

## **AMERICAN JOURNAL OF INTERNATIONAL LAW**

**VOL. 100 July 2006 NO. 3**

### **Centennial Essays**

*In honor of the 100th anniversary of the AJIL and the ASIL*

The Past and Future of the Claim of Preemptive Self-Defense  
*W. Michael Reisman and Andrea Armstrong* 525

Reflections on the Prosecution of War Crimes by International Tribunals  
*Theodor Meron* 551

Transformative Military Occupation: Applying the Laws of War and Human Rights  
*Adam Roberts* 580

### **Notes and Comments**

Louis B. Sohn (1914–2006) *Thomas Buergenthal* 623

**Correspondence** 626

### **Current Developments**

The 2005 Judicial Activity of the International Court of Justice *Stephen Mathias* 629

Congress Enacts Increased Protections for Sunken Military Craft *David J. Bederman* 649

### **International Decisions**

*Edited by Daniel Bodansky*

Softwood Lumber Dispute (2001–2006) (*Chi Carmody*) 664

WTO and NAFTA decisions on alleged subsidization and dumping of Canadian softwood lumber sold in the United States

Shamayev & 12 Others v. Georgia & Russia (*Maria Gavouneli*) 674  
ECHR decision on extradition of Chechen rebels to Russia

Methanex Corp. v. United States ( <i>Sanford E. Gaines</i> )	683
NAFTA Chapter 11 arbitral award rejecting challenge to California environmental measure	
<b>Contemporary Practice of the United States Relating to International Law</b>	
<i>Edited by John R. Crook</i>	
United States Issues New National Security Document, Reaffirms Possible Preemptive Use of Force	690
Supreme Court Allows Importation of Substances Banned Under Treaty for Use in Religious Ceremonies	691
D.C. Circuit Finds Diego Garcia Displacement Claims Pose Nonjusticiable Political Questions	692
New Publications Close Multiyear Gap in Official U.S. Digest of U.S. Practice	693
Ninth Circuit Dismisses Yahoo! Internet Auction Case, but Fragments on Reasons	694
U.S. District Court Upholds Immunity of Iranian Consular Assets	695
United States Votes Against New UN Human Rights Council	697
United States Proposes Revised UN Assessment Process	699
Continuing U.S. Navy Operations Against Indian Ocean Pirates	700
Preliminary Settlement of Softwood Lumber Dispute	702
United States' Periodic Report to Committee Against Torture	703
President Would Like to End Guanta'namo Bay Detentions; Criticism and Debate Regarding U.S. Operations There Continue	706
Releases and Transfers of Uighurs, Saudis, Other Guanta'namo Detainees	710
Guanta'namo Military Commission Proceedings Under Way; Additional Cases Planned	711

Navy Investigating Intentional Killings of Civilians in Haditha, Iraq	713
Further UCMJ Proceedings for Violations of Humanitarian Law	714
UN Security Council Issues Presidential Statement on Iranian Nuclear Program; No Agreement on Next Steps	715
U.S.-India Civil Nuclear Cooperation Faces Congressional Scrutiny	717
United States Seeks Limits on Persistent and Non-detectable Landmines	719
United States Seeks Extended Deadline for Chemical Weapons Destruction	720
United States Tables Draft Treaty to End Production of Plutonium and Highly Enriched Uranium for Weapons	721
<b>Brief Notes</b>	722
<b>Recent Books on International Law</b>	
<i>Edited by Richard B. Bilder</i>	
<b>Review Essay</b>	
The Emergence of Transnational Labor Law <i>Elliott, Kimberly Ann, and Richard B. Freeman. Can Labor Standards Improve Under Globalization?; Hepple, Bob. Labour Laws and Global Trade; Alston, Philip (ed.). Labour Rights as Human Rights (David M. Trubek)</i>	725
<b>Book Reviews</b>	
Alvarez, Jose´E. International Organizations as Law-Makers <i>(Mahnoush H. Arsanjani)</i>	733
Paulsson, Jan. Denial of Justice in International Law <i>(John R. Crook)</i>	742
Sands, Philippe. Lawless World: America and the Making and Breaking of Global Rules from FDR’s Atlantic Charter to George W. Bush’s Illegal War <i>(Steven J. Ratner)</i>	746
Lindblom, Anna-Karin. Non-governmental Organisations in International Law; Martens, Kerstin. NGOs and the United Nations: Institutionalization, Professionalization and Adaptation <i>(Steve Charnovitz)</i>	751

Anghie, Antony. Imperialism, Sovereignty and the Making of International Law (*Dan Danielsen*)  
757

**Briefer Notice**

Macdonald, Ronald St. John, and Douglas M. Johnston (eds.) Towards World Constitutionalism:  
Issues in the Legal Ordering of the World Community (*Kelly Vinopal*) 762

**Collected Essays** 763

**Books Received** 763

International Legal Materials. Contents, Vol. XLV, No. 3 (July 2006) 767

**VOL. 100 October 2006 NO. 4**

**Centennial Essays**

*In honor of the 100th anniversary of the AJIL and the ASIL*

International Economic Law and the American Journal of International Law  
*Detlev F. Vagts* 769

The Evolving International Human Rights System *Thomas Buergenthal* 783

Land Feuds and Their Solutions: Finding International Law Beyond the Tribunal Chamber  
*Steven R. Ratner* 808

The Territorial Temptation: A Siren Song at Sea *Bernard H. Oxman* 830

**Editorial Comment**

Holding the Center of the Law of Armed Conflict *W. Michael Reisman* 852

**Notes and Comments**

The Costs of International Justice *David Wippman* 861

**Correspondence** 881

### **International Decisions**

*Edited by Daniel Bodansky*

- Sanchez-Llamas v. Oregon (*Curtis A. Bradley*) 882  
U.S. Supreme Court decision on the effect of procedural default on the availability of remedies for violation of the Vienna Convention on Consular Relations, in light of the ICJ opinion in Avena, and on suppression of evidence as a possible remedy
- Hamdan v. Rumsfeld (*Peter J. Spiro*) 888  
U.S. Supreme Court decision on legality of military commissions established by President Bush  
Mara'abe v. Prime Minister of Israel
- Mara'abe v. Prime Minister of Israel (*Geoffrey R. Watson*) 895  
Israeli High Court of Justice decision on the legality of a portion of Israel's "security fence" in the West Bank under international humanitarian law, including observations on the ICJ "Wall" advisory opinion
- Jones v. Ministry of Interior of the Kingdom of Saudi Arabia (*Elina Steinerte and Rebecca M. M. Wallace*) 901  
British House of Lords judgment on state immunity in civil suits for alleged torture
- Case No. 1231 [2003] (*Colin P. A. Jones*) 908  
Japanese Supreme Court judgment on the commercial activity exception to sovereign immunity  
Germany v. N
- Germany v. N (*Ilja Baudisch*) 910  
German Federal Administrative Court decision on a soldier's right to refuse to obey military orders for conscientious reasons

### **Contemporary Practice of the United States Relating to International Law**

*Edited by John R. Crook*

- U.S. Supreme Court Finds Military Commissions Created by Presidential Order Unlawful 918
- U.S. UN Representative Characterizes U.S. Views on Role of International Law 922

Third Circuit Finds Interest Claims Against German Companies Under Reparations Agreement are Justiciable, Emphasizing Absence of U.S. Suggestion of Interest	924
Supreme Court Rejects Exclusionary Rule and New Trials as Remedies for Failures of Consular Notification	926
Eleventh Circuit Dismisses Suit Involving Club Med Resort in Cuba on Act of State Grounds	931
United Kingdom and California Conclude Agreement on Global Warming	933
U.S. Administration Proposes Legislation to Protect Titanic Wreck Site	934
EC-U.S. Agreement on Sharing Passenger Data Struck Down, Being Renegotiated	935
President Confirms Secret Detentions, Transfers CIA Detainees to Guanta'namo Bay	936
Administration and Congress Debate Legislative Responses to Hamdan Ruling	939
New Defense Department and Army Directives on Detainees and Interrogation Techniques	943
Department of Defense Instruction Regarding Medical Treatment of Detainees	945
United States Presents Periodic Reports to Human Rights Committee, Receives Critical Response	948
Multiple Proceedings Against U.S. Service Members for Deaths of Iraqi Civilians	950
Continuing Efforts to Curtail Iranian Nuclear Program	953
U.S. Views on Illicit Trade in Conventional Weapons	957
<b>Brief Notes</b>	958

**Recent Books on International Law**

*Edited by Richard B. Bilder*

**Book Reviews**

Rosenne, Shabtai. <i>The Law and Practice of the International Court, 1920–2005</i> (4 <sup>th</sup> ed.) ( <i>Sean D. Murphy</i> )	963
Zimmermann, Andreas, Christian Tomuschat, and Karin Oellers-Frahm (eds.). <i>The Statute of the International Court of Justice: A Commentary</i> ( <i>Stephen Mathias</i> )	967
Orrego Vicuña, Francisco. <i>International Dispute Settlement in an Evolving Global Society: Constitutionalization, Accessibility, Privatization</i> ( <i>Stephen M. Schwebel</i> )	971
Gardam, Judith. <i>Necessity, Proportionality and the Use of Force by States</i> ( <i>Mary Ellen O’Connell</i> )	973
Colson, David A., and Robert W. Smith (eds.). <i>International Maritime Boundaries</i> (Vol. V) ( <i>Jan Paulsson</i> )	978
Ku, Charlotte, and Harold K. Jacobson (eds.). <i>Democratic Accountability and the Use of Force in International Law</i> ( <i>Russell A. Miller</i> )	980
Cass, Deborah Z. <i>The Constitutionalization of the World Trade Organization: Legitimacy, Democracy, and Community in the International Trading System</i> ( <i>Joost Pauwelyn</i> )	986
Matsushita, Mitsuo, Thomas J. Schoenbaum, and Petros C. Mavroidis. <i>The World Trade Organization: Law, Practice, and Policy</i> ( <i>Frank Garcia</i> )	991
Mettraux, Guénaél. <i>International Crimes and the ad hoc Tribunals</i> ( <i>Dermot Groome</i> )	993
Books Received	999
International Legal Materials. Contents, Vol. XLV, No. 5 (September 2006)	1004
Table of Cases	1005
Index	1007

**VOL. 101 January 2007 NO. 1**

**State Compliance with the Recommendations of the African Commission on Human and Peoples' Rights, 1993–2004** *Frans Viljoen and Lirette Louw* 1

**Agora: Military Commissions Act of 2006**

Military Commissions: A Concise History *Detlev F. Vagts* 35

The Amendment of the War Crimes Act *Michael J. Matheson* 48

The Geneva Boomerang: The Military Commissions Act of 2006 and U.S. Counterterror Operations  
*Jack M. Beard* 56

The Military Commissions Act, the Geneva Conventions, and the Courts: A Critical Guide  
*Carlos M. Vazquez* 73

**Notes and Comments**

Responsibility to Protect: Political Rhetoric or Emerging Legal Norm? *Carsten Stahn* 99

Genuine Consent to Sexual Violence Under International Criminal Law  
*Wolfgang Schomburg and Ines Peterson* 121

**Correspondence** 140

**International Decisions**

*Edited by Daniel Bodansky*

Armed Activities on the Territory of the Congo (*James Thuo Gathii*) 142

International Court of Justice judgment on the use of force by Uganda in the Congo

Barbados/Trinidad and Tobago (*Barbara Kwiatkowska*) 149

UN Convention on the Law of the Sea Chapter VII arbitral tribunal maritime delimitation award  
regarding the continental shelf and EEZ



Prosecutor v. Karemera, Ngirumpatse, & Nzirorera ( <i>Kevin Jon Heller</i> ) International Criminal Tribunal for Rwanda decision on whether to take judicial notice of genocide against the Tutsis in 1994	157
Prosecutor v. Milutinovic' et al. ( <i>Jacob Katz Cogan</i> ) International Criminal Tribunal for the Former Yugoslavia decision regarding the production of intelligence information	163
Commission of the European Communities v. Ireland ( <i>Cesare P. R. Romano</i> ) European Court of Justice judgment regarding Irish submission of MOX plant dispute with United Kingdom to arbitration under the UN Convention on the Law of the Sea	171
Aguas del Tunari, S.A. v. Republic of Bolivia ( <i>Kenneth J. Vandavelde</i> ) ICSID tribunal decision on whether a choice-of-forum clause in a concession agreement divests an international tribunal of jurisdiction to arbitrate investor-state disputes under a bilateral investment treaty	179
<b>Contemporary Practice of the United States Relating to International Law</b> <i>Edited by John R. Crook</i>	185
New U.S. Legislation on Military Commissions, Interrogations, Judicial Review of Detainee Claims	185
Military Commissions Authorized, Procedures Defined	185
Habeas Corpus Curtailed	191
Regulating Interrogations, Limiting Officials' Individual Responsibility	193
Senior Administration Officials Voice Varying Perspectives on International Law	195
Senate Approves UK Extradition Treaty and Other Bilateral and Multilateral Treaties, Attaches Reservations and Understandings	199
Peru's Offer of a Reward for a Fugitive Falls Within FSIA's Commercial Activity Exception	202

U.S. Efforts to Restrict Internet Gambling	203
New Statement of U.S. Space Policy	204
President States International Fisheries Policy Aimed at Sustainability	207
D.C. Court of Appeals Finds Decisions Under Montreal Protocol Lack Domestic Legal Effect	208
Attorney General Announces Reforms of Immigration Courts and Appeals Board	209
U.S. District Court Dismisses Alien Tort Claims Suit Against Canadian Oil Company for Events in Sudan	210
United States Joins Australia and New Zealand in Criticizing Proposed Declaration on Indigenous Peoples' Rights	211
President and Congress End Limits on Military Training for Parties to ICC Treaty	213
Continued UCMJ Proceedings Involving Civilian Deaths in Iraq	215
United States Supports UN Sanctions, Vigorous Enforcement Following North Korean Missile and Nuclear Tests	216
Continuing Efforts to Address Iran's Nuclear Program Appear to Yield Little Progress	221
NAFTA Panel Dismisses Chapter 11 Challenges to U.S. Administration of Antidumping and Countervailing Duty Laws, Allows Byrd Amendment Claim to Proceed	222
NAFTA Panel Dismisses Some Claims Against United States In Tobacco Settlement Dispute, Allows Others to Proceed	223
<b>Brief Notes</b>	225
<b>Recent Books on International Law</b> <i>Edited by Richard B. Bilder</i>	231

