

EUROPEAN JOURNAL OF INTERNATIONAL LAW

Sitio web: <http://www.ejil.org/>

Vol. 20

Nº 4 (2009)

EDITORIAL

Editorial: Book Reviewing and Academic Freedom ([abstract](#)) ([fulltext](#))
By JHHW

ARTICLES

Preface ([abstract](#)) ([fulltext](#))

The Politics of International Law - Twenty Years Later: A Reply to Martti Koskenniemi
([abstract](#))
By Rebecca LaForgia

The Concept of 'Law' in Global Administrative Law: A Reply to Benedict Kingsbury
([abstract](#))
By Alexander Somek

The Concept of 'Law' in Global Administrative Law: A Reply to Benedict Kingsbury
([abstract](#))
By Ming-Sung Kuo

National Courts, Domestic Democracy, and the Evolution of International Law: A Reply to Eyal Benvenisti and George Downs ([abstract](#))
By Nikolaos Lavranos

National Courts, Domestic Democracy, and the Evolution of International Law: A Reply to Eyal Benvenisti and George Downs ([abstract](#))
By Jacob Katz Cogan

National Courts, Domestic Democracy, and the Evolution of International Law: A Reply to Eyal Benvenisti and George Downs ([abstract](#))
By Tom Ginsburg

National Courts, Domestic Democracy, and the Evolution of International Law: A Rejoinder to Nikolaos Lavranos, Jacob Katz Cogan and Tom Ginsburg ([abstract](#))
By Eyal Benvenisti and George W. Downs

The Rise of International Criminal Law: Intended and Unintended Consequences: A Reply to Ken Anderson ([abstract](#))
By Amrita Kapur

The Use of Force against Terrorists: A Reply to Christian J. Tams ([abstract](#))
By Federico Sperotto

The Use of Force against Terrorists: A Reply to Christian J. Tams ([abstract](#))
By Kimberley N. Trapp

The Use of Force against Terrorists: A Rejoinder to Federico Sperotto and Kimberley N. Trapp ([abstract](#))
By Christian J. Tams

The Hidden World of WTO Governance: A Reply to Andrew Lang and Joanne Scott ([abstract](#))
By Richard H. Steinberg

The Hidden World of WTO Governance: A Rejoinder to Richard H. Steinberg ([abstract](#))
By Andrew Lang and Joanne Scott

Access to Justice, Denial of Justice and International Investment Law: A Reply to Francesco Francioni ([abstract](#))
By Jürgen Kurtz

The Use and Abuse of WTO Law in Investor-State Arbitration: A Reply to Jurgen Kurtz ([abstract](#))
By Robert Howse and Efraim Chalamish

The Use and Abuse of WTO Law in Investor-State Arbitration: Competition and its Discontents: A Rejoinder to Robert Howse and Efraim Chalamish ([abstract](#))
By Jürgen Kurtz

SYMPOSIUM: THE CODIFICATION OF THE CRIME OF AGGRESSION

Preface ([abstract](#)) ([fulltext](#))

Introduction ([abstract](#)) ([fulltext](#))
By Andreas Paulus

Negotiating Provisions Defining the Crime of Aggression, its Elements and the Conditions for ICC Exercise of Jurisdiction Over It ([abstract](#))
By Roger S. Clark

Second Thoughts on the Crime of Aggression ([abstract](#)) ([fulltext](#))
By Andreas Paulus

Time for Decision: Some Thoughts on the Immediate Future of the Crime of Aggression: A Reply to Andreas Paulus ([abstract](#)) ([fulltext](#))
By Claus Kreß

Aggression, Legitimacy and the International Criminal Court ([abstract](#))
By Sean D. Murphy

MARKING THE ANNIVERSARY OF THE GENOCIDE CONVENTION

Raphael Lemkin: A Tribute ([abstract](#))

By Sergey Sayapin

ARTICLES

Human Rights and Genocide: The Work of Lauterpacht and Lemkin in Modern International Law ([abstract](#))

