO: 13

NO: 1-2

PG: 59-79(21)

PB: Martinus Nijhoff Publishers

IS: 1871-9740

Record 11.

TI: [Professor Manfred Lachs: Wise Man of International Law](#)

AU: Piontek, Eugeniusz

JN: International Community Law Review

PD: 2011

VO: 13

NO: 1-2

PG: 81-86(6)

PB: Martinus Nijhoff Publishers

IS: 1871-9740

Record 12.

TI: [Sir Hersch Lauterpacht and Polands Judges at the International Court: Judge Bohdan Winiarski](#)

AU: Skubiszewski, Krzysztof

JN: International Community Law Review

PD: 2011

VO: 13

NO: 1-2

PG: 87-91(5)

PB: Martinus Nijhoff Publishers

IS: 1871-9740

Record 13.

TI: [The State as a Respondent in Central and Eastern European Investment Arbitrations](#)

AU: Gomula, Joanna

JN: International Community Law Review

PD: 2011

VO: 13

NO: 1-2

PG: 93-110(18)

PB: Martinus Nijhoff Publishers

IS: 1871-9740

Record 14.

TI: [The Element of Risk in International Investment Arbitration](#)

AU: Kaldunski, Marcin

JN: International Community Law Review

PD: 2011

VO: 13

NO: 1-2

PG: 111-124(14)

PB: Martinus Nijhoff Publishers  
IS: 1871-9740

Record 15.

TI: [Preclusion of Wrongfulness of the Use of Force](#)

AU: Wlaz, Aureliusz

JN: International Community Law Review

PD: 2011

VO: 13

NO: 1-2

PG: 125-146(22)

PB: Martinus Nijhoff Publishers

IS: 1871-9740

Record 16.

TI: [Legal Title versus Effectivites: Prescription and the Promise and Problems of Private Law Analogies](#)

AU: OKeefe, Roger

JN: International Community Law Review

PD: 2011

VO: 13

NO: 1-2

PG: 147-188(42)

PB: Martinus Nijhoff Publishers

IS: 1871-9740

Record 17.

TI: [OECD Principles for Integrity in Public Procurement: Complete Edition](#)

JN: SourceOECD Transition Economies

PD: April 2009

VO: 2009

NO: 4

PG: i-142(143)

PB: Organisation for Economic Co-operation and Development

IS: 1608-0157

#### IV. Blogs/Editorial (select items)

Ilya Somin, Obama Administration Claims that the Libya Intervention is Constitutional because it is Not "War", [The Volokh Conspiracy](#) (Mar. 23, 2011)

ASEAN: Single Visa Program Considered, [Law Library of Congress](#) (Mar. 22, 2011)

Graeme Hall, Rights in Flux – The Human Rights Roundup, [UK Human Rights Blog](#) (Mar. 22, 2011)

Michael W. Lewis, Caution on the Private Manning Letter, [Opinio Juris](#) (Mar. 22, 2011)

Jack Goldsmith, Is the Libyan Intervention "War"? [Lawfare](#) (Mar. 22, 2011)

Daniel Firger, Fukushima Daiichi and the Kyoto Protocol, [Climate Law Blog](#) (Mar. 22, 2011)

Kenneth Anderson, Strategic Ambiguity and Libya, [Opinio Juris](#) (Mar. 21, 2011)



Rebecca Bratspies, Separating Natural and Environmental Disasters, [IntLawGrrls](#) (Mar. 21, 2011)

1 Crown Office Row, What Was the Point of the European Convention on Human Rights ? -- Dr Ed Bates, [UK Human Rights Blog](#) (21 Mar 2011)

Curtis Doebbler, The Use of Force Against Libya: Another Illegal Use of Force, [Jurist Forum](#) (Mar. 21, 2011)

Eric Posner, Why Congress Played No Role in the Libya Intervention, [Volokh Conspiracy](#) (Mar. 21, 2011)

Michael W. Doyle, The Folly of Protection: Is Intervention Against Gaddafi's Regime Legal and Legitimate, [Foreign Affairs Snapshot](#) (Mar. 20, 2011)

Valentina Azarov, A Critique of "Humanitarian" Intervention in Libya, [International Law Observer](#) (Mar. 20, 2011)

Dianne Marie Amman, ... and counting ..., [IntLawGrrls](#) (Mar. 20, 2011)

Kenneth Anderson, Libya and the Three Modes of the Security Council, [Opinio Juris](#) (Mar. 19, 2011)

Mark Leon Goldberg, How Libya Poses A Hugely Important Test for Principles of Atrocity Prevention, [UN Dispatch](#) (Mar. 19, 2011)

Fernando Teson, What Justification for the Libyan War?, [Bleeding Heart Libertarians](#) (Mar. 19, 2011)

Lorenzo Zucca, A Comment on Lautsi, [EJIL: Talk!](#) (Mar. 19, 2011)

Foreign Policy, Argument: Does the World Belong in Libya's War?, [Foreign Policy](#) (Mar. 18, 2011)(links to 12 commentators)

Ved Nanda, As the World Sits on its Hands, [denverpost.com](#) (Mar. 18, 2011)