**Book Reviews**

Slaughter, Anne-Marie. <i>A New World Order (Robert Howse)</i>	231
Jackson, John H. <i>Sovereignty, the W TO, and Changing Fundamentals of International Law (Vaughan Lowe)</i>	234
Ragazzi, Maurizio (ed.). <i>International Responsibility Today: Essays in Memory of Oscar Schachter (Stephen M. Schwebel)</i>	237
Neff, Stephen. <i>War and the Law of Nations: A General History (Allen S. Weiner)</i>	241
Spiermann, Ole. <i>International Legal Argument in the Permanent Court of International Justice: The Rise of the International Judiciary (Hugh Thirlway)</i>	246
Rowe, Peter. <i>The Impact of Human Rights Law on Armed Forces (Eugene R. Fidell)</i>	252
Benvenisti, Eyal, and Moshe Hirsch (eds.). <i>The Impact of International Law on International Cooperation: Theoretical Perspectives (Laurence R. Helfer)</i>	257
Forsythe, David. <i>The Humanitarians: The International Committee of the Red Cross (Gabor Rona)</i>	259
<b>Briefer Notice</b>	264
Shelton, Dinah L. (ed.). <i>Encyclopedia of Genocide and Crimes Against Humanity (Kelly Vinopal)</i>	
Books Received	265
International Legal Materials. Contents, Vol. XLV, No. 1 (November 2006)	269

---

**AMERICAN UNIVERSITY INTERNATIONAL LAW REVIEW**

**Volume 22, No. 1**

Prologue

*Claudio Grossman*

Introduction

*Claudia Martin & Diego Rodriguez-Pinzon*

Protegiendo el Derecho a la Salud en el Sistema Interamericano de Derechos Humanos: Estudio Comparativo sobre su Justiciabilidad desde un Punto de Vista Substantivo y Procesal

*Carlos Ivan Fuentes Alcedo*

Aspirational Principles or Enforceable Rights? The Future for Socio-Economic Rights in National Law *Ellen Wiles*

Reconstruyendo el Nucleo de Derechos de la Persona Humana: Aportes para la Justiciabilidad de, Tambien, los Derechos Economicos, Sociales y Culturales

*Lila Garcia*

Argentina: Social Rights, Thorny Country: Judicial Review of Economic Policies Sponsored by the IFIs *Horacio Javier Etchichury*

Los Derechos Sociales y su Exigibilidad Judicial en la Republica Argentina y en la Ciudad Autonoma de Buenos Aires: La Aplicacion Interna de los Derechos Internacionales

*Lisandro Ezequiel Fastman*

In Defense of the Constitutional Court: Litigating Socio-Economic Rights and the Myth of the Minimum Core *Karin Lehmann*

## **Volume 22, No. 2**

### **Conference**

The Eighth Annual Grotius Lecture Series

A Just World Under Law: A View From the South

*B.S. Chimni*

Remarks on Professor B.S. Chimni's A Just World under Law: A View From the South

*Philip Alston*

## **Articles**

Leveling the Playing Field: Is it Time for a Legal Assistance Center for Developing Nations in Investment Treaty Arbitration?

*Eric Gottwald*

## **Book Reviews**

Goodbye to All That? A Requiem for Neoconservatism

*Kenneth Anderson*

## **Notes and Comments**

The SAFTA Dispute Settlement Mechanism: An Attempt to Resolve or Merely Perpetuate Conflict in the South Asian Region?

*Amala Nath*

---

## **ARBITRATION INTERNATIONAL**

### **Volume 23 (2007) Issue 1**

LCIA Court Decisions on Challenges to Arbitrators: A Proposal to Publish [Nicholas, Partasides]

Perspectives on State Party Arbitration: The Future of BITs – The Practitioner's Perspective [Kreindler]

Limits on Court Review of International Arbitration Awards Assessed in light of States' Interests and in particular in light of EU Law Requirements [Landolt]

Enterprise v. State: the New David and Goliath? [Böckstiegel]

UNCITRAL's Model Law on International Commercial Conciliation [Sanders]

Bricks Without Straw: Arbitration in Roman Britain [Roebuck]

Book Review [Blanke]

**Volume 23 (2007) Issue 2**

Introduction to the Sixteenth Annual Workshop of the Institute for Transnational Arbitration  
[Donovan]

The Art of Arbitrating: Act I. Constitution of the Tribunal

The Art of Arbitrating: Act II. The Preliminary Hearing

The Art of Arbitrating: Act III. Applications for Interim Measures

The Art of Arbitrating: Act IV. The Hearing on the Merits

Reflections of an International Arbitrator [Aksen]

New Rules of the Arbitration Institute of the Stockholm Chamber of Commerce [HOBÉR,  
MCKECHNIE]

The Claim is Time-Barred: The Proper Limitation Regime for International Sales Contracts in  
International Commercial Arbitration [Manner, Schwenger]

Articles 16 and 18 of the PRC Arbitration Law: The Great Wall of China for Foreign Arbitration  
Institutions [Tao, VON WUNSCHHEIM]

Transparency, Third Party Participation and Access to Documents in International Investment  
Arbitration [Knahr]

**Volume 23 (2007) Issue 3**

Arbitral Precedent: Dream, Necessity or Excuse? [KAUFMANN-KOHLER]

Using Section 1782 In International Arbitration [FELLAS]

Arbitration of Tax Treaty Disputes: The OECD Proposal [DESAX]

International Financial Services Conference: Has London Met the Challenge? [NEWDIGATE]

International Financial Services Conference: Has London Met the Challenge? [VEEDER]

Report on the Arbitration Act 1996 [HARRIS]

A Missed Opportunity to Revise the Arbitration Act 1996 [COHEN]

Enforcement of Arbitral Awards Against States and State Entities [SALOMON, SAUNDERS]

Arbitration-Friendliness: Promises of Principle and Realities of Practice [PAULSSON]

Two Faces of Progress: Fairness and Flexibility in Arbitral Procedure [PARK]

The Conduct of International Arbitration in England: the Challenge has Still to be Met [REES]

Book Review [Alford, Hoffmann]

---

## **BROOKLYN JOURNAL OF INTERNATIONAL LAW**

**VOLUME XXXII, NUMBER 1, 2006**

### **ARTICLES**

Internalizing European Court of Human Rights Interpretations: Russia's Courts of General Jurisdiction and New Directions in Civil Defamation Law

*Peter Krug*

Punitive Damages, Liquidated Damages, and Clauses Pénales in Contract Actions: A Comparative Analysis of the American Common Law and the French Civil Code

*Charles Calleros*

### **Cases and Controversies:**

Pregnancy as Proof of Guilt Under Pakistan's Hudood Laws

*Moeen H. Cheema*

## NOTES

Free Trade, Economic Rights, and Displaced Workers: It Works If You Work It  
*Aleah Borghard*

Motion Picture Piracy in China: Rated ARRRGH!  
*Jessica Haber*

Solomon's Choice: The Case for Granting Derivative Asylum to Parents  
*Alida Yvonne Lasker*

Uncertainty from Abroad: Rome II and the Choice of Law for Defamation Claims  
*Aaron Warshaw*

## VOLUME XXXII, NUMBER 2, 2007

## ARTICLES

Playing God: Who Should Regulate Embryo Research?  
*Baroness Ruth Deech*

A Tale of Three Takings: Taking Analysis in Land Use Regulation in the United States, Australia, and  
Canada Common Law and the French Civil Code  
*Donna R. Christie*

Conceptual Comparisons: Towards a Coherent Methodology of Comparative Legal Studies  
*Oliver Brand*

Corporate Governance: The Law's Response to Agency Costs in Nigeria  
*Dr. Ige Omotayo Bolodeoku*

Japan's Government Procurement Regimes for Public Works: A Comparative Introduction  
*Shigeki Kusunoki*

Slobodan Milosevic and the Guarantee of Self-Representation  
*Joanne Williams*



## NOTES

World Wide Web: Using Internet Governance Structures to Address Intellectual Property and International Development

*Kristin Delaney*

The Internal Affairs Rule and the Applicability of U.S. Law to Visiting Foreign Ships

*Nathaniel Kunkle*

Natural Disasters and the Responsibility to Protect: From Chaos to Clarity

*Tyra Ruth Saechao*

Balancing Act: Will the European Commission Allow European Football to Reestablish the Competitive Balance That It Helped Destroy?

*Thomas M. Schiera*

---

## CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL

Spring 2007, Volume 37, No. 2

### Articles

The Doctrine of Military Necessity and the Protection of Cultural Property During Armed Conflicts

*Craig J.S. Forrest*

Zimbabwe: Why the United Nations, State, and Non-State Actors Failed to Effectively Regulate Mugabe's Policy of Internal Displacement

*Sarah E. Hager*

### Essay

Uganda: A Society in Crisis

*Hema Chatlani*

**Note**

“They Told Me He Said He Would Kill Me.” Why Hearsay Should Get Full Weight in Asylum Proceedings

*Nicole J. Thomas*

**Comment**

No Hablo Inglés: Waivers To The English Language Requirement For Naturalization

*Helene C. Colin*

---

**CARDOZO JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW**

**Volume 14, No. 2, Fall 2006**

**Articles**

The World Bank and the Ideology of Reform and Development in International Economic Development Discourse

*Joel M. Ngugi*

Assessing the Rule of Law in Russia

*Kathryn Hendley*

Modern Legal Reform in Egypt: Shifting Claims to Legal Authority

*Shannon M. Roesler*

Docking the Caroline: Understanding the Relevance of the Formula in Contemporary Customary International Law Concerning Self-Defense

*James A. Green*

**Notes**

What's all the Fuss? The "Parade of Horribles" When Applying 35 U.S.C. § 271(f) to Software Patents

*Paul Margulies*

Medical Torture: End of Life Decision-Making in the United Kingdom and United States

*Jon D. Feldhammer*

ROCK, PAPER, SCISSORS, TRADEMARK? A Comparative Analysis of Motion as a Feature of Trademarks in the United States and Europe

*Lesley Matty*

Hired Guns and Higher Law: A Tortured Expansion of the Military Contractor Defense

*Valerie C. Charles*

---

## CASE WESTERN RESERVE JOURNAL OF INTERNATIONAL LAW

**Volume 37, Nos. 2 & 3 (2006)**

The Elephant in the Room: Foreward to Torture and the War on Terror

*Michael P. Scharf & Rory T. Hood*

Torturing the Law *José E. Alvarez*

Defining Torture *David Sussman*

Torture in Dreamland: Disposing of the Ticking Bomb *Henry Shue*

Torture, Morality, and Law *Jeff McMahan*

War by Proxy: Legal and Moral Duties of 'Other Actors' Derived from Government Affiliation

*Michael A. Newton*

Torture and Contract *Laura A. Dickinson*

American Innocence *Robert N. Strassfeld*

Ghost Prisoners and Black Sites: Extraordinary Rendition under International Law

*Leila Nadya Sadat*

Combating Terrorism: Zero Tolerance for Torture *Richard Goldstone*

The Crime of Torture and the International Criminal Tribunals *William A. Schabas*

Why Not the Courts? *John Hutson*

Ali v. Rumsfeld: Challenging the President's Authority to Interpret Customary International Law  
*Julian G. Ku*

The Institutionalization of Torture under the Bush Administration *M. Cherif Bassiouni*

The Unholy Trinity: Intelligence, Interrogation and Torture *Amos N. Guiora & Erin M. Page*

The Dangerous World of Indefinite Detentions: Vietnam to Abu Ghraib  
*Jennifer Van Bergen & Douglas Valentine*

NSA Wiretapping Controversy: A Debate *Professor David D. Cole & Professor Ruth Wedgwood*

The Role of Military Commissions in the Global War on Terrorism *Col. Morris D. Davis*

---

## **CEPMLP INTERNET JOURNAL**

Turkey: a major regional power to engage or confront Iran

*By Mehmet Ögütçü*

added 26 July 2007

Nuclear Energy in Turkey

*By Mesut Çakmak and Çağdaş Evrim Ergün*

added 2 February 2007

---

## **CHICAGO-KENT JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW**

**Volume 7, Spring 2007**

The Vienna Convention On Consular Relations: After the Federal Courts' Abdication, Will State Courts Fill In The Breach?- *by Asa Markel*

Hate By Association: Joint Criminal Enterprise Liability for Persecution - *by Jacob Ramer*

An Informal World: The Role And Status of "Contact Group" Under International Law  
- *by Qerim Qerimi*

Refusal-to-Deal Cases of IP Rights at the Aftermarket in the US and EU Law: Converging of Both Law Systems Through Speaking the Same Language of Law and Economics  
- *by Haris Apostolopoulos*

Arbitration Law in Eastern Europe - *by Elizabeth Shackelford*

---

## **COLUMBIA JOURNAL OF INTERNATIONAL AFFAIRS**

**SPRING/SUMMER 2007, VOLUME 60, NUMBER 2**

EDITORS' FOREWORD	v
CONTRIBUTORS	ix
<b>CAPSTONE ESSAY</b>	
<i>Richard W. Bulliet</i>	1
Iran Between East and West	
<b>INTERNAL IRANIAN DYNAMICS</b>	
<i>Nikki R. Keddie</i>	17
Iranian Women's Status and Struggles since 1979	
<i>Jahangir Amuzegar</i>	35
The Ahmadinejad Era: Preparing for the Apocalypse	

*Eliz Sanasarian and Avi Davidi* 55  
Domestic Tribulations and International Repercussions: The State and the Transformation of Non-Muslims

#### **THE U.S.-IRAN RELATIONSHIP**

*Mohammad Javad Zarif* 73  
Tackling the Iran-U.S. Crisis: The Need for a Paradigm Shift

*Isaiah Wilson III* 95  
Rediscovering Containment: The Sources of American–Iranian Conduct

*Ian Bremmer* 113  
Interview

#### **THE NUCLEAR QUESTION**

*Karim Sadjadpour* 125  
The Nuclear Players

The Debate: Scott Sagan and Kenneth Waltz 135  
A Nuclear Iran: Promoting Stability or Courting Disaster?

#### **THE REGIONAL BALANCE**

*David Menashri* 153  
Iran's Regional Policy: Between Radicalism and Pragmatism

#### **REFLECTION**

*Afshin Molavi* 171  
The Iranian Spectacle: An Istanbul Dispatch

#### **ANDREW WELINGTON CORDIER ESSAY**

*Matthew Brummer* 185  
The Shanghai Cooperation Organization and Iran: A Power-Full Union

**REVIEW ESSAYS**

*Mahmood Sariolghalam* 201

The Shia Revival: A Threat or an Opportunity?