By Ana Filipa Vrdoljak

ARTICLES : AN OCCASIONAL SERIES

Pulling the Stops on Genocide: The State or the Individual? ([abstract](#))

By Amabelle C. Asuncion

ARTICLES

Revisiting Extraterritorial Jurisdiction: A Territorial Justification for Extraterritorial Jurisdiction under the European Convention ([abstract](#))

By Sarah Miller

REVIEW ESSAY

How Rational is International Law? ([abstract](#)) ([fulltext](#))

By Niels Petersen

BOOK REVIEWS

Eric A. Posner. *The Perils of Global Legalism* ([fulltext](#))

By Joel P. Trachtman

Russell A. Miller and Rebecca M. Bratspies (eds). *Progress in International Law* ([fulltext](#))

By Peter Hilpold

Jean d'Aspremont. L'Etat Non Democratique en Droit International. Etude Critique du Droit International Positif et de la Pratique Contemporaine **Niels Petersen.** Demokratie als teleologisches Prinzip. Zur Legitimitat von Staatsgewalt im Volkerrecht ([fulltext](#))

By Christian Pippian

Alexander Orakhelashvili. The Interpretation of Acts and Rules in Public International Law ([fulltext](#))

By Jörg Kammerhofer

Eileen Denza. *Diplomatic Law, Commentary on the Vienna Convention on Diplomatic Relations* ([fulltext](#))

By Lance Bartholomeusz

Anna-Karin Lindblom. Non-Governmental Organizations in International Law Sergey Ripinsky and Peter Van den Bossche. NGO Involvement in International Organizations
Anton Vedder (ed.). NGO Involvement in International Governance and Policy: Sources of Legitimacy **Pierre-Marie Dupuy and Luisa Vierucci (eds).** NGOs in International Law: Efficiency in Flexibility? ([fulltext](#))

By Zoe Pearson

Yuval Shany. *Regulating Jurisdictional Relations between National and International Courts* ([fulltext](#))

By Filippo Fontanelli

Carlos Jimenez Piernas (ed.) The Legal Practice in International Law and European Community Law - A Spanish Perspective ([fulltext](#))

By Jaume Ferrer Lloret

Adineh Abghari. Introduction to the Iranian Legal System and the Protection of Human Rights in Iran ([fulltext](#))

By Ramin S. Moshtaghi

Jan Klabbers. *Treaty Conflict and the European Union* ([fulltext](#))

By Maja Smrkol

Urfan Khaliq. Ethical Dimensions of the Foreign Policy of the European Union. A Legal Appraisal ([fulltext](#))

By Helmut Philipp Aust

Peter Van Elsuwege. From Soviet Republics to EU Member States ([Dimitry Kochenov free fulltext](#))

By Dimitry Kochenov

Constantin Stefanou and Helen Xanthaki (eds). *Towards a European Criminal Record* ([fulltext](#))

By Ilias Bantekas

Christian Reus-Smit and Duncan Snidal (eds). *The Oxford Handbook of International Relations* ([fulltext](#))

By James Upcher

THE LAST PAGE

The Last Page ([abstract](#)) ([fulltext](#))

By Richard Falk

EDITORIAL

Editorial ([abstract](#)) ([fulltext](#))

By JHHW

SPECIAL ANNIVERSARY ARTICLE

Preface ([abstract](#)) ([fulltext](#))

Humanity as the A and {Omega} of Sovereignty ([abstract](#)) ([fulltext](#))

By Anne Peters

Humanity as the A and {Omega} of Sovereignty: Four Replies to Anne Peters ([abstract](#)) ([fulltext](#))

By Emily Kidd White

Humanity as the A and {Omega} of Sovereignty: Four Replies to Anne Peters ([abstract](#)) ([fulltext](#))

By Catherine E. Sweetser

Humanity as the A and {Omega} of Sovereignty: Four Replies to Anne Peters ([Emma Dunlop abstract](#)) ([free fulltext](#))

By Emma Dunlop

Humanity as the A and {Omega} of Sovereignty: Four Replies to Anne Peters ([abstract](#)) ([fulltext](#))