Donald A. Brown, Ethical Issues Entailed by Economic Arguments Against Climate Change Policies, [Climate Ethics](#) (Mar. 18, 2011)

Peggy McGuinness, Libya No-Fly Operation: What Comes Next?, [Opinio Juris](#) (Mar. 18, 2011)

NPR, Clark & Slaughter Debate: When to Intervene? [The Two Way](#) (Mar. 18, 2011)

Kim Scriven, Japan and its Implications for the International Humanitarian System, [ALNAP](#) (Mar. 18, 2011)

Marko Milanovic, Security Council Passes Resolution 1973, Authorizing the Use of Force Against Libya, [EJIL: Talk!](#) (Mar. 18, 2011)

Sarah Joseph, Humanitarian Intervention in Libya, [Castan Centre for Human Rights Law's Blog](#) (Mar. 18, 2011)

Georg Caspary, Combatting the Resource Curse in Fragile and Conflict-Affected Countries, [WDR 2011](#) (Mar. 18, 2011)

Antoine Buyse, Grand Chamber Judgment in Lautsi: No Violations, [ECHR Blog](#) (18 Mar 2011)

Robert Chesney, The Surprisingly Broad Scope of UN Security Council 1973: Not Just a No-Fly Zone, at Least So Long as Gaddafi Is On Offense, [Lawfare](#) (Mar. 17, 2011)

David Bosco, In Libya, Beware Intervention to "Protect Civilians", [The Multilateralist](#) (Mar. 17, 2011)

Rebecca Bratspies, Japan and the Bugaboo of Nuclear Waste Management, [IntLawGrrls](#) (Mar. 17, 2011)

Natalie Oman, Could R2P Justify a No-Fly Zone in the Absence of Security Council Approval?, [Opinio Juris](#) (Mar. 17, 2011)

Otto Spijkers, Article 2(4) United Nations Charter is in trouble (again), [Invisible College Blog](#) (17 Mar 2011)

Deirdre Montgomery, Karadžić and Plavšić condemned by French Court to indemnify Bosnian Family, [International Criminal Law Bureau](#) (Mar. 17, 2011)

Ashby Jones, Echoes of Tuskegee in Suit by Guatemalans Against U.S., [WSJ Law Blog](#) (Mar. 15, 2011)

## V. Gray Literature/Newsletters (select items)

Beth Gingold, The World Bank Group, Palm Oil and Poverty, [World Resources Institute](#) (Mar. 22, 2011)

ABA International Human Rights e-Brief, [Issue No. 443](#) (21 March 2011)

United Nations Economic Commission for Europe, [UNECE Weekly](#), No. 416 (14-18 Mar 2011)

Public International Law and Policy Group, [Peace Negotiations Watch](#), Vol. X, No. 11 (Mar. 18, 2011)

U.S. Government Accountability Office, [Nuclear Nonproliferation: More Progress Needed in Implementing Recommendations for IAEA's Technical Cooperation Program](#) (Mar. 17, 2011)

Security Council Report, Peacebuilding Commission, [Update Report](#) (No. 2, 17 Mar 2011)

United States Congressional Research Service, [International Criminal Court Cases in Africa: Status and Policy Issues](#), 7 March 2011, RL34665, available at: [accessed 17 March 2011]

Office of the High Commissioner for Human Rights, Suriname: UN expert calls for further dialogue on indigenous and tribal land issues, [OHCHR](#) (Mar. 17, 2011)

International Centre on Trade and Sustainable Development, [Bridges Weekly Digest](#), Vol. 15, No. 9 (16 Mar 2011)

Hugh Gusterson, The Lessons of Fukushima, [Bulletin of the Atomic Scientists](#) (Mar. 16, 2011)

Secretariat of the Convention on Biological Diversity, [Incentive measures for the conservation and sustainable use of biological diversity](#) (CBD Technical Series No. 56, Mar. 16, 2011)

Piero Calvi-Pariseti, Acts of God: Disaster Risk Reduction after the Japanese Earthquake, [ISPI Commentary](#) (Mar. 15, 2011)

Antto Vihma, A climate of consensus: The UNFCCC faces challenges of legitimacy and effectiveness, [Finnish Institute of International Affairs](#) (10 Mar 2011)

Claudio Chiarolla and Stefan Jungcurt, Outstanding Issues on Access and Benefit Sharing under the Multilateral System of the International Treaty on Plant Genetic Resources for Food and Agriculture, [Berne Declaration](#) (7 Mar 2011)

Alida Kok, Walter Lotze and Salome Van Jaarsveld, [Natural Resources, the Environment , and Conflict](#) (Mar. 2011)

Promode Kant, Swati Chaliha and Wu Shuirong, The REDD safeguards of Cancun, [Institute of Green Economy](#) (Mar. 2011)

UICN-Programme Aires Protégées d'Afrique du Centre et de l'Ouest, [Retombées économiques des aires protégées d'Afrique de l'Ouest](#) (Mar. 2011)

U.S. Government Accountability Office, [Climate Change Issues: Options for Addressing Challenges to Carbon Offset Quality](#) (Feb. 15, 2011)