*Maryam Javanshir* 206

Who's the "We" in "We Are Iran"?

*Mirjam Künkler* 213

After the Revolution Is Before the Revolution

Further Reading: 219

Deena Guzder, Joe Gilbride, Amy L. Keith, Rose Carmen Goldberg, David Trilling, Lesia Lozowy, Caroline McGregor, Abigail Schade, Alexandra A. Meise, Joe Speicher, DanMcSween

---

**COLUMBIA JOURNAL OF TRANSNATIONAL LAW**

**Volume 45 (2007) No. 1**

**FRIEDMANN AWARD ADDRESS**

The Work of an International Lawyer

*Ian Brownlie*

**ARTICLES**

When Do Treaties Create Individually Enforceable Rights? The Supreme Court Ducks the Issue in Hamdan and Sanchez-Llamas

*David Sloss*

Using Law for a Righteous Purpose: The Sun Zhigang Incident and Evolving Forms of Citizen Action in the People's Republic of China

*Keith J. Hand*

## **ESSAYS ON THE WORLD TRADE ORGANIZATION**

Reflections on US—Zeroing: A Study in Judicial Overreaching by the WTO Appellate Body  
*Roger P. Alford*

The Rule(s) of Trade and the Rhetos of Development: Reflections on the Functional and Aspirational Legitimacy of the WTO *Tomer Broude*

## **NOTES**

Enforcing International Norms in the United States After *Roper v. Simmons*: The Case of Juvenile Offenders Sentenced to Life Without Parole  
*Vincent Lévy*

China's Share-Structure Reform: An Opportunity to Move Beyond Practical Solutions to Practical Problems *Sandra P. Kister*

**Vol. 45 (2007) No. 2**

## **ARTICLES**

Secularism and Human Rights: A Contextual Analysis of Headscarves, Religious Expression, and Women's Equality Under International Law  
*Karima Bennoune*

Hamdan Confronts the Military Commissions Act of 2006  
*George P. Fletcher*

## **ESSAYS**

Drop by Drop: Forgetting the History of Water Torture in U.S. Courts  
*Evan Wallach*

Charting Developments Concerning Punitive Damages: Is the Tide Changing?  
*John Y. Gotanda*

## **NOTES**

Overdue Redress: Surveying and Explaining the Shifting Japanese Jurisprudence on Victims' Compensation Claims  
*William Gao*



Comprehensive Land Reform as a Vehicle for Change: An Analysis of the Operation and Implications of the Tanzanian Land Acts of 1999 and 2004

*Geoffrey E. Roughton*

Creditor Rights and Enforcement of International Commercial Arbitral Awards in China

*Jason Pien*

---

## COMMON MARKET LAW REVIEW

### Volume 44 (2007) Issue 1

Preliminary rulings and the area of freedom, security and justice

European constitutionalism and the European arrest warrant: In search of the limits of contrapunctual principles [Komárek]

Outsider or frontrunner? Recent developments under international and European law on the status of the European Union in international organizations and treaty bodies [Hoffmeister]

Six principles for limiting government-facilitated restraints on competition [Faibish, Gal]

Damages actions under the EC Merger Regulation [Bailey]

Case C-148/02, Carlos Garcia Avello v. État Belge [Ackermann]

Case C-217/04, United Kingdom v. European Parliament and Council of the European Union [Randazzo]

Case C-94/03, Commission v. Council; Case C-178/03, Commission v. Parliament and Council [Koutrakos]

Case C-349/03, Commission v. United Kingdom [Stanley]

Jean-Claude Piris, The Constitution for Europe: A Legal Analysis [Kombos]

Florian Sander, Repräsentation und Kompetenzverteilung; Das Handlungsformensystem des Mehrebenenverbundes als Ausdruck einer legitimitätsorientierten Kompetenzbalance zwischen Europäischer Union und ihren Mitgliedstaaten [Thym]

Rebecca Steffenson, Managing EU-US Relations: Actors, institutions and the new transatlantic Agenda [Meunier]

Panos Koutrakos, EU international relations law [Hoffmeister]

Dennis Weber, Tax avoidance and the EC Treaty Freedoms: A Study of the Limitations under European Law to the Prevention of Tax Avoidance [Engsig Sørensen]

Gráinne de Búrca and Bruno de Witte (Eds.), Social Rights in Europe [Adinolfi]

John H. Jackson, Sovereignty, the WTO, and Changing Fundamentals of International Law [Wessel]

Johann Ludwig Duvigneau, Handelsliberalisierung und Marktintegration unter dem WTO/GATT-Recht [Lorenzmeier]

Valentine Korah, Intellectual Property Rights and the EC Competition Rules [Nazzini]

Sönke Görgens, Die außervertragliche Haftung der Europäischen Gemeinschaft für Verletzungen des WTO-rechts durch ihre Organe [Lavranos]

Sacha Wunsch-Vincent, The WTO, the Internet and Trade Digital Products: EU-US Perspectives [Slotboom]

Okeoghene Odudu, The boundaries of EC competition law: the scope of Article 81 [Fritzsche]

Andreas Maurer and Dietmar Nickel (Eds.), Das Europäische Parlament: Supranationalität, Repräsentation and Legitimation [Bieber]

European Central Bank, Legal Aspects of the European System of Central Banks – Liber Amicorum Paolo Zamboni Garavelli [Arda]

F. Breuss and E. Hochreiter (Eds.), Challenges for Central banks in an Enlarged EMU [Lastra]

Deirdre Curtin and Ramses Wessel (Eds.), Good Governance and the European Union; Reflections on concepts, institutions and substance [della Cananea]

Luigi Daniele, Diritto del mercato unico europeo – Cittadinanza, Libertà di circolazione concorrenza, aiuti di stato [Mastroianni]

Survey of Literature

Publications received

**Volume 44 (2007) Issue 2**

A new attempt at a Transatlantic Free Trade Area, or is other work more important?

Interim Measures in Community Courts: Recent Trends [Castillo de la Torre]

The Constitutional Status of the European Central Bank [Selmayr, Zilioli]

And Then They Were Twenty-Seven... A Legal Appraisal of the Sixth Accession Treaty [Łazowski]

The Green Paper on Damages Actions for Breach Of The EC Antitrust Rules and Beyond: Reflections on the Utility and Feasibility of Stimulating Private Enforcement Through Legislative Action [Eilmansberger]

Case C-173/03, Traghetti del Mediterraneo SpA in Liquidation v. Italian Republic [Ruffert]

Case C-13/05, Chacón Navas v. Eurest Colectividades SA [Waddington]

Case C-350/03, Schulte v. Deutsche Bausparkasse Badenia AG; Case C-229/04, Crailsheimer Volksbank eG v. Klaus Conrads and Others, judgment [Terry]

Tobias Mähner, Der Europäische Gerichtshof als Gericht [Becker]

Damien Gerardin, Rodolphe Muñoz and Nicolas Petit (Eds.), Regulation through Agencies in the EU: A New Paradigm of European Governance [Chiti]

Thomas Cottier, Joost Pauwelyn and Elisabeth Bürgi (Eds.), Human Rights and International Trade [MacMaoláin]

Monica Claes, The National Courts' Mandate in the European Constitution [Mayer]

Stefan Vogenauer and Stephen Weatherill (Eds.), The Harmonisation of European Contract Law: Implications for European Private Laws, Businesses and Legal Practice [Stuyck]

Stefano Giubboni, Social Rights and Market Freedom in the European Constitution: A Labour Law Perspective [Nielsen]

Catherine Barnard, The Substantive Law of the EU: The Four Freedoms [Mortelmans]

Richard Macrory (Ed.), Reflections of 30 years of EU Environmental Law: A High Level of Protection? [Wennerås]

Magdalena Ličková, La communauté européenne et le système GATT/OMC: perspectives croisées [Govaere]

Raj Bhala, Modern GATT Law. A Treatise on the General Agreement on Tariffs and Trade [Weiß]

Thomas Steinmann, Philippe Kenel and Imogen Billotte, Le contrat d'agence commerciale en Europe [Micklitz]

Debra Johnson and Paul Robinson (Eds.), Perspectives on EU-Russia Relations: Europe and the Nation State [Van Elsuwege]

Laurent Moreillon and Aline Willi-Jayet, Coopération judiciaire pénale dans l'Union européenne [Weyembergh]

Justus Schönlau, Drafting the EU Charter, Rights Legitimacy and Process [Ziller]

Tobias Bender, Domestically Prohibited Goods: WTO-rechtliche Handlungsspielräume bei der Regulierung des Handels mit im Exportland verboten Gütern zum Umwelt- und Verbraucherschutz [Herrmann]

Anna Lawson and Caroline Gooding (Eds.), Disability Rights in Europe; From theory to practice [Quinn]

Abdelkhaleq Berramdane (Ed.), Le partenariat euro-méditerranéen à l'heure de l'élargissement de l'Union européenne [Gaudissart]

Jürgen Schwarze, European Administrative Governance [Jacobs]

Olufemi Babarinde and Gerrit Faber (Eds.), The European Union and the Developing Countries; The Cotonou Agreement [Petersmann]

Correspondence [Balfour]

**Volume 44 (2007) Issue 3**

What should replace the Constitutional Treaty? [ Editorial Comments]

U.N. sanctions against individuals – A challenge to the architecture of European Union governance [Nettesheim]

The relationship of the EC courts with other international tribunals: Non-committal, respectful or submissive? [Bronckers]

The meaning of Petersberg: Some considerations on the legal scope of ESDP operations [von Kielmansegg]

Free movement of goods: Recent developments in the case law [Enchelmaier, Oliver]

Horizontal liability in EC law: Hybridization of remedies for compensation in case of breaches of EC rights [Reich]

Financial penalties under Article 228(2) EC: Excessive complexity? [Kilbey]

Case C-310/04, Kingdom of Spain v. Council of the European Union [Grousot]

Case C-1/05, Yunying Jia v. Migrationsverket [Elsmore, Starup]

Case C-386/04, Centro di Musicologia Walter Stauffer v. Finanzamt München für Körperschaften [Becker]

House of Lords, judgment of 19 July 2006, Inntrepreneur Pub Co (CPC) and others v. Crehan [Hanley]

Armin von Bogdandy and Jürgen Bast (Eds.), Principles of European Constitutional Law [Thym]

Rudolf Streinz, Christoph Ohler and Christoph Herrmann, Die neue Verfassung für Europa. Einführung mit Synopse [Kahl]

Elspeth Guild (Ed.), Constitutional challenges to the European Arrest Warrant [Leczykiewicz]

Philipp Kiiver, The National Parliaments in the European Union – A critical view on EU constitution building [Poto]

Elspeth Guild and Paul Minderhoud (Eds.), Immigration and Criminal Law in the European Union: The legal measures and social consequences of criminal law in Member States on trafficking and smuggling human beings [Drew]

Matthias Triebel, Das europäische Religionsrecht am Beispiel der arbeitsrechtlichen Anti-Diskriminierungsrichtlinie 2000/78/EG [Mückl]

Anne Weyembergh and Sinziana Carstocea (Eds.), The gays' and lesbians' rights in an enlarged European Union [Bonini-Baraldi]

Steven Blockmans and Adam Łazowski (Eds.), The European Union and its Neighbours: A legal appraisal of the EU's policies of stabilisation, partnership and integration [Takács]

Alfred E. Kellermann, Jenő Czuczai, Steven Blockmans, Anneli Albi and Wybe Th. Douma (Eds.), The Impact of EU Accession on the Legal Orders of New EU Member States and (Pre-)Candidate Countries—Hopes and Fears [Kochenov]

Francis Snyder (Ed.), Enlargement and the New Europe after 2004/ L'élargissement et la nouvelle Europe après 2004 [Alehno]

Sophie Meunier, Trading voices: the European Union in international commercial negotiations [Brown]

Kai Schollendorf, Die Auslegung völkerrechtlicher Verträge in der Spruchpraxis des Appellate Body der Welthandelsorganisation (WTO) [Weiss]

Christine Kaddous and Monique Jametti Greiner (Eds.), Accords bilatéraux II Suisse-UE et autres Accords récents/ Bilaterale Abkommen II Schweiz-EU und andere neue Abkommen [Kronenberger]

Johann Weusmann, Die Europäische Union und Südafrika: Bilaterale Handelsbeziehungen im Lichte des GATT und der WTO [Cottier]

Wenhua Shan, The Legal Framework of EU-China Investment Relations: A Critical Appraisal [Zhang]

Fabrizio Cafaggi (Ed.), The Institutional Framework of European Private Law [Cauffman]

Stefan Lütke, Die CFC-Legislation im Spannungsfeld zwischen europäischer Kapitalverkehrsfreiheit und weltweiter Kapitalliberalisierung (WTO) [Fehling]

Bettina Kahil-Wolff and Pierre-Yves Greber, Sécurité sociale: aspects de droit national, international et européen [Kieser]

#### **Volume 44 (2007) Issue 4**

The rule of law as the backbone of the EU [Editorial Comments]

Salvation outside the Church: Judicial protection in the third Pillar after the Pupino and Segi judgments [Peers]

When worlds collide! Competing visions of the relationship between direct effect and supremacy [Dogan]

State aid procedures: Developments since the entry into force of the procedural regulation [Sinnaeve]

Promoting solidarity: From public services to a European model of competition? [Ross]

Case Law [Gilmore, Rijpma]

Case C-131/03 P, R.J. Reynolds Tobacco and Others v. Commission [Varju]

Case T-228/02, Organisation des Modjahedines du peuple d'Iran v. Council and UK (OMPI) [Eckes]

Case C-205/03 P, Federación Española de Empresas de Tecnología Sanitaria (FENIN) v. Commission [Roth]

Case T-253/02, Chafiq Ayadi v. Council; Case T-49/04, Faraj Hassan v. Council and Commission [Heliskoski]

Case C-380/03, Federal Republic of Germany v. European Parliament and Council of the European Union (Tobacco Advertising II) [Ludwigs]

Correspondence [Tobler]

Robert O'Donoghue and A. Jorge Padilla, The Law and Economics of Article 82 EC [Eilmansberger]

Deirdre Curtin, Alfred E. Kellermann and Steven Blockmans (Eds.), The EU Constitution: The Best Way Forward? [Van Nuffel]

Christine Kaddous and Andreas Auer (Eds.), Les principes fondamentaux de la Constitution européenne [Maiani]

Florian von Alemann, Die Handlungsform der interinstitutionellen Vereinbarung: Eine Untersuchung des Interorganverhältnisses der europäischen Verfassung [Breuer]

Birte Siemen, Datenschutz als europäisches Grundrecht [Riehle]

Sigrid Stroux, US and EC Oligopoly Control [Rard]

Andreas Furrer (Ed.), Europäisches Privatrecht im wissenschaftlichen Diskurs [Hofmann]

Jona Israël, European Cross-Border Insolvency Regulation [Mevorach]

Kalliope Agapiou-Joséphidès and Jean Rossetto, Chypre dans l'Union européenne [Shaelou]

Jan Hoogmartens, EC Trade Law Following China's Accession to the WTO [Stanescu]

---



## **DENVER JOURNAL OF INTERNATIONAL LAW AND POLICY**

### **Vol. 32 Number 1**

*Brandon MarK*, Acknowledging Our International Criminals: Henry Kissinger and East Timor.