By Amrita Kapur

Humanity as the A and {Omega} of Sovereignty: A Rejoinder to Emily Kidd White, Catherine E. Sweetser, Emma Dunlop and Amrita Kapur ([abstract](#)) ([fulltext](#))

By Anne Peters

SYMPOSIUM : ISSUES OF GLOBALIZATION

The Hidden World of WTO Governance ([abstract](#))

By Andrew Lang and Joanne Scott

The Waiver Power of the WTO: Opening the WTO for Political Debate on the Reconciliation of Competing Interests ([abstract](#))

By Isabel Feichtner

Levelling Down, Levelling Up, and Governing Across: Three Responses to Hybridization in International Law ([abstract](#))

By Veerle Heyvaert

Of the World Trade Court's Burden ([abstract](#))

By Sungjoon Cho

Access to Justice, Denial of Justice and International Investment Law ([abstract](#))
By Francesco Francioni

The Use and Abuse of WTO Law in Investor-State Arbitration: Competition and its Discontents ([abstract](#))
By Jürgen Kurtz

Trade Mark Protection, Public Health and International Investment Law: Strains and Paradoxes ([abstract](#))
By Valentina S. Vadi

ARTICLES

On Interpretivism and International Law ([abstract](#))
By Basak Çali

CRITICAL REVIEW OF INTERNATIONAL GOVERNANCE: AN OCCASIONAL SERIES

New Foundation or New Facade? The ILO and the 2008 Declaration on Social Justice for a Fair Globalization ([abstract](#))
By Francis Maupain

EJIL : DEBATE! KADI

The European Courts and the Security Council: Between Dedoublement Fonctionnel and Balancing of Values: Three Replies to Pasquale De Sena and Maria Chiara Vitucci ([abstract](#)) ([fulltext](#))
By Gráinne de Búrca

The European Courts and the Security Council: Between Dedoublement Fonctionnel and Balancing of Values: Three Replies to Pasquale De Sena and Maria Chiara Vitucci ([abstract](#)) ([fulltext](#))
By André Nollkaemper

The European Courts and the Security Council: Between Dedoublement Fonctionnel and Balancing of Values: Three Replies to Pasquale De Sena and Maria Chiara Vitucci ([abstract](#)) ([fulltext](#))
By Iris Canor

The European Courts and the Security Council: Between Dedoublement Fonctionnel and Balancing of Values: A Rejoinder to Grainne de Burca, Andre Nollkaemper and Iris Canor ([abstract](#)) ([fulltext](#))
By Pasquale De Sena and Maria Chiara Vitucci

EJIL : DEBATE! SOFT LAW

Softness in International Law: A Self-Serving Quest for New Legal Materials: A Reply to Jean d'Aspremont ([abstract](#)) ([fulltext](#))
By Anthony D'Amato

Softness in International Law: A Self-Serving Quest for New Legal Materials: A Rejoinder to Tony D'Amato ([abstract](#)) ([fulltext](#))
By Jean d'Aspremont

BOOK REVIEWS

Emmanuelle Jouannet, Hélène Ruiz Fabri, Jean-Marc Sorel (eds). Regards d'une génération sur le Droit International ([fulltext](#))
By Armin von Bogdandy

Margot E. Salomon. Global Responsibility for Human Rights: World Poverty and the Development of International Law ([fulltext](#))
By Michael Ashley Stein

Inge Govaere, Hans Ullrich (eds). Intellectual Property, Public Policy, and International Trade ([fulltext](#))
By Mira Burri

Arianne Kösler, Martin Zimmek (eds). Elements of Regional Integration. A Multidimensional Approach ([fulltext](#))
By Stephan Sberro

Alan Dashwood, Marc Maresceau (eds). Law and Practice of EU External Relations , Marise Cremona (ed.). Developments in EU External Relations Law ([fulltext](#))
By Peter Hilpold

Surya P. Subedi. International Investment Law: Reconciling Policy and Principle ([fulltext](#))
By Mavluda Sattorova