Nathalie Bernasconi-Osterwalder, "Ensuring Transparency" in Investor-State Dispute Resolution under the UNCITRAL Arbitration Rules, [CIEL & IISD](#) (Feb. 7-11, 2011)

UN Human Rights Council, Report submitted by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, [A/HRC/16/52](#) (3 Feb 2011)[accessed 22 Mar 2011]

Ulrich Hoffmann, Assuring Food Security in Developing Countries under the Challenges of Climate Change: Key Trade and Development Issues of a Fundamental Transformation of Agriculture, UNCTAD [Discussion Paper \(No. 201\)](#)(Feb. 2011)

CBD Secretariat, [Monthly Bulletin of Activities \(MBA\) of the Convention on Biological Diversity](#) (Feb. 2011)

Coral Reef News, [Vol. 8, No. 5](#) (Feb. 2011)

UN High Commissioner for Refugees, [Microfinance and refugees: lessons learned from UNHCR's experience](#) (January 2011, ISSN 1020-7473)

U.N. Peacebuilding Commission, Report of the Peacebuilding Commission on its fourth session, [U.N. Docs. A/65/701 – S/2011/41](#) (28 January 2011)

Secretariat of the UN Convention to Combat Desertification, [UNCCD News 2.6](#) (Nov-Dec 2010)

UN Human Rights Council, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Addendum : Study on the phenomena of torture, cruel, inhuman or degrading treatment or punishment in the world, including an assessment of conditions of detention, [A/HRC/13/39/Add.5](#) (5 Feb 2010)[accessed 22 Mar 2011]

UN Human Rights Council, Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, [A/HRC/13/39](#) (9 Feb 2010)[accessed 22 March 2011]

## VI. Podcasts/Videos

American Society of International Law 105<sup>th</sup> Annual Meeting, [ForaTV](#) (Mar. 23-26, 2011)

John Negroponte, Libya Intervention, [NPR Morning Edition](#) (Mar. 22, 2011)

Luis Moreno-Ocampo, [Libya Officials Could Face Prosecution for Civilian Attack](#) (Mar. 18, 2011)

PBS, U.N. Security Council Passes Sweeping Measure to Rein in Gadhafi, [PBS Newshour](#) (Mar. 17, 2011)

UN Security Council, The situation in Libya: Adoption of Security Council resolution 1972 (No-fly zone over Libya), [United Nations Webcast](#) (17 Mar 2011)(also [C-SPAN.org](#))

C-SPAN, House Debate on War Powers Resolution, [C-SPAN.org](#) (Mar. 17, 2011)

C-SPAN, State Department Daily Briefing, [C-SPAN.org](#) (Mar. 16, 2011)

Nicholas Stern, How standard economic analyses of the threat of global warming, including those of the Congressional Budget Office, are wrong, ludicrous, [ThinkProgress](#) (Mar. 8, 2011)

Philippe Douste-Blazy, Special Adviser to the Secretary-General of the United Nations on Innovative Financing for Development, Globalization at a Crossroads: Solidarity or War, [United Nations University](#) (24 Feb 2011)

Mark Anielski, Measuring What Measures: Seeking a New Understanding of Wealth, [IISD](#) (2009)

## VII. Documents/Negotiations

Forest Carbon Partnership Facility, [Eighth Participant Committee Meeting](#) (23-25 Mar 2011)

Group of Friends on Green Economy at the United Nations (Egypt, Gabon, Grenada, Hungary, Indonesia, Mexico, Republic of Korea, Sweden, Switzerland), [Workshop 2: Green Economy Opportunities and Concerns](#) (23 March, 2011)

Intergovernmental Panel on Climate Change, [Joint Expert Meeting of WGII and WGIII on Human Settlement, Water, Energy and Transport Infrastructure - Mitigation and Adaptation Strategies](#) (22-24 March 2011)

Secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, [Second Meeting of the Expanded Bureau of COP9](#) (24-25 March 2011)

Secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, [Eighth session of the Implementation and Compliance Committee](#) (21-23 March 2011)

ASIL, [International Law in Brief](#) (Mar. 21, 2011)

The White House, [Letter from the President regarding the commencement of operations in Libya](#), Text of a Letter from the President to the Speaker of the House of Representatives and the President Pro Tempore of the Senate (Mar. 21, 2011)

African Union, [Meeting of the AU High-Level Ad Hoc Committee On Libya](#) (19 Mar 2011)

Global Environment Facility Scientific and Technical Advisory Panel Meeting, [Documentation](#) (17-18 Mar 2011)