*Stewart M. Young*, Whistleblowing in a Foreign Key: The Consistency of Ethics Regulation Under Sarbanes-Oxley with the WTO GATS Provisions.

*Ruchir Patel*, Immigration Legislation Pursuant to Threat to US National Security.

*Michael D. Klaus*, Dual-Use Free Trade Agreements: The Contemporary Alternative to High-Tech Export Controls.

*John D. Becker*, Book Review, NGO's with an Attitude and Bayonets: A Consideration of Transnational Criminal Organizations.

*Melissa Clack*, Book Note, International Law and Sustainable Development: Past Achievements and Future Challenges.

---

## **DUKE JOURNAL OF COMPARATIVE AND INTERNATIONAL LAW**

### **Volume 17, Fall 2006, Number 1**

#### **Articles**

The Application of the International Law of State Succession to the United States: A Reassessment of the Treaty between the Republic of Texas and the Cherokee Indians

*Jason C. Nelson*

1

Gender, Persecution, and the International Criminal Court: Refugee Law's Relevance to the Crime Against Humanity of Gender-Based Persecution

*Valerie Oosterveld*

49

The Freedom to Manifest Religious Belief: An Analysis of the Necessity Clauses of the ICCPR and the ECHR *M. Todd Parker* 91

The New Global Financial Landscape: Why Egregious International Corporate Fraud Should Be Cognizable Under the Alien Tort Claims Act  
*Joel Slawotsky* 131

## Notes

A Regional Approach to Whaling: How the North Atlantic Marine Mammal Commission is Shifting the Tides for Whale Management  
*Brettny Hardy* 169

Exploring Machu Picchu: An Analysis of the Legal and Ethical Issues Surrounding the Repatriation of Cultural Property *Molly L. McIntosh* 199

The Humanitarian Monarchy Legislates: The International Committee of the Red Cross and Its 161 of Customary International Humanitarian Law  
*Leah M. Nicholls* 223

---

## FLETCHER FORUM OF WORLD AFFAIRS

### Vol. 31:2

Letters to the Editor 7

### Issues and Policy

*Vali Nasr* Iran: The New Claimant to Regional Power? 9

*Philip Alston and William Abresch*

Can Human Rights Monitoring Halt Abuses in Sri Lanka? 21

*Jamie Shea* A NATO for the 21ST Century: Toward a New Strategic Concept 43

*Juan Gabriel Tokatlian* Illicit Drugs and the Americas: Avoiding a Pax Mafiosa 57

<i>Daniel P. Erikson and Janice Chen</i> China, Taiwan, and the Battle for Latin America.	69
<i>David A. Wirth</i> The EU's New Impact on U.S. Environmental Regulation	91
<i>Judith Palmer Harik</i> Hizbollah and Today's Battle for Beirut	111
<i>Todd Moss</i> Zimbabwe's Meltdown: Anatomy of a Peacetime Economic Collapse	133
<i>Robert I. Rotberg</i> Africa's Troubled Leadership and What To Do About It	149
<b>Perspectives</b>	
<i>Helen Donoghue</i> Europe's Energy Policy: Creating Change	165

### **Reviews**

The Peace of Illusions: American Grand Strategy from 1940 to the Present

*By Christopher Layne*

and

A Pact with the Devil: Washington's Bid for World Supremacy and the Betrayal of the American Promise *By Tony Smith*

Reviewed by Jeffrey W. Taliaferro 175

Who Controls the Internet? Illusions of a Borderless World *By Jack Goldsmith and Tim Wu*

Reviewed by Andrew Bennett 187

Recent Publications by the Fletcher Community 193

---

## **EMORY INTERNATIONAL LAW REVIEW**

### **Volume 20: Spring 2006**

Special Spring 2006 Symposium

Foreword *John Witte, Jr.* i

What's Right for Children *Jimmy Carter* 1

Municipal Legal Obligations of States Parties to the Convention on the Rights of the Child: The South African Model <i>Johan D. van der Vyver</i>	9
Ratify the U.N. Convention on the Rights of the Child, But Don't Expect Any Miracles <i>Martin Guggenheim</i>	43
Children's Rights and American Law: A Response to What's Wrong with Children's Rights <i>Howard Davidson</i>	69
Overcoming Religious Objections to the Convention on the Rights of the Child <i>David M. Smolin</i>	81
The Religious Right and the Opposition to U.S. Ratification of the Convention on the Rights of the Child <i>T. Jeremy Gunn</i>	111
The "Right" of Religious Liberty of the Child: Its Meaning, Measure, and Justification <i>Patrick McKinley Brennan</i>	129
The United Nations Convention on the Rights of the Child: Should It Be Ratified and Why? <i>Don S. Browning</i>	157
The Role of the United States in the Drafting of the Convention on the Rights of the Child <i>Cynthia Price Cohen</i>	185
What Does the Children's Convention Require? <i>Jaap E. Doek</i>	199
Prospects for Ratification of the Convention on the Rights of the Child <i>David Weissbrodt</i>	209
"But Even So, Look at That": Working with the Convention on the Rights of the Child <i>Martin E. Marty</i>	217
<b>Comments</b>	
Bullseye!: Why a "Targeting" Approach to Personal Jurisdiction in the E-Commerce Context Makes Sense Internationally <i>Brian D. Boone</i>	241

The Future of Criminal Jurisdiction over the Deployed American Soldier: Four Major Trends in  
Bilateral U.S. Status of Forces Agreements *John W. Egan* 291

Underwater Cultural Heritage: Is the Titanic Still in Peril as Courts Battle over the Future of the  
Historical Vessel? *Marian Leigh Miller* 345

“Phishing” for a Solution: Domestic and International Approaches to Decreasing Online Identity  
Theft *Lauren L. Sullins* 397

Nongovernmental Organizations and the International Criminal Court: Implications of Hobbes’  
Theories of Human Nature and the Development of Social Institutions for Their Evolving Relationship  
*Andrea E. K. Thomas* 435

---

**FLORIDA STATE UNIVERSITY JOURNAL OF TRANSNATIONAL LAW AND  
POLICY**

**Volume 16 (Fall 2006) Number 1**

**ARTICLES**

Iraqi Civil Law: Its Sources, Substance, and Sundering *Dan E. Stigall*

Transnational Shipments of Nuclear Materials by Sea: Do Current Safeguards Provide Coastal States a  
Right to Deny Innocent Passage? *David B. Dixon*

Decentralized Proliferation of International Judicial Bodies *Sang Wook Daniel Han*

A Collective Rights Society for the Digital Age *John Maloney*

---

**FOREIGN AFFAIRS**

**January/February 2007, Vol 86, Number 1**

FIND FOREIGN AFFAIRS ON A NEWSSTAND NEAR YOU

The United States, Iraq, and the War on Terror *Lee Kuan Yew*

The Clash of Emotions *Dominique Moïsi*

The Challenge of Global Health *Laurie Garrett*

Fidel's Final Victory *Julia E. Sweig*

Saving Afghanistan *Barnett R. Rubin*

A Battle for Global Values *Tony Blair*

Hands Off Hedge Funds *Sebastian Mallaby*

Has Globalization Passed Its Peak? *Rawi Abdelal and Adam Segal*

The Faces of Chinese Power *David M. Lampton*

Negotiating With Terrorists *Peter R. Neumann*

The Real Meaning of Military Transformation: Rethinking the Revolution  
*Thomas L. McNaugher*

Civil Rights, Uncivil Wrongs: The War on Terrorism's Toll on the U.S. Constitution  
*Andrew Rudalevige*

THE "ISRAEL LOBBY" *Martin Gross*

More Guns and Butter *Murray Weidenbaum*

Counting Shiites *Muhammad A. Faour*

What French Europe? *Philippe De Shoutheete*

Europe and Its Muslims *Jonathan Paris*

Iraqi Oil Production *Alan Khatib*

Recent Books on International Relations

**March/April 2007, Vol 86, Number 2**

FIND FOREIGN AFFAIRS ON A NEWSSTAND NEAR YOU

Iraq's Civil War *James D. Fearon*

Time for Détente With Iran *Ray Takeyh*

The New New World Order *Daniel W. Drezner*

*Unprepared for a Pandemic Michael T. Osterholm*

Blowing the Horn *John Prendergast and Colin Thomas-Jensen*

How Able Is Abe? *Richard Katz and Peter Ennis*

India's Democratic Challenge *Ashutosh Varshney*

The Moderate Muslim Brotherhood *Robert S. Leiken and Steven Brooke*

College Goes Global *William R. Brody*

The Underfunded Pentagon *Martin Feldstein*

Japan Is Back: Why Tokyo's New Assertiveness Is Good for Washington  
*Michael J. Green*

Chinese Lessons: Nixon, Mao, and the Course of U.S.-Chinese Relations *Warren I. Cohen*

From "Marvelous Momentum" to Health Care for All: Success Is Possible With the Right  
Programs *Paul Farmer and Laurie Garrett*

Recent Books on International Relations

**May/June 2007, Vol 86, Number 3**

FIND FOREIGN AFFAIRS ON A NEWSSTAND NEAR YOU

China's Space Odyssey: What the Antisatellite Test Reveals About Decision-Making in Beijing *Bates Gill and Martin Kleiber*

Smooth Sailing: The World's Shipping Lanes Are Safe  
*Dennis Blair and Kenneth Lieberthal*

Ending the Trade War in Washington: Saving the Trade Agenda by Protecting Workers  
*Stuart E. Eizenstat and Marney L. Cheek*

Al Qaeda Strikes Back *Bruce Riedel*

How Biofuels Could Starve the Poor *C. Ford Runge and Benjamin Senauer*

Healthy Old Europe *Nicholas Eberstadt and Hans Groth*

Containing Russia *Yuliya Tymoshenko*

The End of National Currency *Benn Steil*

Bush and the Generals *Michael C. Desch*

Let Women Rule *Swanee Hunt*

Atypically French: Sarkozy's Bid to Be a Different Kind of President *Sophie Pedder*

The Prophet of Moderation: Tariq Ramadan's Quest to Reclaim Islam  
*Jonathan Laurence*

Defying Orders, Saving Lives: Heroic Diplomats of the Holocaust *Richard Holbrooke*

The Values Debate *John L. Eastman*



Risk-Return Profile *Richard Christopher Whalen*

The Facts About the Slave Trade *Ronald Weitzer*

Immigration and Jobs *Bernard K. Gordon*

Diagnoses and Prescriptions *Nancy Aosse*

Recent Books on International Relations

**July/August 2007, Vol 86, Number 4**

FIND FOREIGN AFFAIRS ON A NEWSSTAND NEAR YOU

Renewing American Leadership *Barack Obama*

Rising to a New Generation of Global Challenges *Mitt Romney*

A New Deal for Globalization *Kenneth F. Scheve and Matthew J. Slaughter*

Overhauling Intelligence *Mike McConnell*

The Return of Authoritarian Great Powers *Azar Gat*

Grand Strategy for a Divided America *Charles A. Kupchan and Peter L. Trubowitz*

A False Choice in Pakistan *Daniel Markey*

Turkey Rediscovered the Middle East *F. Stephen Larrabee*

Nigeria's Rigged Democracy *Jean Herskovits*

Better and Better: The Myth of Inevitable Progress *James Surowiecki*

The Long Haul: Fighting and Funding America's Next Wars *Aaron L. Friedberg*

Entente Infernale: How 300 Years of Anglo-French Rivalry Shaped the World  
*Walter Russell Mead*

Seeing Red: Why Communism Really Failed *Donald Sassoon*

The Art of Peace: Bringing Diplomacy Back to Washington *Chester A. Crocker*

HONOR ROLL *Daniel Kurtzer*

DEFENSE SPENDING *Lawrence Spinetta*

DEFENSE SPENDING – Response *Martin Feldstein*

AN ACADEMIC DEBATE *Charles Larkin*

---

## **GEORGETOWN JOURNAL OF INTERNATIONAL LAW**

**VOLUME 37, NUMBER 3 (SPRING 2006)**

### **NOTES**

Judicial Independence Threatened in Venezuela: The Removal of Venezuelan Judges and the Complications of Rule of Law Reform, *Lauren Castaldi*

Jurisdiction of the European Court of Human Rights: Exorbitance in Reverse?, *Stefka Kavaldjieva*

Toward an Accountability-Based Definition of "Mercenary", *Ryan M. Scoville*

**VOLUME 37, NUMBER 4 (SUMMER 2006)**

### **ARTICLE**

Refugee Security and the Organizational Logic of Legal Mandates, *Mariano-Florentino Cuéllar*

## **NOTE**

Bridging A Gap in Human Rights Law: Prisoner of War Abuse as “War Tort,” *Aaron E. Garfield*

## **REPORT**

Unintended Consequences: Refugee Victims of the War on Terror, Georgetown University Law Center, Human Rights Institute May 2006 Refugee Fact-Finding Investigation

## **VOLUME 38, NUMBER 1 (FALL 2006)**

## **CIT FOREWARD AND REMARKS**

A Special Year in the Life of the United States Court of International Trade, *Jane A. Restani*

United States Court of International Trade 25 th Anniversary Celebration Special Session of the Court, November 1, 2005, *Statement of Leo M. Gordon*

## **PRACTITIONER COMMENTARIES**

Cases under 28 U.S.C. § 1581(a), *Gail T. Cumins, Allison M. Baron and Sara Nordin*

Judicial Review by the U.S. Court of International Trade and the U.S. Court of Appeals for the Federal Circuit Under 19 U.S.C. §1581(c) of Antidumping and Countervailing Duty Determinations Issued by the Department of Commerce, *Stuart M. Rosen and Gregory Husisian*