Karl P. Sauvant, Lisa E. Sachs (eds). The Effect of Treaties on Foreign Direct Investment: Bilateral Investment Treaties, Double Taxation Treaties, and Investment Flows ([fulltext](#))
By Lauge Skovgaard Poulsen

Peter Muchlinski, Federico Ortino, Christoph Schreuer (eds). The Oxford Handbook of International Investment Law ([fulltext](#))
By Freya Baentens

Emmanuel Gaillard. Aspects philosophiques du droit de l'arbitrage international ([fulltext](#))
By Veijo Heiskanen

Roger Blanpain, Susan Bisom-Rapp, William R. Corbett, Hilary K. Josephs, Michael J. Zimmer. The Global Workplace: International and Comparative Employment Law, Cases and Materials ([fulltext](#))
By Rebecca L. Zahn

Abdulqawi A. Yusuf (ed.). Standard-setting in UNESCO, Vol. I: Normative Action in Education, Science and Culture. Essays in Commemoration of the Sixtieth Anniversary of UNESCO; Vol. II: Conventions, Recommendations, Declarations and Charters adopted by UNESCO (1948-2006) ([fulltext](#))

By Diana Zacharias

Richard K. Gardiner. Treaty Interpretation ([fulltext](#))

By Malgosia Fitzmaurice

Mary Ellen O'Connell. The Power and Purpose of International Law: Insights from the Theory & Practice of Enforcement ([fulltext](#))

By Carlo Focarelli

Hélène Ruiz Fabri, Emmanuelle Jouannet, Vincent Tomkiewicz (eds). Select Proceedings of the European Society of International Law. Volume 1, 2006 ([fulltext](#))

By Alexander Orakhelashvili

THE LAST PAGE

Delhi to Chandigarh (A Poem) ([abstract](#)) ([fulltext](#))

By Gregory Shaffer

EDITORIAL

Editorial ([abstract](#)) ([fulltext](#))

By JHHW

SPECIAL ANNIVERSARY ARTICLE

Universality of International Law from the Perspective of a Practitioner ([abstract](#))
([fulltext](#))

By Bruno Simma

SYMPOSIUM : THE USE OF FORCE

Close Encounters of a Sovereign Kind ([abstract](#))

By Dino Kritsiotis

The Rise of International Criminal Law: Intended and Unintended Consequences
([abstract](#))

By Kenneth Anderson

The Use of Force against Terrorists ([abstract](#))

By Christian J. Tams

Piracy, Law of the Sea, and Use of Force: Developments off the Coast of Somalia
([abstract](#))

By Tullio Treves

CRITICAL REVIEW OF JURISPRUDENCE: AN OCCASIONAL SERIES

Plea Bargaining at the ICTY: Guilty Pleas and Reconciliation ([abstract](#))

By Janine Natalya Clark

ARTICLES : DEBATE!

Incomplete Internalization and Compliance with Human Rights Law: A Reply to Ryan Goodman and Derek Jinks ([abstract](#)) ([fulltext](#))

By Roda Mushkat

Incomplete Internalization and Compliance with Human Rights Law: A Rejoinder to Roda Mushkat ([abstract](#)) ([fulltext](#))

By Ryan Goodman and Derek Jinks

BOOK REVIEWS

Nathaniel Berman. *Passions et ambivalences. Le colonialisme, le nationalisme et le droit international* ([fulltext](#))

By Barbara Delcourt

Nils Melzer. *Targeted Killing in International Law* ([fulltext](#))
By William Abresch

Silvia Scarpa. *Trafficking in Human Beings: Modern Slavery* ([fulltext](#))
By Jean Allain

Manfred Nowak, Elizabeth McArthur. *The United Nations Convention Against Torture. A Commentary*, Otto Triffterer (ed.). *Commentary on the Rome Statute of the International Criminal Court. Observers' Notes, Article by Article* ([fulltext](#))
By Alexander Orakhelashvili