Security Council, Letters of Notification re Security Council Resolution 1973 (the Situation in Libya)(18-21 Mar 2011): United Kingdom, [U.N. Doc. S/2011/149](#); France, [U.N. Doc. S/2011/150](#); African Union, [U.N. Doc. S/2011/151](#); United States, [U.N. Doc. S/2011/152](#); Denmark, [U.N. Doc. S/2011/153](#); Canada, [U.N. Doc. S/2011/154](#); France, [U.N. Doc. S/2011/155](#); United States, [U.N. Doc. S/2011/156](#); United Kingdom, [U.N. Doc. S/2011/157](#); Italy, [U.N. Doc. S/2011/158](#); Lebanon, [U.N. Doc. S/2011/159](#); Libya, [U.N. Doc. S/2011/160](#); Libya, [U.N. Doc. S/2011/161](#); Qatar, [U.N. Doc. S/2011/163](#); Ukraine, [U.N. Doc. S/2011/164](#) and [U.N. Doc. S/2011/165](#); Belgium, [U.N. Doc. S/2011/166](#); Norway, [U.N. Doc. S/2011/167](#); Spain, [U.N. Doc. S/2011/168](#); United Arab Emirates, [U.N. Doc. S/2011/169](#)

Ad Hoc Working Group on Long-term Cooperative Action under the Convention, Compilation of information on nationally appropriate mitigation actions to be implemented by Parties not included in Annex I to the Convention, [U.N. Doc. FCCC/AWGLCA/2011/INF.1](#) (18 Mar 2011)

Security Council, [S.C. Res. 1973](#) (17 Mar 2011)(the Situation in Libya)

United Nations Commission on International Trade Law, Working Group III (Online Dispute Resolution), Online dispute resolution for cross-border electronic commerce transactions: draft procedural rules, [U.N. Doc. A/CN.9/WGIII/WP.107](#) (17 Mar 2011)

United Nations Environment Programme, Advanced Training Workshop on Environmental and Social Risk Analysis, [UNEP Finance Initiative](#) (17-18 Mar 2011)

IISD Reporting Services, [Linkages Update, Issue #164](#) (17 Mar 2011)

U.N. Security Council, 6498<sup>th</sup> Meeting, Thursday, 17 March 2011, [U.N. Doc. S/PV.6948](#) (Provisional)(The Situation in Libya)

U.N. Dept. of Public Information, Security Council Approves "No-Fly Zone" Over Libya, Authorizing "All Necessary Measures" to Protect Civilians, By Vote of 10 in Favour with 5 Abstentions, [U.N. Doc. S/10200](#) (17 Mar 2011)(contains text of S.C. Res. 1973)

United States Mission to the United Nations, Remarks by Ambassador Susan E. Rice, U.S. Permanent Representative to the United Nations, in an Explanation of Vote on UN Security Council Resolution 1973, March 17, 2011, [U.S. Department of State](#) (Mar. 17, 2011)

Bali Ministerial Declaration on the Role of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGR) on Biodiversity, Climate Change and Food Security, [Climate Change Policy & Practice](#) (16 Mar 2011)

IISD Reporting Services, [UNFCCC Releases Cancun Conference Reports](#), Climate Policy & Practice (15 Mar 2011)(with links)

Special high-level meeting of ECOSOC with the Bretton Woods institutions, the World Trade Organization and the United Nations Conference on Trade and Development, [UN Financing for Development Office](#) (10-11 Mar 2011)

CERD, [Concluding Observations adopted by the Committee on the Elimination of Racial Discrimination \(CERD\) at its 78th session](#) (14 Feb – 11 Mar 2011)

NAFTA CEC, Guide to Ecological Scorecards for Marine Protected Areas in North America, [Commission for Environmental Cooperation \(CEC\)](#) (Mar. 9, 2011)

UN Office of the High Commissioner for Human Rights, [Statement by the Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances](#) (7 Mar 2011)

African Commission on Human and Peoples' Rights, Resolution on the Human Rights Situation in the Great Socialist Peoples' Libyan Arab Jamahiriya, [ACHPR/RES.181\(EXT.OS/IX\)2011](#) (1 Mar 2011)

UN General Assembly, [International cooperation on humanitarian assistance in the field of natural disasters, from relief to development](#), A/RES/64/251 (30 Apr 2010) [accessed 17 March 2011]

Scottish Government, Scottish Environment Protection Agency, Scottish Natural Heritage and Wetlands International, [Symposium on Valuing Wetlands in a Changing Climate Issues, Communiqué](#) (24 Feb 2011)

UNEP Advisory Group on International Environment Governance, [Meeting Summary](#) (18 Feb 2011)

UN Human Rights Council, Report of the Special Rapporteur on the Right to Food, Addendum, [U.N.Doc. A/HRC/16/49/Add.1](#) (11 Feb 2011)

UN Human Rights Council, Report of the Human Rights Council on its thirteenth session, [U.N. Doc. A/HRC/13/56](#) (8 Feb. 2011)

Report on the United Nations/Thailand Workshop on Space Law on the theme "Activities of States in outer space in the light of new developments: meeting international responsibilities and establishing national legal and policy frameworks", [U.N.Doc. A/AC.105/989](#) (31 Jan 2011)

UN Human Rights Council, Report of the Working Group on Enforced or Involuntary Disappearances, [U.N. Doc. A/HRC/16/48](#) (26 Jan 2011)

UN Human Rights Council, Draft Report of the Working Group on the Universal Periodic Review: United States of America, [U.N. Doc. A/HRC/WG.6/9/L.9](#) (11 Nov 2010)