Judicial Review of the International Trade Commission’s Injury Determinations in Antidumping and Countervailing Duty Proceedings: An Overview and Analysis of Federal Court Decisions in 2005, *Andrea C. Casson and Neal J. Reynolds*

Trade Adjustment Assistance Cases—2005 Developments, *Robin H. Gilbert*

Cases Under 28 U.S.C. §1581(i), *Richard O. Cunningham and Susan R. Gihring*

A Review of Cases Decided Under 28 U.S.C. §1582, *William D. Outman, II*

Reliance on Decisions of the U.S. Court of Appeals for the Federal Circuit in Trade and Customs Litigation, *Terence P. Stewart and Elizabeth J. Drake*

## **ARTICLE**

Relationship of WTO Obligations to U.S. International Trade Law: Internationalist Vision Meets Domestic Reality, *Patrick C. Reed*

---

## **HARVARD INTERNATIONAL LAW JOURNAL**

**Winter 2007, Vol. 48, Number 2**

### **Titles**

A Blueprint for Cross-Border Access to U.S. Investors: A New International Framework  
*by: Ethiopis Tafara, Robert J. Peterson*

A Blueprint for Cross-Border Access to U.S. Investors: A New International Framework (Article Series) *by: Various Authors*

A System of Selective Substitute Compliance  
*by: Howell E. Jackson*

Beyond Borders: Time To Tear Down the Barriers to Global Investing  
*by: Edward F. Greene*

Book Review: War Law: Understanding International Law and Armed Conflict  
*by: Elizabeth A. Lewis*

Commentary on "A Blueprint for Cross-Border Access to U.S. Investors: A New International Framework" *by: Susan Wolburgh Jenah*

Constitutional Limits on Extraterritorial Jurisdiction: Terrorism and the Intersection of National and International Law *by: Anthony J. Colangelo*

Integrative Linkage: Combining Public and Private Regulatory Approaches in the Design of Trade and Labor Regimes *by: Kevin Kolben*

Louis B. Sohn *by: Detlev F. Vagts*

Louis B. Sohn: Architect of the Modern International Legal System  
*by: Daniel Barstow Magraw*

Louis B. Sohn: Present at the Creation  
*by: Harold Hongju Koh*

Louis B. Sohn: Recollections of a Co-conspirator  
*by: David Kennedy*

TIAA-CREF Response to "A Blueprint for Cross-Border Access to U.S. Investors: A New International Framework"  
*by: George W. Madison, Stewart P. Greene*

Tribute to Professor Louis B. Sohn  
*by: Thomas M. Franck*

Tribute to Professor Louis B. Sohn (Article Series)  
*by: Various Authors*

Unpacking Show Trials: Situating the Trial of Saddam Hussein  
*by: Jeremy Peterson*

---

## **INTERNATIONAL JOURNAL OF CONSTITUTIONAL LAW**

**Volume 5, Number 1, January 2007**

Symposium In honor of the late Louis Favoreu: France's exceptionalism in constitutional

*Cheryl Saunders*

The interesting times of Louis Favoreu

*Burt Neuborne*

Hommage à Louis Favoreu 17

*Dominique Rousseau*

The Conseil Constitutionnel confronted with comparative law and the theory of constitutional justice  
(or Louis Favoreu's untenable paradoxes) 28

*Lech Garlicki*

Constitutional courts versus supreme courts 44

*Alec Stone Sweet*

The politics of constitutional review in France and Europe 69

#### **Articles**

*Cindy Skach*

The "newest" separation of powers: Semipresidentialism 93

*Jack Tsen-Ta Lee*

Interpreting bills of rights: The value of a comparative approach 122

#### **Constitutional developments**

*Diana Woodhouse*

United Kingdom • The Constitutional Reform Act 2005—defending judicial independence the English  
way 153

#### **Review essay**

*Daniel Halberstam*

Desperately seeking Europe: On comparative methodology and the conception of rights 166

#### **Volume 5, Number 2, April 2007**

Symposium Courts and the marginalized: Comparative perspectives

*Siri Gloppen and Rachel Sieder*

Courts and the marginalized: Comparative perspectives 183

*Carlo Guarnieri*

Courts and marginalized groups: Perspectives from Continental Europe 187

*Rachel Sieder*

The judiciary and indigenous rights in Guatemala 211

*Bruce M. Wilson*

Claiming individual rights through a constitutional court: The example of gays in Costa Rica 242

*Siri Gloppen and Fidelis Edge Kanyongolo*

Courts and the poor in Malawi: Economic marginalization, vulnerability, and the law 258

Constitutional court profile The Supreme Court of Japan

*Norman Dorsen*

The Supreme Court of Japan 294

Yasuo Hasebe

The Supreme Court of Japan: Its adjudication on electoral systems and economic freedoms 296

*Norikazu Kawagishi*

The birth of judicial review in Japan 331

*Shigenori Matsui*

The voting rights of Japanese citizens living abroad 332

## **Article**

*David Erdos*

Aversive constitutionalism in the Westminster world: The genesis of the New Zealand Bill of Rights Act (1990) 343

### **Constitutional developments**

*Mark Elliott*

United Kingdom • Bicameralism, sovereignty, and the unwritten Constitution 370

*Thomas M. Franck*

United States • Hamdan v. Rumsfeld: Presidential power in wartime 380

### **Volume 5, Number 3, July 2007**

#### **Articles**

*Rosalind Dixon*

Creating dialogue about socioeconomic rights: Strong-form versus weak-form judicial review revisited 391

*Lorenz Langer*

The elusive aim of universal suffrage: Constitutional developments in Hong Kong 419

*Kai Möller*

Balancing and the structure of constitutional rights 453

*H. Kwasi Prempeh*

Africa's "constitutionalism revival": False start or new dawn? 469

*Beate Rudolf and Andrea Eriksson*

Women's rights under international human rights treaties: Issues of rape, domestic slavery, abortion, and domestic violence 507

### **Constitutional developments**

*Li-ann Thio*

Singapore: (S)electing the president—diluting democracy?

*Anashri Pillay*

South Africa: Access to land and housing



**Book reviews**

*Catharine A. MacKinnon*

The Gender of Constitutional Jurisprudence

*Pierre Rosanvallon*

Active Liberty: Interpreting Our Democratic Constitution

*Adam Czarnota*

Rights before Courts: A Study of Constitutional Courts in Postcommunist States of Central and Eastern Europe

---

**JEAN MONNET WORKING PAPERS**

No. 5/06

*Chi Carmody*

A Theory of WTO Law

No. 6/06

*Rosa Comella*

New Governance fatigue? Administration and democracy in the European Union

No. 7/06

*Alicia Cebada Romero*

The Coherence of the European Union as an International Actor: Facing the Challenge of Immigration and Asylum

No. 8/06

*Julie Ringelheim*

Processing Data on Racial or Ethnic Origin for Antidiscrimination Policies: How to Reconcile the Promotion of Equality with the Right to Privacy?

No. 9/06

*Ruth Mason*

A Theory of Tax Discrimination

No. 10/06

*Antonio Segura-Serrano*

Internet Regulation: A Hard-Law Proposal

No.1/07

*Richard Stith*

Securing the Rule of Law through Interpretive Pluralism: An Argument from Comparative Law

---

## **JOURNAL OF INTERNATIONAL ARBITRATION**

### **Volume 24 (2007) Issue 1**

Editorial Note [Moser]

Reflections on Transnational Public Policy [Pryles]

The “Public Policy” Exception to Enforcement of International Arbitration Awards Under the New York Convention—With Particular Reference to Construction Disputes [Harris]

Non-recognition of Kompetenz-Kompetenz in Developing Countries—The Venezuelan Example [Díaz-Candía]

Use of the UNCITRAL Arbitration Rules at Arbitral Institutions by Arbitral Institutions—The Case of Malaysia [Idid]

The Reform of the Italian Arbitration Law—The Challenging of Arbitrators and the Setting of Time Limits [Cutolo, Esposito]

The Strange Case of Wang Shengchang [Ming]

The Impact of Constitutional Law on International Commercial Arbitration in Venezuela [De Jesús O.]

Arbitration of Investment Disputes: The Order of the Consolidation Tribunal in the Softwood Lumber Dispute [Loong]

Reflections on the Fourth MAC Sittings [Malouche]

**Volume 24 (2007) Issue 2**

Investment Treaty Arbitration—An Australian Perspective [Baykitch, Mangan, Turner]

Precedent in Investment Treaty Arbitration—A Citation Analysis of a Developing Jurisprudence [Commission]

Procedural Guarantees of Human Rights in Arbitration Proceedings—A Still Unsettled Problem? [Jaksic]

Arbitration and the World Trade Organization—The Forgotten Provisions of Article 25 of the Dispute Settlement Understanding [Malkawi]

Certain Procedural Issues in Arbitrating Competition Cases [Kurkela, Levin, Liebscher, Sommer]

**Volume 24 (2007) Issue 3**

Factors Affecting the Choice of Dispute Resolution Methods in Japan (with an Emphasis on Arbitration) [Tseng]

The Compétence-Compétence Principle, Revisited [González de Cossío]

Enforcement of Foreign Arbitral Awards in the Republic of Moldova – Evolution of the Pro-Arbitration Policy in the Case Law of the Supreme Court of Justice [Svetlicinii]

International Investment Law and the Host State's Power to Handle Economic Crises – Comment on the ICSID Decision in LG&E v. Argentina [Schill]

Two Nebulous ICSID Features: The Notion of Investment and the Scope of Annulment Control – Ad Hoc Committee's Decision in Patrick Mitchell v. Democratic Republic of Congo [Hamida]

Final Offer Arbitration from a Civil Law Perspective – How to Play Baseball in a Soccer Country [Borris]

Commencement of Arbitral Proceedings and Unsigned Requests for Arbitration – A Counsel’s Harsh Awakening? [Gack, Wilske]

Limits to Party Autonomy in Arbitral Procedure [Pryles]

**Volume 24 (2007) Issue 4**

The Notion of the Superiority of Arbitration Agreements over Jurisdiction Agreements: Time to Abandon It? [Brekoulakis]

Time to Take a Closer Look: Privilege in International Arbitration [Meyer]

The Interplay of International, Federal and State Law in US Arbitration [Joelsen]

California and Arbitrator Failure to Disclose [Donahey]

The International Law Association’s Recommendations on Res Judicata and Lis Pendens in International Commercial Arbitration [Bensaude]

Colloquium of Young Arbitrators [Ponty]

TMC Terminal Multimodal De Coroa Grande Spe S.A. v. Ministro da Ciencia e Tecnologia [Valença Filho]

International Arbitration Events Calendar

---

**JOURNAL OF INTERNATIONAL ECONOMIC LAW (OXFORD UNIVERSITY PRESS)**

**Volume 10, Number 1, March 2007**

Introduction to Volume 10, 2007

1

International Economic Law: Complexity and Puzzles Back

*John H. Jackson*

International Economic Law: Complexity and Puzzles 3

### **General Articles**

*Panagiotis Delimatsis*

Due Process and ‘Good’ Regulation Embedded in the GATS – Disciplining Regulatory Behaviour in Services Through Article VI of the GATS 13

*Laurence Boisson de Chazournes*

Collective Security and the Economic Interventionism of the UN—the need for a coherent and Integrated Approach 51

*Brendan Sweeney*

Export Cartels: Is there a need for Global Rules? 87

*Arwel Davies*

Connecting or Compartmentalizing the WTO and United States Legal Systems? The Role of the Charming Betsy Canon 117

### **Obituary**

*Marco Bronckers*

In Memoriam Henry G. Schermers 151

### **Book Reviews**

*Steve Charnovitz*

Fast Track: A Legal, Historical, and Political Analysis. By HAL S. SHAPIRO. 153

*Olufemi O. Amao*

Multinationals and Corporate Social Responsibility: Limitations and Opportunities in International Law. By Jennifer A. Zerk. 161

### **Annual Statistical Analysis, Surveys, and Indexes**

*Kara Leitner and Simon Lester*

WTO Dispute Settlement 1995–2006—A Statistical Analysis 165

*Marylin Johnson Raisch*

Book Survey 2006 181

*Marylin Johnson Raisch*

Website Survey 2006 189

*Michelle T. Grando*

Bibliography on WTO Dispute Settlement Volumes 1–9 (1998–2006) 197

### **Volume 10, Number 2, June 2007**

#### **General Articles**

*Rudolf Adlung*

Negotiations on Safeguards and Subsidies in Services: a Never-ending Story? 235

*Denis Audet*

Smooth as Silk? A First Look at the Post MFA Textiles and Clothing Landscape 267

*Andrew Green and Tracey Epps*

The WTO, Science, and the Environment: Moving Towards Consistency 285

*John Maton and Carolyn Maton*

Independence Under Fire: Extra-legal Pressures and Coalition Building in WTO Dispute Settlement 317

*Rex J. Zedalis*

When do the Activities of Private Parties Trigger WTO Rules? 335

*Cosmas Milton Obote Ochieng*

The EU–ACP Economic Partnership Agreements and the ‘Development Question’: Constraints and Opportunities Posed by Article XXIV and Special and Differential Treatment Provisions of the WTO 363

### **Notes, Comments, and Developments**

*Bruce Wilson*

Compliance by WTO Members with Adverse WTO Dispute Settlement Rulings: The Record to Date 397

### **Book Reviews**

*Richard Frimpong Oppong*

Documents in International Economic Law. By FRANCIS BOTCHWAY 405

*Iveta Alexovicová*

Accountability, Investigation and Due Process in International Organizations. Edited by CHRIS DE COOKER. 409

*Dominic Coppens*

Trade and Aid: Partners or Rivals in Development Policy? By SHEILA PAGE (ed.) 413

*Michael Ewing-Chow*

The WTO in the Twenty-first Century: Dispute Settlement, Negotiations, and Regionalism in Asia. Edited by YASUHEI TANIGUCHI, ALAN YANOVICH, and JAN BOHANES.