Catherine Brölmann. *International Institutional Veil in Public International Law. International Organisations & the Law of Treaties* ([fulltext](#))
By Kirsten Schmalenbach

Paul Meerts (ed.). *Culture and International Law* ([fulltext](#))
By Stephan Sberro

Saïd Amir Arjomand (ed.). *Constitutional Politics in the Middle East* ([fulltext](#))
Ramin Moshtaghi

Rudolf Dolzer, Christoph Schreuer. *Principles of International Investment Law* ([fulltext](#))
By Stephan W. Schill

Susan Ariel Aaronson, Jamie M. Zimmerman. *Trade Imbalance: The Struggle to Weigh Human Rights Concerns in Trade Policymaking* ([fulltext](#))
By Sébastien Jodoin

Stefan Griller (ed.). *At the Crossroads: The World Trading System and the Doha Round* ([fulltext](#))
By Fiona E. Marshall

Laura Nielson. *The WTO, Animals and PPMs* ([fulltext](#))
By Erich Vranes

Marianne Dony, Lucia Serena Rossi (eds). *Democratie, coherence et transparence. Vers une constitutionnalisation de l'Union européenne?* ([fulltext](#))
By Juan Santos Vara

Helen Meenan (ed.). *Equality Law in an Enlarged European Union. Understanding the Article 13 Directives* ([fulltext](#))
By Dimitri Kochenov

BOOKS RECEIVED

Books Received ([fulltext](#))

EDITORIAL

Editorial ([abstract](#)) ([fulltext](#))

By JHHW

SPECIAL ANNIVERSARY ARTICLE

Preface ([abstract](#)) ([fulltext](#))

The Politics of International Law - 20 Years Later ([abstract](#)) ([fulltext](#))

By Martti Koskenniemi

CHANGING PARADIGMS IN INTERNATIONAL LAW : A SYMPOSIUM

Preface ([abstract](#)) ([fulltext](#))

The Concept of 'Law' in Global Administrative Law ([abstract](#))

By Benedict Kingsbury

National Courts, Domestic Democracy, and the Evolution of International Law

([abstract](#)) ([fulltext](#))

By Eyal Benvenisti and George W. Downs

No Longer a Weak Department of Power? Reflections on the Emergence of a New International Judiciary ([abstract](#)) ([fulltext](#))

By Yuval Shany

The State Strikes Back: Immigration Policy in the European Union ([abstract](#))

By Martin A. Schain

ARTICLES

Settling Self-determination Conflicts: Recent Developments ([abstract](#))

By Marc Weller

EJIL : DEBATE!

Taking Uncertainty Seriously: Adaptive Governance and International Trade: A Reply to Rosie Cooney and Andrew Lang ([abstract](#)) ([fulltext](#))

By Mónica García-Salmones

Taking Uncertainty Seriously: Adaptive Governance and International Trade: A Rejoinder to Monica Garcia-Salmones ([abstract](#)) ([fulltext](#))

By Andrew Lang and Rosie Cooney

CRITICAL REVIEW OF JURISPRUDENCE: AN OCCASIONAL SERIES

The European Courts and the Security Council: Between Dedoublement Fonctionnel and Balancing of Values ([abstract](#))

By Pasquale De Sena and Maria Chiara Vitucci

BOOK REVIEWS

P.M. Eisemann, P. Pazartzis (eds). *La jurisprudence de la Cour Internationale de Justice* ([fulltext](#))

By Karin Oellers

Chester Brown. *A Common Law of International Adjudication* ([fulltext](#))

By Nikolaos Lavranos

Dieter Fleck (ed.). *The Handbook of International Humanitarian Law* (2nd edn) ([fulltext](#))

By Jeannine Drohla

Holger Hestermeyer. *Human Rights and the WTO: The Case of Patents and Access to Medicines* ([fulltext](#))

By Duncan Matthews

Ioana Tudor. *The Fair and Equitable Treatment Standard in the International Law of Foreign Investment* ([fulltext](#))

By Stephan W. Schill

BOOKS RECEIVED

Books Received ([fulltext](#))