Inter-American Commission on Human Rights, Report on Immigration in the United States: Detention and Due Process, [OEA/Ser.L/V/II.Doc.78/10](#) (30 December 2010)

UN Human Rights Council, Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, [U.N. Doc. A/HRC/16/57](#) (20 Dec 2010)

## VIII. Media/Press Releases (select items)

### 22 March

Andrew Jacobs, China Steps Up Denunciations of Allied Campaign in Libya, [New York Times](#) (Mar. 22, 2011)

Thandi Winston, African Union at a Loss Over Libya, [Inter-Press Service](#) (Mar. 22, 2011)(also [NPR All Things Considered](#))



Max Green, Climate Conversations – Study Links Social Unrest in Africa to Extreme Weather, [AlertNet](#) (22 Mar 2011)

UPI, London Hails New Pressure on Iran, [UPI.com](#) (Mar. 22, 2011)

Reuters, What Governments are Saying on Air Strikes on Libya, [AlertNet](#) (22 Mar 2011)

Reuters, Brazil Calls for Ceasefire in Iraq, [AlertNet](#) (22 Mar 2011)

Human Rights Watch, Senegal: Accept AU Plan for Hissène Habré Case, [Human Rights Watch](#) (22 March 2011)

CNN, Photos published of alleged U.S. atrocities in Afghanistan, [CNN](#) (22 March 2011)

Kinston.com, Court hears claim of forced Roma sterilization, [Kinston.com](#) (22 March 2011)

Stephanie Nebehay, U.N. rights office calls on Bahrain to uphold law, [AlertNet](#) (22 March 2011)

Reuters, Gaddafi not complying with UN resolution –admiral, [AlertNet](#) (22 March 2011)

Richard Lough, EU backs ICC's Kenya case, open to local tribunal, [AlertNet](#) (22 March 2011)

David Brunnstrom, NATO to enforce Libya embargo, stuck on no-fly, [AlertNet](#) (22 March 2011)

James Macharia, INTERVIEW-U.N. action on Kenya ICC trials "condescending"-IGAD, [AlertNet](#) (22 March 2011)

## 21 March

Human Rights Watch, Italy: Act Swiftly to End Racist Violence, [Human Rights Watch](#) (21 March 2011)

Michael Warren, Obama says US ready to help Chile in rights cases, [Kinston.com](#) (21 March 2011)

Reuters, SOMALIA: Recruitment of child soldiers on the increase, [AlertNet](#) (21 March 2011)

Reuters, FACTBOX-Human shields in recent conflicts, [AlertNet](#) (21 March 2011)

James Macharia, ANALYSIS-Kibaki plan to block ICC meant to protect legacy, [AlertNet](#) (21 March 2011)

Amnesty International, Q&A: Human rights and war in Libya, [Amnesty International](#) (21 March 2011)

Amnesty International, Jammu and Kashmir: Hundreds held each year without charge or trial, [Amnesty International](#) (21 March 2011)

UN News Service, UN peace-building body seeks more backing from Member States, UN leadership, [UN News Centre](#) (21 Mar 2011)

Daniel J. Gerstle, The Guatemala Documentary That Shaped a War Crimes Case, [UN Dispatch](#) (Mar. 21, 2011)

Emmanuel Mulando, Kutesa, AU Blocked From Entering Libya, [Daily Monitor](#) (Mar. 21, 2011)

Reuters, China Intensifies Condemnation of Libya Air Strikes, [AlertNet](#) (21 Mar 2011)

**20 March**

Ben Dowell, BBC World Service to Sign Funding Deal with US State Department, [guardian.co.uk](http://guardian.co.uk) (20 Mar 2011)

NPR, Arab League Says Military Effort Goes Too Far, [NPR News](http://NPR News) (Mar. 20, 2011)

UPI, Iran Escalates Diplomatic Row with Bahrain, [UPI.com](http://UPI.com) (Mar. 20, 2011)

Reuters, "Hydro-Diplomacy" Needed to Avert Arab Water Wars, [AlertNet](http://AlertNet) (20 Mar 2011)

UPI, Arab Planes to Join Libya Mission, [UPI.com](http://UPI.com) (Mar. 20, 2011)

Edward Cody, Arab League Condemns Broad Bombing Campaign in Libya, [WORLD](http://WORLD) (Mar. 20, 2011)(also [AlertNet](http://AlertNet), [allAfrica.com](http://allAfrica.com))

Rod Nordland, Taliban Condemn Attacks on Libya, [The Lede](http://The Lede) (Mar. 20, 2011)

Jason Benham, Saudis gather to demand release of prisoners, [AlertNet](http://AlertNet) (20 March 2011)

**19 March**

Human Rights Watch, Gaza: Stop Suppressing Peaceful Protests, [Human Rights Watch](http://Human Rights Watch) (19 March 2011)

Walter Wafula, Uganda Will Not Freeze Libyan Assets, Says Official, [The Monitor](http://The Monitor) (19 March 2011)

Murithi Mutiga, UN Council Rejects Kenya's Deferral Bid, [The Daily Nation](http://The Daily Nation) (19 March 2011)

RFI English, European, Arab Leaders Agree on Air Strikes, Says Sarkozy, [RFI English](http://RFI English) (19 March 2011)