420

*Thomas Cottier*

Constitutionalism, Multilevel Trade Governance and Social Regulation (Studies in International Trade Law, Vol. 9). Edited by CHRISTIAN JOERGES and ERNST-ULRICH PETERSMANN 424

---

## **JOURNAL OF WORLD TRADE**

### **Volume 41 (2007) Issue 1**

The Interpretation of Schedules of Commitments [Van Damme]

Preferential Trade Agreements and their Implications for Customs Services [Feaver, Wilson]

The World Trade Organization's Legitimacy Crisis: What Does the Beast Look Like? [Elsig]

Non-agricultural Market Access Negotiations in the World Trade Organization [Hammouda, Karingi, Sadni Jallab]

Disciplining Domestic Regulations Under GATS and its Implications for Developing Countries: An Indian Case Study [Karmakar]

Safeguards in the World Trade Organization Ten Years After: A Dissociated State of the Law? [Martín Rodríguez]

Weaving Webs of Influence: The United States, Free Trade Agreements and Dispute Resolution [Drahos]

Financial Liberalization and Regulation in East Asia: Lessons from Financial Crises and the Chinese Experience of Controlled Liberalization [Wang]

Response to the Article "Are the Economic Partnership Agreements a First-best Optimum for the ACP Countries?" Perez, R. (2006) 40(6) [Curran]

### **Volume 41 (2007) Issue 2**

Legal Services and the Doha Round Dilemma [Cone III]

Playing Fair: The Meaning of Fair and Equitable Treatment in Bilateral Investment Treaties [Mayeda]

Trade in Telecommunications Services: Doha and Beyond [Peng]

On the (Non-)Effectiveness of the World Trade Organization Special and Differential Treatments in the Dispute Settlement Process [Alavi]



Regionalism and Developing Countries: A Primer [de Melo]

Taiwan's Protocol 16 Special Safeguard and Anti-dumping Enforcement on Imports from China [Huang]

Services Trade Liberalization at the Regional Level: Does Southern and Eastern Africa Stand to Gain From Economic Partnership Agreement Negotiations? [Jansen]

Book Review [Paterson, Vermulst]

### **Volume 41 (2007) Issue 3**

WTO Accession: Procedure, Requirements and Costs [Kavass]

The Role of Chairman's Statements in the WTO [Grosse Ruse-Khan]

Overcoming "Green Barriers": China's First Five Years Into the WTO [Zhao]

A Firm Perspective of Anti-dumping and Countervailing Duty Cases in the United States [Lindeque]

Legal Analysis of Korea-ASEAN Regional Trade Integration [Choi]

Unilateral Measures and WTO Dispute Settlement: An EC Perspective [Antoniadis]

A Match Made in the Corporate and Public Interest: Marrying Voluntary CSR Initiatives and the WTO [Aaronson]

BOOK REVIEW [Graafsma]

---

## **JOURNAL OF WORLD INVESTMENT AND TRADE**

### **Volume 8 (February 2007) Number 1**

The "Effective Ordinary Meaning" of BITs and the Jurisdiction of Treaty-Based Tribunals to Hear Contract Claims *John P. Gaffney and James L. Loftis*

Partial Expropriation <i>Ursula Kriebaum</i>	69
Subcentral Governmental Investment Incentives—Assessing their Lawfulness under the Gatt and the SCM Agreement <i>Rex J. Zedalis</i>	85
The Rise of Russian Transnational Corporations <i>Kálmán Kalotay</i>	125
Integrating the CIS Economies into the WTO—A Review <i>Asoke Mukerji</i>	149
The Meaning of "Investment" in Treaty Disputes: Substantive or Jurisdictional?— Lessons from Nagel v. Czech Republic and S.D. Myers v. Canada <i>Yves G. L. Wolters</i>	175

---

## LEGAL ISSUES OF ECONOMIC INTEGRATION

### Volume 34 (2007) Issue 1

From the Board: Coalitions of the Unwilling

Some Reflections on Economic Policy [Smits]

A 'Margin of Appreciation' in the Internal Market: Lessons from the European Court of Human Rights [Sweeney]

The Effect in National Legal Systems of the Prohibition of Discrimination on Grounds of Age as a General Principle of Community Law [Jans]

Opening Pandora's Box: The Panel's Findings in the EC-Biotech Products Dispute [Prévost]

An Institutional and Normative Analysis of the World Trade Organization, Mary E. Footer [Nottage]

### Volume 34 (2007) Issue 2

Demand Triggers Offer

The Regulation of Consumer Credit Information Systems: Is the EU Missing a Chance? [Ferretti]

The Oracle/PeopleSoft Case: Unilateral Effects, Simulation Models and Econometrics in Contemporary Merger Control [Budzinski, Christiansen]

Was Keck a Half-baked Solution After All? [Tryfonidou]

Patient Mobility and National Health Systems [Cousins]

Book Review: Regulating the Internal Market [Schrauwen]

### **Volume 34 (2007) Issue 3**

Doha's 'Early' Harvest

The End of Zeroing? Reflections Following The WTO Appellate Body's Latest Missive [Voon]

Regional Integration: Whither the Arab Free Trade Area? [Malkawi]

Freedom of Speech and Assembly Versus Trade and Transit Rights: Roadblocks to EU and MERCOSUR Integration [Appleton, Graf]

In the Footsteps of the ECJ: First Decision of the Permanent MERCOSUR-Tribunal [Piscitello, Schmidt]

Freedom of Services and Abolition of Tax Barriers [Kirchev]

---

## **LEIDEN JOURNAL OF INTERNATIONAL LAW**

### **Volume 20 (2007) Issue 1**

#### **ARTICLES**

*JAN KLABBERS*, Possible Islands of Predictability: The Legal Thought of Hannah Arendt, pp 1-23

*JANNE E. NIJMAN*, Paul Ricoeur and International Law: Beyond 'The End of the Subject'. Towards a Reconceptualization of International Legal Personality, pp 25-64

*HALVARD LEIRA*, At the Crossroads: Justus Lipsius and the Early Modern Development of International Law, pp 65-88

## **HAGUE INTERNATIONAL TRIBUNALS**

### **International Court of Justice**

*JÖRG KAMMERHOFER*, The Armed Activities Case and Non-state Actors in Self-Defence Law, pp 89-113

### **International Criminal Tribunals for the Former Yugoslavia**

*GRANT DAWSON and JOAKIM DUNGEL*, Compulsion of Information from States and Due Process in Cases before the International Criminal Tribunal for the Former Yugoslavia, pp 115-163

### **International Criminal Court**

*CARSTEN STAHN*, The International Criminal Court and the Shortcomings of Domestic Legislation: Introductory Note, pp 165-166

*ZSUZSANNA DEEN-RACSMÁNY*, Lessons of the European Arrest Warrant for Domestic Implementation of the Obligation to Surrender Nationals to the International Criminal Court, pp 167-191

*HÉCTOR OLÁSOLA*, The Lack of Attention to the Distinction between Situations and Cases in National Laws on Co-operation with the International Criminal Court with Particular Reference to the Spanish Case, pp 193-205

*ANNE-MARIE DE BROUWER*, Reparation to Victims of Sexual Violence: Possibilities at the International Criminal Court and at the Trust Fund for Victims and their Families, pp 207-237

## **CURRENT LEGAL DEVELOPMENTS**

*ARNOLD N. PRONTO*, Consideration at the United Nations of an International Prohibition on the Cloning of Human Beings, pp 239-265

## **THE TELDERS INTERNATIONAL LAW MOOT COURT COMPETITION**

The Telders International Law Moot Court Case 2007: The AIDS Medication Case (*Allegria v. Amargura*), pp 267-273

## **BIBLIOGRAPHY**

*INGRID KOST*, Books and Articles in the Field of the Prevention and Peaceful Settlement of International Disputes (Autumn 2006), pp 275-280

## **REVIEW ESSAYS**

*JASON A. BECKETT*, Conflicting Orders: How Peace Is Waged, pp 281-319

## **BOOK REVIEWS**

H. Fischer and N. Quenivet (eds.), Post-Conflict Reconstruction: Nation- and/or State-Building, *MATTHEW SAUL*, pp 321-324

## **Volume 20 (2007) Issue 2**

## **ARTICLES**

*CARL LANDAUER*, The Ambivalences of Power: Launching the American Journal of International Law in an Era of Empire and Globalization

*AMANDA ALEXANDER*, The Genesis of the Civilian

*SHANE DARCY*, Imputed Criminal Liability and the Goals of International Justice

## **HAGUE INTERNATIONAL TRIBUNALS**

### **International Court of Justice**

*ANNA RIDDELL*, Report on the Oral Proceedings in the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*Bosnia and Herzegovina v. Serbia and Montenegro*): Selected Procedural Aspects

### **International Criminal Tribunals for the Former Yugoslavia**

*EMILY CRAWFORD*, Unequal Before the Law: The Case for the Elimination of the Distinction Between International and Non-International Armed Conflicts

### **International Criminal Court**

*ABDELRAHMAN AFIFI*, On the Scope of Professional Secret and Confidentiality: The International Criminal Court Code of Professional Conduct for Counsel and the Lawyer's Dilemma

### **CURRENT LEGAL DEVELOPMENTS**

*DANIEL H. JOYNER*, Non-proliferation Law and the United Nations System: Resolution 1540 and the Limits of the Power of the Security Council

### **BIBLIOGRAPHY**

*INGRID KOST*, Books and Articles in the Field of the Prevention and Peaceful Settlement of International Disputes (Winter 2006)

### **BOOK REVIEWS**

Javaid Rehman, Islamic state Practices, International Law and the Threat from Terrorism. A Critique of the 'Clash of Civilizations' in the New World Order; Mashoof A. Baderin, International Human Rights and Islamic Law, *MAURITS S. BERGER*

Bimal N. Patel (Ed), India and International Law, *MATH NOORTMAN*

---

## **LOYOLA OF LOS ANGELES LAW REVIEW**

**Volume 39, Number 4, December 2006**

### **SYMPOSIUM: CELEBRITY PROSECUTIONS**

THE THIRTEENTH JUROR: MEDIA COVERAGE OF SUPERSIZED TRIALS by *Mark J. Geragos*

PUNISHING PUNDITS: PEOPLE V. DYLESKI AND THE GAG ORDER AS PRIOR RESTRAINT  
IN HIGH-PROFILE CASES *by Michael D. Seplow & Paul L. Hoffman*

COURTING THE STARS: WHY THE LEGAL SYSTEM NEEDS NEW(S) THINKING FOR  
OVERPOWERING CELEBRITY TRIALS *by Craig Matsuda*

HIGH-PROFILE PROSECUTORS & HIGH-PROFILE CONFLICTS *by Laurie L. Levenson*

### **NOTES & COMMENTS**

ARBITRARY ENFORCEMENT: WHEN ARBITRATION AGREEMENTS CONTAIN  
UNLAWFUL PROVISIONS *by Adam Borstein*

SAFER (CYBER)SEX WITH .XXX: THE CASE FOR FIRST AMENDMENT ZONING OF THE  
INTERNET *by Patty Chan*

WHERE THERE'S SMOKE, THERE'S FIRE (AND BRIMSTONE): IS IT TIME TO ABANDON  
THE CLERGY-PENITENT PRIVILEGE? *by Rena Durrant*

TOWARDS AN "HONEST BELIEF PLUS" STANDARD IN CALIFORNIA EMPLOYMENT  
DISCRIMINATION CASES *by Noam Glick*

AN ENEMY OF FREEDOM: UNITED STATES V. JAMES J. SMITH AND THE ASSAULT ON  
THE FOURTH AMENDMENT *by Kelly J. Smith*

A LOW THRESHOLD OF GUILT: INTERPRETING CALIFORNIA'S FETAL MURDER  
STATUTE IN PEOPLE V. TAYLOR *by Monica Mendes*

A WHIFF OF THINGS TO COME: THE UNREASONABLENESS OF DOG SNIFFS IN ILLINOIS  
V. CABALLES *by Jessica Na*

### **Volume 40, Number 1, Fall 2007**

SYMPOSIUM: CONTRACTING OUT OF THE UNIFORM COMMERCIAL CODE

INTRODUCTION *by Sarah Howard Jenkins*

CONSTRAINING OPT-OUTS: SHIELDING LOCAL LAW AND THOSE IT PROTECTS FROM ADHESIVE CHOICE OF LAW CLAUSES *by William J. Woodward, Jr.*

OPTING OUT OR COPPING OUT? AN ARGUMENT FOR STRICT SCRUTINY OF INDIVIDUAL CONTRACTS *by Charles L. Knapp*

GOT WHEELS?: ARTICLE 2A, STANDARDIZED RENTAL CAR TERMS, RATIONAL INACTION, AND UNILATERAL PRIVATE ORDERING *by Irma S. Russell*

IS ARBITRATION LAWLESS? *by Christopher R. Drahozal*

WRITING YOUR OWN RULES: CONTRACTING OUT OF (AND INTO) THE UNIFORM COMMERCIAL CODE; INTRASTATE CHOICE OF LAW *by Fred H. Miller*

AN ESSAY ON ARTICLE 2'S IRRELEVANCE TO LICENSING AGREEMENTS *by Raymond T. Nimmer*

CONTRACTING OUT OF ARTICLE 2 USING A "LICENSE" LABEL: A STRATEGY THAT SHOULD NOT WORK FOR SOFTWARE PRODUCTS *by Jean Braucher*

CONTRACTING OUT OF ARTICLE 9 *by Meredith Jackson*

CONTRACTING OUT OF REVISED UCC ARTICLE 5 (LETTERS OF CREDIT) *by James E. Byrne*

CONTRACTING OUT OF ARTICLE 2: MINIMIZING THE OBLIGATION OF PERFORMANCE & LIABILITY FOR BREACH *by Sarah Howard Jenkins*

CONTRACTING OUT OF THE UCC: VARIATION BY AGREEMENT UNDER ARTICLES 3, 4, AND 4A *by Paul S. Turner*

THE ETHICS OF INVALID AND "IFFY" CONTRACT CLAUSES *by Christina L. Kunz*

AN ENDANGERED SPECIES: THE INCREASING IRRELEVANCE OF ARTICLE 4 OF THE UCC IN AN ELECTRONICS-BASED PAYMENTS SYSTEM *by Stephanie Heller*

---



## **MELBOURNE JOURNAL OF INTERNATIONAL LAW**

**Volume 7, October 2006, Issue 2**

### **Articles**

How Effective is the International Convention for the Protection of All Persons from Enforced Disappearance Likely to Be in Holding Individuals Criminally Responsible for Acts of Enforced Disappearance? *Kirsten Anderson*

GMOs in the WTO: A Critique of the Panel's Legal Reasoning in EC — Biotech *Caroline Henckels*  
Legal Limitations on Ensuring Australia's Maritime Security *Natalie Klein*

Good Faith in WTO Dispute Settlement *Andrew D Mitchell*

### **Case Note**

Salim Ahmed Hamdan, Petitioner v Donald H Rumsfeld, Secretary of Defense: Has the Bush Administration's Experiment with Military Commissions Come to an End? *Sarah Finnin*

### **Commentary**

Double Punishment? Preventive Detention Schemes under Australian Legislation and Their Consistency with International Law: The Fardon Communication  
*Patrick Keyzer and Sam Blay*

### **Book Reviews**

The Fluid State: International Law and National Legal Systems *by Hilary Charlesworth, Madelaine Chiam, Devika Hovell and George Williams (eds) Anne Orford*

Unlawful Territorial Situations in International Law: Reconciling Effectiveness, Legality and Legitimacy *by Enrico Milano Eric Wilson*

**Volume 8, May 2007, Issue 1**

### **Articles**

At the Border and between the Cracks: The Precarious Position of Irregular Migrant Workers under International Human Rights Law *Laurie Berg*

Combating Foreign Anti-Competitive Conduct: What Role for Extraterritorialism? *Brendan Sweeney*

### **Feature**

Why Refugee Law Still Matters *James C Hathaway*

### **Case Notes**

SRYYY v Minister for Immigration and Multicultural and Indigenous Affairs: War Crimes and the Refugee Convention *Peter Johnston and Claire Harris*

Don't Mention the War (on Terror): Framing the Issues and Ignoring the Obvious in the ICJ's 2005 Armed Activities Decision *Guy Fiti Sinclair*

### **Commentaries**

Enforcing Australian Law in Antarctica: The HSI Litigation *Ruth Davis*

The International Criminal Court and the Lord's Resistance Army *Matthew Happold*

Threats from the Global Commons: Problems of Jurisdiction and Enforcement *Stuart Kaye*

The WTO and its Institutional Impediments

---

## **MICHIGAN JOURNAL OF INTERNATIONAL LAW**

### **Vol. 28 No. 3**

Introduction

Symposium on State Intelligence Gathering and International Law *Steven R. Ratner*

Symposium on State Intelligence Gathering and International Law *Jeffrey H. Smith*

Secrets and Lies: Intelligence Activities and the Rule of Law in Times of Crisis  
*Simon Chesterman*

State Intelligence Gathering: Conflict of Laws *Charles H.B. Garraway*

The Unresolved Equation of Espionage and International Law *A. John Radsan*

Counterintuitive: Intelligence Operations and International Law *Glenn Sulmasy / John Yoo*

What's International Law Got to Do with It? Transnational Law and the Intelligence Mission  
*James E. Baker*

Towards a Right to Privacy in Transnational Intelligence Networks *Francesca Bignami*

Individual and State Responsibility for Intelligence Gathering *Dieter Fleck*

**Vol. 28 No. 2**

The Michigan Guidelines on Protection Elsewhere, Adopted January 3, 2007  
*James C. Hathaway*

Protection Elsewhere: The Legal Implications of Requiring Refugees to Seek Protection in  
Another State *Michelle Foster*

Compensation for Property Under the European Convention on Human Rights *Tom Allen*

Averting Catastrophe: Why the Nuclear Nonproliferation Treaty is Losing its Deterrence  
Capacity *Orde F. Kittrie*

Impediments to Financial Development in the Banking Sector: A Comparison of the Impact  
of Federalism in the United States and Germany *Khalil Nicholas Maalouf*

Privatization and the Human Right to Water: Challenges for the New Century  
*Melina Williams*

Custody, Maintenance, and Succession: The Internalization of Women's and Children's Rights  
Under Customary Law in Africa *Allison D. Kent*

---

**NETHERLANDS INTERNATIONAL LAW REVIEW**

**2006, Vol. 53, issue 3**

*Thomas, Katherine Reece*: THE CHANGING STATUS OF INTERNATIONAL LAW IN ENGLISH DOMESTIC LAW, p. 371-398

*Alam, M Shah*: ENFORCEMENT OF INTERNATIONAL HUMAN RIGHTS LAW BY DOMESTIC COURTS: A THEORETICAL AND PRACTICAL STUDY, p. 399-438

*van der Plas, Cathalijne*: THE LIMITS OF THE JUDICIAL FUNCTION AND THE CONFLICT OF LAWS , p. 439-470

*Zilinsky, Marek*: ABOLISHING EXEQUATUR IN THE EUROPEAN UNION: THE EUROPEAN ENFORCEMENT ORDER, p. 471-492

*Upcher, James*: R. CRYER, Prosecuting International Crimes: Selectivity and the International Criminal Law Regime, p. 493-501

*Ferdinandusse, Ward*: J.-M. HENCKAERTS; L. DOSWALD-BECK, eds., Customary International Humanitarian Law, boxed set of 3 hardback books, Cambridge University Press, Cambridge 2005, p. 502-504

*Eyffinger, Arthur*: S.C. NEFF, War and the Law of Nations: A General History, Cambridge University Press, Cambridge 2005, p. 505-507

*Werner, Wouter G*: S. ROSENNE, The Perplexities of Modern International Law, Martinus Nijhoff Publishers, Leiden 2004, p. 508-512

BOOKS RECEIVED AND AVAILABLE FOR REVIEW, p. 513-514

CONTENTS OF VOLUME LIII (2006), p. 515

### **2007, Vol. 54, issue 1**

*Gradoni, Lorenzo*: 'YOU WILL RECEIVE A FAIR TRIAL ELSEWHERE' THE AD HOC INTERNATIONAL CRIMINAL TRIBUNALS ACTING AS HUMAN RIGHTS JURISDICTIONS  
p. 1-50

*Ssenyonjo, Manisuli*: THE INTERNATIONAL CRIMINAL COURT AND THE LORD'S RESISTANCE ARMY LEADERS : PROSECUTION OR AMNESTY?, p. 51-80

*Daglish, Kristen; Nasu, Hitoshi*: TOWARDS A TRUE INCARNATION OF THE RULE OF LAW IN WAR-TORN TERRITORIES: CENTRING PEACEBUILDING IN THE WILL OF THE PEOPLE, p. 81-114

*Yihdego, Zeray W*: THE ROLE OF SECURITY COUNCIL ARMS EMBARGOES IN STEMMING DESTABILIZING TRANSFERS OF SMALL ARMS AND LIGHT WEAPONS (SALW): RECENT DEVELOPMENTS AND CHALLENGES, p. 115-132

*Linderfalk, Ulf*: IS THE HIERARCHICAL STRUCTURE OF ARTICLES 31 AND 32 OF THE VIENNA CONVENTION REAL OR NOT? INTERPRETING THE RULES OF INTERPRETATION, p. 133-154

*Stemmet, Andre*: A. AUST, Handbook of International Law, Cambridge University Press, Cambridge 2005, p. 155-156

*Meiertoens, Heiko*: G. BIEHLER, International Law in Practice: An Irish Perspective, Thomson Round Hall, Dublin 2005, p. 157-160

*Tobler, Christa*: D. BUSS; A. MANJI, eds., International Law: Modern Feminist Approaches, Hart Publishing, Oxford 2005, p. 161-165

*Brölmann, Catherine*: M. FITZMAURICE; O. ELIAS, Contemporary Issues in the Law of Treaties, Eleven International Publishing, Utrecht 2005, p. 166-167

*Bos, Titia M*: P. VAN DER GRINTEN; T. HEUKELS, eds., Crossing Borders: Essays in European and Private International Law in Honour of Frans van der Velden, Kluwer, Deventer 2006, p. 168-172

*Pontier, J A*: A. MALATESTA, ed., The Unification of Choice of Law Rules on Torts and Other Non-Contractual Obligations in Europe, CEDAM, Milan 2006, p. 173-184

*Koppe, Erik V*: HAGUE CASE LAW - LATEST DEVELOPMENTS, p. 185-192

BOOKS RECEIVED AND AVAILABLE FOR REVIEW, p. 193

---

## **NORDIC JOURNAL OF INTERNATIONAL LAW**

### **Volume 76, Number 1 / März 2007**

UN sanctions and judicial review *Nikolaos Lavranos* 1-17

The jurisdiction of the ECJ to review the legality of the transposition of an international act in the EC legal order *Bjørn Kunoy* 19-37

Amenities and pitfalls of a reputational theory of compliance with international law  
*Markus Burgstaller* 39-71

Third state obligations under the ICESCR: A case study of EU sugar policy *Wouter Vandenhole* 73-100

Book Review *Michael Bogdan*

---

## **NYU JOURNAL OF INTERNATIONAL LAW AND POLITICS**

### **Volume 39, Number 1**

#### **Articles**

*Daniela Caruso*, Private Law and State-Making in the Age of Globalization, 39 N.Y.U. J. Int'l L. & Pol. 1 (2006).

*Michelle A. McKinley*, Emancipatory Politics and Rebellious Practices: Incorporating Global Human Rights in Family Violence Laws in Peru, 39 N.Y.U. J. Int'l L. & Pol. 75 (2006).

#### **Book Annotations**

Book Annotations, 39 N.Y.U. J. Int'l L. & Pol. 141 (2006).

### **Volume 39, Number 2**

#### **Articles**

*Tara J. Melish*, Rethinking the “Less as More” Thesis: Supranational Litigation of Economic Social, and Cultural Rights in the Americas, 39 N.Y.U. J. Int’L L. & Pol. 171 (2007).

*James L. Cavallaro and Emily Schaffer*, Rejoinder: Justice Before Justiciability: Inter-American Litigation and Social Change, 39 N.Y.U. J. Int’L L. & Pol. 345 (2007).

*Tara J. Melish*, Counter-Rejoinder: Justice vs. Justiciability?: Normative Neutrality and Technical Precision, the Role of the Lawyer in Supranational Social Rights Litigation, 39 N.Y.U. J. Int’L L. & Pol. 385 (2007).

#### **Notes**

*Alice Farmer*, Towards a Meaningful Rebirth of Economic Self-Determination: Human Rights Realization in Resource-Rich Countries, 39 N.Y.U. J. Int’L L. & Pol. 417 (2007).

#### **Book Annotations**

Book Annotations, 39 N.Y.U. J. Int’L L. & Pol. 417 (2007).

#### **Volume 39, Number 3**

#### **Articles**

*Kristen E. Boon*, “Open for Business”: International Financial Institutions, Post-Conflict Economic Reform, and the Rule of Law, 39 N.Y.U. J. Int’L L. & Pol. 513 (2007).

*Alexander K.A. Greenawalt*, Justice Without Politics? Prosecutorial Discretion and the International Criminal Court, 39 N.Y.U. J. Int’L L. & Pol. 583 (2007).

#### **Notes**

*Douglas J. Brown*, Disentangling Concessions to Human Frailty: Making Sense of Anglo-American Provocation Doctrine Through Comparative Study, 39 N.Y.U. J. Int’L L. & Pol. 675 (2007).

#### **Book Annotations**

Book Annotations, 39 N.Y.U. J. Int’L L. & Pol. 729 (2007).

---

## TEMPLE INTERNATIONAL AND COMPARATIVE LAW JOURNAL

### Volume 21, Number 1 (Spring 2007)

“Expanding the Conversation: American and Canadian Experiences of Constitutional Dialogue in Comparative Perspective” *by Christine Bateup*

“Competition in Global Markets: Who Will Police the Giants?” *by David P. Cluchey*

“Data Privacy and Data Piracy: Can India Provide Adequate Protection for Electronically Transferred Data?” *by Vinita Bell*

“From Milosevic’s Reign to the European Union: Serbia and Montenegro’s Stabilization and Association Agreement” *by Nevena Simidjiyska*

“The Agreement After the Six-Party Talks: Are There No Alternatives to the ‘Modified’ Version of the 1994 Geneva Agreed Framework? - An Analysis of the Newly-Adopted Framework and its Significance for the Nuclear Proliferation Issues Relating to North Korea” *by Ja Young Elizabeth King*

“A and Others v. Secretary: The Use of Torture Evidence Against Criminal Defendants” *by Stephanie J. Spencer*

“The Fight for Transparency: International Pressure to Make Swiss Banking Procedures Less Restrictive” *by Greg Brabec*

---

## TRANSNATIONAL DISPUTE MANAGEMENT

### Volume 4, Issue 1 - February 2007

Editorial

**Special Feature:** Arbitration & Mediation - Editorial Introduction  
*by Haig Oghigian, Paul, Hastings*

**Special Feature:** Arbitration & Mediation



A New Concept in Dispute Resolution: The Mediation/Arbitration Hybrid  
*by Haig Oghigian*

Flexibility of Commercial Mediation: A Case Example  
*by Haig Oghigian*

Toward a Complementary Use of Conciliation in Investor-State Disputes - A Preliminary Sketch  
*by Jack J. Coe, Jr.*

Toward Mandatory ICSID Conciliation? - Reflections on Professor Coe's Article on Investor-State Conciliation  
*by Eric van Ginkel*

Comments To Jack C. Coe Jr's Article on Conciliation  
*by Noah Rubins*

The Difficulties of Conciliation in Investment Treaty Cases: A Comment on Professor Jack C. Coe's 'Toward A Complementary Use Of Conciliation In Investor-State Disputes - A Preliminary Sketch'  
*by Barton Legum*

The Role of ADR in Investor-State Dispute Settlement: The ICSID Experience  
*by Ucheora O. Onwuamaegbu*

National Intellectual Property Rights: The Importance of Mediation in an Increasingly Global and Technological Society  
*by Jeremy Lack*

The Arbitrator As Settlement Facilitator  
*by Hilmar Raeschke-Kessler*

Arb-Med - Einstein's Theory of Relativity Really Works!  
*by Michael Leathes*

A Cross-Comparison of Institutional Mediation Rules  
*by Arif Hyder Ali/C. Mark Baker*

The Law Promoting the Use of Alternative Dispute Resolution or The Law Prevention the Use of Alternative Dispute Resolution - Some Comments on the ADR Law of Japan  
*by I-Ching Tseng*

Efficient Management of Transnational Disputes: Case Study of a Successful Interconnector Dispute Resolution  
*by Thomas Wälde*

"Just winning" is not a business goal: an approach to selling managers on the concept of mediation in international commercial disputes *by Michael McIlwrath/Roberto Calabresi*

A Case Study in the Use of Mediation to Settle an Environmental Coverage Case  
*by Michael J. Bond*

Enforcing Mediation Settlement Agreements in the United States and Implications for Mediator Confidentiality *by Edna Sussman*