ICRC, ICRC calls on all sides in Libya to spare civilians, [AlertNet](http://AlertNet) (19 March 2011)

Reuters, Ethiopia Warns of Action Against Eritrea, [AlertNet](http://AlertNet) (19 Mar 2011)

Robert Mackey, Full Text and Audio of Obama's Statement on Military Action in Libya, [The Lede](http://The Lede) (Mar. 19, 2011)

Reuters, Statement for the Paris Summit on Libya, [AlterNet](http://AlterNet) (19 Mar 2011)

Reuters, Key Quotes from World Leaders on Libya, [AlertNet](http://AlertNet) (19 Mar 2011)

Erin Bock, UN Rights Council Adopts Outcome of US Review, [Jurist Paper Chase Newsburst](http://Jurist Paper Chase Newsburst) (Mar. 19, 2011)

Reuters, Japan, China, South Korea Agree to Cooperate on Nuclear Safety, [AlertNet](http://AlertNet) (19 Mar 2011)

Reuters, Gaddafi Calls U.N. Resolution Blatant Colonialism, [AlertNet](http://AlertNet) (19 Mar 2011)

PBS Newshour, French Military Jets Enforce No-Fly Zone in Libya, Gadhafi Warns World Powers on Intervention, [The Rundown](http://The Rundown) (Mar. 19, 2011)

**18 March**

Nastasya Tay, Anxious Eyes on Green Climate Fund, [allAfrica.com](#) (18 Mar 2011)

Alexei Barrionuevo, Undeterred by Fallout Fears, U.S. and Chile Sign Nuclear Accord, [New York Times](#) (Mar. 18, 2011)

BBC, DR Congo Blocks Soco from Oil Search in Virunga Park, [BBC Africa](#) (18 Mar 2011)

Dafna Linzer, Obama Counterterrorism Adviser Slams Congressional Efforts to Block Guantanamo's Closure, [ProPublica](#) (Mar. 18, 2011)

John Paul Putney, UN Warns Ivory Coast Shelling May Be War Crime, [Jurist Paper Chase Newsbust](#) (Mar. 18, 2011)

Reuters, ICC Prosecutor Warns Gaddafi Not to Attack Civilians, [AlertNet](#) (Mar. 18, 2011)(and [NYTimes](#))

UPI, Pentagon Says Foreign Aid Key To Security, [UPI.com](#) (Mar. 18, 2011)

AP, US Agrees to Improve Human Rights Record in First UN Assessment, [WORLD](#) (Mar. 18, 2011)(also [New York Times](#))

Nicholas Watt, Ewen MacAskill, Ian Black, Ed Pilkington. Luke Harding, UN Council Backs Air Strikes on Libya, [guardian.co.uk](#) (18 Mar 2011)

Nick Pat Walsh, Pakistani Leaders Condemn Suspected U.S. Drone Strike, [CNN](#) (Mar. 18, 2011)

Reuters, Arab League Says U.N. Resolution Sets Limits, [AlertNet](#) (Mar. 18, 2011)

U.N. council backs air strike on Libya, [The Guardian](#) (18 March 2011)

Ivory Coast: attack on market may be war crime, UN says, [NY Times](#) (18 March 2011)

Qaddafi and his forces warned on war crimes, [NY Times](#) (18 March 2011)

It's On. The U.N. Security Council passed a resolution on Libya. What happens next? [Slate](#) (18 March 2011)

The Daily Nation, Kibaki Thanks China Over ICC Deferral, [The Daily Nation](#) (18 March 2011)

UN News Service, Praising Progress On Human Rights, UN Official Says More Work is Needed, [UN News Service](#) (18 March 2011)

Tesfa-Alem Tekle, Ethiopia Warns Eritrea to 'Stop Terrorist Acts' Or Face Military Action, [Sudan Tribune](#) (18 March 2011)

Sudan Tribune, ICC Deferral Bid At the UNSC Comes to an Unhappy End, [Sudan Tribune](#) (18 March 2011)

Amnesty International, Fatal Shelling Condemned, [Amnesty International](#) (18 March 2011)

Reza Sayah, Pro-democracy activists allege torture by Egyptian soldiers, [CNN](#) (18 March 2011)

Caroline Faraj, U.N. secretary-general condemns reported Syrian rioting deaths, [CNN](#) (18 March 2011)

UN News Service, UN Warns Deadly Shelling of Market May Be Crime Against Humanity, [UN News Service](#) (18 March 2011)

Reuters, ICC prosecutor warns Gaddafi not to attack civilians, [AlertNet](#) (18 March 2011)

Reuters, Libya says to protect foreigners after UN move, [AlertNet](#) (18 March 2011)

Reuters, Libya accepted part of UN resolutions--ex-UN envoy, [AlertNet](#) (18 March 2011)

Reuters, Libya orders ceasefire after U.N. resolution, [AlertNet](#) (18 March 2011)

IRIN, MADAGASCAR: No more free primary schooling, [AlertNet](#) (18 March 2011)

Reuters, Libya says it is already implementing ceasefire, [AlertNet](#) (18 March 2011)