An Action Model of Mediation in International Business with the Emphasis on Psychological Mechanisms and the Impact of Cultural Differences *by Dieter Flader*

Private Dispute Resolution in International Business: Negotiation, Mediation, Arbitration by K.P. Berger - a book review *by A.F.M. Maniruzzaman*

Private Dispute Resolution in International Business *by Klaus Peter Berger*

Combining Arbitration with Conciliation *by Michael Schneider*

#### **Volume 4, Issue 2 - April 2007**

Editorial

The Legacy & Lessons of Distressed & Failed Infrastructure Investments in the 1990s - Introduction to the Special Issue *by Ryan J. Orr*

The Legacy of Failed Global Projects: Testing the Legal Paradigm *by Barry Metzger*

The IPP Experience in Developing Countries *by Erik J. Woodhouse*

Private Risk in Infrastructure *by Ashwin Mahalingam/Madras Julie Kim*

The Legacy of Distressed and Failed Projects, A Review and Reconceptualization of the Legal Paradigm (Proceedings 1) *by Barry Metzger/Ryan J. Orr*

Investment in Foreign Infrastructure: The Legacy & Lessons of Legal-Contractual Failure  
*by Ryan J. Orr*

Granting & Renegotiating Infrastructure Concessions: Doing it Right *by Jose Luis Guasch*

Renegotiation of Infrastructure Concessions: An Overview *by Jose Luis Guasch*

A Review of ICSID Decisions Suggesting an International Property Right in Foreign Investments  
*by Aaron M. Nathan*

Governance in Public-Private Partnerships for Infrastructure Development *by United Nations  
Economic Commission for Europe, www.unece.org*

Understanding Renegotiation and Dispute Resolution Experience in Foreign Infrastructure Investment  
(Proceedings 2) *by Ryan J. Orr/Seth M.M. Stodder*

Emerging-Market Infrastructure Investors: New Trends for a New Era?  
*by Gregory Kever/Kassia Yanosek/Ryan J. Orr*

Does Regulation and Institutional Design Matter for Infrastructure Sector Performance?  
*by Jose Luis Guasch*

Luis Alberto Andres, World Bank *by Stéphane Straub*

How Profitable are Private Infrastructure Concessions in Latin America? Empirical Evidence and  
Regulatory Implications *by Jose Luis Guasch/Maria-Elena Pinglo/Sophie Sirtaine/Vivien Foster*

Price Caps, Efficiency Payoffs, and Infrastructure Contract Renegotiation in Latin America  
*by Antonio Estache/Jose Luis Guasch/Lourdes Trujillo*

Legitimate Regulation vs Regulatory Expropriation in Public Infrastructure Investments after Azurix:  
A Case Study *by Francesco Costamagna*

The Impact of BITs on FDI: Do Investors Now Ignore BITs? *by Ryan J. Orr*

#### **Volume 4, Issue 3 - June 2007**

Editorial

Introduction to the OGEL/TDM Special Issue "Energy Litigation and Arbitration - Expert  
Perspectives" *by Richard E. Walck*

Special feature: Energy Litigation and Arbitration - Expert Perspectives

So You're Going to be a Witness in an International Arbitration? Twenty Golden Rules to Help You Get Through It *by Baiju S. Vasani*

Expert Witnesses in Arbitration and Litigation Proceedings *by Rachael D. Kent*

Observations on Expert Engagements: A Comment on "Expert Witnesses in Arbitration and Litigation Proceedings" *by Richard E. Walck*

The Different Types of Experts With Special Emphasis on Legal Experts (jura novit curia) *by Ahmed Sadek El-Kosheri*

Benefiting from Oral Testimony of Expert Witnesses: Traditional and Emerging Techniques *by Richard Kreindler*

The Arbitral Tribunal-Appointed Expert *by Claus von Wobeser*

Expert Conferencing and New Methods *by Martin Hunter*

Damage Valuation of Indirect Expropriation in International Arbitration Cases *by Manuel A. Abdala/Pablo T. Spiller*

Chorzów's Compensation Standard As Applied In ADC v. Hungary *by Manuel A. Abdala/Pablo T. Spiller/Sebastian Zuccon*

An ICSID Tribunal Values Illegal Expropriation Damages from Date of the Award: What Does This Mean for Upcoming Expropriation Claims? A Case note and Commentary of ADC v. Hungary. *by Richard D. Deutsch*

Valuation for Arbitrators: Uses and Limits of the Adjusted Book Value Method in Energy-Related Disputes *by Mark Kantor*

Dealing with Uncertainty: Discounted Cash Flow (DCF) Versus Adjusted Present Value (APV) *by Thierry Senechal*

State Consent to ICSID Arbitration: Article 22 of the Venezuelan Investment Law  
*by Guillaume Lemenez de Kerdelleau*

Milestones in Achieving Commercial Operations in Power Plants  
*by Arif Hyder Ali/Denis J. King*

IP in Energy Litigation *by Nels Pearsall*

The Nationalization of Oil Assets and Issues Facing Multi-National Oil Companies  
*by Aaron J. Stai/Jason Cain/Jason Scholler/Sandra Weisbrod/Wayne Wilson*

To What Extent Have Environmental Taxes Introduced Through Emissions Trading Affected Economic Actors in the UK? *by Adaeze Nwakoby*

Production Sharing Contracts and CDM Projects *by Liz Bossley*

State Global Climate Change Policy And Business Opportunity  
*by C. Baird Brown/David G. Mandelbaum/Glenn L. Unterberger/Robert B. McKinstry, Jr.*

#### **Volume 4, Issue 4 - July 2007**

Editorial

New Aspects of International Investment Law - 2004 Research Seminar by the Hague Academy of International Law *by Thomas Wälde*

International Investment Law: An Overview of Key Concepts and Methodology *by Thomas Wälde*

Counterclaims by Host States in Investment Treaty Arbitration *by Hege Elisabeth Veenstra-Kjos*

Recent Developments in Awarding Damages in Investor-State Arbitrations *by Borzu Sabahi*

Non Pecuniary Remedies: the Impact of ARSIWA in Investor-State Arbitration *by Martin Endicott*

The State of Necessity as International Defense Raised By a State Undergoing a Financial Crisis. A Case Study *by Luis F. Castillo Argañarás*

The Boundaries of Regulatory Expropriation in International Law  
*by Andrew Newcombe*

Les Contrats B.O.T. A L'Epreuve du Nouveau Droit des Investissements Internationaux  
*by Walid Ben Hamida*

Les Principes directeurs de la Banque mondiale pour le traitement de l'investissement étranger :  
Conclusion d'une étude *by Panayotis Protopsaltis*

---

## **TULANE JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW**

**Volume 15, Issue 1, Winter 2006**

### **Articles**

International Intervention in an Age of Crisis and Terror: UN Reform and Regional Practice  
*Michael C. Davis*

Why Some Developing Countries Are Better Placed Than the International Monetary Fund Develop  
Policy Responses to the Challenges of Global Capital *Ross P. Buckley*

Maritime Terrorism, The Straits of Malacca and the Issue of State Responsibility *Abdul Ghafur Hamid*

Observing the Legal System of the Community: The Relationship Between Community and National  
Legal Systems Under the African Economic Community Treaty *Richard Frimpong Oppong*

Art Thou For Us, or For Our Adversaries? Communicative Action and the Regulation of Product  
Placement: A Comparative Study and a Tool for Analysis *Amit M. Schejter*

### **Comments**

When Will Help Be On The Way? The Status of International Disaster Relief Law  
*Alejandra de Urioste*

NGO's in Russia *Mike Maxwell*

Addressing the Call for the Elimination of Birthright Citizenship in the United States: Constitutional and Pragmatic Reasons to Keep Birthright Citizenship Intact *Katherine Pettit*

Victor's Justice? The Lessons of Nuremberg Applied to the Trial of Saddam Hussein  
*Leslie Scheuermann*

The Case for Burma: Inconsistent U.S. Policies; Unjust Application of U.S. Law *Amy Roebuck*

And Not A Drop To Drink: Water Privatization Pseudo-Sovereignty and the Female Burden  
*Rachel Welch*

### **Volume 15, Issue 2, Spring 2007**

#### **Articles**

Rethinking Trade and Human Rights *Andrew T.F. Lang*

The Contribution of the United Nations to Global Antitrust *Ioannis Lianos*

Between Intensive Care and the Crematorium: Using the Standard of Review to Restore Balance to the WTO *Phoenix Cai*

Remaining Valid: Security Council Resolutions, Textualism, and the Invasion of Iraq *James D. Fry*

Legal Certainty: A European Alternative to American Legal Indeterminacy? *James R. Maxeiner*

#### **Comments**

Benitez v. Garcia: An Extradition Arrangement Lost in Translation *Barbara Merry Boudreaux*

Pakootas v. Teck Cominco Metals, Ltd.: When Outside the Borders Isn't Extraterritorial, or, Canada Is in Washington, Right? *Nathan L. Budde*

Abur v. Republic of Sudan: The United States District Court for the District of Columbia Denies Extending Jurisdiction over Claims Brought by Nonresidents Against Foreign Sovereigns  
*Zeynep Gunday*

Hamdan v. Rumsfeld: A Check on Executive Authority in the War on Terror *Matthew C. Kirkham*

The Careless Gatekeeper: Sarei v. Rio Tinto, PLC, and the Expanding Role of U.S. Courts in Enforcing International Norms *Jodie Michalski*

---

## **TULSA JOURNAL OF COMPARATIVE & INTERNATIONAL LAW**

**Volume 14 (2006-2007), Issue 14.1**

The Internationalization of Lawmaking Processes: Constraining or Empowering the Executive?  
*Aida Torres Perez*

Church, State, and Charter: Canada's Hidden Establishment Clause, *Jeremy Patrick*

Judicial Independence in Central and East Europe: The Institutional Context, *Markus B. Zimmer*

Be Our Guest, But Please Don't Stay: A Comparison of U.S. and German Immigration Policies and Guest Worker Programs, *Ryan Petersen*

Executive Order 13303: Is the Bush Administration Choosing Corporations Over Human Rights Actions Instituted via the Alien Tort Claims Act? *Rod Khavari*

After ABU Ghraib: Does the McCain Amendment, as Part of the 2006 Defense Appropriations Act, Clarify U.S. Interrogation Policy or Tie the Hands of U.S. Interrogators? *Luke M. Meriwether*

## **VIRGINIA JOURNAL OF INTERNATIONAL LAW**

**Vol. 47 No. 2**

### **Articles**

Extraordinary Rendition and the Humanitarian Law of War and Occupation  
*David Weissbrodt and Amy Bergquist*

Culture Change *Lan Cao*



Transnational Corruption: Regulation Across Borders *Patrick X. Delaney*

Rights in Conflict? The Rationale and Implications of Using Human Rights in Conflict Prevention Strategies *Helen Quane*

### **Essay**

Nunca Más or Déjà Vu? *Charles H. Brower II*

---

## **WORLD COMPETITION**

### **Volume 30 (2007) Issue 1**

Editor's Note [Rivas]

A New Era of ECN Cooperation—Achievements and Challenges with Special Focus on Work in the Leniency Field [DEKEYSER, JASPERS]

Leniency in Antitrust Enforcement: Theory and Practice [WILS]

Cartel Fines in Europe—Law, Practice and Deterrence [Veljanovski]

Are Sports Cartels Different?—An Analysis of EU Commission Decisions Concerning Collective Selling Agreements for Football Broadcasting Rights [Massey]

The Dangers of Over-Regulation in the Electronic Communications Sector [Stoyanova]

Guarding the Pass?The Forthcoming Chinese Competition Legislation [Lorenz]

The Application of Article 86(2) EC to Measures Which do Not Fulfil the Altmark Criteria; Institutionalising Incoherence in the Legal Framework Governing State Compensation of Public Service Obligations [Lynskey]

Antitrust Policy and Vertical Restraints, Robert Hahn, Editor [Waller]

Competition Rules for the 21st Century: Principles From America's Experience, Ky P. Ewing [Davidow]

EC Competition Law---Text, Cases and Materials, Alison Jones and Brenda Sufrin [Lianos]

Regulating Utilities and Promoting Competition: Lessons for the Future, Colin Robinson (Ed.) [Odudu]

Lectures on Antitrust Economics, Michael D. Whinston [Lagenfeld]

**Volume 30 (2007) Issue 2**

Editor's Note [rivas]

The European Commission's 2006 Guidelines on Antitrust Fines: A Legal and Economic Analysis [Wils]

UK Tractors, Paris Luxury Hotels and French Mobile Telephony Operators: Are All Oligopoly Information Exchanges Bad for Competition? [Lévêque]

State Action as a Defence Against 81 and 82 EC [Blomme]

Achieving Better Decision-making in Competition Enforcement Cases: A Public Law Perspective on the Role of the Executive and the Courts [Wilsher]

An End to Parallel Imports of Medicines? Comments on the Judgment of the Court of First Instance in GlaxoWellcome [Junod]

US Federal Merger Regime from the Network Management Perspective [Cengiz]

Competition Law Choice in China [Furse]

The Development of Sound Competition Law and Policy in China: An (Im)possible Dream? [Dabbah]

Joint Dominance: Mobile Telecommunications in the Ukraine [Stotyka]

Book Reviews [Bush, Korah, Lianos, Stothers, Waller]

---

## **WORLD TRADE AND ARBITRATION MATERIALS**

### **Volume 19 (2007) Issue 1**

WTO Dispute Settlement - United States – Laws, Regulations and Methodology for Calculating Dumping Margins (“Zeroing”)

Arbitral Awards: (ICSID) Total S.A. v. The Argentine Republic - Decision on Objections to Jurisdiction 25 August 2006

Arbitral Awards: (ICSID) Telenor Mobile Communications A.S. v. The Republic of Hungary Award 13 September 2006

Arbitral Awards: (ICSID) Biwater Gauff (Tanzania) Ltd. v. United Republic of Tanzania Procedural Order 29 September 2006

### **Volume 19 (2007) Issue 2**

WTO Dispute Settlement - United States - Measures Relating to Zeroing and Sunset Reviews - Report of the Appellate Body

Arbitral Awards: (ICSID) Siemens A.G. v. The Argentine Republic

Court Decisions - Federal Court of Australia - Comandate Marine Corp v Pan Australia Shipping Pty Ltd [2006] FCAFC 192

### **Volume 19 (2007) Issue 3**

Arbitral Awards - MTD Equity Sdn. Bhd. And MTD Chile S.A. (English and Spanish) Decision on Annulment 21 March 2007

---