Reuters, INSTANT VIEW-Reaction to U.N. council vote on Libya, [AlertNet](#) (18 March 2011)

ICRC, Libya: ICRC returns to Benghazi, [AlertNet](#) (18 March 2011)

IRIN, COTE D'IVOIRE: Crimes against humans, [AlertNet](#) (18 March 2011)

Stephanie Nebehay, U.S. attacked by opponents at UN human rights body, [AlertNet](#) (18 March 2011)

Louis Charbonneau, France sees UN rejecting Kenya ICC deferral request, [AlertNet](#) (18 March 2011)

Reuters, Avoid anti-protestor violence, Amnesty tells Rabat, [AlertNet](#) (18 March 2011)

### **17 March**

Amnesty International, Warning on US States' Plan to Severely Restrict Workers' Rights, [Amnesty International](#) (17 March 2011)

Amnesty International, Deaths in Iranian prison must be investigated, [Amnesty International](#) (17 March 2011)

Mosoku Geoffrey, Ocampo Six Hire PR Services, [Nairobi Star](#) (17 March 2011)

Walter Menya, Special Envoy 'Urged ICC to Take Up Case', [The Daily Nation](#) (17 March 2011)

Thalif Deen, UN Body Authorises Military Intervention in Libya, [IPS](#) (17 March 2011)

Peter Kagwanja, What Next After Summonses Issued By ICC Judges?, [The Daily Nation](#), 17 March 2011

Michael Casey, HRW: Artists threaten boycott of Guggenheim in UAE, [Kinston.com](#) (17 March 2011)

UN News Service, Security Council Authorizes 'All Necessary Measures' to Protect Civilians, [UN News Service](#) (17 March 2011)

UN News Service, UN Urges Respect for Right to Life And Protection of Children As Violence Rages, [UN News Service](#) (17 March 2011)

United Nations, Security Council Approves 'No-Fly Zone' over Libya, Authorizing 'All Necessary Measures' to Protect Civilians, by Vote of 10 in Favour with 5 Abstentions, [United Nations](#) (17 March 2011)

Reuters, U.N. Security Council Draft Resolution Would Call for Freezing Assets, [AlertNet](#) (17 March 2011)

ICRC, UN rights boss urges Bahrain to rein in forces, [AlertNet](#) (17 March 2011)

Fatos Bytyci, EU police issue arrest order for Kosovo MP, [AlertNet](#) (17 March 2011)

Reuters, UN draft allows defense of Libya civilians, Benghazi, [AlertNet](#) (17 March 2011)

Reuters, Libya says UN military action would be illegal, [AlertNet](#) (17 March 2011)

Reuters, U.N. Security Council Authorizes No-Fly Zone Over Libya, [AlertNet](#) (17 March 2011)

Louis Charbonneau, US: UN should consider more than Libya no-fly zone, [AlertNet](#) (17 March 2011)

Reuters, UN rights boss urges Bahrain to rein in its forces, [AlertNet](#) (17 March 2011)

FloridaToday.com, Ex-Chicago cop linked to torture heads to prison, [FloridaToday.com](#) (17 March 2011)

IRIN, CAMBODIA: Trafficking domestic workers to Malaysia, [IRIN](#) (17 March 2011)

Robert Siegel, U.N. Council Votes For No-Fly Zone Over Libya, [NPR](#) (17 March 2011)

U.S. envoy: More than a no-fly zone needed, [UPI.com](#) (17 March 2011)

U.N. approves airstrike to halt attacks by Qaddafi forces, [NY Times](#) (17 March 2011)

UN News Service, World must better protect forests in face of looming water scarcity, UN forum warns, [UN News Centre](#) (17 Mar 2011)

UN News Service, UN rights expert urges greater dialogue between Suriname and indigenous groups, [UN News Centre](#) (17 Mar 2011)

Charles Levinson & Matthew Rosenberg, Egypt Said to Arm Libya Rebels, [Wall Street Journal](#) (Mar. 17, 2011)

Dan Bilefsky & Kareem Fahim, U.N. Approves Airstrikes to Halt Attacks by Qaddafi Forces, [New York Times](#) (Mar. 17, 2011)

UN News Service, Security Council authorizes 'all necessary measures' to protect civilians in Libya, [UN News Centre](#) (17 Mar 2011)(see [Washington Post](#) and [guardian.co.uk](#) for "as it happened")

Julia Zebley, EU Kosovo authorities arrest suspected war criminals, [Jurist Paper Chase Newsburst](#) (Mar. 17, 2011)

BBC, Libya: US Urges Tough United Nations Resolution, [BBC News Africa](#) (17 Mar 2011)

Joe Lauria, U.N. Debates Air Strikes, as Some Seek Lead Arab Role, [Wall Street Journal](#) (Mar. 17, 2011)

Jennifer Freedman, UN Human Rights Chief Says Bahraini Security Actions are Illegal, [Bloomberg](#) (Mar. 17, 2011)

Anshel Pfeffer and Barak Ravid, Israel to include weapons ship in UN panel on Iran arms smuggling, [Haaretz.com](#) (17 Mar 2011)

Salaman Masood and Pir Zubair Shah, Drone Attack Kills Civilians in Pakistan, [New York Times](#) (Mar. 17, 2011)

### 16 March

Radio Netherlands Worldwide, Japan: Is the Nuclear Refugee the Next Type of Environmental Migrant?, [RNW](#) (16 Mar 2011)

Daniel Makowsky, Pakistan Court Acquits US Government Worker of Murder Charges, [Jurist Paper Chase Newsburst](#) (Mar. 16, 2011)

Shigeru Sato and Tsuyoshi Inajima, UN Calls Emergency Meeting as Japan Nuclear Crisis Deepens, [Bloomberg](#) (Mar. 16, 2011)

IRIN, ZIMBABWE: UN agencies barred from food assessment for 'political reasons', [IRIN](#) (16 Mar 2011)

Julia Zebly, Federal Appeals Court Allows Woman to Sue Over Forced Removal of Headscarf, [Jurist Paper Chase Newsburst](#) (Mar. 16, 2011)

UN News Service, Growing links between crime and terrorism the focus of UN forum, [UN News Centre](#) (16 Mar 2011)

UN News Service, UN Urges Great Cooperation to Tackle Rape Along Angola-Congolese Border, [UN News Centre](#) (16 Mar 2011)

Kosovo: Europe arrests 9 in war-crimes inquiry, [NY Times](#) (16 March 2011)

Ougna Camara, Guinea Urged by United Nations to Set Up Truth Commission to Probe Abuses, [Bloomberg](#) (Mar. 16, 2011)

Reuters, Bahrain imposes curfew, bans all gatherings, [AlterNet](#) (16 March 2011)

Reuters, Police arrest nine war crimes suspects in Kosovo, [AlertNet](#) (16 March 2011)

Erna Curry, Convention to Secure Decent Work for Domestic Workers, [IPS](#) (16 March 2011)

The Daily Nation, Foot My Travel Bills, Says Indicted Radio Presenter, [The Daily Nation](#) (16 March 2011)

Nairobi Star, Deferral Chorus a Waste of Resources, [Nairobi Star](#) (16 March 2011)

James Wakahiu, I Am Innocent and I Do Not Fear Hague, Says Kenyatta, [Nairobi Star](#) (16 March 2011)

Mathews Ndanyi and Nzau Musau, Ocampo in Row With Registrar Over Country, [Nairobi Star](#) (16 March 2011)

Hassan Ole Naado, Kibaki Deferral Letter Ill-Advised, [Nairobi Star](#) (16 March 2011)

Amnesty International, Slovenia Urged to Provide Housing and Water for its Roma, [Amnesty International](#) (16 March 2011)

IRIN, UN Agencies Barred From Food Assessment for 'Political Reasons', [IRIN](#) (16 March 2011)

IRIN, HEALTH: Experts seek WHO nod for postpartum haemorrhage drug, [IRIN](#) (16 March 2011)

LA Times, Pakistan court acquits CIA contractor Raymond Davis of double murder, [LA Times](#) (16 March 2011)

Human Rights Watch, Vietnam: Overturn Labor Activists' Harsh Prison Sentences, [Human Rights Watch](#) (16 March 2011)

Human Rights Watch, Bahrain: Martial Law Does Not Trump Basic Rights, [Human Rights Watch](#) (16 March 2011)

Human Rights Watch, Angola: Free Journalist Jailed for Reporting on Judge, [Human Rights Watch](#) (16 March 2011)

Bernard Namunane and Kevin J. Kelley, Last Chance for Ocampo Six at the UN, [The Daily Nation](#) (16 March 2011)

Tim Cocks, Ivory Coast abuses may amount to war crimes-HRW, [AlertNet](#) (16 March 2011)

### 15 March

Dave Opiyo, Lobbies Petition UN Council to Reject ICC Deferral, [The Daily Nation](#) (15 March 2011)

Bernard Namunane, Ocampo Six Set to Receive ICC Summonses, [The Daily Nation](#) (15 March 2011)

Francis Mureithi, Muthaura Said Local Tribunal Will Cause Chaos – Wikileaks, [Nairobi Star](#) (15 March 2011)

Nairobi Star, Muthaura Must Quit His Position, [Nairobi Star](#) (15 March 2011)

Reuters, UN Libya draft resolution calls for no-fly zone, [AlertNet](#) (15 March 2011)

Amnesty International, UN urged to put human rights first in Middle East, [Amnesty International](#) (15 March 2011)

Amnesty International, Violent crackdown in Bahrain condemned, [Amnesty International](#) (15 March 2011)

Human Rights Watch, Côte d'Ivoire: Crimes Against Humanity by Gbagbo Forces, [Human Rights Watch](#) (15 March 2011)

### [UN Daily News](#)

[Issue DH/5863](#) (Tuesday, 22 March 2011)

[Issue DH/5862](#) (Monday, 21 March 2011)



[Issue DH/5861](#) (Friday, 18 March 2011)

[Issue DH/5860](#) (Thursday, 17 March 2011)

[Issue DH/5859](#) (Wednesday, 16 March 2011)